

CHAPTER 629

EXTRADITION, DETAINERS, ARREST, BAIL

629.30 Arrests; by whom made; aiding officer.
 629.34 Arrest without warrant.
 629.341 Probable cause arrests; domestic violence;
 immunity from liability.

629.404 Counties or municipalities causing arrest.
 629.55 Refusal to recognize.

629.30 ARRESTS; BY WHOM MADE; AIDING OFFICER.

Arrest is the taking of a person into custody that he may be held to answer for a public offense, and may be made:

- (1) By a peace officer under a warrant;
- (2) By a peace officer without a warrant;
- (3) By an officer in the United States customs service or the immigration and naturalization service without a warrant;
- (4) By a private person.

Every person shall aid an officer in the execution of a warrant when requested so to do by such officer, who is himself present and acting in its execution.

History: 1981 c 108 s 1

629.34 ARREST WITHOUT WARRANT.

Subdivision 1. **Peace officer.** A peace officer may, without warrant, arrest a person:

- (1) For a public offense committed or attempted in his presence;
- (2) When the person arrested has committed a felony, although not in his presence;
- (3) When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it; or
- (4) Upon a charge made upon reasonable cause of the commission of a felony by the person arrested.

To make such arrest the officer may break open an outer or inner door or window of a dwelling house if, after notice of his office and purpose, he shall be refused admittance.

Subd. 2. **Customs service, immigration and naturalization service officer.** An officer in the United States customs service or the immigration and naturalization service, without a warrant, may arrest a person if the following circumstances exist:

- (a) The officer is on duty within the scope of assignment and one or more of the following situations exist:
 - (i) The person commits an assault in the fourth degree, as defined in section 609.224, against the officer.
 - (ii) The person commits an assault in the fourth degree, as defined in section 609.224, on any other person in the presence of the officer, or commits any felony.
 - (iii) The officer has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person committed it.
 - (iv) The officer has received positive information by written, teletypic, telephonic, radio, or other authoritative source that a peace officer holds a warrant for the person's arrest; or

MINNESOTA STATUTES 1981 SUPPLEMENT

1647

EXTRADITION, DETAINERS, ARREST, BAIL 629.55

(b) When the assistance of the officer has been requested by another Minnesota law enforcement agency.

History: 1981 c 108 s 2

629.341 PROBABLE CAUSE ARRESTS; DOMESTIC VIOLENCE; IMMUNITY FROM LIABILITY.

Subdivision 1. Notwithstanding the provisions of section 629.34 or any other law or rule to the contrary, a peace officer may arrest without a warrant a person anywhere, including at his place of residence if the peace officer has probable cause to believe the person within the preceding four hours has assaulted his spouse or other person with whom he resides, although the assault did not take place in the presence of the peace officer. A peace officer may not arrest a person pursuant to this section without first observing recent physical injury to, or impairment of physical condition of the alleged victim.

[For text of subd 2, see M.S.1980]

History: 1981 c 273 s 13

629.404 COUNTIES OR MUNICIPALITIES CAUSING ARREST.

Subdivision 1. **Return transportation.** Every county or municipality which causes to be issued a warrant for arrest for a person pursuant to section 629.41 and Rules 3.01 and 19.01 of the rules of criminal procedure, shall furnish return transportation, upon request to the person so arrested. Such transportation shall be furnished to the municipality or township of his residence in Minnesota after a trial or final hearing on the matter.

[For text of subd 2, see M.S.1980]

History: 1Sp1981 c 4 art 1 s 185

629.55 REFUSAL TO RECOGNIZE.

A witness required to recognize, with or without sureties, who refuses so to do, shall be committed by the magistrate until the witness complies with the order, or is otherwise discharged according to law. Every person held as a witness during confinement shall receive the compensation the court before whom the case is pending directs, not exceeding regular witness fees. When a a minor shall be a material witness, any other person may recognize for the appearance of the witness, or the magistrate may take recognizance of the witness in a sum of not more than \$50, which shall be valid and binding in law notwithstanding the disability.

History: 1981 c 31 s 20