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INVESTIGATION, APPREHENSION; RECORDS 626.04

CHAPTER 626

INVESTIGATION, APPREHENSION; RECORDS

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SEARCH WARRANTS

626.01 [Repealed, 1963 c 849 s 17]

626.02 [Repealed, 1963 c 849 s 17]

626.03 [Repealed, 1963 c 849 s 17]

626.04 PROPERTY; SEIZURE, KEEPING, AND DISPOSAL. When any officer shall seize, with or without warrant, any property or thing, the same shall be safely kept by direction of the court or magistrate, so long as may be necessary for the purpose of being produced as evidence on any trial, and then the property or things shall, unless otherwise subject to lawful detention, be returned to the owner thereof, or to such other person as may be entitled to the possession of the same and the other things so seized may be destroyed or otherwise disposed of under the direction of the court or justice of the peace. Any money found in gambling devices when seized shall be paid into the county treasury, or, if such gambling devices are seized by a police officer of a municipality, such money shall be paid into the treasury of such municipality.

[R L s 5199; 1929 c 177; 1963 c 849 s 16] (10540)

626.05 DEFINITIONS. Subdivision 1. A search warrant is an order in writing, in the name of the state, signed by a court of record or by a justice of the peace in any county having no municipal court other than a probate court, directed to a peace officer, commanding him to make such search as may be authorized by law and to hold any item seized, subject to the order of a court.

Subd. 2. The term "peace officer" as used in sections 80.24, 340.65, and 626.04 to 626.17 means a sheriff, deputy sheriff, policeman, or constable.

[1963 c 849 s 3]

626.06 JURISDICTION TO ISSUE. Search warrants may be issued by any court of record or by a justice of the peace in any county having no municipal court other than a probate court having jurisdiction in the area wherein the place to be searched is located.

[1963 c 849 s 4]

626.07 GROUNDS FOR ISSUANCE. A search warrant may be issued upon any of the following grounds:

- (1) The property or things were stolen or embezzled;
- (2) The property or things were used as the means of committing a crime;
- (3) The possession of the property or things constitutes a crime;
- (4) The property or things are in the possession of any person with the intent to use them as a means of committing a crime, or the property or things so intended to be used are in the possession of another to whom they have been delivered for the purpose of concealing them or preventing their being discovered;
- (5) The property or things to be seized consist of any item or constitute any evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The property or things described in this section may be taken pursuant to the warrant from any place, or from any person in whose possession they may be.

[1963 c 849 s 5]

626.08 PROBABLE CAUSE. A search warrant cannot be issued but upon probable cause, supported by affidavit, naming or describing the person, and particularly describing the property or thing to be seized, and particularly describing the place to be searched.

[1963 c 849 s 6]

626.09 EXAMINATION OF PARTIES MAKING REQUEST. The court or justice of the peace may, before issuing the warrant, examine on oath the person seeking the warrant and any witnesses he may produce, and must take his affidavit or their affidavits in writing, and cause same to be subscribed by the party or parties making same.

[1963 c 849 s 7]

626.10 AFFIDAVIT, CONTENT. The affidavit or affidavits must set forth the facts tending to establish the grounds of the application, or probable cause for believing that they exist.

[1963 c 849 s 8]

626.11 ISSUANCE OF WARRANT. If the court or justice of the peace is thereupon satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a peace officer in his county, commanding him forthwith to search the person or place named, for the property or things specified, and to retain such property or things in his custody subject to order of the court or justice of the peace issuing the warrant.

[1963 c 849 s 9]

626.12 APPLICANTS, NAMES ON WARRANT. The warrant, in addition, shall contain the names of the persons presenting affidavits in support of the application, and the grounds for its issuance.

[1963 c 849 s 10]

626.13 SERVICE, PERSONS MAKING. A Search warrant may in all cases be served by any of the officers mentioned in its directions, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

[1963 c 849 s 11]

624.14 TIME OF SERVICE. A search warrant may be served only in the daytime unless the court or justice of the peace determines on the basis of facts

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stated in the affidavits that a nighttime search is necessary to prevent the loss, destruction, or removal of the objects of the search. The search warrant shall state that it may be served only in the daytime unless a nighttime search is so authorized.

[1963 c 849 s 12]

626.15 EXECUTION AND RETURN OF WARRANT, TIME. A search warrant must be executed and returned to the court or justice of the peace who issued it within ten days after its date; after the expiration of this time the warrant, unless executed, is void.

[1963 c 849 s 13]

626.16 DELIVERY OF COPY OF WARRANT AND RECEIPT. When the officer conducts the search he must give a copy of the warrant and, when property or things are taken, a receipt therefor (specifying it in detail) to the person in whose possession the premises or the property or things taken were found; or, in the absence of any person, he must leave such copy of the warrant and receipt in the place where the property or things were found. Such delivery of a copy of the warrant shall constitute service.

[1963 c 849 s 14]

626.17 RETURN AND INVENTORY. The officer must forthwith return the warrant to the court or justice of the peace, and deliver to him a written inventory of the property or things taken, verified by the certificate of the officer at the foot of the inventory.

[1963 c 849 s 15]

UNLAWFUL SEARCHES AND SEIZURES

626.21 RETURN OF PROPERTY AND SUPPRESSION OF EVIDENCE. A person aggrieved by an unlawful search and seizure may move the district court for the district in which the property was seized or the municipal court having jurisdiction of the substantive offense for the return of the property and to suppress the use, as evidence, of anything so obtained on the ground that (1) the property was illegally seized, or (2) the property was illegally seized without warrant, or (3) the warrant is insufficient on its face, or (4) the property seized is not that described in the warrant, or (5) there was not probable cause for believing the existence of the grounds on which the warrant was issued, or (6) the warrant was illegally executed, or (7) the warrant was improvidently issued. The judge shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted the property shall be restored unless otherwise subject to lawful detention, and it shall not be admissible in evidence at any hearing or trial. The motion to suppress evidence may also be made in the district where the trial is to be had. The motion shall be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.

[1963 c 850 s 1]

626.22 MALICIOUSLY PROCURING SEARCH WARRANT; MISCONDUCT IN USE. Every person who shall maliciously and without probable cause procure a search warrant to be issued and executed, and every officer who, in executing a search warrant, shall wilfully exceed his authority, or exercise it with unnecessary severity, shall be guilty of a misdemeanor.

[R L s 4846] (10031)

BUREAU OF CRIMINAL APPREHENSION

626.311 DEFINITIONS. Subdivision 1. **Terms.** For the purposes of sections 626.311 to 626.319 the terms defined in this section have the meanings ascribed to them.

Subd. 2. **Verified identification card.** "Verified identification card" means a card issued to an applicant therefor containing the signature of the applicant, his name, residence address, date and place of birth, sex, height, weight, color of eyes and hair, visible distinctive marks, print of the right thumb, an identification number, having attached thereto a full-face front view photograph taken by a photographer authorized by the superintendent. The top line of the card shall bear in

bold type the words "age 21 on" followed by the date of the applicant's twenty-first birthday.

Subd. 3. **Applicant.** "Applicant" means any person who is a resident of the state making application for a verified identification card.

Subd. 4. **Superintendent.** "Superintendent" means the superintendent of the bureau of criminal apprehension.

Subd. 5. **Issuing officer.** "Issuing officer" means the clerk of the district court.
[1953 c 508 s 1]

626.312 IDENTIFICATION CARDS. Subdivision 1. **Forms, contents, container.** Each verified identification card shall be dated, be signed by the issuing officer and have his official seal affixed thereon. The issuing officer shall seal such card within a plastic container.

Subd. 2. **Issuance.** Verified identification cards shall be issued by the clerk of the district court, under the supervision of the superintendent.

[1953 c 508 s 2, 3]

626.313 APPLICATIONS. Each applicant for a verified identification card shall make application to the issuing officer, on a prescribed form, which shall state the information necessary to be contained in the verified identification card. The application shall be signed and sworn to by the applicant before the issuing officer, bear the print of the right thumb, and be accompanied by two identical full-face front view photographs, attaching one to the application. The other shall be affixed to the verified identification card. He shall attach an authentic certified copy of his birth record to his application.

[1953 c 508 s 4]

626.314 DUTIES; ISSUING OFFICER, SUPERINTENDENT. Subdivision 1. **Applications forwarded to superintendent.** On or before the tenth day of each month, the issuing officer shall forward to the superintendent all applications received by him during the preceding calendar month. Each application so forwarded shall show the assigned identifying number of the verified identification card issued thereon.

Subd. 2. **Index of applications.** The superintendent shall retain all applications and properly index the same so as to provide a central permanent file. This shall be a privileged file.

[1953 c 508 s 5]

626.315 RULES, FORMS. The superintendent may establish rules and prescribe all forms necessary to carry out the provisions of sections 626.311 to 626.319.

[1953 c 508 s 6]

626.316 EQUIPMENT, SUPPLIES. The superintendent shall furnish to the issuing officer application forms, fingerprinting equipment, blank identification cards, plastic containers, and report forms to be used pursuant to the provisions of sections 626.311 to 626.319.

[1953 c 508 s 7]

626.317 FEES. The applicant shall pay to the issuing officer a fee of \$3 for a verified identification card. The issuing officer shall remit one half of such fee to the superintendent, who shall deposit the same in the state treasury. The money so deposited is hereby appropriated to the superintendent for the purpose of carrying out the provisions of sections 626.311 to 626.319. In counties in which the issuing officer is compensated entirely by salary the amount retained by him shall be deposited in the general revenue fund of the county.

[1953 c 508 s 8]

626.318 IDENTIFICATION CARD PRIMA FACIE EVIDENCE OF AGE AND IDENTIFICATION. Any verified identification card issued under the provisions of sections 626.311 to 626.319 is prima facie evidence of the age and identification of the person to whom issued.

[1953 c 508 s 9]

626.319 OFFENSES. Subdivision 1. **Issuing card containing false information.** Any person issuing a verified identification card knowing it to contain false information concerning the person described therein is guilty of a misdemeanor.

Subd. 2. **False representation in application.** Any applicant who falsely represents any of the contents of his application for a verified identification card is guilty of a misdemeanor.

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Subd. 3. Alteration of card or carrying false card. Any person who transfers, alters, or defaces a verified identification card, or who uses or carries a false card, or uses the card of another is guilty of a misdemeanor.

[1953 c 508 s 10]

626.32 CREATION. A bureau of the state government, under the attorney general, is hereby created and is designated as the bureau of criminal apprehension.

[1927 c 224 s 1] (9950-5)

626.33 SUPERINTENDENT; RULES, REGULATIONS. This bureau shall be under the supervision and control of a superintendent, who shall be appointed by the governor, by and with the consent of the senate. The term of office of the superintendent shall be two years. The incumbent shall serve until a successor is appointed and qualifies. The governor may remove the superintendent at any time at his pleasure. Any vacancy shall be filled for the unexpired portion of the term. The superintendent shall devote his entire time to the duties of his office. The superintendent, from time to time, shall make such rules and regulations and adopt such measures as he deems necessary, within the provisions and limitations of sections 626.33 to 626.37, 626.39, 626.40, 626.47, 626.48, 626.51, to secure the efficient operation of the bureau. The bureau shall cooperate with the respective sheriffs, constables, marshals, police, and other peace officers of the state in the detection of crime and the apprehension of criminals throughout the state, and shall have the power to conduct such investigations as the superintendent may deem necessary to secure evidence which may be essential to the apprehension and conviction of alleged violators of the criminal laws of the state. The various members of the bureau shall have and may exercise throughout the state the same powers of arrest possessed by a sheriff, but they shall not be employed to render police service in connection with strikes and other industrial disputes.

[1927 c 224 s 2; 1935 c 197 s 1; 1949 c 739 s 21; 1951 c 713 s 34] (9950-6)

626.34 EMPLOYEES, CIVIL SERVICE; EXPENSES. The superintendent is hereby authorized to appoint, in the manner provided, and to remove as provided by the state civil service law, and to prescribe the duties of such skilled and unskilled employees, including an identification expert, as may be necessary to carry out the work of the bureau; provided, that the appointment and removal of such skilled and unskilled employees shall be in the manner provided by the state civil service law. The superintendent and all officers and employees of the bureau shall, in addition to their compensation, receive their actual and necessary expenses incurred in the discharge of their duties, provided that the total expense of the bureau during any year shall not exceed the appropriation therefor.

[1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41; 1953 c 503 s 1] (9950-7)

626.35 DIVISION OF CRIMINAL STATISTICS. There is hereby established within the bureau a division of criminal statistics, and the superintendent, within the limits of membership herein prescribed, shall appoint a qualified statistician and one assistant to be in charge thereof. It shall be the duty of this division to collect, and preserve as a record of the bureau, information concerning the number and nature of offenses known to have been committed in the state, of the legal steps taken in connection therewith from the inception of the complaint to the final discharge of the defendant, and such other information as may be useful in the study of crime and the administration of justice. The information so collected and preserved shall include such data as may be requested by the United States department of justice, at Washington, under its national system of crime reporting.

[1927 c. 224 s. 3; 1935 c. 197 s. 2; 1939 c. 441 s. 41] (9950-7)

626.36 DIVISION POWERS AND DUTIES; LOCAL OFFICERS TO COOPERATE. It shall be the duty of all sheriffs, chiefs of police, city marshals, constables, prison wardens, superintendents of insane hospitals, reformatories and correctional schools, probation and parole officers, school attendance officers, coroners, county attorneys, court clerks, the liquor control commissioner, the commissioner of highways, and the state fire marshal to furnish to the division statistics and information regarding the number of crimes reported and discovered, arrests made, complaints, informations, and indictments, filed and the disposition made of same, pleas, convictions, acquittals, probations granted or denied, receipts, transfers, and discharges to and from prisons, reformatories, correctional schools, and other institutions, paroles granted and revoked, commutation of sentences and pardons granted and rescinded, and all other data useful in determining the cause

and amount of crime in this state and to form a basis for the study of crime, police methods, court procedure, and penal problems. Such statistics and information shall be furnished upon the request of the division and upon such forms as may be prescribed and furnished by it. The division shall have the power to inspect and prescribe the form and substance of the records kept by those officials from which the information is so furnished.

[1927 c. 224 s. 3; 1935 c. 197 s. 2; 1939 c. 441 s. 41] (9950-7)

626.365 RESTORATION OR DISPOSAL OF STOLEN PROPERTY. The bureau of criminal apprehension shall make every effort for a period of one year after the seizure or recovery of abandoned or stolen property to return such property to the lawful owner or to the sheriff of the county from which it was stolen.

Any such property held by the bureau for more than one year, in case the owner cannot be found or if it cannot be determined from what county the property was stolen, shall be sold at public auction by the superintendent of the bureau, or his agent, after two weeks' published notice thereof in a legal newspaper in Ramsey county, stating the time and place of such sale and a list of the property to be sold.

The proceeds of such sale shall be applied in payment of the necessary expenses of the sale and all necessary costs, storage, or charges incurred in relation to such property. The balance of the proceeds of such sales shall be paid into the general revenue fund.

[1941 c. 389]

626.37 BONDS OF SUPERINTENDENT AND EMPLOYEES. The superintendent and each employee in the bureau whom he shall designate, before entering upon the performance of his duties under sections 626.33 to 626.37, 626.39, 626.40, 626.47, 626.48, 626.51, shall take the usual oath and give bond to the state, in such amount as the governor shall direct and approve, conditioned for the faithful performance of his duties. If a surety bond is given, the premium thereon shall be paid as an expense of the bureau, upon the approval of the amount of the premium by the commissioner of administration. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of either the superintendent or any of such employees in the performance of his duties under sections 626.32 to 626.50, may maintain an action on such bond for the recovery of damages so sustained.

[1927 c. 224 s. 4; 1935 c. 197 s. 3] (9950-8)

626.38 SYSTEM FOR IDENTIFICATION OF CRIMINALS; RECORDS AND INDEXES. The bureau shall install systems for identification of criminals, including the finger-print system, the modus operandi system, the Bertillon method, and such others as the superintendent deems proper. The bureau shall keep a complete record and index of all information received in convenient form for consultation and comparison. The bureau shall obtain from wherever procurable and file for record finger and thumb prints, measurements, photographs, plates, outline pictures, descriptions, modus operandi statements, or such other information as the superintendent considers necessary, of persons who have been or shall hereafter be convicted of a felony, gross misdemeanor, or an attempt to commit a felony or gross misdemeanor, within the state, or who are known to be habitual criminals. To the extent that the superintendent may determine it to be necessary, the bureau shall obtain like information concerning persons convicted of a crime under the laws of another state or government, the central repository of this records system is the bureau of criminal apprehension in St. Paul.

[1927 c. 224 s. 5; 1957 c. 790 s. 1] (9950-9)

626.39 FINGER-PRINTS, BERTILLON MEASUREMENTS, PHOTOGRAPHS; POWERS OF SHERIFFS AND POLICE OFFICERS. It is hereby made the duty of the sheriffs of the respective counties and of the police officers in cities of the first, second, and third classes, under the direction of the chiefs of police in such cities, to take or cause to be taken immediately finger and thumb prints, photographs, and such other identification data as may be requested or required by the superintendent of the bureau; of all persons arrested for a felony, gross misdemeanor, of all juveniles committing felonies as distinguished from those committed by adult offenders, of all persons reasonably believed by the arresting officer to be fugitives from justice, of all persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power

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explosives, or articles, machines, or appliances useable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes, and within 24 hours thereafter to forward such finger-print records and other identification data on such forms and in such manner as may be prescribed by the superintendent of the bureau of criminal apprehension.

[1927 c 224 s 6; 1929 c 46 s 1; 1935 c 197 s 4; 1957 c 790 s 2] (9950-10)

626.40 PRINTS, FURNISHED TO BUREAU BY SHERIFFS AND CHIEFS OF POLICE. The sheriff of each county and the chief of police of each city of the first, second, and third classes shall furnish the bureau, upon such form as the superintendent shall prescribe, with such finger and thumb prints, photographs, and other identification data as may be requested or required by the superintendent of the bureau, which may be taken under the provisions of section 626.39, of persons who shall be convicted of a felony, gross misdemeanor, or who shall be found to have been convicted of a felony or gross misdemeanor, within ten years next preceding their arrest. Upon the determination of all pending criminal actions or proceedings in favor of the arrested person, he shall, upon demand, have all such finger and thumb prints, photographs, and other identification data, and all copies and duplicates thereof, returned to him, provided it is not established that he has been convicted of any felony, either within or without the state, within the period of ten years immediately preceding such determination.

[1927 c 224 s 7; 1929 c 46 s 2; 1935 c 197 s 5; 1957 c 790 s 3] (9950-11)

626.41 RECORDS KEPT BY PEACE OFFICERS; REPORTS. Every peace officer shall keep or cause to be kept a permanent written record, in such form as the superintendent may prescribe, of all felonies reported to or discovered by him within his jurisdiction and of all warrants of arrest for felonies and search warrants issued to him in relation to the commission of felonies, and shall make or cause to be made to the sheriff of the county and the bureau reports of all such crimes, upon such forms as the superintendent may prescribe, including a statement of the facts and a description of the offender, so far as known, the offender's method of operation, the action taken by the officer, and such other information as the superintendent may require.

[1927 c 224 s 8; 1959 c 409 s 1] (9950-12)

626.42 INFORMATION AS TO CRIMINALS TO BE FURNISHED BY BUREAU TO PEACE OFFICERS. Upon receipt of information data as to any arrested person, the bureau shall immediately ascertain whether the person arrested has a criminal record or is a fugitive from justice, and shall at once inform the arresting officer of the facts ascertained. Upon application by any sheriff, chief of police, or other peace officer in the state, or by an officer of the United States or by an officer of another state, territory, or government duly authorized to receive the same and effecting reciprocal interchange of similar information with the division, it shall be the duty of the bureau to furnish all information in its possession pertaining to the identification of any person.

[1927 c. 224 s. 9] (9950-13)

626.43 OFFICERS OF PENAL INSTITUTIONS TO FURNISH BUREAU WITH DATA RELATING TO RELEASED PRISONERS. It shall be the duty of the officials having charge of the penal institutions of the state or the release of prisoners therefrom to furnish to the bureau, as the superintendent may require, finger and thumb prints, Bertillon measurements, photographs, identification data, modus operandi reports, and criminal records of prisoners heretofore, now, or hereafter confined in such penal institutions, together with the period of their service and the time, terms, and conditions of their discharge.

[1937 c 224 s 10] (9950-14)

626.44 BUREAU TO COOPERATE WITH OTHER CRIMINAL IDENTIFICATION ORGANIZATIONS. The bureau shall cooperate and exchange information with other organizations for criminal identification, either within or without the state, for the purpose of developing, improving, and carrying on an efficient system for the identification and apprehension of criminals.

[1927 c. 224 s. 11] (9950-15)

626.45 BUREAU TO BROADCAST INFORMATION TO PEACE OFFICERS. The bureau shall broadcast, by mail, wire, and wireless, to peace officers such information as to wrongdoers wanted, property stolen or recovered, and other intelligence as may help in controlling crime.

[1927 c. 224 s. 12] (9950-16)

626.46 [Repealed, Ex1959 c 34 s 12]

626.461 TRAINING COURSES FOR PEACE OFFICERS, ESTABLISHMENT. The superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state, for training peace officers in their powers and duties, and in the use of approved equipment and the latest technique for detection, identification and apprehension of criminals. For this purpose, the superintendent may use the services and employees of the bureau.

[Ex1959 c 34 s 1]

626.462 POLICE OFFICERS TRAINING ADVISORY BOARD; MEMBERS, TERM, VACANCIES. There is hereby created a police officers training advisory board to advise with and assist the superintendent in the training provided under section 626.461. The members of such advisory board shall be composed of the following members:

- (a) Two members to be elected from the sheriffs' association;
- (b) Two members to be elected from the chiefs' of police association;
- (c) Two members to be elected from the Minnesota peace and police officers' association;
- (d) The Minneapolis chief of police;
- (e) The St. Paul chief of police;
- (f) The Duluth chief of police;
- (g) The superintendent of the bureau of criminal apprehension; and
- (h) The chief of the Minnesota highway patrol.

The elected members of the advisory board shall be elected by the membership at a regularly scheduled meeting for a two year term. Vacancies between elections may be filled by the board of directors of the association they represent.

[Ex1959 c 34 s 2]

626.463 SCHEDULE OF SUBJECT MATERIAL. The superintendent shall prepare not later than August 1 each year a written schedule of subject material, the scheduled instructors for each subject and the time and place for each subject presentation. This material shall be presented to the advisory board. The subject material, instructors and schedules may be approved or disapproved by a majority vote of the board before September 1 each year and if disapproved, the proposal shall be revised and re-presented to the board for their review in like manner.

[Ex1959 c 34 s 3]

626.464 RULES AND REGULATIONS. The advisory board may adopt rules and regulations for the guidance of the operation of such schools, and among other things, may provide in such rules and regulations for the following:

- (a) Admission and eligibility;
- (b) Maximum and minimum hours of training per officer, with differentiation provided for the first 12 months and succeeding year of service;
- (c) Charges for board and room;
- (d) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment; and
- (e) Such other matters as necessary.

Minnesota Statutes, Sections 15.0411 to 15.0422 shall not apply to such rules or regulations.

[Ex1959 c 34 s 4]

626.465 COMPENSATION OF BOARD MEMBERS. Board members, except the superintendent, shall be paid at the rate of \$25 for each meeting not to exceed six meetings per year held at the call of the superintendent and, in addition, they shall receive expenses in the amount of seven and one-half cents for each mile traveled to attend such meetings, and the actual room and meal expenses incurred, not to exceed similar allowance for state employees.

[Ex1959 c 34 s 5]

626.466 INSTRUCTORS; DONATIONS, CONTRIBUTIONS. Subdivision 1. In addition to the bureau employees assigned to police training, full time or part time, the superintendent is authorized to engage such part time instructors as he deems proper and necessary to furnish the best possible instruction in police sciences, subject to the limitation of funds as appropriated and available for expenditure. Minnesota Statutes, Sections 43.09 to 43.17, shall not apply to such part time employees.

Subd. 2. Any donations, contributions, grants, or gifts which may be received

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shall be accepted without recourse to the donor, and shall become the property of the state. All cash receipts shall be deposited with the state treasurer, and are hereby appropriated to the bureau in the quarter in which they were so deposited.

[*Ex1959 c 34 s 6, 7*]

626.467 ATTENDANCE RECORDS. The superintendent shall cause to be maintained daily attendance records of all those officers enrolled for classes. In the event any officer is absent for eight hours in any day, a written report shall be sent to his employing authority within 48 hours. An accurate record shall be made for each student, and a complete report of attendance for each officer shall be sent to his appointing authority within 30 days after completion of the prescribed course, together with his achievement grades. Such other records, reports, and certificates shall be provided in accordance with the rules and regulations of the advisory board.

[*Ex1959 c 34 s 8*]

626.468 ELIGIBLE OFFICERS. Any police officer employed or elected by any county or municipality of the state of Minnesota shall be eligible to attend such training courses as herein provided (subject to approval by the governing body of said county or municipality) in accordance with and subject to the rules and regulations of the advisory board.

[*Ex1959 c 34 s 9*]

626.469 TUITION; EXPENSES AND SALARY OF OFFICERS. No tuition shall be charged any officer for attending any training school herein provided for, and each officer when assigned to attend the police school shall receive his regular salary and shall be reimbursed by the governing body of said county or municipality for his cost of meals, travel, and lodgings while in attendance at the police school, not to exceed similar allowance for state employees.

[*Ex1959 c 34 s 10*]

626.47 REPORTS TO BUREAU BY CLERKS OF COURT. The superintendent shall have power to require the clerk of court of any county to file with the department, at such time as the superintendent may designate, a report, upon such form as the superintendent may prescribe, furnishing such information as he may require with regard to the prosecution and disposition of criminal cases. A copy of the report shall be kept on file in the office of the clerk of court.

[*1927 c. 224 s. 14; 1935 c. 197 s. 6*] (9950-18)

626.48 REPORTS. Biennially, on or before October 1, in each even-numbered year the superintendent shall submit to the governor a detailed report of the operations of the bureau, of information about crime and the handling of crimes and criminals by state and local officials collected by the bureau, and his interpretations of the information, with his comments and recommendations. In such reports he shall, from time to time, include his recommendations to the legislature for dealing with crime and criminals and information as to conditions and methods in other states in reference thereto, and shall furnish a copy of such report to each member of the legislature.

[*1927 s 224 s 15; 1935 c 197 s 7; 1955 c 847 s 29*] (9950-19)

626.49 EMPLOYEES INCLUDED IN WORKMEN'S COMPENSATION LAWS. Every employee of the bureau, except the superintendent, shall be deemed an employee of the state within the meaning of the workmen's compensation laws of this state and entitled to the benefit of all the provisions of those laws applicable to state employees.

[*1927 c. 224 s. 16*] (9950-20)

626.50 CONSTRUCTION OF SECTIONS 626.32 TO 626.50. It is hereby declared that sections 626.32 to 626.50 are necessary for the public safety, peace and welfare, are remedial in nature, shall be construed liberally, and that, in case any part thereof shall be declared unconstitutional, it shall not in any way affect any other part.

[*1927 c. 224 s. 17*] (9950-21)

626.51 PENALTY ON LOCAL OFFICERS REFUSING INFORMATION. If any public official charged with the duty of furnishing to the bureau finger-print records, reports, or other information required by sections 626.36, 626.39, 626.40, 626.47, shall neglect or refuse to comply with such requirement, the bureau, in writing, shall notify the state, county, or city officer charged with the issuance of a warrant for the payment of the salary of such official. Upon the receipt of the notice the state,

county, or city official shall withhold the issuance of a warrant for the payment of the salary or other compensation accruing to such officer for the period of 30 days thereafter until notified by the bureau that such suspension has been released by the performance of the required duty.

[1935 c. 197 s. 8] (9950-22)

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626.52 PHYSICIANS AND OTHER AIDS TO HEALING TO REPORT INJURIES FROM FIREARMS. Every physician, every surgeon, every person authorized to engage in the practice of healing, every superintendent or manager of a hospital, every nurse and every pharmacist, whether such physicians, surgeons, persons engaged in the practice of healing, superintendent or manager of any hospital, nurse and pharmacist be licensed or not, shall immediately report to the proper police authorities, as herein defined, all bullet wounds, gun-shot wounds, powder burns, or any other injury arising from, or caused by the discharge of any gun, pistol, or any other firearm, which wound he is called upon to treat, dress, or bandage.

[1935 c. 165 s. 1; 1963 c. 489 s. 1; 1965 c. 759 s. 1] (9950-22a)

626.53 REPORT BY TELEPHONE AND LETTER. The report required by section 626.52 shall be made forthwith by telephone or in person, and shall be promptly supplemented by letter, enclosed in a securely sealed, postpaid envelope, addressed to the sheriff of the county in which the wound is examined, dressed, or otherwise treated; except that, if the place in which the patient is treated for such injury or his wound dressed or bandaged be in a city of the first, second, or third class, such report shall be made and transmitted as herein provided to the chief of police of such city instead of the sheriff. The office of any such sheriff and of any such chief of police shall keep such report as a confidential communication and shall not disclose the name of the person making the same, and the party making the report shall not by reason thereof be subpoenaed, examined, or forced to testify in court as a consequence of having made such a report.

[1935 c. 165 s. 2] (9950-23)

626.54 APPLICATION OF SECTIONS 626.52 TO 626.55. The requirements of sections 626.52 to 626.55 shall not apply to a nurse employed in a hospital nor to a nurse regularly employed by a physician, surgeon, or other person practicing healing, where the employer has made a proper report in compliance therewith.

[1935 c. 165 s. 3] (9950-24)

626.55 PENALTY. Any person who violates any provision of sections 626.52 to 626.55 is guilty of a gross misdemeanor.

[1935 c. 165 s. 4] (9950-25)

626.553 GUNSHOT WOUNDS; INVESTIGATIONS, REPORTS. Upon receipt of the report required in section 626.52 and 626.53, the sheriff or chief of police receiving the report shall determine the general cause of the wound, and if he determines that the wound was caused by an action connected with the occupation or sport of hunting or shooting he shall immediately conduct a detailed investigation into the facts surrounding the incident or occurrence which occasioned the injury or death reported. The investigating officer shall report the findings of his investigation to the commissioner of conservation on forms provided by the commissioner for this purpose.

[1957 c. 407 s. 1]

626.554 REPORTING OF MALTREATMENT OF MINORS. Subdivision 1. **Declaration of purpose.** The purpose of this section is to provide for the protection of minor children who have had physical injury inflicted upon them, by other than accidental means, where the injury appears to have been caused as a result of physical abuse or neglect.

Subd. 2. **Who makes report and to whom made.** Any physician, surgeon, person authorized to engage in the practice of healing, superintendent or manager of a hospital, nurse and pharmacist, whether such physicians, surgeons, persons engaged in the practice of healing, superintendent or manager of any hospital, nurse and pharmacist be licensed or not, shall immediately report all cases of physical injury to children which come to their attention where the injury appears to have been caused as a result of physical abuse or neglect. Such cases shall be reported to the appropriate police authority and the county welfare agency. The appropriate police authority, upon receiving such a report, shall im-

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mediately notify the county welfare agency. Provided, however, that no provision of this section shall be construed to mean that a child is neglected or lacks proper parental care solely because said child's parent, guardian, or custodian in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care of such child.

Subd. 3. Nature and content of report. An oral report shall be made immediately by telephone or otherwise and followed as soon thereafter as possible by a report in writing, to the appropriate police authority and the county welfare agency. Such report shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information helpful in establishing the cause of the injuries and the identity of the perpetrator.

Subd. 4. Responsibility of county welfare agency. The county welfare agency shall investigate complaints of neglect and abuse of children and offer protective social services in an effort to protect the health and welfare of these children and to prevent further abuses.

Subd. 5. Immunity from liability. Anyone participating in good faith in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

Subd. 6. Evidence not privileged. Neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence regarding a child's injuries or the cause thereof, in any judicial proceeding resulting from a report pursuant to this section.

Subd. 7. Penalty for violation. Anyone knowingly and willingly violating the provisions of this section is guilty of a misdemeanor.

[1965 c 759 s 2]

BROADCASTING

626.56 RADIO BROADCASTING STATIONS MAY BE INSTALLED. The commissioner of administration is hereby authorized to purchase, secure the necessary air privilege, lease or otherwise acquire, and install one or more radio broadcasting stations to be used for police purposes only, under the direction of the bureau of criminal apprehension.

[1935 c. 195 s. 1] (9950-41)

626.57 BUREAU TO MAINTAIN STATION. The bureau is hereby charged with the maintenance, operation, and conduct of all radio broadcasting stations established under the provisions of sections 626.56 to 626.64.

[1935 c. 195 s. 2] (9950-42)

626.58 POLICE CARS TO HAVE RADIOS. When the broadcasting station or stations authorized by sections 626.56 to 626.64 have been established and are ready for operation, the bureau shall notify immediately the board of county commissioners in each county of the state that such radio service has been established; and forthwith the board shall provide for the purchase and installation in the office of the sheriff and at such other places within each county as it may direct, and in at least one motor vehicle used by the sheriff in the conduct of his office, a locked-in radio receiving set of the character prescribed by the bureau for use in connection with the broadcasting station or stations so established.

[1935 c. 195 s. 3; Ex. 1936 c. 104 s. 1] (9950-43)

626.59 RECEIVING STATIONS IN CITIES AND VILLAGES. The council of each city in the state shall, and the council of each village in the state may, purchase, install, and maintain in such place as the council may determine, at least one such locked-in radio receiving set, as may be prescribed by the bureau for use in law enforcement and police work in such city or village in connection with the broadcasting system thereby established.

[1935 c. 195 s. 4; Ex. 1936 c. 104 s. 2] (9950-44)

626.60 COMMISSIONER TO SUPPLY BROADCASTING SETS. The commissioner of administration shall purchase and supply the bureau of criminal apprehension with such locked-in radio receiving sets as are deemed necessary by the superintendent.

[1935 c. 195 s. 5; Ex. 1936 c. 104 s. 3] (9950-45)

626.61 BUREAU TO BROADCAST CRIMINAL INFORMATION. It shall be the duty of the bureau to broadcast all police dispatches and reports submitted which, in the opinion of the superintendent, shall have a reasonable relation to or connection with the apprehension of criminals, the prevention of crime, and the maintenance of peace and order throughout the state. Every sheriff, peace officer, or other person employing a radio receiving set under the provisions of sections 626.56 to 626.64 shall make report to the bureau at such times and containing such information as the superintendent shall direct.

[1935 c. 195 s. 6] (9950-46)

626.62 TELEPHONE AND TELEGRAPH COMPANIES TO GIVE PRIORITY TO MESSAGES. Every telegraph and telephone company operating in the state shall give priority to all messages or calls directed to the broadcasting station or stations established under sections 626.56 to 626.64.

[1935 c. 195 s. 7] (9950-47)

626.63 POLICE COMMUNICATION EQUIPMENT; USE, SALE. Subdivision 1. No person other than peace officers within the state and the members of the state highway patrol shall equip any motor vehicle with any radio equipment or combination of equipment, capable of receiving any radio signal, message, or information from any police emergency frequency, or install, use or possess the same in such motor vehicle without first obtaining permission to do so from the superintendent of the bureau upon such form of application as he may prescribe. Any person who is convicted of a violation of this subdivision shall, upon conviction for the first offense, be guilty of a misdemeanor, and for the second and subsequent offenses shall be guilty of a gross misdemeanor.

Subd. 2. No person shall transfer, barter, exchange or sell any radio equipment capable of being used in a motor vehicle on a police emergency frequency to any person unless the superintendent of the bureau has issued a permit to such person as is hereinafter provided. Any person found guilty of a violation of this subdivision shall be guilty of a misdemeanor; provided, however, that nothing contained in this subdivision shall apply to sales at wholesale to dealers.

Subd. 3. The superintendent of the bureau shall, upon written application, issue a written permit, which shall be nontransferable, to any person of good moral character showing good cause to use such radio equipment capable of receiving any police emergency frequency, as a necessity, in the lawful pursuit of a business, trade, or occupation.

Subd. 4. The superintendent of the bureau shall make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of sections 626.56 to 626.64, as amended, which rules and regulations shall be promulgated in accordance with law.

[1935 c 195 s 8; 1961 c 661 s 1; 1965 c 721 s 1] (9950-48)

626.64 PRIORITY OF POLICE COMMUNICATIONS, VIOLATIONS. Any telegraph or telephone operator who shall fail to give priority to police messages or calls as provided in sections 626.56 to 626.64, and any person who willfully makes any false, misleading, or unfounded report to any broadcasting station established thereunder for the purpose of interfering with the operation thereof, or with the intention of misleading any officer of this state, shall be guilty of a misdemeanor.

[1935 c 195 s 10; 1965 c 721 s 2] (9950-50)

UNIFORM LAW ON FRESH PURSUIT

626.65 UNIFORM LAW ON FRESH PURSUIT; RECIPROCAL. Any member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county, or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state; provided, the rights extended by this section shall be extended only to those states granting these same rights to peace officers of this state who may be in fresh pursuit of suspected criminals in such reciprocating states.

[1939 c. 64 s. 1] (10547-1)

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626.66 ARREST; HEARING. If an arrest is made in this state by an officer of another state in accordance with the provisions of section 626.65 he shall, without unnecessary delay, take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state, or admit him to bail for such purpose. If the magistrate determines that the arrest was unlawful he shall discharge the person arrested.

[1939 c. 64 s. 2] (10547-2)

626.67 CONSTRUCTION OF SECTION 626.65. Section 626.65 shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

[1939 c. 64 s. 3] (10547-3)

626.68 STATE INCLUDES DISTRICT OF COLUMBIA. For the purpose of sections 626.65 to 626.69, the word "state" includes the District of Columbia.

[1939 c. 64 s. 4] (10547-4)

626.69 FRESH PURSUIT. The term "fresh pursuit," as used in sections 626.65 to 626.69, includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit, as used therein, shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

[1939 c. 64 s. 5] (10547-5)

626.70 CITATION, UNIFORM ACT ON FRESH PURSUIT. Sections 626.65 to 626.70 may be cited as the uniform act on fresh pursuit.

[1939 c 64 s 8] (10547-8)

PEACE OFFICERS; ASSISTING OTHER OFFICERS

626.76 RULES AND REGULATIONS; AIDING OTHER OFFICERS. Subdivision 1. Any appointive or elective agency or office of peace officers as defined in subdivision 3 may establish rules or regulations for assisting other peace officers in the line of their duty and within the course of their employment.

Subd. 2. When a peace officer gives assistance to another peace officer within the scope of the rules or regulations of his appointive or elected agency or office, any such assistance shall be within the line of duty and course of employment of the officer rendering the assistance.

Subd. 3. For the purposes of this section the term "peace officer" means any member of a police department, highway patrol, game warden service, sheriff's office, or any other law enforcement agency, the members of which have, by law, the power of arrest.

Subd. 4. This section shall in no way be construed as extending or enlarging the duties or authority of any peace officer or any other law enforcement agent as defined in subdivision 3 except as provided in this section.

[1959 c 374 s 1]

STATE TELETYPEWRITER COMMUNICATIONS NETWORK

626.81 ESTABLISHMENT, USE. The commissioner of administration shall establish a teletypewriter communications network which will inter-connect the sheriff's offices of the state into a unified written communications system. The commissioner of administration is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(1) The communications network shall be used exclusively for the official business of the state.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The commissioner of administration shall fix the monthly operational charge

to be paid by each county; provided, that in computing charges to be made against each county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the sheriff's offices of the state.

(4) The commissioner of administration is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or Canada.

[1965 c 903 s 1]

626.82 ADVISORY COMMITTEE. There is created the state teletypewriter communications advisory committee which shall advise the commissioner of administration on matters relating to the installation and operation of the teletypewriter communications system established hereunder.

(1) The committee shall serve without pay and shall meet at such time as the chairman or commissioner of administration so determines. Attendance at meetings of the committee shall be deemed performance by a member of the duties of his state or political subdivision's employment.

(2) The committee shall consist of nine members appointed by the governor and shall include:

- (a) Three incumbent county sheriffs;
- (b) A member of the bureau of criminal apprehension;
- (c) An incumbent county commissioner;
- (d) A member of the Minnesota highway patrol;
- (e) The attorney general or duly authorized representative;
- (f) The commissioner of corrections or his duly authorized representative;
- (g) The state director of civil defense.

(3) The term of each member of the committee shall be two years. The governor shall designate two members of said board to serve as co-chairmen.

[1965 c 903 s 2]

626.83 CONNECTIONS BY MUNICIPALITIES. Any city, village, or other public agency may connect with and participate in the teletypewriter communications network upon approval of the commissioner of administration provided, that such city, village, or other public agency shall first agree to pay such installation charges as may be necessary for such connection and such monthly operational charges as may be established by the commissioner of administration.

[1965 c 903 s 3]