CHAPTER 642

LOCKUPS

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642.01 LOCKUPS; ESTABLISHMENT.

The governing body of any city may purchase, build, or lease, maintain, and regulate, one or more lockups for the detention of persons charged with offenses against its ordinances and bylaws, or for the confinement of persons sentenced to imprisonment for violation of these ordinances and bylaws. Under regulations prescribed by the governing body, the lockup may be used for temporary detention of any prisoner under arrest. No purchase or lease, and no plans for building a lockup, or no plans for repairing a lockup at an expense of more than $5,000 shall be finally adopted until the same has been approved by the commissioner of corrections. No contract for erection or repair shall be valid unless the suggestions and advice of the commissioner have been filed with the clerk of the municipality before its execution.

History: *(10875) RL s 5487; 1955 c 491 s 1; 1959 c 263 s 2; 1973 c 123 art 5 s 7; 1976 c 299 s 5*

642.02 CONSTRUCTION, REPAIR; PRESENCE OF JAILER.

Subdivision 1. **Approval, standards required.** The commissioner of corrections shall not approve any plan for the construction of a lockup, or repairs to an existing lockup at an estimated cost of more than $5,000, unless the plan meets the standards established by the commissioner's rules.

Subd. 2. **Jailer or custodian.** No prisoner shall be detained without a jailer or custodian present in the lockup, awake and alert at all times, capable of responding to the reasonable needs of the prisoner.

History: *(10876) RL s 5488; 1913 c 438 s 1; 1955 c 491 s 2; 1959 c 263 s 2; 1976 c 299 s 6; 1980 c 602 s 11*

642.03 TEMPORARY POLICE STATIONS AND LOCKUPS IN CERTAIN CASES IN CITIES OF FIRST CLASS.

When, in the opinion of the board of police commissioners of any city of the first class in the state, or of any board of the city having charge, control, and direction of the administration of the police department of the city, it shall be necessary to remove from and destroy any existing police station or lockup, and to provide and equip new temporary central police stations and lockups, pending the erection by the city, upon the site of the abandoned police station, of a new and permanent central police station and lockup, the city is hereby authorized and empowered, acting by and through its board of police commissioners, or other board having the control and direction of the administration of the police department, of the city, to lease a new site for the temporary central police station and lockup, and to provide and equip the same.

Section 642.02 shall apply to, and be binding upon, the city in the providing of a temporary central police station and lockup, under the circumstances hereinbefore stated.

History: *(10877, 10878) 1911 c 304 s 1,2; 1980 c 602 s 12*

642.04 PRISONERS SENT TO JAILS OUTSIDE CITY.

When, in any statutory or home rule charter city, no jail exists, which in the judgment of the city council, or other governing body, is sufficient or suitable for the detention of persons lawfully under arrest in the city, the council, or other governing body, may cause persons lawfully arrested to be detained in any city or county or county regional jail or lockup in the same or in an adjoining county; provided, that that detention shall be with the consent of the city or county or regional jail board operating the jail where the persons are detained, and that there shall be paid to the city or county or regional jail board the necessary cost and expense which may be incident to taking care of persons while they are lawfully detained or imprisoned.

History: *(10879) 1921 c 251 s 1; 1980 c 597 s 12*

642.05 LAWFUL CUSTODY OF PERSON.

The detention or imprisonment of any person lawfully arrested in one city but detained or imprisoned in another under the provisions of this section and section 642.04 shall in no manner jeopardize the lawful custody or detention of such person.

History: *(10880) 1921 c 251 s 2*

642.06 COUNTY JAIL; USE BY CITY OF FIRST CLASS.

Any city of the first class in this state, now or hereafter operating under a home rule charter, and now or hereafter containing a city hall building on land contiguous to the county courthouse and jail grounds, may enter into contract with the county in which such city is located, for the furnishing to such city by such county of jail facilities in the county jail building for the care of persons who are usually confined in the city jail and for the furnishing of heating and lighting service to such city, and for the construction and maintenance of a tunnel connecting the courthouse, county jail, and city hall buildings, for use as a passageway between these buildings and for other public purposes, upon such terms and conditions, for such consideration, and for such period of time not exceeding five years at a time, with right of successive renewals as shall be agreed upon between the county board of such county and the city council of such city, acting for their respective political subdivisions.

The sheriff of any such county shall accept and hold in any such county jail building any person placed under arrest by the city police department and delivered to the sheriff for incarceration in the county jail. The city shall pay the county for the care and detention of each such prisoner such amount as shall be fixed by the county board but not in excess of the actual cost.

History: *(10880-1) 1927 c 176 s 1; 1953 c 325 s 1*

642.07 CHIEF OF POLICE; DUTIES.

The chief of police shall cause every lockup under the chief's care, and the bedding therein, to be kept clean, wholesome, and free from vermin. The lockup shall be kept in good repair and maintained so as to protect the health, comfort, safety, and well-being of inmates and staff. Each chief of police shall keep a permanent record of all persons committed to the lockup, and all persons admitted as lodgers therein, in the

form prescribed by the commissioner of corrections. Any peace officer placing a person in the lockup shall report immediately to the officer's superior concerning the fact of the placement.

History: *(10881) RL s 5489; 1955 c 491 s 3; 1959 c 263 s 2; 1973 c 123 art 5 s 7; 1980 c 602 s 13; 1985 c 113 s 3; 2005 c 10 art 2 s 4*

642.08 JAILER FOR OPPOSITE SEX; COMPENSATION, DUTIES.

The chief executive officer of every city having a lockup shall appoint some competent person of good character and of the sex other than that of the chief of police as a jailer, who shall have exclusive charge of all persons of the jailer's sex committed thereto, and see that they are kept in a room separate from prisoners of the other sex. The jailer shall receive such compensation as the governing body shall determine, not less than $5 for each day or fraction thereof during which a prisoner of the jailer's sex is confined therein.

History: *(10882) RL s 5490; 1955 c 491 s 4; 1973 c 123 art 5 s 7; 1987 c 49 s 19; 2005 c 10 art 2 s 4*

642.09 INSPECTION; AGENT OF COMMUNITY HEALTH BOARD; SHERIFF.

The agent of a community health board as authorized under section 145A.04 of every city having a lockup shall inspect the same once a year, with reference to its sanitary condition, make a written report thereof to the commissioner of corrections upon blanks furnished by the commissioner, and deliver a copy of such report to the governing body of such city. Upon filing such report the authorized agent shall receive from the treasurer of such municipality a fee of $5. The sheriff of any county in which a municipality maintains a lockup shall inspect such lockup at least once every biennium with the approval of the commissioner of corrections, with reference to its security and administration, and make a written report thereof to the commissioner of corrections upon blanks furnished by the commissioner, and deliver a copy of such report to the governing body of the municipality maintaining such lockup. The commissioner may grant licensure up to two years.

History: *(10883) RL s 5491; 1955 c 491 s 5; 1959 c 263 s 2; 1973 c 123 art 5 s 7; 1986 c 444; 1987 c 309 s 24; 1994 c 636 art 6 s 27; 2015 c 21 art 1 s 109*

642.10 CONDEMNATION OF LOCKUP.

When the commissioner of corrections shall become satisfied, from the report of a local agent of a community health board as authorized under section 145A.04 or sheriff or from the report of any agent the commissioner may appoint and authorize to examine lockups, or from the commissioner's inspection that any lockup does not reasonably conform to essential conditions and details of construction, such as are prescribed by law for plans for lockups, and that such lockup is in a condition or of a construction such as to endanger the well-being, health, security or life of any person confined therein, the commissioner shall condemn such lockup by written order and it shall not be further used while such order is in force.

History: *(10884) RL s 5492; 1913 c 438 s 2; 1955 c 491 s 6; 1959 c 263 s 2; 1986 c 444; 1987 c 309 s 24; 2015 c 21 art 1 s 109*

642.11 CONDEMNATION; HOW ENFORCED.

If any lockup condemned by the commissioner of corrections shall thereafter be used while the order of condemnation is in force, it shall be the duty of the commissioner to bring an action in the district court in the county where the lockup is, for the purpose of enforcing the order of condemnation, and upon the trial of the action a copy of such order, certified in the usual form by the commissioner, shall be conclusive evidence that such lockup has been condemned by the commissioner and shall be prima facie evidence that

the lockup does not comply with the requirements of sections 642.02, 642.10 and 642.11 and is unfit for use as a lockup, and that its future use should be enjoined by the court. Evidence to sustain the order of condemnation may be received in rebuttal.

History: *(10885) 1913 c 438 s 3; 1959 c 263 s 2; 1986 c 444*

642.12 INMATES; LIQUOR AND CONTROLLED SUBSTANCES; PROHIBITION.

No sheriff, jailer, police officer, or other person in charge of any jail or lockup, under any pretense, shall give, sell, or deliver to any prisoner therein any contraband, as defined in section 641.165, subdivision 1, unless a reputable physician certifies in writing that the health of such prisoner or inmate requires it, in which case the prisoner or inmate may be allowed the prescribed quantity, and no more.

History: *(10886) RL s 5493; 1980 c 602 s 14; 1986 c 444; 2005 c 10 art 2 s 4*

642.13 PENALTIES.

Every sheriff, jailer, police officer, or other officer or person in charge of any jail or lockup who shall violate any preceding provision of this chapter shall, for each such violation, be guilty of a misdemeanor, and on a second conviction shall be adjudged to be incapable of holding the office of sheriff, jailer, police officer, or keeper of any jail or lockup, as the case may be, for the period of six years.

History: *(10887) RL s 5494; 2005 c 10 art 2 s 4*

642.14 [Repealed, 1980 c 602 s 19]