240.35 DETENTION OF SUSPECTS.

Subdivision 1. **Generally.** A licensee of the commission may detain a person if the licensee has probable cause to believe that the person detained has violated section 609.76 while at a card club authorized by section 240.30. For purposes of this section, "licensee" means the commission's director of racing security or a security officer licensed under Minnesota Rules, chapter 7878.

Subd. 2. **Circumstances justifying detention.** (a) A licensee may detain a person to:

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

(2) inquire as to whether the person possesses any contraband as provided by section 609.762, subdivision 1;

(3) notify a peace officer of the alleged violation; or

(4) institute criminal proceedings against the person.

(b) The person detained must be promptly informed of the purpose of the detention and may not be subjected to unnecessary or unreasonable force, nor to interrogation against the person's will. If at any time the person detained requests the licensee to summon a peace officer, the licensee must notify a peace officer immediately. A licensee of the Minnesota Racing Commission must not detain a person for more than one hour unless a peace officer requests detention, in which case the person may be detained until the peace officer has accepted custody of or released the person.

Subd. 3. **Arrest.** Upon a charge being made by a licensee, a peace officer may arrest a person without a warrant if the officer has probable cause to believe that the person has committed or attempted to commit an offense described in section 609.76.

Subd. 4. **Immunity.** No licensee or peace officer is criminally or civilly liable for any detention authorized by this section if probable cause exists for the detention, and the detention was not conducted with unreasonable force or in bad faith.

History: *2001 c 92 s 1*