

# MINNESOTA STATUTES 1977 SUPPLEMENT

## TRAINING; INVESTIGATION, APPREHENSION 626.05

### 624.714 Carrying of weapons without permit; penalties.

[For text of subds 1 to 8, see M.S.1976]

Subd. 9. Carrying pistols about one's premises or for purposes of repair, target practice. A permit to carry is not required of a person:

(a) To keep or carry about his place of business, dwelling house, premises or on land possessed by him a pistol;

(b) To carry a pistol from a place of purchase to his dwelling house or place of business, or from his dwelling house or place of business to or from a place where repairing is done, to have the pistol repaired;

(c) To carry a pistol between his dwelling house and his place of business;

(d) To carry a pistol in the woods or fields or upon the waters of this state for the purpose of hunting or of target shooting in a safe area; or

(e) To transport a pistol in a motor vehicle, snowmobile or boat if the pistol is unloaded, contained in a closed and fastened case, gunbox, or securely tied package.

[For text of subds 10 to 13, see M.S.1976]

[ 1977 c 349 s 3 ]

### 624.718 Transfer of pistols; powers of cities of the first class.

Notwithstanding any other law to the contrary, cities of the first class may enforce local laws, ordinances or regulations governing the transfer of pistols that are more restrictive than state laws governing the transfer of pistols.

[ 1977 c 455 s 88 ]

## CHAPTER 626. TRAINING; INVESTIGATION, APPREHENSION; REPORTS

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626.855	University of Minnesota peace officers. [New]

### 626.05 Definitions.

[For text of subd 1, see M.S.1976]

Subd. 2. The term "peace officer" as used in sections 626.04 to 626.17 means a sheriff, deputy sheriff, policeman, constable or university of Minnesota peace officer.

[ 1977 c 82 s 4 ]

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## 626.553 TRAINING; INVESTIGATION, APPREHENSION

### 626.553 Gunshot wounds; peace officers, discharging firearms; investigations, reports.

Subdivision 1. Upon receipt of the report required in sections 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 natural resources on forms provided by the commissioner for this purpose.

Subd. 2. Whenever a peace officer discharges a firearm in the course of duty, other than for training purposes, notification shall be filed within thirty days of the incident by the officer's department head with the commissioner of public safety. The notification shall contain information concerning the reason for and circumstances surrounding discharge of the firearm. The commissioner of public safety shall file a report with the legislature by November 15 of each even numbered year containing summary information concerning use of firearms by peace officers.

[ 1977 c 455 s 89 ]

### 626.556 Reporting of maltreatment of minors.

[For text of subd 1, see M.S.1976]

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345.

(b) "Neglected child" shall have the meanings defined in section 260.015, subdivision 10. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury or health defect that cannot reasonably be explained by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency pursuant to this section.

[For text of subds 3 to 10, see M.S.1976]

Subd. 11. **Records.** All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private. The records shall be collected and maintained in accordance with the provisions of sections 15.162 to 15.168, and an individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be disclosed only (a) by the local welfare agency if the report is found to be unsubstantiated or (b) by the local welfare agency upon court order if the report is found to be substantiated.

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Records maintained by local welfare agencies under this section must be destroyed as follows:

(a) All records relating to reports which, upon investigation, are found to be false shall be destroyed immediately;

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency may be kept for a period of one year. If neither the local welfare agency nor local police department is able to substantiate the report within that period, all records relating to the report shall be destroyed immediately.

[ 1977 c 130 s 9; 1977 c 212 s 2,3 ]

### 626.84 Definitions.

For the purposes of sections 626.84 to 626.853, the following terms shall have the meanings given them:

(a) "Board" means the Minnesota board of peace officer standards and training;

(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.

[ 1977 c 433 s 1 ]

### 626.841 Board; members.

The board of peace officer standards and training shall be composed of the following 11 members :

(a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;

(b) Four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(c) The superintendent of the Minnesota bureau of criminal apprehension or his designee;

(d) Two members appointed by the governor experienced in law enforcement at a local, state or federal level who are not currently employed as peace officers;

(e) Two members to be appointed by the governor from among the general public.

A chairman shall be appointed by the governor from among the members.

[ 1977 c 433 s 2 ]

### 626.842 Terms; meetings; compensation; removal; vacancies.

Subdivision 1. Meetings shall be called at the request of the chairman or upon the written request of a majority of the members of the board.

Membership on the board shall not constitute the holding of a public office, and members of the board shall not be required to take and file oaths of office or submit a public official's bond before serving on the board.

No member of the board shall be disqualified from holding any public office or employment, by reason of his appointment to the board, nor shall he forfeit any such office or employment notwithstanding any general, special, or local restriction,

## **626.842 TRAINING; INVESTIGATION, APPREHENSION**

or ordinance, or city charter to the contrary.

Subd. 2. The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841, clauses (a), (b), (d) and (e) on the board; the provision of staff, administrative services and office space; the review and processing of complaints; the setting of fees; and other matters relating to board operations shall be as provided in chapter 214.

[ 1977 c 433 s 3 ]

### **626.843 Rules, standards; executive director.**

Subdivision 1. The board shall adopt rules with respect to:

(a) The certification of peace officer training schools, programs, or courses including training schools for the Minnesota highway patrol. Such schools, programs and courses shall include those administered by the state, county, school district, municipality, or joint or contractual combinations thereof, and shall include preparatory instruction in law enforcement and minimum basic training courses;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each certified peace officers training school located within the state;

(c) Minimum qualifications for instructors at certified peace officer training schools located within this state;

(d) Minimum standards of physical, mental and educational fitness which shall govern the recruitment and licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota highway patrol;

(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

These standards shall be established and published on or before January 1, 1979.

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum basic training which peace officers not appointed for temporary or probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent employment, and the time within which such basic training must be completed following such appointment on a nonpermanent basis;

(h) Content of minimum basic training courses required of graduates of certified law enforcement training schools or programs. Such courses shall not duplicate the content of certified academic or general background courses completed by a student but shall concentrate on practical skills deemed essential for a peace officer. Successful completion of such a course shall be deemed satisfaction of the minimum basic training requirement provided the student obtains employment as a peace officer within one year of completion;

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment; and

(j) Such other matters as may be necessary consistent with sections 626.84 to 626.853. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to 626.853.

Subd. 2. An executive director shall be appointed by and serve in the unclassified service at the pleasure of the board. The executive director shall perform such duties, on behalf of the board, as the board shall prescribe. The board shall appoint such employees, agents and consultants as deemed necessary, prescribe their duties, and provide for reimbursement of their expenses. Such employees shall be in the classified service.

Subd. 3. The board may, in addition:

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(a) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 626.841 to 626.853;

(b) Visit and inspect any peace officer training school approved by the executive director or for which application for such approval has been made;

(c) Make recommendations, from time to time, to the executive director, attorney general, governor, and the legislature regarding the carrying out of the objectives and purposes of sections 626.841 to 626.853;

(d) Perform such other acts as may be necessary or appropriate to carry out the powers and duties of the board as set forth in sections 626.841 to 626.849;

(e) Cooperate with and receive financial assistance from and join in projects or enter into contracts with the federal government or its agencies for the furtherance of the purposes of Laws 1977, Chapter 433.

[For text of subd 4, see M.S.1976]

[ 1977 c 433 s 4-6 ]

**626.844** [ Repealed, 1977 c 433 s 16 ]

**626.845** Powers and duties.

The board shall have the following powers and duties:

(a) To certify peace officers' training schools or programs administered by state, county and municipalities located within this state in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;

(b) To issue certificates to schools, and to revoke such certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.853;

(c) To certify, as qualified, instructors at peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To license peace officers who have satisfactorily completed certified basic training programs, and passed examinations as required by the board;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out the powers and duties as set forth in the provisions of sections 626.841 to 626.853;

(j) To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs.

[ 1977 c 433 s 7 ]

**626.846** Attendance, forfeiture of position.

Subdivision 1. Notwithstanding any general or local law or charter to the

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contrary, any peace officer employed or elected on or after July 1, 1978, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota with a population of more than 1,000 according to the last federal census shall not be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843, except as provided in section 626.853.

Subd. 2. Every peace officer who shall be appointed by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota with a population of more than 1,000 according to the last federal census, on a temporary basis or for a probationary term, shall forfeit his position unless he has been licensed by the board pursuant to sections 626.841 to 626.853, except as provided in section 626.853. Any other peace officer employed or elected by any state, county, municipality or joint or contractual combination thereof, may attend peace officer training courses and be licensed by the board subject to the rules promulgated pursuant to section 626.843.

Subd. 3. A peace officer who has received a permanent appointment prior to July 1, 1978, shall be licensed by the board if the officer has met the requirements of sections 626.841 to 626.853 in effect on June 30, 1977 and if the officer has requested licensing by the board. An elected or appointed town constable who takes office on or after July 1, 1978, if his duties are substantially similar to those of a peace officer as determined by the board, shall be licensed by the board in respect to his term of office as if he has met the licensing requirements of the board.

Subd. 4. A peace officer who has satisfactorily completed a law enforcement training program in a post-secondary vocational-technical institute within the state which (1) is approved by the state board of education, (2) consists of 2,000 hours or more of basic police training, and (3) complies with rules with respect to curriculum promulgated by the attorney general, shall be exempt from the training requirements of this section, provided the peace officer successfully completes one year of employment as a probationary officer with a single law enforcement agency. Upon written notification to the executive director from the chief supervisor of the law enforcement agency that a peace officer under his supervision has fulfilled the requirements of the subdivision, the executive director shall certify the peace officer pursuant to section 626.845, clause (d). Provided, however, that nothing in this subdivision shall prevent any law enforcement agency from imposing any other training requirements upon peace officers it supervises or as a condition of employment.

[ 1977 c 433 s 8; 1977 c 455 s 90 ]

### **626.847 Compulsory program; exemptions.**

Nothing contained in sections 626.841 to 626.853, except the population limits in sections 626.846 and 626.853, shall be construed to exempt any peace officer from the provisions of sections 626.841 to 626.853, or to exempt a peace officer having received his last permanent appointment as a peace officer prior to July 1, 1967.

[ 1977 c 433 s 9 ]

### **626.848 Training courses, locations.**

Subject to board rules, 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.

[ 1977 c 433 s 10 ]

### **626.85 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 board rules and to the limitation of funds as

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appropriated and available for expenditure. Sections 43.09 to 43.17 shall not apply to such part time employees.

[For text of subds 2 and 3, see M.S.1976]

[ 1977 c 433 s 11 ]

### 626.851 Eligibility of officers.

[For text of subd 1, see M.S.1976]

Subd. 2. Any student successfully completing a program of law enforcement instruction in a post secondary educational institution, which program has been certified by the board, and which institution has been approved by the Minnesota state department of education or an accredited institution of higher learning shall be eligible to attend a skills oriented basic training course as established under section 626.843. Nothing contained in sections 626.84 to 626.853 shall be construed to preclude the provision of skills oriented basic training courses by certified law enforcement schools providing such course has been certified by the board.

[ 1977 c 433 s 12 ]

### 626.853 Participation, population limit. ...

Notwithstanding other provisions of sections 626.841 to 626.853 to the contrary, peace officers elected or appointed in any governmental unit or combination of governmental units with a total population of more than 500 but less than 1,000 according to the last federal census shall comply with the provisions of sections 626.846 and 626.847 when:

(a) The county board of the county in which such municipality or combination of municipalities is located provides by resolution for reimbursement to such municipality or combination of municipalities for the ordinary and necessary expenses, not including salary, of such officers' attendance at a peace officers training course as set forth in section 626.852 and

(b) The sheriff of such county consents to furnish temporary substitute local protection for such municipality or combination of municipalities, the expenses of which, except for salary, his office shall be similarly reimbursed by the county board.

[ 1977 c 433 s 13 ]

### 626.854 [ Repealed, 1977 c 433 s 16 ]

### 626.855 University of Minnesota peace officers.

A university of Minnesota peace officer appointed and employed on or after July 1, 1977 by the regents of the university of Minnesota who has not previously attended a peace officers training course shall attend a peace officers training course within 12 months of his appointment or of August 1, 1977.

[ 1977 c 82 s 5 ]

## CHAPTER 626A. PRIVACY OF COMMUNICATIONS

Sec.  
626A.01 Definitions.

### 626A.01 Definitions.

[For text of subds 1 to 6, see M.S.1976]

Subd. 7. **Investigative or law enforcement officer.** "Investigative or law enforcement officer" means any officer of the United States or of a state or political subdivision thereof, or a university of Minnesota peace officer who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in sections

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appropriated and available for expenditure. Sections 43.09 to 43.17 shall not apply to such part time employees.

[For text of subds 2 and 3, see M.S.1976]

[ 1977 c 433 s 11 ]

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[For text of subd 1, see M.S.1976]

Subd. 2. Any student successfully completing a program of law enforcement instruction in a post secondary educational institution, which program has been certified by the board, and which institution has been approved by the Minnesota state department of education or an accredited institution of higher learning shall be eligible to attend a skills oriented basic training course as established under section 626.843. Nothing contained in sections 626.84 to 626.853 shall be construed to preclude the provision of skills oriented basic training courses by certified law enforcement schools providing such course has been certified by the board.

[ 1977 c 433 s 12 ]

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Notwithstanding other provisions of sections 626.841 to 626.853 to the contrary, peace officers elected or appointed in any governmental unit or combination of governmental units with a total population of more than 500 but less than 1,000 according to the last federal census shall comply with the provisions of sections 626.846 and 626.847 when:

(a) The county board of the county in which such municipality or combination of municipalities is located provides by resolution for reimbursement to such municipality or combination of municipalities for the ordinary and necessary expenses, not including salary, of such officers' attendance at a peace officers training course as set forth in section 626.852 and

(b) The sheriff of such county consents to furnish temporary substitute local protection for such municipality or combination of municipalities, the expenses of which, except for salary, his office shall be similarly reimbursed by the county board.

[ 1977 c 433 s 13 ]

### 626.854 [ Repealed, 1977 c 433 s 16 ]

### 626.855 University of Minnesota peace officers.

A university of Minnesota peace officer appointed and employed on or after July 1, 1977 by the regents of the university of Minnesota who has not previously attended a peace officers training course shall attend a peace officers training course within 12 months of his appointment or of August 1, 1977.

[ 1977 c 82 s 5 ]

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Sec.  
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[For text of subds 1 to 6, see M.S.1976]

Subd. 7. **Investigative or law enforcement officer.** "Investigative or law enforcement officer" means any officer of the United States or of a state or political subdivision thereof, or a university of Minnesota peace officer who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in sections



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626A.01 to 626A.23, or any attorney authorized by law to prosecute or participate in the prosecution of such offenses.

[For text of subds 8 to 13, see M.S.1976]

[ 1977 c 82 s 6 ]

## CHAPTER 627. JURISDICTION

Sec.  
627.15 Child abuse. [New]

### 627.15 Child abuse.

A criminal action arising out of an incident of alleged child abuse may be prosecuted either in the county where the alleged abuse occurred or the county where the child is found.

[ 1977 c 212 s 1 ]

## CHAPTER 628. ACCUSATION

Sec.		Sec.	
628.41	Grand juries; members; quorum; com-	628.46	Repealed.
	pensation.	628.47	Repealed.
628.42	Repealed.	628.49	Repealed.
628.43	Repealed.	628.50	Repealed.
628.44	Repealed.	628.51	Repealed.
628.45	Repealed.	628.52	Repealed.
		628.53	Repealed.

### 628.41 Grand juries; members; quorum; compensation.

Subdivision 1. A grand jury is a body of persons returned at stated periods from the citizens of the county, or counties as provided in subdivision 2, before a court of competent jurisdiction, chosen by lot, and sworn to inquire as to public offenses committed or triable in the county or counties. It shall consist of not more than 23, nor less than 16, persons, and shall not proceed to any business unless at least 16 members are present.

Subd. 2. If subject matter of the grand jury inquiry concerns activity, events, or other matters in more than one county, a grand jury may be selected, in reasonable proportion, from the counties in which the activity, events, or other matters occurred. A judge of the district court from any judicial district which includes one of the counties involved in an inquiry may convene a multi-county grand jury, without regard to judicial district boundaries, and may designate which county attorney or county attorneys shall attend upon the grand jury. The judge shall designate where a grand jury drawn from more than one county shall sit.

Subd. 3. All indictments, reports or other returns returned by a grand jury drawn from more than one county shall be returned without any designation of venue. Thereupon, the judge ordering the impaneling of the grand jury shall designate the county of venue for purposes of trial.

Subd. 4. If a grand jury drawn from more than one county was impaneled pursuant to the request of a county attorney, that county attorney shall prosecute indictments returned thereby, except that the county attorney of the county in which venue was designated pursuant to subdivision 3 may file a written request to prosecute with the judge impaneling the grand jury within 15 days, in which case the judge shall designate the prosecuting authority. In all other cases, the prosecuting authority shall be designated by the judge impaneling the grand jury.

Subd. 5. The costs of a grand jury drawn from more than one county shall be apportioned between the counties from which the grand jury was drawn as may be ordered by the judge impaneling the grand jury.

Subd. 6. Members of grand juries drawn from more than one county shall be compensated as provided in section 357.26. In addition, grand jurors residing more than 50 miles from the place where the grand jury sits shall be reimbursed for expenses actually incurred for meals and lodging, not to exceed \$35 per day.