

MINNESOTA STATUTES 1953 ANNOTATIONS

1649

JUVENILE OFFENDERS 636.05

NOTE: In 1931 the National Conference promulgated an "act to secure the attendance of witnesses from without the state in criminal cases." This was adopted by the following 16 states: Arkansas, Idaho, Indiana, Michigan, Minnesota, Nevada, New Jersey, North Dakota, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, West Virginia, Wisconsin, and Wyoming. In 1936 the original act was rewritten and promulgated as an "act to secure the attendance of witnesses from without a state in criminal proceedings," and this has been adopted by the following 30 states: Arizona, California, Colorado, Connecticut, Delaware, Florida, New Hampshire, Iowa, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. The most important changes made by the 1936 revision were: (a) the extension of the application of the act so as to provide for the possibility of securing the attendance of witnesses in connection with the grand jury proceedings as well as in criminal cases; and (b) a provision that, when expedient a witness might be arrested, held in custody, and delivered over to an officer of the requesting state.

Where a criminal prosecution is pending in the municipal court and the testimony of the witness residing outside of the boundaries of the county is required, the county attorney may apply to the court for subpoena under sections 357.32 and 634.06. OAG March 30, 1951 (196-N).

634.07 WITNESSES FROM ANOTHER STATE TO TESTIFY IN THIS STATE

To secure attendance of out of state witnesses. 31 MLR 707.

REHABILITATION

CHAPTER 636

JUVENILE OFFENDERS

636.02 STAY OF SENTENCE

HISTORY. 1889 c 154 s 4; 1901 c 102 s 1; 1903 c 270 s 4; RL 1905 s 5499; GS 1913 s 9388.

636.03 DUTIES; CONTINGENT FUND

HISTORY. 1901 c 102 s 1; 1903 c 270 s 2; 1905 c 321 s 2; RL 1905 s 5497; 1907 c 342; 1909 c 426; 1913 c 205 s 2; GS 1913 s 9386.

636.04 DUTY OF PROBATION OFFICER

HISTORY. 1899 c 154 s 3; 1903 c 270 s 3; RL 1905 s 5498; GS 1913 s 9387.

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

Searches and seizures; the exclusionary rule. 35 MLR 458.

Searches and seizures; the admissibility rule. 35 MLR 464.

636.05 REPORT OF PROBATION OFFICER

HISTORY. 1899 c 154 s 6; 1903 c 270 s 5; RL 1905 s 5500; 1907 c 342; 1913 c 205 s 3; GS 1913 s 9389.

MINNESOTA STATUTES 1953 ANNOTATIONS

636.06 JUVENILE OFFENDERS

1650

636.06 SALARIES

HISTORY. 1899 c 154 s 7; 1903 c 270 s 6; 1905 c 321 s 3; RL 1905 s 5501; 1907 c 342; 1913 c 205 s 4; GS 1913 s 9390; 1919 c 350 s 1; 1921 c 336 s 13.

636.07 CARE AND CUSTODY OF MINORS

HISTORY. 1858 c 81 s 1; PS 1858 c 119 s 35; GS 1866 c 120 s 7; GS 1878 c 120 s 7; Penal Code s 19; 1893 c 147 s 19; GS 1894 s 7435; 1903 c 387 s 1, 2; RL 1905 s 5502; GS 1913 s 9392; 1917 c 275 s 1.

The adjudication of a juvenile court that a child is delinquent shall in no case be deemed a conviction of crime; but the court may in its discretion cause an alleged delinquent child of the age of 12 years or over to be proceeded against in accordance with the laws that may be in force governing the commission of and punishment for crimes and misdemeanors, or for the violation of municipal ordinances, by an order directing the county attorney to institute such prosecution as may be appropriate. Section 636.07 requires that the officer having charge of a minor delinquent under the age of 18 years shall provide a place of confinement separate from that wherein are grown-up prisoners and section 641.14 provides that no minor under 16 years of age shall be kept in the same room with other prisoners. Children over 12 years of age are presumed to be responsible for their acts and if convicted of a crime and in the absence of a legislative enactment prescribing or limiting the punishment, the punishment prescribed may be imposed upon them the same as upon adults. OAG July 7, 1953 (144-B-1).

636.09 PROBATION OFFICER IN RAMSEY COUNTY

HISTORY. Amended, 1949 c 61 s 1.

636.16 CONTINGENT FUND, EXPENSES

HISTORY. 1923 c 289 s 8; 1939 c 362 s 1; 1949 c 181 s 1; 1951 c 182 s 1.

The travel expenses of a deputy probation officer payable out of the probation officer's contingent fund need not be approved by the county board prior to the making of the trip. The approval of one judge on the claim is sufficient. OAG Aug. 6, 1952 (268-E) (104-B-8).

636.20 SALARIES, RAMSEY COUNTY

HISTORY. 1923 c 289 s 12; 1927 c 420 s 3; 1929 c 380; 1931 c 257; 1935 c 190; 1939 c 362 s 2.

CHAPTER 637

INDETERMINATE SENTENCES, PAROLES

637.01 TERM OF SENTENCE

Indeterminate sentence and paroles. 31 MLR 710.

Validity of banishment as a provision or part of a sentence. 31 MLR 742.

Sentence and release of youthful offenders. 34 MLR 532.

Mitigation of punishment. 35 MLR 151.

Petition for writ of habeas corpus based upon the same set of material facts held insufficient to justify issuance of writ in previous decision of supreme court should be quashed and appeal from order of district court denying petition should be dismissed. Where petitioner had served substantially less than the minimum pe-