CHAPTER 630

PRETRIAL PROCEDURE

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630.10 MS 1978 [Repealed, 1979 c 233 s 42]

630.11 MS 1978 [Repealed, 1979 c 233 s 42]

630.12 DEFENDANT; TRUE NAME.

When the defendant shall be arraigned, the defendant shall be informed that, if the name appearing on the indictment is not correct, the defendant shall then declare the true name, or be proceeded against by the name in the indictment. If the defendant shall give no other name, the court may proceed accordingly; if the defendant shall allege that another name is the true name, the court shall direct an entry thereof in the minutes of the arraignment, and the subsequent proceedings may be had against the defendant by that name, referring also to the name by which the defendant was indicted.

History: *(10680) RL s 5333; 1986 c 444*

630.13 MS 1978 [Repealed, 1979 c 233 s 42]

630.14 MS 1978 [Repealed, 1979 c 233 s 42]

630.15 MS 1978 [Repealed, 1979 c 233 s 42]

630.16 MS 1978 [Repealed, 1979 c 233 s 42]

630.17 FINE, HOW COLLECTED.

If the corporation is found guilty and a fine imposed, it shall be entered and docketed by the court administrator or district judge as a judgment against the corporation. It shall be enforced against the corporation in the same manner as if the judgment had been recovered against it in a civil action.

History: *(10684) RL s 5337; 1983 c 359 s 143; 1Sp1986 c 3 art 1 s 82; 1998 c 254 art 2 s 72*

630.18 GROUNDS FOR DISMISSAL; WAIVER.

In addition to the grounds for dismissal of an indictment specified in rules 17.06, subdivision 2, and 18.09, subdivision 2, of the Rules of Criminal Procedure and subject to the provisions of rules 17.06, subdivision 1, and 31.01, of the Rules of Criminal Procedure, the indictment shall be dismissed by the court in which the defendant is arraigned, upon the defendant's motion, in any of the following cases:

(1) when the indictment is not found, endorsed or presented as prescribed in sections 628.41 to 628.66 relating to grand juries;

(2) when the names of the witnesses examined before the grand jury are not inserted at the foot of the indictment or endorsed thereon;

(3) when a person was permitted to be present at the session of the grand jury while the charge embraced in the indictment was under consideration, except as provided by section 628.63 and rule 18.03 of the Rules of Criminal Procedure;

(4) when the grand jury by which the indictment was found had no legal authority to inquire into the offense charged, by reason of the offense charged not being within the local jurisdiction of the county;

(5) when the indictment does not substantially conform to the requirements of sections 628.10 to 628.13, as qualified by section 628.18, or was not found within the time prescribed therein;

(6) when more than one offense is charged in the indictment, except in cases where it is allowed by statute;

(7) when the facts stated do not constitute a public offense; or

(8) when the indictment contains any matter which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.

If the motion to dismiss the indictment is not made, the defendant shall be precluded from afterwards making any of the foregoing objections except that the objection to lack of jurisdiction specified in clause (4) and the objection of failure of the indictment to include facts stating a public offense specified in clause (7) shall be noticed by the court at any time during the pendency of a proceeding. Failure to include any objections constitutes a waiver thereof, but the court for good cause shown may, in accordance with rule 10.01, subdivision 2, of the Rules of Criminal Procedure, grant relief from the waiver.

History: *(10685) RL s 5338; 1971 c 24 s 57; 1979 c 233 s 40; 1986 c 444; 2011 c 76 art 3 s 6*

630.19 MS 1978 [Repealed, 1979 c 233 s 42]

630.20 MS 1978 [Repealed, 1979 c 233 s 42]

630.21 MS 1978 [Repealed, 1979 c 233 s 42]

630.22 MS 1978 [Repealed, 1979 c 233 s 42]

630.23 MS 1978 [Repealed, 1979 c 233 s 42]

630.24 MS 1978 [Repealed, 1979 c 233 s 42]

630.25 MS 1978 [Repealed, 1979 c 233 s 42]

630.26 MS 1978 [Repealed, 1979 c 233 s 42]

630.27 MS 1978 [Repealed, 1979 c 233 s 42]

630.28 MS 1978 [Repealed, 1979 c 233 s 42]

630.29 MS 1978 [Repealed, 1979 c 233 s 42]

630.30 MS 1978 [Repealed, 1979 c 233 s 42]

630.31 PLEA OF NOT GUILTY; EVIDENCE.

The plea of not guilty is a denial of every material allegation in the indictment, and all matters of fact tending to establish a defense, other than a former conviction or acquittal, may be given in evidence under such plea.

History: *(10697) RL s 5350*

630.32 ACQUITTAL; SAME OFFENSE.

If the defendant was formerly acquitted on the ground of a variance between the indictment and the proof, or the indictment was dismissed, upon an objection to its form or substance, without a judgment of acquittal, it is not an acquittal of the same offense. If the defendant was acquitted on the merits, the defendant shall be deemed acquitted of the same offense, notwithstanding a defect in the form or substance of the indictment on which the defendant was acquitted.

History: *(10698) RL s 5351; 1986 c 444*

630.33 INDICTMENT FOR OFFENSE OF DIFFERENT DEGREES.

If the defendant shall have been convicted or acquitted upon an indictment for an offense consisting of different degrees, such conviction or acquittal shall be a bar to another indictment for the offense charged in the former, or for any inferior degree of that offense, or for an attempt to commit the same, or for an offense necessarily included therein of which the defendant might have been convicted under that indictment.

History: *(10699) RL s 5352; 1986 c 444*

630.34 MS 1978 [Repealed, 1979 c 233 s 42]

630.35 CALENDAR; CONTENTS.

The court administrator shall prepare a calendar of the indictments pending to be tried at the term, enumerating them according to the date of filing the indictment, and specifying, opposite to the title of each action, whether it is a felony or a misdemeanor, and whether the defendant is in custody or on bail; and shall in like manner enter therein all indictments found during the term, and on which issues of fact or law are joined.

History: *(10726) RL s 5379; 1Sp1986 c 3 art 1 s 82*

630.36 ISSUES, HOW DISPOSED OF.

Subdivision 1. **Order.** The issues on the calendar shall be disposed of in the following order, unless, upon the application of either party, for good cause, the court directs an indictment or complaint to be tried out of its order:

(1) indictments or complaints for felony, where the defendant is in custody;

(2) indictments or complaints for misdemeanor, where the defendant is in custody;

(3) indictments or complaints alleging child abuse, as defined in subdivision 2, where the defendant is on bail;

(4) indictments or complaints alleging domestic abuse, as defined in subdivision 3, where the defendant is on bail;

(5) indictments or complaints for felony, where the defendant is on bail; and

(6) indictments or complaints for misdemeanor, where the defendant is on bail.

After a plea, the defendant shall be entitled to at least four days to prepare for trial, if the defendant requires it.

Subd. 2. **Child abuse defined.** As used in subdivision 1, "child abuse" means an act which involves a minor victim and which constitutes a violation of section 609.221, 609.222, 609.223, 609.2231, 609.2242, 609.255, 609.321, 609.322, 609.324, 609.342, 609.343, 609.344, 609.345, 609.377, 609.378, 617.246, or 609.224 if the minor victim is a family or household member of the defendant.

Subd. 3. **Domestic abuse defined.** As used in subdivision 1, "domestic abuse" has the meaning given in section 518B.01, subdivision 2.

History: *(10727) RL s 5380; 1985 c 286 s 22; 1986 c 444; 1992 c 571 art 6 s 25,26; 1995 c 259 art 3 s 25; 1998 c 367 art 2 s 32; 2000 c 437 s 18*

630.37 REGISTER.

The court administrator shall keep a register of all criminal actions, in which the court administrator shall enter:

(1) all indictments found in the court, or sent or removed to it for trial, with the time of finding the indictment, or when it was sent or removed; and

(2) the time of arraignment, of the demurrer or plea, and of the trial, conviction, or acquittal of the defendant, together with a brief note of all the other proceedings in the action.

History: *(10728) RL s 5381; 1983 c 359 s 144; 1986 c 444; 1Sp1986 c 3 art 1 s 82*