CHAPTER 629
EXTRADITION, DETAINERS, ARREST, BAIL

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UNIFORM CRIMINAL EXTRADITION ACT

629.01 DEFINITIONS.

Where appearing in sections 629.01 to 629.29, the term "governor" includes any person performing the functions of governor by authority of the law of this state. The term "executive authority" includes the governor, and any person performing the functions of governor in a state other than this state. The term "state," referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States.

History: *(10547-11) 1939 c 240 s 1; 1985 c 265 art 10 s 1*

629.02 DUTIES OF GOVERNOR IN EXTRADITION MATTERS.

Subject to the provisions of sections 629.01 to 629.29, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and if found in this state.

History: *(10547-12) 1939 c 240 s 2; 1985 c 265 art 10 s 1*

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629.03 DEMAND IN WRITING.

No demand for the extradition of a person charged with crime in another state shall be recognized by the governor unless it alleges in writing, except in cases arising under section 629.06, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that the accused subsequently fled from the state. The demand shall be accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a court there, together with a copy of any warrant which was issued on it; or by a copy of a judgment of conviction or of a sentence imposed in execution of it, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of bail, probation, or parole. The indictment, information, or affidavit made before the court must substantially charge the person demanded with having committed a crime under the law of that state. The copy of the indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand.

History: *(10547-13) 1939 c 240 s 3; 1983 c 359 s 120; 1985 c 265 art 10 s 1; 1986 c 444*

629.04 ATTORNEY GENERAL TO INVESTIGATE.

When a demand shall be made upon the governor of this state by the executive authority of another state for the surrender of a person so charged with crime, the governor may call upon the attorney general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to the governor the situation and circumstances of the person so demanded, and whether the person ought to be surrendered.

History: *(10547-14) 1939 c 240 s 4; 1985 c 265 art 10 s 1; 1986 c 444*

629.05 EXTRADITION BY AGREEMENT.

When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against that person in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or the person's term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated.

The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state who is charged in the manner provided in section 629.23 with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily.

History: *(10547-15) 1939 c 240 s 5; 1985 c 265 art 10 s 1; 1986 c 444*

629.06 EXTRADITION OF PERSONS COMMITTING CRIME.

The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged in such other state in the manner provided in section 629.03 with committing an act in this state, or in a third state, intentionally resulting in a crime in the state, whose executive authority is making the demand, and the provisions of sections 629.01 to 629.29 not otherwise inconsistent, shall

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apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

History: *(10547-16) 1939 c 240 s 6; 1985 c 265 art 10 s 1*

629.07 WARRANT OF ARREST.

In deciding that the demand should be complied with, the governor shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person whom the governor may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

History: *(10547-17) 1939 c 240 s 7; 1985 c 265 art 10 s 1; 1986 c 444*

629.08 ACCUSED TURNED OVER TO DEMANDING STATE.

Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where the accused may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of sections 629.01 to 629.29, to the duly authorized agent of the demanding state.

History: *(10547-18) 1939 c 240 s 8; 1985 c 265 art 10 s 1; 1986 c 444*

629.09 POWERS OF OFFICER.

Every such peace officer or other person empowered to make the arrest shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

History: *(10547-19) 1939 c 240 s 9; 1985 c 265 art 10 s 1*

629.10 ACCUSED TAKEN BEFORE COURT.

No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding the person shall have appointed to receive the person unless first taken forthwith before a judge of a court of record in this state, who shall inform the person of the demand made for surrender and of the crime with which the person is charged, and that the person has the right to demand and procure legal counsel; and, if the prisoner or the prisoner's counsel shall state that either desires to test the legality of the arrest, the judge of such court of record shall fix a reasonable time to be allowed the prisoner within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the agent of the demanding state.

History: *(10547-20) 1939 c 240 s 10; 1985 c 265 art 10 s 1; 1986 c 444*

629.11 VIOLATION; GROSS MISDEMEANOR.

Any officer who shall deliver to the agent for extradition of the demanding state a person in custody under the governor's warrant in willful disobedience to section 629.10 is guilty of a gross misdemeanor.

History: *(10547-21) 1939 c 240 s 11; 1984 c 628 art 3 s 11; 1985 c 265 art 10 s 1; 1986 c 444; 2005 c 10 art 3 s 24*

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629.12 ACCUSED MAY BE CONFINED IN JAIL.

The officer or persons executing the governor's warrant of arrest, or the agents of the demanding state to whom the prisoner may have been delivered, may, when necessary, confine the prisoner in the jail of any county or city through which they may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of the prisoner is ready to proceed on the route, such officer or person being chargeable with the expense of keeping.

The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state, may, when necessary, confine the prisoner in the jail of any county or city through which the officer or agent may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of the prisoner is ready to proceed on the route, such officer or agent being chargeable with the expense of keeping; provided, that such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that the officer or agent is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

History: *(10547-22) 1939 c 240 s 12; 1985 c 265 art 10 s 1; 1986 c 444*

629.13 WHO MAY BE APPREHENDED.

When any person within this state is charged on the oath of any credible person before any judge of this state with the commission of any crime in any other state and, except in cases arising under section 629.06, with having fled from justice, with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of bail, probation, or parole, or when complaint has been made before any judge in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in the other state and that the accused has been charged in that state with the commission of the crime and, except in cases arising under section 629.06, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of bail, probation, or parole, and is believed to be in this state, the judge shall issue a warrant directed to any peace officer commanding the officer to apprehend the person named in it, wherever the accused may be found in this state, and to bring the accused before the same or any other judge or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit. A certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

History: *(10547-23) 1939 c 240 s 13; 1983 c 359 s 121; 1985 c 265 art 10 s 1; 1986 c 444*

629.14 ARREST WITHOUT WARRANT.

The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year. When arrested the accused must be taken before a judge with all practicable speed and complaint must be made against the accused under oath setting forth the ground for the arrest as in section 629.13. Thereafter the answer shall be heard as if the accused had been arrested on a warrant.

History: *(10547-24) 1939 c 240 s 14; 1983 c 359 s 122; 1985 c 265 art 10 s 1; 1986 c 444*

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629.15 COURT MAY COMMIT TO JAIL.

If from the examination before the judge it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under section 629.06, that the accused has fled from justice, the judge must, by a warrant reciting the accusation, commit the accused to the county jail for a time, not exceeding 30 days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused gives bail as provided in section 629.16, or until the accused is legally discharged.

History: *(10547-25) 1939 c 240 s 15; 1983 c 359 s 123; 1985 c 265 art 10 s 1; 1986 c 444*

629.16 ADMIT TO BAIL.

Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as the judge deems proper, conditioned for the person's appearance before the judge at a time specified in the bond, and for the person's surrender, to be arrested upon the warrant of the governor of this state.

History: *(10547-26) 1939 c 240 s 16; 1983 c 359 s 124; 1985 c 265 art 10 s 1; 1986 c 444*

629.17 DISCHARGE.

If the accused is not arrested under warrant of the governor by the expiration of the time specified in the warrant or bond, a judge may discharge the accused or may recommit the accused for a further period not to exceed 60 days. A judge may again take bail for the accused's appearance and surrender, as provided in section 629.16, but within a period not to exceed 60 days after the date of the new bond.

History: *(10547-27) 1939 c 240 s 17; 1983 c 359 s 125; 1985 c 265 art 10 s 1; 1986 c 444*

629.18 BOND FORFEITED.

If the prisoner is admitted to bail, and fails to appear and surrender according to the conditions of the bond, the judge by proper order shall declare the bond forfeited and order the prisoner's immediate arrest without warrant if the prisoner is within this state. Recovery may be had on the bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

History: *(10547-28) 1939 c 240 s 18; 1983 c 359 s 126; 1985 c 265 art 10 s 1; 1986 c 444*

629.19 PRISONER HELD OR SURRENDERED.

If a criminal prosecution has been instituted against such person under the laws of this state and is still pending, the governor either may surrender the person on demand of the executive authority of another state or hold the person until the person has been tried and discharged or convicted and punished in this state.

History: *(10547-29) 1939 c 240 s 19; 1985 c 265 art 10 s 1; 1986 c 444*

629.20 GUILT OR INNOCENCE NOT INQUIRED INTO.

The guilt or innocence of the accused as to the crime of which the accused is charged may not be inquired into by the governor or in any proceeding after the demand for extradition accompanied by a charge of

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crime in legal form, as provided, shall have been presented to the governor, except as it may be involved in identifying the person held as the person charged with the crime.

History: *(10547-30) 1939 c 240 s 20; 1985 c 265 art 10 s 1; 1986 c 444*

629.21 RECALL OF WARRANT.

The governor may recall the warrant of arrest or may issue another warrant when the governor deems it proper.

History: *(10547-31) 1939 c 240 s 21; 1985 c 265 art 10 s 1; 1986 c 444*

629.22 WARRANT FOR PAROLEES OR PROBATIONERS.

When the governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of bail, probation, or parole in this state, from the executive authority of any other state, or from the chief justice or an associate justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, the governor shall issue a warrant under the seal of this state, to some agent, commanding the agent to receive the person so charged if delivered to the agent and convey the person to the proper officer of the county in this state in which the offense was committed.

History: *(10547-32) 1939 c 240 s 22; 1985 c 265 art 10 s 1; 1986 c 444*

629.23 PROSECUTING ATTORNEY; WRITTEN APPLICATION.

Subdivision 1. **Contents.** When the return to this state of a person charged with crime in this state is required, the prosecuting attorney shall present to the governor a written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against the person, the approximate time, place, and circumstances of its commission, the state in which the person is believed to be, including the location of the accused therein at the time the application is made, and certifying that, in the opinion of the prosecuting attorney, the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

Subd. 2. **Return of fugitive.** When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of bail, probation, or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the chief executive officer of the facility or sheriff of the county, from which the escape was made, shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which the person was convicted, the circumstances of escape from confinement or of the breach of the terms of bail, probation, or parole, the state in which the person is believed to be, including the location of the person therein at the time application is made.

Subd. 3. **Procedural requirements.** The application shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, Parole Board, chief executive officer, or sheriff may also attach any further affidavits and other documents in duplicate as deemed proper to be submitted with the application. One copy of the application, with the action of the governor indicated by

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endorsement on it, and one of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the Office of the Secretary of State to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

History: *(10547-33) 1939 c 240 s 23; 1979 c 102 s 13; 1983 c 359 s 127; 1985 c 265 art 10 s 1; 1986 c 444*

629.24 CIVIL PROCESS NOT TO BE SERVED.

A person brought into this state by, or after waiver of, extradition based on a criminal charge, shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which the person is being or has been returned, until the person has been convicted in the criminal proceeding, or, if acquitted, until the person has had reasonable opportunity to return to the state from which the person was extradited.

Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of bail, probation, or parole, may waive the issuance and service of the warrant provided for in sections 629.07 and 629.08 and all other procedure incidental to extradition proceedings, by executing or subscribing, in the presence of a judge of any court of record within this state, a writing which states that the person consents to return to the demanding state; provided, that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of the person's rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus, as provided for in section 629.10.

If and when such consent has been duly executed, it shall forthwith be forwarded to the Office of the Governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this state.

Nothing in sections 629.01 to 629.29 shall be deemed to constitute a waiver by this state of its right, power, or privilege to try such demanded person for crime committed within this state, or of its right, power, or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence, or punishment for any crime committed within this state, nor shall any proceedings had under sections 629.01 to 629.29 which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges, or jurisdiction in any way.

History: *(10547-34) 1939 c 240 s 24; 1985 c 265 art 10 s 1; 1986 c 444*

629.25 TRIAL FOR OTHER CRIMES.

After a person has been brought back to this state by or after waiver of extradition proceedings, the person may be tried in this state for other crimes which the person may be charged with having committed here, as well as that specified in the requisition for extradition.

History: *(10547-35) 1939 c 240 s 25; 1985 c 265 art 10 s 1; 1986 c 444*

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629.26 UNIFORMITY.

The provisions of sections 629.01 to 629.29 shall be so interpreted and construed as to effectuate their general purposes to make uniform the laws of those states which enact them.

History: *(10547-36) 1939 c 240 s 26; 1985 c 265 art 10 s 1*

629.27 GOVERNOR MAY APPOINT AGENT.

In every case authorized by the Constitution and laws of the United States, the governor may appoint an agent, who shall be the sheriff of the county from which the application for extradition shall come, when the sheriff can act, to demand of the executive authority of any state or territory any fugitive from justice or any person charged with a felony or other crime in this state; and when an application shall be made to the governor for that purpose, the attorney general, when so required by the governor, shall forthwith investigate or cause to be investigated by any county attorney the grounds of such application, and report to the governor all material circumstances which shall come to the attorney general's knowledge, with an abstract of the evidence, and an opinion as to the expediency of the demand. The accounts of agents so appointed shall in each case be audited by the county board of the county wherein the crime upon which extradition proceedings are based shall be alleged to have been committed, and every such agent shall receive from the treasury of such county $4 for each calendar day, and the necessary expenses incurred by the agent in the performance of such duties.

History: *(10547-38) 1939 c 240 s 28; 1985 c 265 art 10 s 1; 1986 c 444*

629.28 POWERS OF OFFICERS.

Any person who has been or shall be convicted of or charged with a crime in any other state, and who shall be lawfully in the custody of any officer of the state where such offense is claimed to have been committed, may be by such officer conveyed through or from this state, for which purpose such officer shall have all the powers in regard to the person's control or custody that an officer of this state has over a prisoner in the officer's charge.

History: *(10547-39) 1939 c 240 s 29; 1985 c 265 art 10 s 1; 1986 c 444*

629.29 CITATION, UNIFORM CRIMINAL EXTRADITION ACT.

Sections 629.01 to 629.29 may be cited as the Uniform Criminal Extradition Act.

History: *(10547-41) 1939 c 240 s 31; 1985 c 265 art 10 s 1*

TRANSFER OF INMATES

629.291 TRANSFER OF STATE INMATES TO FEDERAL DISTRICT COURT.

Subdivision 1. **Petition for transfer.** The attorney general of the United States, or any of the attorney general's assistants, or the United States attorney for the district of Minnesota, or any of the United States attorney's assistants, may file a petition with the governor requesting the state of Minnesota to consent to transfer an inmate, serving a sentence in a Minnesota correctional facility for violation of a Minnesota

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criminal law, to the United States District Court for the purpose of being tried for violation of a federal criminal law. In order for a petition to be filed under this section, the inmate must at the time of the filing of the petition be under indictment in the United States District Court for Minnesota for violation of a federal criminal law. The petition must name the inmate for whom transfer is requested and the Minnesota correctional facility in which the inmate is imprisoned. The petition must be verified and have a certified copy of the federal indictment attached to it. The petitioner must agree in the petition to pay all expenses incurred by the state in transferring the inmate to the United States court for trial.

Subd. 2. **Governor's consent and order.** Upon hearing a petition, the governor may consent to transfer of the inmate on behalf of the state of Minnesota if satisfied as to the identity of the inmate sought to be transferred. Upon receiving proper process issued by the United States District Court stating the time and place where the inmate will be tried, the governor may issue an order directing the chief executive officer of the correctional facility in which the inmate is imprisoned to transfer the inmate to the United States District Court for the district of Minnesota. The order must direct the chief executive officer of the facility to retain custody of the inmate during the trial in federal court and, at conclusion of the trial after judgment is pronounced by the United States District Court, direct the federal court to return the inmate to the correctional facility from which the inmate was taken. The order must require that an inmate sentenced for a violation of a federal criminal law after transfer under this section and trial serve the remainder of the sentence imposed for violation of a Minnesota criminal law before being released to the federal authorities.

Subd. 3. **Notifying United States marshal.** Before release of an inmate who has been sentenced for a violation of a federal criminal law in United States District Court, the chief executive officer of the correctional facility in which the inmate is serving a sentence for violation of a Minnesota criminal law shall notify the United States marshal for the district of Minnesota. Upon release of the inmate, the chief executive officer shall surrender the inmate to the federal authorities to be dealt with in accordance with the laws of the United States.

History: *(9950-3) 1927 c 141; 1979 c 102 s 13; 1985 c 265 art 10 s 1; 1986 c 444; 1993 c 326 art 13 s 36*

DETAINERS

629.292 UNIFORM MANDATORY DISPOSITION OF DETAINERS ACT.

Subdivision 1. **Request for disposition; notification of prisoner.** (a) Any person who is imprisoned in a penal or correctional institution or other facility in the Department of Corrections of this state may request final disposition of any untried indictment or complaint pending against the person in this state. The request shall be in writing addressed to the court in which the indictment or complaint is pending and to the prosecuting attorney charged with the duty of prosecuting it, and shall set forth the place of imprisonment.

(b) The commissioner of corrections or other official designated by the commissioner having custody of prisoners shall promptly inform each prisoner in writing of the source and nature of any untried indictment or complaint against the prisoner of which the commissioner of corrections or such official had knowledge or notice and of the prisoner's right to make a request for final disposition thereof.

(c) Failure of the commissioner of corrections or other such official to inform a prisoner, as required by this section, within one year after a detainer has been filed at the institution shall entitle the prisoner to a final dismissal of the indictment or complaint with prejudice.

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Subd. 2. **Procedure on receipt of request.** The request shall be delivered to the commissioner of corrections or other official designated by the commissioner having custody of the prisoner, who shall forthwith:

(a) certify the term of commitment under which the prisoner is being held, the time already served on the sentence, the time remaining to be served, the good time earned, the time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections relating to the prisoner; and

(b) send by registered or certified mail, return receipt requested, one copy of the request and certificate to the court and one copy to the prosecuting attorney to whom it is addressed.

Subd. 3. **Time of trial.** Within six months after the receipt of the request and certificate by the court and prosecuting attorney, or within such additional time as the court for good cause shown in open court may grant, the prisoner or counsel being present, the indictment or information shall be brought to trial; but the parties may stipulate for a continuance or a continuance may be granted on notice to the attorney of record and opportunity for the attorney to be heard. If, after such a request, the indictment or information is not brought to trial within that period, no court of this state shall any longer have jurisdiction thereof, nor shall the untried indictment or information be of any further force or effect, and the court shall dismiss it with prejudice.

Subd. 4. **Effect of escape.** Escape from custody by any prisoner subsequent to the prisoner's execution of a request for final disposition of an untried indictment or information voids the request.

Subd. 5. **Notification of existence of procedure.** The commissioner of corrections or other official designated by the commissioner having custody of prisoners shall arrange for all prisoners to be informed in writing of the provisions of this section, and for a record thereof to be placed in the prisoner's file.

Subd. 6. **Uniformity.** This section shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Subd. 7. **Citation.** This section may be cited as the Uniform Mandatory Disposition of Detainers Act.

History: *1967 c 294 s 1-7; 1973 c 654 s 15; 1975 c 271 s 6; 1983 c 274 s 18; 1985 c 265 art 10 s 1; 1986 c 444; 1990 c 604 art 9 s 11*

629.294 INTERSTATE AGREEMENT ON DETAINERS.

Subdivision 1. **Agreement.** The agreement on detainers is enacted into law and entered into by this state with all other jurisdictions legally joining in it in the form substantially as follows:

The contracting states solemnly agree that:

ARTICLE I

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations, or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had

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in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

ARTICLE II

As used in this agreement:

(a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to article III hereof or at the time that a request for custody or availability is initiated pursuant to article IV hereof.

(c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information, or complaint pursuant to article III or article IV hereof.

ARTICLE III

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information, or complaint; provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections, or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections, or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections, or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any

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indictment, information, or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

ARTICLE IV

(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with article V(a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided that the court having jurisdiction of such indictment, information, or complaint shall have duly approved, recorded, and transmitted the request; and provided further that there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this article, trial shall be commenced within 120 days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the grounds that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information, or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to article V(e) hereof, such in-

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dictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

ARTICLE V

(a) In response to a request made under article III or article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information, or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(2) A duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in article III or article IV hereof, the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

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(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations, or complaints are pending, or in which trial is being had, shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping, and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

ARTICLE VI

(a) In determining the duration and expiration dates of the time periods provided in articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

ARTICLE VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

ARTICLE VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

ARTICLE IX

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Subd. 2. **Appropriate court.** "Appropriate court" as used in the agreement on detainers means the district court.

Subd. 3. **Enforcement.** Courts, agencies, and employees of this state and its political subdivisions shall enforce the agreement on detainers and cooperate with one another and with other party states in enforcing the agreement and carrying out its purpose.

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Subd. 4. **Habitual offenders.** Neither this section nor the agreement on detainers requires the application of a habitual offenders law to a person on account of a conviction had in a proceeding brought to final disposition by reason of the agreement.

Subd. 5. **Escapes.** Whoever departs without lawful authority from custody while in another state under the agreement on detainers is considered to have escaped and may be punished as provided in section 609.485, subdivision 4.

Subd. 6. **Delivery of inmate.** The chief executive officer of a correctional institution in this state shall give over an inmate whenever required to do so by the agreement on detainers.

Subd. 7. **Administration.** The commissioner of corrections or his designee is the central administrator and information agent for the agreement on detainers.

Subd. 8. **Distribution of copies of act.** Copies of this act must, upon its approval, be transmitted to the governor of each state, the attorney general and the administrator of general services of the United States, and the Council of State Governments.

History: *1967 c 94 s 1; 1985 c 265 art 10 s 1*

ARRESTS

629.30 ARRESTS; BY WHOM MADE; AIDING OFFICER.

Subdivision 1. **Definition.** Arrest means taking a person into custody that the person may be held to answer for a public offense. "Arrest" includes actually restraining a person or taking into custody a person who submits.

Subd. 2. **Who may arrest.** An arrest 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 and Border Protection or the United States Citizenship and Immigration Services without a warrant;

(4) by a private person.

A private person shall aid a peace officer in executing a warrant when requested to do so by the officer.

History: *(10566) RL s 5225; 1981 c 108 s 1; 1985 c 265 art 10 s 1; 2007 c 13 art 1 s 25*

629.31 TIME WHEN ARREST MAY BE MADE.

An arrest for a felony or gross misdemeanor may be made on any day and at any time of the day or night. An arrest for a misdemeanor may not be made on Sunday or between 10:00 p.m. and 8:00 a.m. on any other day except:

(1) when the judge orders in the warrant that the arrest may be made between those hours; or

(2) when the person named in the warrant is found on a public highway or street.

History: *(10567) RL s 5226; Ex1971 c 27 s 46; 1983 c 359 s 128; 1984 c 433 s 1; 1985 c 265 art 10 s 1*

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629.32 MINIMUM RESTRAINT ALLOWED FOR ARREST; WARRANT SHOWN UPON REQUEST.

A peace officer making an arrest may not subject the person arrested to any more restraint than is necessary for the arrest and detention. The peace officer shall inform the defendant that the officer is acting under a warrant, and shall show the defendant the warrant if requested to do so. An arrest by a peace officer acting under a warrant is lawful even though the officer does not have the warrant in hand at the time of the arrest, but if the arrested person so requests the warrant must be shown to that person as soon as possible and practicable. A peace officer may lawfully arrest a person when advised by any other peace officer in the state that a warrant has been issued for that person.

History: *(10568) RL s 5227; 1947 c 316 s 1; 1985 c 265 art 10 s 1*

629.33 WHEN FORCE MAY BE USED TO MAKE ARREST.

If a peace officer has informed a defendant that the officer intends to arrest the defendant, and if the defendant then flees or forcibly resists arrest, the officer may use all necessary and lawful means to make the arrest but may not use deadly force unless authorized to do so under section 609.066. After giving notice of the authority and purpose of entry, a peace officer may break open an inner or outer door or window of a dwelling house to execute a warrant if:

(1) the officer is refused admittance;

(2) entry is necessary for the officer's own liberation; or

(3) entry is necessary for liberating another person who is being detained in the dwelling house after entering to make an arrest.

History: *(10569) RL s 5228; 1978 c 736 s 3; 1985 c 265 art 10 s 1*

629.34 WHEN ARREST MAY BE MADE WITHOUT WARRANT.

Subdivision 1. **Peace officers.** (a) A peace officer, as defined in section 626.84, subdivision 1, clause (c), who is on or off duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of the appointing authority pursuant to section 629.40, may arrest a person without a warrant as provided under paragraph (c).

(b) A part-time peace officer, as defined in section 626.84, subdivision 1, clause (d), who is on duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of the appointing authority pursuant to section 629.40 may arrest a person without a warrant as provided under paragraph (c).

(c) A peace officer or part-time peace officer who is authorized under paragraph (a) or (b) to make an arrest without a warrant may do so under the following circumstances:

(1) when a public offense has been committed or attempted in the officer's presence;

(2) when the person arrested has committed a felony, although not in the officer's presence;

(3) when a felony has in fact been committed, and the officer has reasonable cause for believing the person arrested to have committed it;

(4) upon a charge based upon reasonable cause of the commission of a felony by the person arrested;

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(5) under the circumstances described in clause (2), (3), or (4), when the offense is a gross misdemeanor violation of section 609.52, 609.595, 609.631, 609.749, or 609.821;

(6) under circumstances described in clause (2), (3), or (4), when the offense is a nonfelony violation of section 518B.01, subdivision 14; 609.748, subdivision 6; or 629.75, subdivision 2, or a nonfelony violation of any other restraining order or no contact order previously issued by a court;

(7) under the circumstances described in clause (2), (3), or (4), when the offense is a gross misdemeanor violation of section 609.485 and the person arrested is a juvenile committed to the custody of the commissioner of corrections; or

(8) if the peace officer has probable cause to believe that within the preceding 72 hours, exclusive of the day probable cause was established, the person has committed nonfelony domestic abuse, as defined in section 518B.01, subdivision 2, even though the assault did not take place in the presence of the peace officer.

(d) To make an arrest authorized under this subdivision, the officer may break open an outer or inner door or window of a dwelling house if, after notice of office and purpose, the officer is refused admittance.

Subd. 2. **United States Customs and Border Protection, United States Citizenship and Immigration Services officer.** An officer in the United States Customs and Border Protection or the United States Citizenship and Immigration Services may arrest a person without a warrant under the circumstances specified in clauses (1) and (2):

(1) when 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 fifth degree, as defined in section 609.224, against the officer;

(ii) the person commits an assault in the fifth 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; or

(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

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

History: *(10570) RL s 5229; 1981 c 108 s 2; 1983 c 169 s 3; 1985 c 84 s 4; 1985 c 265 art 10 s 1; art 12 s 1; 1987 c 329 s 18; 1993 c 326 art 2 s 28; 1998 c 367 art 7 s 11; 2005 c 10 art 2 s 4; 2007 c 13 art 1 s 25; 2009 c 59 art 4 s 7; 2014 c 177 s 1*

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

Subdivision 1. **Arrest.** Notwithstanding section 629.34 or any other law or rule, a peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that within the preceding 72 hours, exclusive of the day probable cause was established, the person has committed nonfelony domestic abuse, as defined in section 518B.01, subdivision 2. The arrest may be made even though the assault did not take place in the presence of the peace officer.

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Subd. 2. **Immunity.** A peace officer acting in good faith and exercising due care in making an arrest pursuant to subdivision 1 is immune from civil liability that might result from the officer's action.

Subd. 3. **Notice of rights.** The peace officer shall tell the victim whether a shelter or other services are available in the community and give the victim immediate notice of the legal rights and remedies available. The notice must include furnishing the victim a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse. The order could include the following:

(1) an order restraining the abuser from further acts of abuse;

(2) an order directing the abuser to leave your household;

(3) an order preventing the abuser from entering your residence, school, business, or place of employment;

(4) an order awarding you or the other parent custody of or parenting time with your minor child or children; or

(5) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

The notice must include the resource listing, including telephone number, for the area battered women's shelter, to be designated by the Department of Corrections.

Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that an incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer shall make a written police report of the alleged incident. The report must contain at least the following information: the name, address and telephone number of the victim, if provided by the victim, a statement as to whether an arrest occurred, the name of the arrested person, and a brief summary of the incident. Data that identify a victim who has made a request under section 13.82, subdivision 17, paragraph (d), and that are private data under that subdivision, shall be private in the report required by this section. A copy of this report must be provided upon request, at no cost, to the victim of domestic abuse, the victim's attorney, or organizations designated by the Office of Justice Programs in the Department of Public Safety or the commissioner of corrections that are providing services to victims of domestic abuse. The officer shall submit the report to the officer's supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made.

Subd. 5. **Training.** The Board of Peace Officer Standards and Training shall provide a copy of this section to every law enforcement agency in this state on or before June 30, 1983.

Upon request of the Board of Peace Officer Standards and Training to the Bureau of Criminal Apprehension, at least one training course must include instruction about domestic abuse. A basic skills course required for initial licensure as a peace officer must, after January 1, 1985, include at least three hours of training in handling domestic violence cases.

History: *1978 c 724 s 2; 1979 c 204 s 1; 1981 c 273 s 13; 1983 c 226 s 1; 1984 c 655 art 1 s 79; 1985 c 265 art 10 s 1; 1986 c 444; 1993 c 326 art 2 s 29; 1995 c 226 art 7 s 18; 1998 c 371 s 18; 1999 c 227 s 22; 2000 c 444 art 2 s 48; 2004 c 290 s 37; 2009 c 59 art 2 s 3; 2013 c 125 art 1 s 101; 2014 c 177 s 2*

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629.342 LAW ENFORCEMENT POLICIES; DOMESTIC ABUSE ARRESTS.

Subdivision 1. **Definition.** For purposes of this section, "domestic abuse" has the meaning given in section 518B.01, subdivision 2.

Subd. 2. **Policies required.** (a) Each law enforcement agency shall develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents. In the development of a policy, each law enforcement agency shall consult with domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents. The policy shall discourage dual arrests, include consideration of whether one of the parties acted in self defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated.

(b) The Bureau of Criminal Apprehension and the Board of Peace Officer Standards and Training, in consultation with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, the Minnesota Police and Peace Officers Association, and a domestic violence statewide coalition shall update the written policy regarding arrest procedures for domestic abuse incidents for use by local law enforcement agencies. Each law enforcement agency may adopt the model policy in lieu of developing its own policy under the provisions of paragraph (a).

Subd. 3. **Assistance to victim where no arrest.** If a law enforcement officer does not make an arrest when the officer has probable cause to believe that a person is committing or has committed domestic abuse or violated an order for protection, the officer shall provide immediate assistance to the victim. Assistance includes:

(1) assisting the victim in obtaining necessary medical treatment; and

(2) providing the victim with the notice of rights under section 629.341, subdivision 3.

Subd. 4. **Immunity.** A peace officer acting in good faith and exercising due care in providing assistance to a victim pursuant to subdivision 3 is immune from civil liability that might result from the officer's action.

History: *1992 c 571 art 6 s 22; 1993 c 326 art 2 s 30; 2000 c 445 art 2 s 28; 2014 c 212 art 1 s 12; 2014 c 286 art 6 s 7*

629.343 PROBABLE CAUSE ARRESTS; OFFENSES ON SCHOOL PROPERTY.

Notwithstanding section 629.34, a peace officer, as defined in section 626.84, subdivision 1, paragraph (c), who is on or off duty within the jurisdiction of the appointing authority or on duty outside the jurisdiction of the appointing authority pursuant to section 629.40, may arrest a person without a warrant if the peace officer has probable cause to believe that the person within the preceding four hours has committed a fifth-degree assault, as defined in section 609.224, on school property, as defined in section 609.66, subdivision 1d. The arrest may be made even though the crimes were not committed in the presence of the peace officer.

History: *1995 c 55 s 1*

629.344 CRIMINAL VEHICULAR OPERATION AND MANSLAUGHTER; CERTIFICATION OF PROBABLE CAUSE BY PEACE OFFICER.

If a peace officer determines that probable cause exists to believe that a person has violated section 609.2112, subdivision 1, clause (2), (3), (4), (5), or (6); 609.2113, subdivision 1, clause (2), (3), (4), (5),

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or (6); subdivision 2, clause (2), (3), (4), (5), or (6); or subdivision 3, clause (2), (3), (4), (5), or (6); or 609.2114, subdivision 1, clause (2), (3), (4), (5), or (6); or subdivision 2, clause (2), (3), (4), (5), or (6), the officer shall certify this determination and notify the commissioner of public safety.

History: *2013 c 117 art 3 s 35; 2014 c 180 s 9*

629.35 ARREST AT NIGHT; WHEN PERMISSIBLE.

A peace officer may arrest a person at night without a warrant if the officer has reasonable cause to believe that person has committed a felony. An arrest under this section is lawful even if it appears after the arrest that no felony has been committed. When arresting a person at night without a warrant, a peace officer shall inform that person of the officer's authority and the cause of the arrest. This warning need not be given if the person is apprehended while committing a public offense or is pursued immediately after escape.

History: *(10571) RL s 5230; 1985 c 265 art 10 s 1*

629.355 PEACE OFFICER AUTHORITY TO DETAIN PERSON ON CONDITIONAL RELEASE.

(a) A peace officer may detain a person on conditional release upon probable cause that the person has violated a condition of release. "Conditional release" has the meaning given in section 401.01, subdivision 2.

(b) Except as provided in paragraph (c), no person may be detained longer than the period provided in rule 27.04 of the Rules of Criminal Procedure. The detaining peace officer shall provide a detention report to the agency supervising the person as soon as possible. The detention by the peace officer may not exceed eight hours without the approval of the supervising agency. The supervising agency may release the person without commencing revocation proceedings or commence revocation proceedings under rule 27.04 of the Rules of Criminal Procedure.

(c) A person detained under paragraph (a) who is on supervised release or parole may not be detained longer than 72 hours. The detaining peace officer shall provide a detention report to the commissioner of corrections as soon as possible. The detention by the peace officer may not exceed eight hours without the approval of the commissioner or a designee. The commissioner may release the person without commencing revocation proceedings or request a hearing before the hearings and release division.

History: *1998 c 367 art 7 s 12*

629.36 PERMITTING BYSTANDER TO DELIVER ARRESTED PERSON TO PEACE OFFICER.

When a bystander arrests a person for breach of the peace, the bystander may deliver that person to a peace officer. The peace officer shall take the arrested person to a judge for criminal processing. When a public offense is committed in the presence of a judge, the judge may, by written or verbal order, command any person to arrest the offender, and then proceed as if the offender had been brought before the court on a warrant of arrest.

History: *(10572) RL s 5231; 1983 c 359 s 129; 1985 c 265 art 10 s 1*

629.361 PEACE OFFICERS RESPONSIBLE FOR CUSTODY OF STOLEN PROPERTY.

A peace officer arresting a person charged with committing or aiding in the committing of a robbery, aggravated robbery, or theft shall use reasonable diligence to secure the property alleged to have been stolen.

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After seizure of the property, the officer shall be answerable for it while it remains in the officer's custody. The officer shall annex a schedule of the property to the return of the warrant. Upon request of the county attorney, the law enforcement agency that has custody of the property alleged to have been stolen shall deliver the property to the custody of the county attorney for use as evidence at an omnibus hearing or at trial. The county attorney shall make a receipt for the property and be responsible for the property while it is in the county attorney's custody. When the offender is convicted, whoever has custody of the property shall turn it over to the owner.

History: *(10376) RL s 5095; 1965 c 35 s 11; 1985 c 265 art 10 s 1; 1986 c 444*

629.362 RECAPTURED ESCAPED INMATE; TERM OF IMPRISONMENT.

A prisoner in custody under sentence of imprisonment who escapes from custody may be recaptured and imprisoned for a term equal to the unexpired portion of the original term.

History: *(10006) RL s 4821; 1985 c 265 art 10 s 1*

629.363 RAILWAY CONDUCTOR; AUTHORITY TO ARREST.

A conductor of a railway train may arrest a person committing an act upon the train prohibited by sections 609.681, 609.72, and 609.855, subdivision 1, with or without a warrant, and take that person to the proper law enforcement authorities, or to the station agent at the next railway station. The station agent shall take the arrested person to the law enforcement authorities. A conductor or station agent possesses the powers of a sheriff with a warrant in making arrests under this chapter.

History: *(10297) RL s 5027; 1963 c 753 art 2 s 11; 1983 c 359 s 130; 1985 c 265 art 10 s 1; 1989 c 5 s 17*

629.364 ARRESTS FOR SWINDLING.

(a) The following persons shall arrest, with or without a warrant, a person found committing an offense described in section 609.52, subdivision 2, clause (4):

(1) a conductor or other employee on a railway car or train;

(2) a captain, clerk, or other employee on a boat;

(3) a station agent at a depot;

(4) an officer of a fair or fairground; or

(5) a proprietor or employee of a public resort.

(b) A person not required to make an arrest under paragraph (a) may arrest, with or without a warrant, a person found committing an offense described in section 609.52, subdivision 2, clause (4).

(c) A person making an arrest under paragraph (a) or (b) shall take the arrested person to the proper law enforcement authorities and have a written complaint issued against that person. A person making an arrest under paragraph (a) or (b) has the same authority in all respects as a peace officer with a warrant, including the power to summon assistance. The person shall also arrest the person injured by reason of the offense, and take that person before a court, which shall require that person to give security for appearance as a witness on trial of the case.

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(d) A victim of an offense described in section 609.52 who testifies at trial against the person arrested for the offense shall receive the fee for travel and attendance provided in section 357.24.

History: *(10220) RL s 4970; 1965 c 51 s 84; 1983 c 359 s 131; 1985 c 265 art 10 s 1; 1986 c 444*

629.365 DEFINITIONS.

Subdivision 1. **Applicability.** In this section and section 629.366, the terms defined in this section have the meanings given them.

Subd. 2. **Merchant.** "Merchant" means a person who owns, possesses, or controls personal property with authority to sell it in the regular course of business at retail or wholesale.

Subd. 3. **Person.** "Person" includes an individual, a partnership, corporation, or association.

History: *1957 c 805 s 1; 1985 c 265 art 10 s 1*

629.366 THEFT IN BUSINESS ESTABLISHMENTS; DETAINING SUSPECTS.

Subdivision 1. **Circumstances justifying detention.** (a) A merchant or merchant's employee may detain a person if the merchant or employee has reasonable cause to believe:

(1) that the person has taken, or is taking, an article of value without paying for it, from the possession of the merchant in the merchant's place of business or from a vehicle or premises under the merchant's control;

(2) that the taking is done with the intent to wrongfully deprive the merchant of the property or the use or benefit of it; or

(3) that the taking is done with the intent to appropriate the use of the property to the taker or any other person.

(b) Subject to the limitations in paragraph (a), a merchant or merchant's employee may detain a person for any of the following purposes:

(1) to require the person to provide identification or verify identification;

(2) to inquire as to whether the person possesses unpurchased merchandise taken from the merchant and, if so, to receive the merchandise;

(3) to inform a peace officer; or

(4) to institute criminal proceedings against the person.

(c) The person detained shall be informed promptly of the purpose of the detention and may not be subjected to unnecessary or unreasonable force, nor to interrogation against the person's will. A merchant or merchant's employee may not detain a person for more than one hour unless:

(1) the merchant or employee is waiting to surrender the person to a peace officer, in which case the person may be detained until a peace officer has accepted custody of or released the person; or

(2) the person is a minor, or claims to be, and the merchant or employee is waiting to surrender the minor to a peace officer or the minor's parent, guardian, or custodian, in which case the minor may be detained until the peace officer, parent, guardian, or custodian has accepted custody of the minor.

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(d) If at any time the person detained requests that a peace officer be summoned, the merchant or merchant's employee must notify a peace officer immediately.

Subd. 2. **Arrest.** Upon a charge being made by a merchant or merchant's employee, a peace officer may arrest a person without a warrant, if the officer has reasonable cause for believing that the person has committed or attempted to commit the offense described in subdivision 1.

Subd. 3. **Immunity.** No merchant, merchant's employee, or peace officer is criminally or civilly liable for any action authorized under subdivision 1 or 2 if the arresting person's action is based upon reasonable cause.

History: *1957 c 805 s 2; 1985 c 265 art 10 s 1; 1986 c 405 s 1,2; 1986 c 444*

629.37 WHEN PRIVATE PERSON MAY MAKE ARREST.

A private person may arrest another:

(1) for a public offense committed or attempted in the arresting person's presence;

(2) when the person arrested has committed a felony, although not in the arresting person's presence; or

(3) when a felony has in fact been committed, and the arresting person has reasonable cause for believing the person arrested to have committed it.

History: *(10573) RL s 5232; 1985 c 265 art 10 s 1*

629.38 PRIVATE PERSON TO DISCLOSE CAUSE OF ARREST.

Before making an arrest a private person shall inform the person to be arrested of the cause of the arrest and require the person to submit. The warning required by this section need not be given if the person is arrested while committing the offense or when the person is arrested on pursuit immediately after committing the offense. If a person has committed a felony, a private person may break open an outer or inner door or window of a dwelling house to make the arrest if, before entering, the private person informs the person to be arrested of the intent to make the arrest and the private person is then refused admittance.

History: *(10574) RL s 5233; 1985 c 265 art 10 s 1; 1986 c 444*

629.39 PRIVATE PERSON MAKING ARREST TO DELIVER ARRESTEE TO JUDGE OR PEACE OFFICER.

A private person who arrests another for a public offense shall take the arrested person before a judge or to a peace officer without unnecessary delay. If a person arrested escapes, the person from whose custody the person has escaped may immediately pursue and retake the escapee, at any time and in any place in the state. For that purpose, the pursuer may break open any door or window of a dwelling house if the pursuer informs the escapee of the intent to arrest the escapee and the pursuer is refused admittance.

History: *(10575) RL s 5234; 1983 c 359 s 132; 1985 c 265 art 10 s 1; 1986 c 444*

629.40 ALLOWING ARRESTS ANYWHERE IN STATE.

Subdivision 1. **Definition.** In this section "peace officer" has the meaning given it in section 626.84, subdivision 1, paragraph (c).

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Subd. 2. **Out of jurisdiction arrests.** In any case in which a person licensed under section 626.84, subdivision 1, may by law, either with or without a warrant, arrest a person for a criminal offense committed within the jurisdiction of the officer, and the person to be arrested escapes from or is out of the county, statutory or home rule charter city, or town, the officer may pursue and apprehend the person to be arrested anywhere in this state.

Subd. 3. **Authority for arrests outside jurisdiction.** When a person licensed under section 626.84, subdivision 1, in obedience to the order of a court or in the course and scope of employment or in fresh pursuit as provided in subdivision 2, is outside of the person's jurisdiction, the person is serving in the regular line of duty as fully as though the service was within the person's jurisdiction.

Subd. 4. **Off-duty arrests outside jurisdiction.** A peace officer, as defined in section 626.84, subdivision 1, clause (c), who is off duty and outside of the jurisdiction of the appointing authority but within this state may act pursuant to section 629.34 when and only when confronted with circumstances that would permit the use of deadly force under section 609.066. Nothing in this subdivision limits an officer's authority to arrest as a private person. Nothing in this subdivision shall be construed to restrict the authority of a political subdivision to limit the exercise of the power and authority conferred on its peace officers by this subdivision.

Subd. 5. [Repealed, 1993 c 326 art 7 s 22]

History: *(10575-1) 1927 c 256 s 1; 1955 c 252 s 1; 1973 c 123 art 5 s 7; 1985 c 84 s 5; 1985 c 265 art 10 s 1; art 12 s 1; 1987 c 83 s 2*

629.401 DELAYING TO TAKE PRISONER BEFORE JUDGE.

A peace officer or other person who willfully and wrongfully delays taking an arrested person before a judge having appropriate criminal jurisdiction is guilty of a gross misdemeanor.

History: *(10029) RL s 4844; 1983 c 359 s 133; 1985 c 265 art 10 s 1*

629.402 ARREST WITHOUT AUTHORITY.

It is a gross misdemeanor for a public officer, or one pretending to be a public officer, knowingly and under the pretense or color of any process (1) to arrest a person or detain a person against the person's will, (2) to seize or levy upon any property, or (3) to dispossess any one of lands or tenements, without a regular process for those actions.

History: *(10030) RL s 4845; 1985 c 265 art 10 s 1; 1986 c 444*

629.403 REFUSAL TO AID OFFICER MAKE ARREST.

A person who willfully neglects or refuses to arrest another person after having been lawfully directed to do so by a judge is guilty of a misdemeanor.

A person who willfully neglects or refuses to aid a peace officer after being lawfully directed to aid the officer (1) in making an arrest, (2) in retaking a person who has escaped from custody, or (3) in executing a legal process is guilty of a misdemeanor.

History: *(10032) RL s 4847; 1983 c 359 s 134; 1985 c 265 art 10 s 1*

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629.404 COUNTIES OR MUNICIPALITIES CAUSING ARREST; REQUIRING RETURN TRANSPORTATION.

Subdivision 1. **Return transportation.** A county or municipality which causes to be issued a warrant for arrest for a person under 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 arrested. The person must be transported to the municipality or township of residence in Minnesota after a trial or final hearing on the matter.

Subd. 2. **Exceptions.** This section does not apply:

(1) to arrests made outside the state pursuant to sections 629.01 to 629.291;

(2) if the person is convicted or pleads guilty to any offense; or

(3) if the arrest is made under section 629.61.

History: *1971 c 908 s 1,2; 1Sp1981 c 4 art 1 s 185; 1985 c 265 art 10 s 1; 1986 c 444*

629.406 MAINTENANCE OF BOOKING RECORDINGS.

When a law enforcement agency elects to produce an electronic recording of any portion of the arrest, booking, or testing process in connection with the arrest of a person, the agency must maintain the recording for a minimum of 30 days after the date the person was booked.

History: *2005 c 136 art 11 s 17*

WARRANTS; BAIL; RELEASE

629.41 JUDGES TO ISSUE PROCESS FOR ARREST.

Judges, in vacation as well as in term time, may issue process to carry out law for the apprehension of persons charged with offenses.

History: *(10576) RL s 5235; 1983 c 359 s 135; 1985 c 265 art 10 s 1*

629.42 [Repealed, 1979 c 233 s 42]

629.43 [Repealed, 1979 c 233 s 42]

629.44 RECOGNIZANCE BY OFFENDER; CASES NOT PUNISHABLE BY IMPRISONMENT IN MINNESOTA CORRECTIONAL FACILITY-STILLWATER.

A person arrested with a warrant for an offense not punishable by imprisonment in the Minnesota Correctional Facility-Stillwater, may ask to enter into a recognizance. If the person asks, the peace officer making the arrest shall take the arrested person before a judge of the county in which the arrest is made, for a recognizance without trial or hearing. The judge may take from the arrested person a recognizance with sufficient sureties for that person's appearance before the court having jurisdiction of the offense in the county. After the recognizance is taken, the judge shall release the arrested person. The judge taking bail shall certify the release of the arrested person on bail upon the warrant and deliver it, with the recognizance,

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to the person making the arrest. The person making the arrest shall deliver it without unnecessary delay to the court administrator before which the accused was recognized to appear. On application of the complainant, the judge who issued the warrant or the county attorney shall summon any witnesses the judge or county attorney considers necessary.

History: *(10579) RL s 5238; 1961 c 561 s 14; 1979 c 102 s 13; 1983 c 359 s 136; 1985 c 265 art 10 s 1; 1Sp1986 c 3 art 1 s 82*

629.45 PROCEEDINGS IN CASE OF BAIL REFUSAL.

If a judge in the county where an arrest is made refuses to release the person arrested on bail, or if sufficient bail is not offered, the officer in charge of that person shall take the person before the judge who issued the warrant. If the judge who issued the warrant is absent, the officer in charge of the arrested person shall take the person before some other judge of the county in which the warrant was issued, to be proceeded with as directed.

History: *(10580) RL s 5239; 1983 c 359 s 137; 1985 c 265 art 10 s 1; 1986 c 444*

629.46 [Repealed, 1979 c 233 s 42]

629.47 HEARING OR TRIAL ADJOURNED; RECOGNIZANCE ALLOWED.

Subject to the right of the accused to a speedy trial as prescribed by the Rules of Criminal Procedure, a court may adjourn a hearing or trial from time to time, as the need arises and reconvene it at the same or a different place in the county. During the adjournment, the person being tried may be released in accordance with rule 6.02 of the Rules of Criminal Procedure.

History: *(10582) RL s 5241; 1979 c 233 s 34; 1985 c 265 art 10 s 1; 1987 c 329 s 19*

629.471 MAXIMUM BAIL ON MISDEMEANORS; GROSS MISDEMEANORS.

Subdivision 1. **Double fine.** Except as provided in subdivision 2 or 3, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor offense is double the highest cash fine that may be imposed for that offense.

Subd. 2. **Quadruple fine.** (a) For offenses under sections 169.09, 169A.20, 171.24, subdivision 5, and 609.525, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is quadruple the highest cash fine that may be imposed for the offense.

(b) Unless the court imposes the conditions of release specified in section 169A.44, the court must impose maximum bail when releasing a person from detention who has been charged with violating section 169A.20 if the person has three or more prior impaired driving convictions within the previous ten years. As used in this subdivision, "prior impaired driving conviction" has the meaning given in section 169A.03.

Subd. 3. **Six times fine.** For offenses under sections 609.224 and 609.377, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is six times the highest cash fine that may be imposed for the offense.

Subd. 3a. **Ten times fine.** For offenses under sections 518B.01, 609.2242, and 629.75, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is ten times the highest cash fine that may be imposed for the offense.

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Subd. 4. **Not applicable for felony DWI.** This section does not apply to persons charged with a felony violation under section 169A.20.

History: *1987 c 329 s 20; 1994 c 615 s 26; 1994 c 636 art 2 s 65; 1995 c 259 art 3 s 23; 1996 c 442 s 34; 2000 c 437 s 17; 2000 c 478 art 2 s 5; 1Sp2001 c 8 art 8 s 29; 1Sp2003 c 2 art 9 s 19; 2010 c 299 s 9,10*

629.48 PROCEEDINGS ON FAILURE TO APPEAR ACCORDING TO BOND.

If a person released under appearance bond as provided by rule 6.02 of the Rules of Criminal Procedure does not appear according to the conditions of the bond, the court shall record the default and certify the bond, with the record of the default, to the district court. The district court shall hear the default in accordance with the procedures provided in rule 6.03 of the Rules of Criminal Procedure for hearing a violation of a condition of release.

History: *(10583) RL s 5242; 1979 c 233 s 35; 1985 c 265 art 10 s 1*

629.49 WHEN PERSON FAILS TO RECOGNIZE APPREHENSION REQUIRED.

When a person fails to recognize, that person must be apprehended. The court shall order further disposition of the apprehended person consistent with the provisions of rule 6 of the Rules of Criminal Procedure.

History: *(10584) RL s 5243; 1979 c 233 s 36; 1985 c 265 art 10 s 1*

629.50 [Repealed, 1979 c 233 s 42]

629.51 [Repealed, 1979 c 233 s 42]

629.52 [Repealed, 1979 c 233 s 42]

629.53 PROVIDING RELEASE ON BAIL; COMMITMENT.

A person charged with a criminal offense may be released with or without bail in accordance with rule 6.02 of the Rules of Criminal Procedure. Money bail is the property of the accused, whether deposited by that person or by a third person on the accused's behalf. When money bail is accepted by a judge, that judge shall order it to be deposited with the court administrator. The court administrator shall retain it until the final disposition of the case and the final order of the court disposing of the case. Upon release, the amount released must be paid to the accused personally or upon that person's written order. In case of conviction, the judge may order the money bail deposit to be applied to any fine or restitution imposed on the defendant by the court and, if the fine or restitution is less than the deposit, order the balance to be paid to the defendant. Money bail deposited with the court or any officer of it is exempt from garnishment or levy under attachment or execution.

History: *(10588) RL s 5247; 1983 c 359 s 138; 1985 c 265 art 10 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1988 c 669 s 2*

629.531 ELECTRONIC MONITORING AS CONDITION OF PRETRIAL RELEASE.

If a court orders electronic monitoring as a condition of pretrial release, it may not use the electronic monitoring as a determining factor in deciding what the appropriate level of the defendant's money bail or appearance bond should be.

History: *1992 c 571 art 6 s 23*

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629.54 WITNESS TO RECOGNIZE.

When a person charged with a criminal offense is admitted to bail or committed by the judge, the judge shall also bind by recognizance any witnesses against the accused whom the judge considers material, to appear and testify at any trial or hearing in which the accused is scheduled to appear. If the judge is satisfied that there is good reason to believe that a witness will not perform the conditions of the witness' recognizance unless other security is given, the judge may order the witness to enter into a recognizance for the witness' appearance, with sureties as the judge considers necessary. Except in case of murder in the first degree, arson where human life is destroyed, and cruel abuse of children, the judge may not commit any witness who offers to recognize, without sureties, for the witness' appearance.

History: *(10589) RL s 5248; 1983 c 359 s 139; 1985 c 265 art 10 s 1; 1986 c 444*

629.55 COMMITTAL OF WITNESSES WHO REFUSE TO RECOGNIZE.

If a witness is required to recognize, with or without sureties, and refuses to do so, the judge shall commit that witness until the witness complies with the order, or is otherwise discharged according to law. During confinement a person held as a witness must receive the compensation the court before whom the case is pending directs, not exceeding regular witness fees in criminal cases as provided in section 357.24. When a minor is a material witness, any other person may recognize for the appearance of the minor as a witness, or the judge may take recognizance of the minor as a witness in a sum of not more than $50. The recognizance is valid and binding in law notwithstanding the disability of the minor.

History: *(10590) RL s 5249; 1981 c 31 s 20; 1983 c 359 s 140; 1985 c 265 art 10 s 1*

629.56 [Repealed, 1983 c 359 s 151]

629.57 [Repealed, 1979 c 233 s 42]

629.58 PROCEEDINGS REQUIRED WHEN PERSON UNDER BOND DEFAULTS; PAYING BOND TO COURT.

When a person in a criminal prosecution is under bond (1) to appear and answer, (2) to prosecute an appeal, or (3) to testify in court, and fails to perform the conditions of the bond, the default must be recorded. The court shall issue process against some or all of the persons bound by the bond as the prosecuting officer directs. If a person under bond fails to perform the conditions of the bond, the law enforcement authorities shall apprehend that person in the manner provided in rule 6.03 of the Rules of Criminal Procedure. After default on a bond, a surety may, with permission of the court, pay to the county treasurer or court administrator the amount for which the surety was bound as surety, with costs as the court may direct. Payment may be made either before or after process is issued. When it is made, the surety is fully discharged of any obligation under the bond.

History: *(10593) RL s 5252; 1979 c 233 s 37; 1985 c 265 art 10 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

629.59 COURT TO FORGIVE BOND FORFEITURE PENALTY.

When an action is brought in the name of the state against a principal or surety in a recognizance entered into by a party or witness in a criminal prosecution, and the penalty is judged forfeited, the court may forgive or reduce the penalty according to the circumstances of the case and the situation of the party on any terms and conditions it considers just and reasonable.

History: *(10594) RL s 5253; 1985 c 265 art 10 s 1*

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629.60 ACTIONS TO RECOVER UNDER RECOGNIZANCE EVEN IF TECHNICAL NONCOMPLIANCE.

If a recognizance shows that the court before whom it was entered into had authority to take it, and at what court the party or witness was bound to appear, an action brought to recover a penalty under the recognizance may not be barred, nor may judgment on it be stopped because either:

(1) the court failed to record the default of the principal or surety at the term of court when the default occurred; or

(2) the recognizance is defective in form.

In an action to recover a penalty under a recognizance entered into pending an appeal, the court may award part or all of the penalty amount to the person entitled to it under the recognizance if the court determines the amount is forfeited, or when by permission of the court the penalty has been paid to the county treasurer or court administrator without suit or before judgment in a manner provided by law.

History: *(10595) RL s 5254; 1983 c 359 s 141; 1985 c 265 art 10 s 1; 1Sp1986 c 3 art 1 s 82*

629.61 ARREST OF DEFAULTER.

When a defendant has been admitted to bail after verdict or trial, and neglects to appear at the time or place at which the defendant is bound to appear and submit to the jurisdiction of the proper court, the court may have that defendant arrested as provided in rule 6.03, subdivision 1, of the Rules of Criminal Procedure. In accordance with rules 6.02 and 6.03 of the Rules of Criminal Procedure, the court may continue the release upon the same conditions or impose different or additional conditions for the defendant's possible release.

History: *(10597) RL s 5255; 1979 c 233 s 38; 1985 c 265 art 10 s 1; 1986 c 444*

629.62 APPLICATION FOR BAIL; JUSTIFICATION.

If a person charged with a criminal offense and in custody desires release on bail and if the district court is not in session in the county the person may apply to a judge of district court or a judge of the Court of Appeals. The person shall apply by affidavit showing the nature of the application, the names of the persons to be offered as bail, and a copy of the papers upon which the person is held in custody. The judge may order the person charged to appear at a hearing to determine bail. The court shall give notice of the application to the county attorney, if within the county. No matters may be inquired into except those matters which relate to the amount of bail and the sufficiency of the sureties. A surety shall prove either by affidavit or upon oral examination by the court that the surety's assets are sufficient to pay the bond penalty amount to the court if the person bound under the bond fails a condition of the bond.

History: *(10598) RL s 5256; 1983 c 359 s 142; 1984 c 387 s 6; 1985 c 265 art 10 s 1; 1986 c 444*

629.63 SURETY ARREST OF DEFENDANT.

If a surety believes that a defendant for whom the surety is acting as bonding agent (1) is about to flee, (2) will not appear as required by the defendant's recognizance, or (3) will otherwise not perform the conditions of the recognizance, the surety may arrest or have another person or the sheriff arrest the defendant.

If the surety or another person at the surety's direction arrests the defendant, the surety or the other person shall take the defendant before the judge before whom the defendant was required to appear and surrender the defendant to that judge.

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If the surety wants the sheriff to arrest the defendant, the surety shall deliver a certified copy of the recognizance under which the defendant is held to the sheriff, with a direction endorsed on the recognizance requiring the sheriff to arrest the defendant and bring the defendant before the appropriate judge.

Upon receiving a certified copy of the recognizance and payment of the sheriff's fees, the sheriff shall arrest the defendant and bring the defendant before the judge.

Before a surety who has arrested a defendant who has violated the conditions of release may personally surrender the defendant to the appropriate judge, the surety shall notify the sheriff. If the defendant at the hearing before the judge is unable to post increased bail or meet alternative conditions of release in accordance with rule 6.03 of the Rules of Criminal Procedure, the sheriff or a deputy shall take the defendant into custody.

History: *(10599) RL s 5257; 1985 c 265 art 10 s 1; 1986 c 444*

629.64 JUDGE MAY IMPOSE NEW CONDITIONS OF RELEASE ON DEFENDANT WHO VIOLATED RELEASE.

When a defendant who has violated conditions imposed on the defendant's release is surrendered to a judge under section 629.63, the judge shall, in accordance with rules 6.02 and 6.03 of the Rules of Criminal Procedure, continue the release upon the same conditions or impose different or additional conditions for the defendant's possible release.

History: *(10600) RL s 5258; 1979 c 233 s 39; 1985 c 265 art 10 s 1; 1986 c 444*

629.65 SHERIFF FEES.

In a case involving a defendant who violated the conditions of the defendant's release, the sheriff must be allowed the same fees and mileage for making an arrest or attending before a judge as for arresting a person under a bench warrant. In all cases the sheriff's fees shall be paid by the surety or sureties surrendering a defendant who has violated conditions imposed on the defendant's release under section 629.63.

History: *(10601) RL s 5259; 1985 c 265 art 10 s 1; 1986 c 444*

629.66 [Repealed, 1983 c 359 s 151]

629.67 SURETIES ON BOND, RECOGNIZANCE, OR UNDERTAKING; AFFIDAVITS REQUIRED.

A personal surety upon any bond, recognizance, or undertaking given to secure the appearance of a defendant in a criminal case shall make an affidavit, to be attached to the bond, recognizance, or undertaking, stating:

(1) the surety's full name;

(2) the surety's residence and post office address;

(3) whether or not the affiant is surety upon any other bond, recognizance, or undertaking in any criminal case, and, if so, stating the name of the principal, the amount of each obligation, and the court in which the obligation was given; and

(4) the legal description of all real property owned by the surety and specifying as to each parcel of property its fair market value, what liens or encumbrances, if any, exist on it, and whether or not the property

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is the surety's homestead or is otherwise exempt from execution. The court may require the surety to disclose all or some of the surety's personal property by affidavit as required for real property.

The court may, in its discretion, by written order endorsed on the bond, recognizance, or undertaking, dispense with the affidavit disclosing the surety's real or personal property, or any part of it, if the court is satisfied that the surety is worth the amount necessary to act as surety on the bond, recognizance or undertaking to secure the defendant in a criminal case and is not a professional or habitual bonding agent in criminal cases.

History: *(10602-1) 1927 c 233 s 1; 1985 c 265 art 10 s 1; 1986 c 444*

629.68 PROHIBITING SURETIES TO MAKE FALSE STATEMENTS IN AFFIDAVITS; PENALTY.

A person who willfully and knowingly makes a false statement in an affidavit made under section 629.67 is guilty of perjury under section 609.48.

History: *(10602-2) 1927 c 233 s 2; 1985 c 265 art 10 s 1; 1996 c 305 art 1 s 124*

629.69 [Repealed, 1994 c 636 art 8 s 22]

629.70 AUTHORIZED CORPORATE BONDS AND RECOGNIZANCES.

A defendant required to give a bond, recognizance, or undertaking to secure an appearance in a criminal case may choose to give a surety bond, recognizance, or undertaking executed by a corporation authorized by law to execute bonds, recognizances, or undertakings. However, the amount of the bond, recognizance, or undertaking as fixed by the court must be the same regardless of the kind of bond, recognizance, or undertaking given.

History: *(10602-4) 1931 c 386 s 1; 1985 c 265 art 10 s 1; 1986 c 444*

629.71 [Repealed, 1983 c 359 s 151]

629.715 RELEASE IN CASES INVOLVING CRIMES AGAINST PERSONS; SURRENDER OF FIREARMS.

Subdivision 1. **Judicial review; release.** (a) When a person is arrested for a crime against the person, the judge before whom the arrested person is taken shall review the facts surrounding the arrest and detention. If the person was arrested or detained for committing a crime of violence, as defined in section 629.725, the prosecutor or other appropriate person shall present relevant information involving the victim or the victim's family's account of the alleged crime to the judge to be considered in determining the arrested person's release. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged crime, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings.

(b) If the judge determines release under paragraph (a) is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged crime, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release.

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Subd. 2. **Surrender of firearms.** The judge may order as a condition of release that the person surrender to the local law enforcement agency all firearms, destructive devices, or dangerous weapons owned or possessed by the person, and may not live in a residence where others possess firearms. Any firearm, destructive device, or dangerous weapon surrendered under this subdivision shall be inventoried and retained, with due care to preserve its quality and function, by the local law enforcement agency, and must be returned to the person upon the person's acquittal, when charges are dismissed, or if no charges are filed. If the person is convicted, the firearm must be returned when the court orders the return or when the person is discharged from probation and restored to civil rights. If the person is convicted of a designated offense as defined in section 609.531, the firearm is subject to forfeiture as provided under that section. This condition may be imposed in addition to any other condition authorized by rule 6.02 of the Rules of Criminal Procedure.

Subd. 3. **Written order.** If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

Subd. 4. **No contact order.** If the judge imposes as a condition of release a requirement that the person have no contact with the victim of the alleged crime, the judge may also, on its own motion or that of the prosecutor or on request of the victim, issue an ex parte temporary restraining order under section 609.748, subdivision 4, or an ex parte temporary order for protection under section 518B.01, subdivision 7. Notwithstanding section 518B.01, subdivision 7, paragraph (b), or 609.748, subdivision 4, paragraph (c), the temporary order is effective until the defendant is convicted or acquitted, or the charge is dismissed, provided that upon request the defendant is entitled to a full hearing on the restraining order under section 609.748, subdivision 5, or on the order for protection under section 518B.01. The hearing must be held within seven days of the defendant's request.

History: *1994 c 636 art 3 s 43; 1995 c 226 art 7 s 19; 1995 c 244 s 39*

629.72 BAIL; DOMESTIC ABUSE; HARASSMENT; VIOLATION OF ORDER FOR PROTECTION; OR NO CONTACT ORDER.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

(c) "Stalking" has the meaning given in section 609.749.

(d) "Violation of a domestic abuse no contact order" has the meaning given in section 629.75.

(e) "Violation of an order for protection" has the meaning given in section 518B.01, subdivision 14.

Subd. 1a. **Detention in lieu of citation; release.** (a) Notwithstanding any other law or rule, an arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with stalking, domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order.

(b) Notwithstanding any other law or rule, an individual who is arrested on a charge of stalking any person, domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact

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order, must be brought to the police station or county jail. The officer in charge of the police station or the county sheriff in charge of the jail shall issue a citation in lieu of continued detention unless it reasonably appears to the officer or sheriff that release of the person (1) poses a threat to the alleged victim or another family or household member, (2) poses a threat to public safety, or (3) involves a substantial likelihood the arrested person will fail to appear at subsequent proceedings.

(c) If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff, the arrested person must be brought before the nearest available judge of the district court in the county in which the alleged stalking, domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order took place without unnecessary delay as provided by court rule.

Subd. 2. **Judicial review; release; bail.** (a) The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention of a person arrested for domestic abuse, stalking, violation of an order for protection, or violation of a domestic abuse no contact order. The prosecutor or prosecutor's designee shall present relevant information involving the victim's or the victim's family's account of the alleged crime to the judge to be considered in determining the arrested person's release. In making a decision concerning pretrial release conditions of a person arrested for domestic abuse, stalking, violation of an order for protection, or violation of a domestic abuse no contact order, the judge shall review the facts of the arrest and detention of the person and determine whether: (1) release of the person poses a threat to the alleged victim, another family or household member, or public safety; or (2) there is a substantial likelihood the person will fail to appear at subsequent proceedings. Before releasing a person arrested for or charged with a crime of domestic abuse, stalking, violation of an order for protection, or violation of a domestic abuse no contact order, the judge shall make findings on the record, to the extent possible, concerning the determination made in accordance with the factors specified in clauses (1) and (2).

(b) The judge may impose conditions of release or bail, or both, on the person to protect the alleged victim or other family or household members and to ensure the appearance of the person at subsequent proceedings. These conditions may include an order:

(1) enjoining the person from threatening to commit or committing acts of domestic abuse or stalking against the alleged victim or other family or household members or from violating an order for protection or a domestic abuse no contact order;

(2) prohibiting the person from harassing, annoying, telephoning, contacting, or otherwise communicating with the alleged victim, either directly or indirectly;

(3) directing the person to vacate or stay away from the home of the alleged victim and to stay away from any other location where the alleged victim is likely to be;

(4) prohibiting the person from possessing a firearm or other weapon specified by the court;

(5) prohibiting the person from possessing or consuming alcohol or controlled substances; and

(6) specifying any other matter required to protect the safety of the alleged victim and to ensure the appearance of the person at subsequent proceedings.

(c) If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety.

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Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

(d) If the judge imposes as a condition of release a requirement that the person have no contact with the alleged victim, the judge may also, on its own motion or that of the prosecutor or on request of the victim, issue an ex parte temporary restraining order under section 609.748, subdivision 4, or an ex parte temporary order for protection under section 518B.01, subdivision 7. Notwithstanding section 518B.01, subdivision 7, paragraph (b), or 609.748, subdivision 4, paragraph (c), the temporary order is effective until the defendant is convicted or acquitted, or the charge is dismissed, provided that upon request the defendant is entitled to a full hearing on the restraining order under section 609.748, subdivision 5, or on the order for protection under section 518B.01. The hearing must be held within seven days of the defendant's request.

Subd. 2a. **Electronic monitoring; condition of pretrial release; pilot project.** (a) Until a judicial district has adopted standards under paragraph (b) governing electronic monitoring devices used to protect victims of domestic abuse, a court within the judicial district, as a condition of release, may not order a person arrested for a crime described in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to protect a victim's safety.

(b) The chief judge of a judicial district may appoint and convene an advisory group to develop and biennially update standards for the use of electronic monitoring and global positioning system devices to protect victims of domestic abuse. The advisory group must be comprised of representatives from law enforcement, prosecutors, defense attorneys, corrections, court administrators, probation, judges, and crime victim organizations, and include an industry representative with expertise in global positioning system devices. At a minimum, the standards must:

(1) require a judge to order only the use of active, real-time monitoring;

(2) require that the victim and defendant be provided with information on the risks and benefits of using active, real-time monitoring and a notice outlining the district's standards;

(3) require informed, voluntary consent by the victim before the defendant may be released on electronic monitoring, and provide for time-sensitive procedures if a victim withdraws consent;

(4) address financial costs, accessibility, and implications to the defendants and victims;

(5) provide for ongoing training and consultation with the advisory group members to continually improve victim safety and defendant accountability; and

(6) require that in situations involving a victim and defendant who are both mobile, the monitoring entity, and not the victim, determines if a material violation may have occurred and how to respond.

(c) The location data associated with the victim and defendant are security information as defined in section 13.37. Location data maintained by a law enforcement agency, probation authority, prosecutorial agency, or court services department may be shared among those agencies to develop and monitor conditions of release under this section.

(d) A violation of a location restriction by a defendant in a situation involving a victim and defendant who are both mobile does not automatically constitute a violation of the conditions of the defendant's release.

[See Note.]

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Subd. 3. **Release.** If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff pursuant to subdivision 1, and is not brought before a judge within the time limits prescribed by court rule, the arrested person shall be released by the arresting authorities, and a citation must be issued in lieu of continued detention.

Subd. 4. **Service; restraining order or order for protection.** If a restraining order is issued under section 609.748 or an order for protection is issued under section 518B.01 while the arrested person is still in detention, the order must be served upon the arrested person during detention if possible.

Subd. 5. **Violations; conditions of release.** The judge who released the arrested person shall issue a warrant directing that the person be arrested and taken immediately before the judge, if the judge:

(1) receives an application alleging that the arrested person has violated the conditions of release; and

(2) finds that probable cause exists to believe that the conditions of release have been violated.

Subd. 6. **Notice; release of arrested person.** (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally the alleged victim, local law enforcement agencies known to be involved in the case, if different from the agency having custody, and, at the victim's request any local battered women's and domestic abuse programs established under section 611A.32 or sexual assault programs of:

(1) the conditions of release, if any;

(2) the time of release;

(3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and

(4) if the arrested person is charged with domestic abuse, the location and telephone number of the area battered women's shelter as designated by the Office of Justice Programs in the Department of Public Safety.

(b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in paragraph (a), clauses (2) and (3).

(c) Data on the victim and the notice provided by the custodial authority are private data on individuals as defined in section 13.02, subdivision 12, and are accessible only to the victim.

Subd. 7. **Notice to victim regarding bail hearing.** (a) When a person arrested for or a juvenile detained for domestic assault or stalking is scheduled to be reviewed under subdivision 2 for release from pretrial detention, the court shall make a reasonable good faith effort to notify:

(1) the victim of the alleged crime;

(2) if the victim is incapacitated or deceased, the victim's family; and

(3) if the victim is a minor, the victim's parent or guardian.

(b) The notification must include:

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(1) the date and approximate time of the review;

(2) the location where the review will occur;

(3) the name and telephone number of a person that can be contacted for additional information; and

(4) a statement that the victim and the victim's family may attend the review.

History: *1978 c 724 s 3; 1983 c 226 s 2; 1984 c 433 s 2,3; 1985 c 265 art 10 s 1; 1986 c 444; 1987 c 115 s 1-3; 1991 c 272 s 17; 1992 c 571 art 6 s 24; 1993 c 326 art 2 s 31; 1995 c 226 art 7 s 20-22; 1996 c 380 s 1-3; 2000 c 445 art 2 s 29; 1Sp2001 c 8 art 10 s 18; 2010 c 299 s 11,12; 2013 c 34 s 5-9; 2014 c 263 s 2*

NOTE: The amendment to subdivision 2a by Laws 2014, chapter 263, section 2, expires August 1, 2017. Laws 2014, chapter 263, section 2, the effective date.

629.725 NOTICE TO VICTIM REGARDING BAIL HEARING OF ARRESTED OR DETAINED PERSON.

(a) When a person arrested or a juvenile detained for a crime of violence or an attempted crime of violence is scheduled to be reviewed under section 629.715 for release from pretrial detention, the court shall make a reasonable and good faith effort to notify the victim of the alleged crime. If the victim is incapacitated or deceased, notice must be given to the victim's family. If the victim is a minor, notice must be given to the victim's parent or guardian. The notification must include:

(1) the date and approximate time of the review;

(2) the location where the review will occur;

(3) the name and telephone number of a person that can be contacted for additional information; and

(4) a statement that the victim and the victim's family may attend the review.

(b) As used in this section, "crime of violence" has the meaning given it in section 624.712, subdivision 5, and also includes:

(1) sections 609.2112; 609.2113; and 609.2114;

(2) gross misdemeanor violations of section 609.224;

(3) nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749; and

(4) Minnesota Statutes 2012, section 609.21.

History: *1995 c 226 art 7 s 23; 1995 c 244 s 40; 1997 c 239 art 7 s 38; 2014 c 180 s 9; 2015 c 21 art 1 s 106*

629.73 NOTICE TO CRIME VICTIM; RELEASE OF ARRESTED OR DETAINED PERSON.

Subdivision 1. **Oral notice.** When a person arrested or a juvenile detained for a crime of violence or an attempted crime of violence is about to be released from pretrial detention, the agency having custody of the arrested or detained person or its designee shall make a reasonable and good faith effort before release

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to inform orally the victim or, if the victim is incapacitated, the same or next of kin, or if the victim is a minor, the victim's parent or guardian of the following matters:

(1) the conditions of release, if any;

(2) the time of release;

(3) the time, date, and place of the next scheduled court appearance of the arrested or detained person and, where applicable, the victim's right to be present at the court appearance; and

(4) the location and telephone number of at least one area crime victim service provider as designated by the Office of Justice Programs in the Department of Public Safety.

Subd. 2. **Written notice.** As soon as practicable after the arrested or detained person is released, the agency having custody of the arrested or detained person or its designee must personally deliver or mail to the alleged victim written notice of the information contained in subdivision 1, clauses (2) and (3).

Subd. 3. **Data.** Data on the victim and the notice provided by the custodial authority are private data on individuals as defined in section 13.02, subdivision 12, and are accessible only to the victim.

History: *1989 c 190 s 5; 1990 c 579 s 13; 1994 c 636 art 4 s 35; 2013 c 34 s 10*

629.735 NOTICE TO LOCAL LAW ENFORCEMENT AGENCY; RELEASE OF ARRESTED OR DETAINED PERSON.

When a person arrested or a juvenile detained for a crime of violence or an attempted crime of violence is about to be released from pretrial detention, the agency having custody of the arrested or detained person or its designee shall make a reasonable and good faith effort before release to inform any local law enforcement agencies known to be involved in the case, if different from the agency having custody, of the following matters:

(1) the conditions of release, if any;

(2) the time of release; and

(3) the time, date, and place of the next scheduled court appearance of the arrested or detained person.

History: *1995 c 226 art 7 s 24; 1995 c 244 s 41*

629.74 PRETRIAL BAIL EVALUATION.

The local corrections department or its designee shall conduct a pretrial bail evaluation of each defendant arrested and detained for committing a crime of violence as defined in section 624.712, subdivision 5, a gross misdemeanor violation of section 609.224 or 609.2242, or a nonfelony violation of section 518B.01, 609.2231, 609.3451, 609.748, or 609.749. In cases where the defendant requests appointed counsel, the evaluation shall include completion of the financial statement required by section 611.17. The local corrections department shall be reimbursed $25 by the Department of Corrections for each evaluation performed. The Judicial Council, in consultation with the Department of Corrections, shall approve the pretrial evaluation form to be used in each county.

History: *1994 c 636 art 8 s 15; 1995 c 259 art 3 s 24; 2006 c 260 art 5 s 51*

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DOMESTIC ABUSE NO CONTACT ORDER

629.75 DOMESTIC ABUSE NO CONTACT ORDER.

Subdivision 1. **Establishment; description.** (a) A domestic abuse no contact order is an order issued by a court against a defendant in a criminal proceeding or a juvenile offender in a delinquency proceeding for:

(1) domestic abuse as defined in section 518B.01, subdivision 2;

(2) harassment or stalking under section 609.749 when committed against a family or household member as defined in section 518B.01, subdivision 2;

(3) violation of an order for protection under section 518B.01, subdivision 14; or

(4) violation of a prior domestic abuse no contact order under this section or Minnesota Statutes 2008, section 518B.01, subdivision 22.

(b) A domestic abuse no contact order may be issued as a pretrial order before final disposition of the underlying criminal case or as a postconviction probationary order. A domestic abuse no contact order is independent of any condition of pretrial release or probation imposed on the defendant. A domestic abuse no contact order may be issued in addition to a similar restriction imposed as a condition of pretrial release or probation. In the context of a postconviction probationary order, a domestic abuse no contact order may be issued for an offense listed in paragraph (a) or for a conviction for any offense arising out of the same set of circumstances as an offense listed in paragraph (a).

(c) A no contact order under this section shall be issued in a proceeding that is separate from but held immediately following a proceeding in which any pretrial release or sentencing issues are decided.

Subd. 2. **Criminal penalties.** (a) As used in this subdivision "qualified domestic violence-related offense" has the meaning given in section 609.02, subdivision 16.

(b) Except as otherwise provided in paragraphs (c) and (d), a person who knows of the existence of a domestic abuse no contact order issued against the person and violates the order is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor who violates this subdivision within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days' imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court as provided in section 518B.02. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the person violates this subdivision:

(1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; or

(2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6. Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding

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section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

Subd. 2a. **Venue.** A person may be prosecuted under subdivision 2 at the place where any call is made or received or, in the case of wireless or electronic communication or any communication made through any available technologies, where the actor or victim resides, or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established under chapter 5B.

Subd. 3. **Warrantless custodial arrest.** A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a domestic abuse no contact order, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this subdivision is immune from civil liability that might result from the officer's actions.

History: *2010 c 299 s 13,14; 2013 c 47 s 5,6*

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