

**588.01 CONTEMPTS.**

Subdivision 1. **Kinds.** Contempts of court are of two kinds, direct and constructive.

Subd. 2. **Direct.** Direct contempts are those occurring in the immediate view and presence of the court, and arise from one or more of the following acts:

(1) disorderly, contemptuous, or insolent behavior toward the judge while holding court, tending to interrupt the due course of a trial or other judicial proceedings;

(2) a breach of the peace, boisterous conduct, or violent disturbance, tending to interrupt the business of the court.

Subd. 3. **Constructive.** Constructive contempts are those not committed in the immediate presence of the court, and of which it has no personal knowledge, and may arise from any of the following acts or omissions:

(1) misbehavior in office, or other willful neglect or violation of duty, by an attorney, court administrator, sheriff, coroner, or other person appointed or elected to perform a judicial or ministerial service;

(2) deceit or abuse of the process or proceedings of the court by a party to an action or special proceeding;

(3) disobedience of any lawful judgment, order, or process of the court;

(4) assuming to be an attorney or other officer of the court, and acting as such without authority;

(5) rescuing any person or property in the custody of an officer by virtue of an order or process of the court;

(6) unlawfully detaining a witness or party to an action while going to, remaining at, or returning from the court where the action is to be tried;

(7) any other unlawful interference with the process or proceedings of a court;

(8) disobedience of a subpoena duly served, or refusing to be sworn or to answer as a witness;

(9) when summoned as a juror in a court, neglecting to attend or serve, improperly conversing with a party to an action to be tried at the court or with any person relative to the merits of the action, or receiving a communication from a party or other person in reference to it, and failing to immediately disclose the same to the court;

(10) disobedience, by an inferior tribunal or officer, of the lawful judgment, order, or process of a superior court, proceeding in an action or special proceeding in any court contrary to law after it has been removed from its jurisdiction, or disobedience of any lawful order or process of a judicial officer;

(11) failure or refusal to pay a surcharge levied pursuant to section 357.021, subdivision 6.

**History:** (9792, 9793) *RL s 4638, 4639; 1981 c 341 s 5; 1983 c 359 s 84; 1Sp1986 c 3 art 1 s 82; 1998 c 367 art 8 s 9*