

CHAPTER 299C

BUREAU OF CRIMINAL APPREHENSION

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299C.01 CRIMINAL BUREAU. Subdivision 1. All the powers and duties now vested in or imposed upon the bureau of criminal apprehension or the superintendent of the bureau of criminal apprehension as prescribed by chapter 626, or any other law, are hereby transferred to, vested in, and imposed upon the commissioner of public safety. The bureau of criminal apprehension and the office of the superintendent of the bureau of criminal apprehension as heretofore constituted are abolished.

Subd. 2. A division in the department of public safety to be known as the bureau of criminal apprehension is hereby created, under the supervision and control of the superintendent of criminal apprehension, who shall be appointed by the commissioner and serve at his pleasure in the unclassified service of the state civil service, to whom shall be assigned the duties and responsibilities described in this section.

Subd. 3. All powers, duties and responsibilities relating to the licensing and regulation of private detectives and protective agents heretofore assigned by law to the secretary of state or any other state department or agency shall be transferred to, vested in and imposed upon the commissioner of public safety.

Subd. 4. The division of the bureau of criminal apprehension shall perform such functions and duties as relate to statewide and nationwide crime information systems as the commissioner may direct.

[1969 c 1129 art 1 s 3]

299C.03 SUPERINTENDENT; RULES, REGULATIONS. The superintendent, with the approval of the commissioner of public safety, 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 299C.03 to 299C.08, 299C.10, 299C.11, 299C.17, 299C.18, and 299C.21, 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, with the approval of the commissioner of public safety, 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; 1971 c 25 s 97] (1950-6)

299C.04 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)

299C.05 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)

299C.06 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)

299C.07 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 fund.

[1941 c 389; 1969 c 399 s 1]

299C.08 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 299C.03 to 299C.08, 299C.10, 299C.11, 299C.17, 299C.18, and 299C.21, 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 299C.03 to 299C.20, 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)

299C.09 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, 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; 1969 c. 9 s. 92] (9950-9)

299C.10 IDENTIFICATION DATA. 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 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)

299C.11 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 299C.10, 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)

299C.12 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

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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)

299C.13 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)

299C.14 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, 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; 1969 c 9 s 93] (9950-14)

299C.15 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)

299C.16 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)

299C.17 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)

299C.18 REPORTS. Biennially, on or before November 15, in each even-numbered year the superintendent shall submit to the governor and the legislature 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 c 224 s 15; 1935 c 197 s 7; 1955 c 847 s 29; 1969 c 540 s 14] (9950-19)

299C.19 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)

299C.20 CONSTRUCTION. It is hereby declared that sections 299C.03 to 299C.20 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)

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299C.21 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 299C.06, 299C.10, 299C.11, 299C.17, 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)

BROADCASTING

299C.30 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)

299C.31 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 299C.30 to 299C.38.

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

299C.32 POLICE CARS TO HAVE RADIOS. When the broadcasting station or stations authorized by sections 299C.30 to 299C.38 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)

299C.33 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)

299C.34 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)

299C.35 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 299C.30 to 299C.38 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)

299C.36 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 299C.30 to 299C.38.

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

299C.37 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 equip-

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ment 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. [Repealed, 1971 c 71 s 2]

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 299C.30 to 299C.38, 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)

299C.38 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 299C.30 to 299C.38, 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)

STATE TELETYPEWRITER COMMUNICATIONS NETWORK

299C.45 TRANSFER OF FUNCTIONS. All the powers and duties now vested in, or imposed upon the commissioner of administration by Minnesota Statutes 1965, Sections 626.81 to 626.83, relating to a state teletypewriter communications network are transferred to, vested in, and imposed upon the superintendent of the bureau of criminal apprehension. The powers and duties of the commissioner of administration in relation thereto are hereby abolished.

[1967 c 334 s 1]

299C.46 ESTABLISHMENT, USE. The superintendent of the bureau of criminal apprehension shall establish a teletypewriter communications network which will inter-connect the sheriff's offices of the state into a unified written communications system. The superintendent of the bureau of criminal apprehension 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 superintendent of the bureau of criminal apprehension 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 superintendent of the bureau of criminal apprehension 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; 1967 c 334 s 2]

299C.47 ADVISORY COMMITTEE. There is created the state teletypewriter communications advisory committee which shall advise the superintendent of the bureau of criminal apprehension 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 the superintendent of the bureau of criminal apprehension 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; 1967 c 334 s 2]

299C.48 CONNECTIONS BY MUNICIPALITIES. Any city, village, or other public agency may connect with and participate in the teletypewriter communications network upon approval of the superintendent of the bureau of criminal apprehension 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 superintendent of the bureau of criminal apprehension.

[1965 c 903 s 3; 1967 c 334 s 2]