

MINNESOTA STATUTES 1953 ANNOTATIONS

625.17 PREVENTION OF CRIME

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625.17 JUDGMENT ON RECOGNIZANCE REMITTED, WHEN

HISTORY. RS 1851 c 112 s 19; PS 1858 c 101 s 19; GS 1866 c 104 s 18; GS 1878 c 104 s 18; GS 1894 s 7108; RL 1905 s 5223; GS 1913 s 9060.

625.18 SURRENDER OF PRINCIPAL; NEW RECOGNIZANCE

HISTORY. RS 1851 c 112 s 20; PS 1858 c 101 s 20; GS 1866 c 104 s 19; GS 1878 c 104 s 19; GS 1894 s 7109; RL 1905 s 5224; GS 1913 s 9061.

CHAPTER 626

INVESTIGATION, APPREHENSION, RECORDS

SEARCH WARRANTS

626.01 SEARCH WARRANTS, WHEN ISSUED

Consent of an accused to a search of his premises operates as a waiver of the right to assert that search was unreasonable and, under such circumstances, there is no need of a search warrant. *City of St. Paul v Stovall*, 225 M 309, 30 NW(2d) 638.

626.03 SEARCH WARRANTS; TO WHOM DIRECTED; CONTENTS

Members of the bureau of criminal apprehension have the same power of arrest as is conferred upon sheriffs, but have no power to execute a search warrant. OAG Oct. 13, 1949 (985).

626.04 PROPERTY; SEIZURE, KEEPING, AND DISPOSAL

Admissibility of evidence obtained by unreasonable searches and seizures. 35 MLR 457.

Consent of accused to search of his premises operates as a waiver of right to assert that search was unreasonable and, under such circumstances, there is no need of a search warrant. *City of St. Paul v Stowell*, 225 M 309, 30 NW(2d) 638.

626.05 Renumbered 628.41.

626.06 Renumbered 628.42.

626.07 Renumbered 628.43.

626.08 Renumbered 628.44.

626.09 Renumbered 628.45.

626.10 Renumbered 628.46.

626.11 Renumbered 628.47.

626.12 Renumbered 628.48.

626.13 Renumbered 628.49.

626.14 Renumbered 628.50.

626.15 Renumbered 628.51.

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INVESTIGATION, APPREHENSION, RECORDS 626.316

626.16 Renumbered 628.52.

626.17 Renumbered 628.53.

626.18 Renumbered 628.54.

626.19 Renumbered 628.55.

626.20 Renumbered 628.56.

626.21 Renumbered 628.57.

626.22 Renumbered 628.58.

626.23 Renumbered 628.59.

626.24 Renumbered 628.60.

626.25 Renumbered 628.61.

626.26 Renumbered 628.62.

626.27 Renumbered 628.63.

626.28 Renumbered 628.64.

626.29 Renumbered 628.65.

626.30 Renumbered 628.66.

626.31 Renumbered 628.67.

BUREAU OF CRIMINAL APPREHENSION

626.311 DEFINITIONS

HISTORY. 1953 c 508 s 1.

626.312 IDENTIFICATION CARDS

HISTORY. 1953 c 508 s 2, 3.

626.313 APPLICATION

HISTORY. 1953 c 508 s 4.

626.314 DUTIES; ISSUING OFFICER, SUPERINTENDENT

HISTORY. 1953 c 508 s 5.

626.315 RULES, FORMS

HISTORY. 1953 c 508 s 6.

626.316 EQUIPMENT, SUPPLIES

HISTORY. 1953 c 508 s 7.

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626.317 INVESTIGATION, APPREHENSION, RECORDS

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626.317 FEES

HISTORY. 1953 c 508 s 8.

626.318 IDENTIFICATION CARD PRIMA FACIE EVIDENCE OF AGE AND IDENTIFICATION

HISTORY. 1953 c 508 s 9.

626.319 OFFENSES

HISTORY. 1953 c 508 s 10.

626.33 SUPERINTENDENT, RULES, REGULATIONS

HISTORY. 1927 c 224 s 2; 1935 c 197 s 1; 1949 c 739 s 21; 1951 c 713 s 34.

Evidence of a test made upon the defendant with a so-called "lie detector" whereupon emotional disturbances of the person questioned are recorded, is not admissible on behalf of a defendant in a criminal action in support of his claim of innocence. Neither is a test made upon the defendant by a hypnotist who placed the defendant in a hypnotic trance and questioned him. Subject to certain limitations, evidence of experiments made out of court is admissible, the matter resting largely in the discretion of the trial court. *State v Pusch*, 46 NW(2d) 508.

The bureau of criminal apprehension may not render services in connection with strikes or other industrial disputes. OAG May 14, 1948 (270-D-9) (985).

Members of bureau of criminal apprehension have the same power of arrest as is conferred upon sheriffs, but have no power to execute search warrants. OAG Oct. 13, 1949 (985).

If the bureau of criminal apprehension is asked by union officials to make an investigation into the bombing of a union organizer's car, it may do so, provided that the investigation is not a "police service in connection with strikes or other industrial dispute." OAG June 24, 1952 (985).

The following agencies of state government are authorized under the constitution and the statutes to make arrests for traffic law violations: (1) the commissioner of highways is authorized, under section 161.03, subdivision 21, to employ and designate patrolmen, supervisors, assistant supervisors, and sergeants, who will constitute the highway patrol and are authorized to make arrests on trunk highways; (2) the superintendent and members of the state bureau of criminal apprehension, under section 626.33; (3) game refuge patrolmen and game wardens have only certain powers of arrest, as found in section 629.37; (4) officers of the bureau of criminal apprehension have only such powers of arrest as concern their particular office and as listed in section 629.37; (5) any private person under section 629.37, may arrest anyone who violates the traffic or any other law in his presence. Under section 169.14, subdivision 2, the lawful speed limits where no speed limits exist are: (1) 30 miles per hour in any municipality; (2) 60 miles per hour in other locations during the daytime; (3) 50 miles per hour in such other locations during the nighttime. Speed must be reduced when approaching and in crossing a street intersection, railway crossing, going around a curve, approaching a hillcrest, traveling along a narrow or winding road, and when special hazards exist with respect to pedestrians, traffic, weather, or other highway conditions. Any speed in excess of the statutory limitations is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful. OAG Oct. 3, 1953 (989-A-24).

626.34 EMPLOYEES, CIVIL SERVICE; EXPENSES

HISTORY. 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41; 1953 c 503 s 1.

Necessary and actual expense incurred by the bureau of criminal apprehension and within the meaning of section 626.34 does not include liability insurance on vehicles used by officers and employees in the performance of their duties, nor does it include damages resulting to persons or property caused by such officers or em-

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JURISDICTION 627.01

ployees while pursuing or attempting to arrest a wanted subject. OAG March 22, 1950 (985-G).

626.35 DIVISION OF CRIMINAL STATISTICS

HISTORY. 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41.

626.36 DIVISION POWERS AND DUTIES, LOCAL OFFICERS TO CO-OPERATE

HISTORY. 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41.

626.38 SYSTEM FOR IDENTIFICATION OF CRIMINALS, RECORDS AND INDEXES

The privilege against self-incrimination includes a discussion relative to whether the privilege covers objective appearance of the body of the person, his Bertillon measurements, his fingerprints, footprints, chemical content of his urine, of his saliva, of his blood, and the like. 34 MLR 38.

The legislature under sections 626.38, 626.39, 626.40, 626.43, and 626.51, obligated certain state officers to obtain and record the fingerprints of certain classes of citizens. The statutes are silent as to the right of the superintendent of the state hospital to fingerprint patients. The object of the commission is the welfare of the public and the care, cure, and restoration of the ward, and if fingerprinting the patient will assist in furthering the public interest or the interest of the individual under observation, federal patients may be fingerprinted. OAG May 24, 1950 (248).

626.39 FINGERPRINTS, BERTILLON MEASUREMENTS, PHOTOGRAPHS; POWERS OF SHERIFFS AND POLICE OFFICERS

HISTORY. 1927 c 224 s 6; 1929 c 46 s 1; 1935 c 197 s 4.

The consent of parents is not necessary to fingerprint minors who come within the class of persons required by law to be fingerprinted. OAG July 7, 1948 (605-A-7).

626.40 PRINTS, FURNISHED BY SHERIFFS AND CHIEFS OF POLICE

HISTORY. 1927 c 224 s 7; 1929 c 46 s 2; 1935 c 197 s 5.

626.51 PENALTY ON LOCAL OFFICERS REFUSING INFORMATION

The legislature under sections 626.38, 626.39, 626.40, 626.43, and 626.51, obligated certain state officers to obtain and record the fingerprints of certain classes of citizens. The statutes are silent as to the right of the superintendent of the state hospital to fingerprint patients. The object of the commission is the welfare of the public and the care, cure, and restoration of the ward, and if fingerprinting the patient will assist in furthering the public interest or the interest of the individual under observation, federal patients may be fingerprinted. OAG May 24, 1950 (248).

CHAPTER 627

JURISDICTION

627.01 PLACE OF TRIAL, CHANGE OF VENUE

Criminal jurisdiction of a state over defendant based upon presence secured by force or fraud. 37 MLR 91.