

**609.153 INCREASED PENALTIES FOR CERTAIN MISDEMEANORS.**

Subdivision 1. **Application.** This section applies to the following misdemeanor-level crimes: sections 152.093 (manufacture or delivery of drug paraphernalia prohibited); 152.095 (advertisement of drug paraphernalia prohibited); 609.324 (prostitution); 609.3243 (loitering with intent to participate in prostitution); 609.546 (motor vehicle tampering); 609.595 (damage to property); and 609.66 (dangerous weapons); misdemeanor-level violations of section 609.605 (trespass); and violations of local ordinances prohibiting the unlawful sale or possession of controlled substances.

Subd. 2. **Custodial arrest.** Notwithstanding rule 6.01 of the Rules of Criminal Procedure, a peace officer acting without a warrant who has decided to proceed with the prosecution of a person for committing a crime described in subdivision 1 may arrest and take the person into custody if the officer has reason to believe the person has a prior conviction for any crime described in subdivision 1.

Subd. 3. **Increased penalty.** Notwithstanding the statutory maximum penalty otherwise applicable to the offense, a person who commits a misdemeanor-level crime described in subdivision 1 is guilty of a gross misdemeanor if the court determines at the time of sentencing that the person has two or more prior convictions in this or any other state for any of the crimes described in subdivision 1.

Subd. 4. **Notice to complaining witness.** A prosecuting authority who is responsible for filing charges against or prosecuting a person arrested under the circumstances described in subdivision 2 shall make reasonable efforts to notify the complaining witness of the final outcome of the criminal proceeding that resulted from the arrest including, where appropriate, the decision to dismiss or not file charges against the arrested person.

**History:** 1997 c 239 art 3 s 9; 2006 c 260 art 1 s 14