

CHAPTER 626

TRAINING; INVESTIGATION, APPREHENSION; REPORTS

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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626.01 [Repealed, 1963 c 849 s 17]

626.02 [Repealed, 1963 c 849 s 17]

626.03 [Repealed, 1963 c 849 s 17]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.

[*RL 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 626.04 to 626.17 means a sheriff, deputy sheriff, policeman, constable or university of Minnesota peace officer.

[*1963 c 849 s 3; 1976 c 2 s 154; 1977 c 82 s 4*]

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]

626.14 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 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.

[RL s 4846] (10031)

626.311 [Repealed, 1969 c 177 s 1]

626.312 [Repealed, 1969 c 177 s 1]

626.313 [Repealed, 1969 c 177 s 1]

626.314 [Repealed, 1969 c 177 s 1]

626.315 [Repealed, 1969 c 177 s 1]

626.316 [Repealed, 1969 c 177 s 1]

626.317 [Repealed, 1969 c 177 s 1]

626.318 [Repealed, 1969 c 177 s 1]

626.319 [Repealed, 1969 c 177 s 1]

626.32 [Obsolete]

626.33 [Renumbered 299C.03]

626.34 [Renumbered 299C.04]

626.35 [Renumbered 299C.05]

626.36 [Renumbered 299C.06]

626.365 [Renumbered 299C.07]

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- 626.37 [Renumbered 299C.08]
- 626.38 [Renumbered 299C.09]
- 626.39 [Renumbered 299C.10]
- 626.40 [Renumbered 299C.11]
- 626.41 [Renumbered 299C.12]
- 626.42 [Renumbered 299C.13]
- 626.43 [Renumbered 299C.14]
- 626.44 [Renumbered 299C.15]
- 626.45 [Renumbered 299C.16]
- 626.46 [Repealed, Ex1959 c 34 s 12]
- 626.461 [Repealed, 1967 c 870 s 15]
- 626.462 [Repealed, 1967 c 870 s 15]
- 626.463 [Repealed, 1967 c 870 s 15]
- 626.464 [Repealed, 1967 c 870 s 15]
- 626.465 [Repealed, 1967 c 870 s 15]
- 626.466 [Repealed, 1967 c 870 s 15]
- 626.467 [Repealed, 1967 c 870 s 15]
- 626.468 [Repealed, 1967 c 870 s 15]
- 626.469 [Repealed, 1967 c 870 s 15]
- 626.47 [Renumbered 299C.17]
- 626.48 [Renumbered 299C.18]
- 626.49 [Renumbered 299C.19]
- 626.50 [Renumbered 299C.20]
- 626.51 [Renumbered 299C.21]

REPORTS

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, gunshot 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)

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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; PEACE OFFICERS, DISCHARGING FIRE-ARMS; 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.

[1957 c 407 s 1; 1969 c 1129 art 10 s 2; 1977 c 455 s 89]

626.554 [Repealed, 1975 c 221 s 2]

626.555 REPORTING OF MALTREATMENT OF PATIENTS. Subdivision 1. **Declaration of purpose.** The purpose of this section is to provide for the protection of persons being cared for in hospitals, nursing homes or other related institutions licensed pursuant to sections 144.50 to 144.58, or 144A.02, who have had physical injury inflicted upon them, by other than accidental means, when the injury appears to have been caused as a result of physical abuse or neglect.

Subd. 2. **Who makes report and to whom made.** Whether licensed or not, any physician, surgeon, person authorized to engage in the practice of healing, administrator of a hospital or nursing home, nurse or pharmacist, shall immediately report all cases of physical injury to persons being cared for in hospitals, nursing homes or other related institutions for the hospitalization or care of human beings, licensed pursuant to sections 144.50 to 144.58, or 144A.02, inflicted by other than accidental means which come to their attention, when the injury appears to have been caused as a result of physical abuse or neglect. Cases shall be reported to the state commissioner of health.

Subd. 3. **Nature and content of report.** The report described in subdivision 2 may be made immediately by telephone or other means. The state department of health may require a supplementary written report which shall contain such information as the department shall request.

Subd. 4. **Responsibility of local police authority and of the county welfare agency.** The local police authority and county welfare agency shall cooperate with the state department of health and shall investigate claims of neglect and abuse when requested by the state department of health. The county welfare agency shall offer protective social services in an effort to protect the health and welfare of these persons 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. A participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

Subd. 6. **Evidence not privileged.** The physician-patient privilege shall not be a ground for excluding evidence regarding the injuries or the cause thereof, in any judicial proceeding concerning a physical injury to any person protected by Laws 1973, Chapter 688, which injury appears to have been caused as a result of physical abuse or neglect.

Subd. 7. **Retaliation prohibited.** No person who directs or exercises any authority in a facility required to be licensed under the provisions of sections 144.50 to 144.58, or 144A.02, shall evict, harass, dismiss or retaliate against a patient, resident or employee because he or any member of his family has reported in good faith any

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violation or suspected violation of laws, ordinances or regulations applying to the facility.

Subd. 8. **Penalty.** Any person knowingly and willingly violating this section is guilty of a misdemeanor.

[1973 c 688 s 10; 1976 c 173 s 61-63; 1977 c 305 s 45]

626.556 REPORTING OF MALTREATMENT OF MINORS. Subdivision 1. **Public policy.** The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse; to strengthen the family and make the home safe for children through improvement of parental and guardian capacity for responsible child care; and to provide a safe temporary or permanent home environment for physically or sexually abused children.

In addition, it is the policy of this state to require the reporting of suspected neglect, physical or sexual abuse of children; to provide for the voluntary reporting of abuse or neglect of children; to require the investigation of such reports; and to provide protective and counseling services in appropriate cases.

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. Sexual abuse also includes any act which involves a minor which constitutes a violation of section 609.32.

(b) "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so. 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 that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

Subd. 3. **Persons mandated to report.** A professional or his delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement who has knowledge of or reasonable cause to believe a child is being neglected or physically or sexually abused shall immediately report the information to the local welfare agency, police department or the county sheriff. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school or agency.

Any person not required to report under the provisions of this subdivision may voluntarily report to the local welfare agency, police department or the county sheriff if he has knowledge of or reasonable cause to believe a child is being neglected or subjected to physical or sexual abuse. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency.

Subd. 4. **Immunity from liability.** Any person, including those voluntarily making reports and those required to make reports under subdivision 3, participating in good faith and exercising due care in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

Subd. 5. **Falsified reports.** Any person who willfully or recklessly makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

Subd. 6. Failure to report. Any person required by this section to report suspected physical or sexual child abuse or neglect who willfully fails to do so shall be guilty of a misdemeanor.

Subd. 7. Report. An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 3 to report shall be followed as soon as possible by a report in writing to the appropriate police department, the county sheriff or local welfare agency. Any report shall be of sufficient content to identify the child, the parent, guardian, or other person responsible for his care, the nature and extent of the child's injuries and the name and address of the reporter. Written reports received by a police department or the county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff.

Subd. 8. Evidence not privileged. No evidence regarding the child's injuries shall be excluded in any proceeding arising out of the alleged neglect or physical or sexual abuse on the grounds of either a physician-patient or husband-wife privilege.

Subd. 9. Mandatory reporting to a medical examiner or coroner. When a person required to report under the provisions of subdivision 3 has reasonable cause to believe a child has died as a result of neglect or physical or sexual abuse, he shall report that information to the appropriate medical examiner or coroner instead of the local welfare agency, police department or county sheriff. Medical examiners or coroners shall notify the local welfare agency or police department or county sheriff in instances in which they believe that the child has died as a result of neglect or physical or sexual abuse. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff and the local welfare agency.

Subd. 10. Duties of local welfare agency upon receipt of a report. The local welfare agency shall immediately investigate and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

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 data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except such reports shall be made available to the prosecuting authority. The welfare board shall make available to the prosecuting authority only those records which contain information relating to a specific incident of neglect or abuse which is under litigation. 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.

Records maintained by local welfare agencies, the police department or county sheriff 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, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, local police department or county sheriff is unable to substantiate the report

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within that period, each agency unable to substantiate the report shall destroy its records relating to the report.

[1975 c 221 s 1; 1977 c 130 s 9; 1977 c 212 s 2,3; 1978 c 755 s 1-9]

626.56 [Renumbered 299C.30]

626.57 [Renumbered 299C.31]

626.58 [Renumbered 299C.32]

626.59 [Renumbered 299C.33]

626.60 [Renumbered 299C.34]

626.61 [Renumbered 299C.35]

626.62 [Renumbered 299C.36]

626.63 Subdivision 1. [Renumbered 299C.37, subdivision 1]

Subd. 2. [Renumbered 299C.37, subd 2]

Subd. 3. [Renumbered 299C.37, subd 3]

Subd. 4. [Renumbered 299C.37, subd 4]

626.64 [Renumbered 299C.38]

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)

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]

626.80 [Renumbered 299C.45]

626.81 [Renumbered 299C.46]

626.82 [Renumbered 299C.47]

626.83 [Renumbered 299C.48]

PEACE OFFICER TRAINING

626.84 DEFINITIONS. For the purposes of sections 626.84 to 626.855, 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.

(d) "Constable" shall have the meaning assigned to it in section 367.40.

(e) "Deputy constable" shall have the meaning assigned to it in section 367.40.

[1977 c 433 s 1; 1978 c 681 s 8]

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.

[1967 c 870 s 1; 1969 c 108 s 1; 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

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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, 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.

[1967 c 870 s 2; 1969 c 108 s 2; 1971 c 24 s 55; 1976 c 134 s 76; 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 July 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 626.855. 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 626.855.

Subd. 1a. The rules adopted by the board relating to training and selection of peace officers described in subdivision 1 shall apply to constables on or after July 1, 1979.

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 em-

ployees, 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:

(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 626.855;

(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 626.855;

(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.

Subd. 4. The board shall report to the attorney general, from time to time, and to the governor and the legislature at least biennially concerning the activities of the board.

[1967 c 870 s 3; 1973 c 507 s 45; 1974 c 478 s 1; 1977 c 433 s 4-6; 1978 c 681 s 9-11]

626.844 [Repealed, 1977 c 433 s 16]

626.845 POWERS AND DUTIES. Subdivision 1. 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 626.855;

(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 626.855;

(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.

Subd. 2. The board on or after July 1, 1979 shall license constables who have satisfactorily completed certified basic training programs, and passed examinations as required by the board.

[1967 c 870 s 5; 1977 c 433 s 7; 1978 c 681 s 12]

626.846 ATTENDANCE, FORFEITURE OF POSITION. Subdivision 1. Notwithstanding any general or local law or charter to the 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.

Subd. 1a. Notwithstanding any general or local law or charter to the contrary, any peace officer employed or elected on or after July 1, 1979, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota with a population less than or equal to 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.

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 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 626.855. 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 626.855 in effect on June 30, 1977 and if the officer has requested licensing by the board.

Subd. 3a. Any peace officer who has received a permanent appointment prior to July 1, 1979, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota with a population of less than or equal to 1,000 according to the last federal census shall be licensed by the board as if he 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.

Subd. 5. Notwithstanding any provision of this chapter to the contrary, any prospective peace officer candidate admitted to a certified training academy during 1978 shall, upon successful completion of that academy, be exempt from the initial licensing examination required by the board.

[1967 c 870 s 6; 1977 c 433 s 8; 1977 c 455 s 90; 1978 c 681 s 13-18]

626.847 COMPULSORY PROGRAM; EXEMPTIONS. Nothing contained in sections 626.841 to 626.855, shall be construed to exempt any peace officer from the provisions of sections 626.841 to 626.855, or to exempt a peace officer having received his last permanent appointment as a peace officer prior to July 1, 1967.

[1967 c 870 s 7; 1977 c 433 s 9; 1978 c 681 s 19]

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 and constables 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.

The superintendent shall provide training to deputy constables in the limitations on their powers and duties, the conduct of inspections, and such other matters as the

board may direct. Nothing herein shall be construed as establishing a mandatory training requirement for deputy constables.

[1967 c 870 s 8; 1977 c 433 s 10; 1978 c 681 s 20]

626.849 SCHEDULE OF SUBJECT MATERIAL. The superintendent of the bureau of criminal apprehension shall prepare not later than August 1 each year a written schedule of subject material to be taught in each training course, the scheduled instructors for each subject and the time and place for each subject presentation. This material shall be presented to the 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.

[1967 c 870 s 9]

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 appropriated and available for expenditure. 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 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.

Subd. 3. Any peace officer who has been designated to serve as an instructor, researcher or member of a special project for the peace officer training board may in the discretion of the appointing authority be given up to a 12 month leave of absence with pay from the police department or agency by which he is employed for the purpose of serving as such instructor, researcher or member of a special project. While serving in such capacity peace officers shall continue to maintain the civil service status they have attained or accrued pursuant to chapters 43, 44 and 419. The state treasurer shall reimburse solely from federal funds available for this purpose the respective law enforcement employers of such peace officers for all salaries and contributions such employers make during said leave of absence towards accrual of their civil service benefits, pension fund and hospitalization benefits.

[1967 c 870 s 10; 1971 c 615 s 1; 1977 c 433 s 11]

626.851 ELIGIBILITY OF OFFICERS. Subdivision 1. 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 in accordance with the rules and regulations of the board.

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 626.855 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.

[1967 c 870 s 11; 1973 c 565 s 1; 1976 c 52 s 1; 1977 c 433 s 12; 1978 c 681 s 21]

626.852 TUITION; SALARY AND EXPENSES. 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 the governmental unit or combination of governmental units from which elected or by which employed for his cost of meals, travel, and lodgings while in attendance at the police school, not to exceed similar allowance for state employees, except as provided in section 626.853.

[1967 c 870 s 12]

626.853 [Repealed, 1978 c 681 s 22]

626.854 [Repealed, 1977 c 433 s 16]

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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]