

CHAPTER 388

COUNTY ATTORNEY

388.051 Duties.
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388.23 County attorney; administrative
subpoenas.

388.051 DUTIES.

[For text of subd 1, see M.S.1988]

Subd. 2. **Special provisions.** (a) In Anoka, Carver, Dakota, Hennepin, Scott, and Washington counties, only the county attorney shall prosecute gross misdemeanor violations of sections 290.53, subdivisions 4 and 11; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivisions 4 and 8; 297B.10; 609.255, subdivision 3; 609.377; 609.378; 609.41; and 617.247.

(b) In Ramsey county, only the county attorney shall prosecute gross misdemeanor violations of sections 609.255, subdivision 3; 609.377; and 609.378.

(c) The county attorney shall prosecute failure to report physical or sexual child abuse or neglect as provided under section 626.556, subdivision 6, violations of fifth-degree criminal sexual conduct under section 609.3451, and environmental law violations under sections 115.071, 299F.098, and 609.671.

History: 1989 c 52 s 1; 1989 c 337 s 11

NOTE: Subdivision 2, as amended by Laws 1989, chapter 52, section 1, is effective upon approval of the Ramsey county board as provided in section 645.021. See Laws 1989, chapter 52, section 2.

388.14 CONTINGENT FUND; EXPENSES.

The county board may set apart yearly a sum, not exceeding \$7,500, except in counties containing cities of the first class, where the sum shall not exceed \$10,000, as a contingent fund for defraying necessary expenses not especially provided for by law, in preparing and trying criminal cases, conducting investigations by the grand jury, making contributions to a statewide county attorney's organization, and paying the necessary expenses of the county attorney incurred in the business of the county. All disbursements from such fund shall be made upon written request of the county attorney by auditor's warrant, countersigned by a judge of the district court. Any balance remaining at the end of the year shall be transferred to the revenue fund.

History: 1989 c 290 art 9 s 11

388.23 COUNTY ATTORNEY; ADMINISTRATIVE SUBPOENAS.

Subdivision 1. **Authority.** The county attorney, or any deputy or assistant county attorney whom the county attorney authorizes in writing, has the authority in that county to subpoena and require the production of any records of telephone companies, electric companies, gas companies, water utilities, chemical suppliers, hotels and motels, airlines, buses, taxis, and other entities engaged in the business of transporting people, and freight companies, warehousing companies, package delivery companies, and other entities engaged in the businesses of transport, storage, or delivery. Subpoenas may only be issued for records that are relevant to an ongoing legitimate law enforcement investigation.

Subd. 2. **Enforcement.** The subpoena shall be enforceable through the district court.

Subd. 3. **Expenses.** The person directed to produce the records shall be paid reasonable expenses incurred in producing the records.

Subd. 4. **Disclosure prohibited.** The subpoena must state that the person to whom the subpoena is directed may not disclose the fact that the subpoena was issued or the fact that the requested records have been given to law enforcement personnel except:

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- (1) insofar as the disclosure is necessary to find and disclose the records; or
- (2) pursuant to court order.

Subd. 5. **Penalty.** The willful failure to produce the documents required by the subpoena is a misdemeanor.

Subd. 6. **Ex parte order.** Upon the ex parte request of the attorney issuing the subpoena, the district court may issue an order directing the production of the records. It is not necessary for either the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person who fails to comply to civil or criminal contempt of court, or both.

History: 1989 c 336 art 2 s 2