CHAPTER 634

EVIDENCE; WITNESSES

634.01 EVIDENCE; FORGERY OF TREASURY NOTES.

In prosecutions for forging or counterfeiting any note, certificate, bill of credit, or security issued on behalf of the United States or of any state, or for uttering, publishing, or tendering in payment as true any such forged or counterfeit note, certificate, bill of credit, or security, or for being possessed thereof with intent to utter and pass the same as true, the certificate, under oath, of the secretary of the Treasury or of the treasurer of the United States, or of the secretary or treasurer of any state in whose behalf such note, certificate, bill of credit, or security purports to have been issued, shall be admitted as evidence for the purpose of proving the same to be forged or counterfeit.

History: *(9900) RL s 4741*

634.02 EVIDENCE; BANK NOTES.

In prosecutions for forging or counterfeiting any notes or bills of a banking company or corporation, or for uttering, publishing, or tendering in payment as true any such forged or counterfeit bills or notes, or for being possessed thereof with the intent to utter and pass them as true, the testimony of any person acquainted with the signature of the president or cashier of such bank, or who has knowledge of the difference in appearance of the true and counterfeit bills or notes thereof shall be competent to prove that any such bill or note is counterfeit, without calling such president or cashier.

History: *(9901) RL s 4742*

634.025 CONFESSION BY A JUVENILE; INADMISSIBLE WHEN DECEPTION IS USED.

(a) Any admission, confession, or statement, whether written or oral, made by a person under 18 years of age during a custodial interrogation by a law enforcement agency official or their agent, is presumed to have been made involuntarily and is inadmissible in any proceeding if, during the interrogation, a law enforcement agency official or that person's agent:

(1) communicated information that an official or agent conducting or participating in the interrogation knew to be false if that information was about the existence or nature of evidence that a reasonable person

would find to be material in assessing any suspected or alleged criminal conduct by the individual being interrogated; or

(2) communicated statements regarding leniency that the official or agent was not authorized to make.

(b) The presumption that any such admission, confession, or statement, or any portion thereof, is made involuntarily and is inadmissible may be overcome if the state proves by a preponderance of the evidence that the admission, confession, or statement, or the given portion thereof, was voluntary, reliable, and not induced by any act described in paragraph (a).

(c) The presumption of inadmissibility set forth in paragraph (a) shall not apply to any portion of an admission, confession, or statement that occurs prior to the first instance in which one of the acts described in paragraph (a) occurs.

(d) That an admission, confession, or statement is deemed inadmissible under this section shall have no effect on the admissibility of evidence obtained as a result of the admission, confession, or statement if the evidence would have been discovered through independent lawful means or if knowledge of the evidence was acquired through an independent source.

History: *2024 c 123 art 4 s 16*

634.03 CONFESSION, INADMISSIBLE WHEN.

A confession of the defendant shall not be sufficient to warrant conviction without evidence that the offense charged has been committed; nor can it be given in evidence against the defendant whether made in the course of judicial proceedings or to a private person, when made under the influence of fear produced by threats.

History: *(9902) RL s 4743; 1986 c 444*

634.031 EVIDENCE OF ACCOMPLICE.

Any person may be convicted for violation of sections 609.75 to 609.76 on the person's own confession out of court, or upon the testimony of an accomplice.

History: *(10223) RL s 4973; 1963 c 753 art 2 s 10; 1986 c 444*

634.04 UNCORROBORATED EVIDENCE OF ACCOMPLICE.

A conviction cannot be had upon the testimony of an accomplice, unless it is corroborated by such other evidence as tends to convict the defendant of the commission of the offense, and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof.

History: *(9903) RL s 4744*

634.045 JAILHOUSE WITNESSES.

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) "Benefit" means any plea bargain, bail consideration, reduction or modification of sentence, or any other leniency, immunity, financial payment, reward, or amelioration of current or future conditions of incarceration offered or provided in connection with, or in exchange for, testimony that is offered or provided by a jailhouse witness.

(c) "Jailhouse witness" means a person who (1) while incarcerated, claims to have obtained information from a defendant in a criminal case or a person suspected to be the perpetrator of an offense, and (2) offers or provides testimony concerning statements made by that defendant or person suspected to be the perpetrator of an offense. It does not mean a codefendant or confidential informant who does not provide testimony against a suspect or defendant.

(d) "Commissioner" means the commissioner of corrections.

Subd. 2. **Use of and benefits provided to jailhouse witnesses; data collection.** (a) Each county attorney shall report to the commissioner, in a form determined by the commissioner:

(1) the name of the jailhouse witness and the district court file number of the case in which that witness testified or planned to testify;

(2) the substance and use of any testimony of a jailhouse witness against the interest of a suspect or defendant, regardless of whether such testimony is presented at trial; and

(3) the jailhouse witness's agreement to cooperate with the prosecution and any benefit that the prosecutor has offered or may offer in the future to the jailhouse witness in connection with the testimony.

(b) The commissioner shall maintain a statewide database containing the information received pursuant to paragraph (a) for 20 years from the date that the jailhouse witness information was entered into that statewide record.

(c) Data collected and maintained pursuant to this subdivision are classified as confidential data on individuals, as defined in section 13.02, subdivision 3. Only the commissioner may access the statewide record but shall provide all information held on specific jailhouse witnesses to a county attorney upon request.

Subd. 3. **Report on jailhouse witnesses.** By September 15 of each year, beginning in 2022, the commissioner shall publish on its website an annual report of the statewide record of jailhouse witnesses required under subdivision 2. Information in the report must be limited to summary data, as defined in section 13.02, subdivision 19, and must include:

(1) the total number of jailhouse witnesses tracked in the statewide record; and

(2) for each county, the number of new reports added pursuant to subdivision 2, paragraph (a), over the previous fiscal year.

Subd. 4. **Disclosure of information regarding jailhouse witness.** (a) In addition to the requirements for disclosures under rule 9 of the Rules of Criminal Procedure, and within the timeframes established by that rule, a prosecutor must disclose the following information to the defense about any jailhouse witness:

(1) the complete criminal history of the jailhouse witness, including any charges that are pending or were reduced or dismissed as part of a plea bargain;

(2) any cooperation agreement with the jailhouse witness and any deal, promise, inducement, or benefit that the state has made or intends to make in the future to the jailhouse witness;

(3) whether, at any time, the jailhouse witness recanted any testimony or statement implicating the suspect or defendant in the charged crime and, if so, the time and place of the recantation, the nature of the recantation, and the names of the persons who were present at the recantation;

(4) whether, at any time, the jailhouse witness made a statement implicating any other person in the charged crime and, if so, the time and place of the statement, the nature of the statement, and the names of the persons who were present at the statement; and

(5) information concerning other criminal cases in which the jailhouse witness has testified, or offered to testify, against a suspect or defendant with whom the jailhouse witness was imprisoned or confined, including any cooperation agreement, deal, promise, inducement, or benefit that the state has made or intends to make in the future to the jailhouse witness.

(b) A prosecutor has a continuing duty of disclosure before and during trial. If, after the omnibus hearing held pursuant to rule 11 of the Rules of Criminal Procedure, a prosecutor discovers additional material, information, or witnesses subject to disclosure under this subdivision, the prosecutor must promptly notify the court and defense counsel, or, if the defendant is not represented, the defendant, of what was discovered. If the court finds that the jailhouse witness was not known or that materials in paragraph (a) could not be discovered or obtained by the state within that period with the exercise of due diligence, the court may order that disclosure take place within a reasonable period. Upon good cause shown, the court may continue the proceedings.

(c) If the prosecutor files a written certificate with the trial court that disclosing the information described in paragraph (a) would subject the jailhouse witness or other persons to physical harm or coercion, the court may order that the information must be disclosed to the defendant's counsel but may limit disclosure to the defendant in a way that does not unduly interfere with the defendant's right to prepare and present a defense, including limiting disclosure to nonidentifying information.

Subd. 5. **Victim notification.** (a) A prosecutor shall make every reasonable effort to notify a victim if the prosecutor has decided to offer or provide any of the following to a jailhouse witness in exchange for, or as the result of, a jailhouse witness offering or providing testimony against a suspect or defendant:

(1) reduction or dismissal of charges;

(2) a plea bargain;

(3) support for a modification of the amount or conditions of bail; or

(4) support for a motion to reduce or modify a sentence.

(b) Efforts to notify the victim should include, in order of priority: (1) contacting the victim or a person designated by the victim by telephone; and (2) contacting the victim by mail. If a jailhouse witness is still in custody, the notification attempt shall be made before the jailhouse witness is released from custody.

(c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual conduct, or harassment or stalking under this section, the prosecutor shall also inform the victim of the method and benefits of seeking an order for protection under section 518B.01 or a restraining order under section 609.748 and that the victim may seek an order without paying a fee.

(d) The notification required under this subdivision is in addition to the notification requirements and rights described in sections 611A.03, 611A.0315, 611A.039, and 611A.06.

History: *1Sp2021 c 11 art 3 s 35*

634.05 [Repealed, 1963 c 753 art 2 s 17]

634.051 PROOF OF DEATH; KILLING BY DEFENDANT.

No person shall be convicted of murder or manslaughter unless the death of the person alleged to have been killed, and the fact of killing by the defendant, as alleged, are each established as independent facts beyond a reasonable doubt.

History: *(10066) RL s 4875; 1981 c 147 s 1*

634.06 RESIDENTS REQUIRED TO TESTIFY IN ANOTHER STATE.

(a) Upon presentation of a certificate from a judge of a court of record in any state that may require persons within that state to attend and testify in criminal actions or grand jury investigations in this state stating that (1) there is a criminal action pending in the court or a grand jury investigation has commenced or is about to be commenced; (2) a person within this state is a material witness in the action or grand jury investigation; and (3) the person's presence will be required for a specified number of days at the trial or grand jury investigation; a judge of the district court of the county where the person resides, or where the person is found if not a resident of this state, shall set a time and place for a hearing and notify the person of the time and place.

(b) If at the hearing the judge determines that (1) the person is a material and necessary witness; (2) it will not cause undue hardship to the person to be compelled to attend and testify in the other state; and (3) the laws of the state where the person will testify and of any other state that the person may be required to pass through by ordinary course of travel will provide protection from arrest and the service of civil and criminal process; the judge shall make an order, with a copy of the certificate attached, directing the person to attend and testify at the time and place specified in the certificate.

(c) If the person, after being paid by an authorized person reasonable travel and lodging expenses and $25 for each day the person is required to travel and attend as a witness, fails without good cause to attend and testify as directed by the order, the person is guilty of constructive contempt of court.

History: *(9819-1) 1935 c 140 s 1; 1953 c 34 s 1; 1955 c 812 s 1; 1985 c 151 s 1*

634.07 NONRESIDENTS REQUIRED TO TESTIFY IN STATE.

If a person, in any state which by its laws has made provision for commanding persons within that state to attend and testify either for the prosecution or the defense in criminal actions, or for the purpose of a grand jury investigation which has commenced or is about to be commenced, in this state, is a material witness in an action pending in a district court, or a grand jury investigation which has commenced or is about to be commenced, in this state, a judge of such court may issue a certificate, under the seal of the court, stating these facts and specifying the number of days the witness will be required. This certificate shall be presented to a judge of a court of record in the county in which the witness resides, or the county in which the witness is found if not a resident of that state.

If the witness is ordered by the court to attend and testify in a criminal action or a grand jury investigation in this state the witness shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending, or the place where the grand jury investigation has commenced or is about to be commenced, and $5 for each day that the witness is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the order of the court shall not be required to remain within this state a longer period of time than the period mentioned in the certificate.

History: *(9819-2) 1935 c 140 s 2; 1955 c 812 s 2; 1986 c 444*

634.08 EXEMPTIONS; ARREST, SERVICE OF PROCESS.

If a person comes into this state in obedience to a court order directing the person's attendance and testimony in a criminal action or grand jury investigation in this state the person shall not, while in this state, pursuant to such court order, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before entrance into this state under such order.

If a person passes through this state while going to another state in obedience to a court order requiring the person's attendance and testimony in a criminal action or grand jury investigation in that state or while returning therefrom, the person shall not, while so passing through this state, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before entrance into this state pursuant to such court order.

History: *(9819-3) 1935 c 140 s 3; 1955 c 812 s 3; 1986 c 444*

634.09 UNIFORMITY.

Sections 634.06 to 634.09 shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of the states which enact them.

History: *(9819-4) 1935 c 140 s 4*

634.15 ADMISSION INTO EVIDENCE OF CERTAIN CERTIFICATES OF ANALYSIS AND BLOOD SAMPLE REPORTS.

Subdivision 1. **Certificates of analysis; blood sample reports; chain of custody.** (a) In any hearing or trial of a criminal offense or petty misdemeanor or proceeding pursuant to section 169A.53, subdivision 3, or 171.177, the following documents shall be admissible in evidence:

(1) a report of the facts and results of any laboratory analysis or examination if it is prepared and attested by the person performing the laboratory analysis or examination in any laboratory operated by the Bureau of Criminal Apprehension or authorized by the bureau to conduct an analysis or examination, or in any laboratory of the Federal Bureau of Investigation, the federal Postal Inspection Service, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, or the federal Drug Enforcement Administration;

(2) a report of a blood sample withdrawn under the implied consent law under sections 169A.50 to 169A.53 or section 171.177 if:

(i) the report was prepared by the person who administered the test;

(ii) the person who withdrew the blood sample was competent to administer the test under section 169A.51, subdivision 7; and

(iii) the report was prepared consistent with any applicable rules promulgated by the commissioner of public safety; and

(3) a verified chain of custody of a specimen while under the control of a laboratory described in clause (1).

(b) A report described in paragraph (a), clause (1), purported to be signed by the person performing the analysis or examination in a laboratory named in that clause, or a blood sample report described in paragraph (a), clause (2), purported to be signed by the person who withdrew the blood sample shall be admissible as

evidence without proof of the seal, signature or official character of the person whose name is signed to it. The signature in paragraph (a), clause (1) or (2), can be written or in electronic format.

(c) At least 20 days before trial, the prosecutor shall submit to the accused person or the accused person's attorney notice of the contents of a report described in paragraph (a) and of the requirements of subdivision 2.

Subd. 2. **Testimony at trial.** (a) Except in civil proceedings, including proceedings under section 169A.53, an accused person or the accused person's attorney may request, by notifying the prosecuting attorney at least ten days before the trial, that the following persons testify in person at the trial on behalf of the state:

(1) a person who performed the laboratory analysis or examination for the report described in subdivision 1, paragraph (a), clause (1); or

(2) a person who prepared the blood sample report described in subdivision 1, paragraph (a), clause (2).

If a petitioner in a proceeding under section 169A.53 subpoenas a person described in clause (1) or (2), to testify at the proceeding, the petitioner is not required to pay the person witness fees under section 357.22 in excess of $100.

(b) If the accused person or the accused person's attorney does not comply with the ten-day requirement described in paragraph (a), the prosecutor is not required to produce the person who performed the analysis or examination or prepared the report. In this case, the accused person's right to confront that witness is waived and the report shall be admitted into evidence.

History: *1980 c 553 s 3; 1982 c 423 s 14; 1986 c 444; 1Sp1997 c 2 s 65; 2000 c 478 art 2 s 7; 2002 c 301 s 1; 2003 c 29 s 1; 2007 c 13 art 1 s 25; 2007 c 54 art 3 s 12,13; 2017 c 83 art 3 s 18*

634.16 ADMISSION INTO EVIDENCE OF RESULTS OF APPROVED BREATH TESTS.

In any civil or criminal hearing or trial, the results of a breath test, when performed by a person who has been fully trained in the use of an infrared or other approved breath-testing instrument, as defined in section 169A.03, subdivision 11, pursuant to training given or approved by the commissioner of public safety or the commissioner's acting agent, are admissible in evidence without antecedent expert testimony that an infrared or other approved breath-testing instrument provides a trustworthy and reliable measure of the alcohol in the breath.

History: *1984 c 430 s 9; 1986 c 444; 2000 c 478 art 2 s 7; 2003 c 96 s 6*

634.20 EVIDENCE OF CONDUCT.

Evidence of domestic conduct by the accused against the victim of domestic conduct, or against other family or household members, is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. "Domestic conduct" includes, but is not limited to, evidence of domestic abuse, violation of an order for protection under section 518B.01; violation of a harassment restraining order under section 609.748; violation of a domestic abuse no contact order under section 629.75; or violation of section 609.749 or 609.79, subdivision 1. "Domestic abuse" and "family or household members" have the meanings given under section 518B.01, subdivision 2.

History: *1985 c 159 s 3; 1998 c 367 art 5 s 10; 2000 c 437 s 19; 2002 c 314 s 9; 2013 c 47 s 7; 1Sp2019 c 5 art 2 s 27*

634.25 ADMISSIBILITY OF RESULTS OF DNA ANALYSIS.

In a civil or criminal trial or hearing, the results of DNA analysis, as defined in section 299C.155, are admissible in evidence without antecedent expert testimony that DNA analysis provides a trustworthy and reliable method of identifying characteristics in an individual's genetic material upon a showing that the offered testimony meets the standards for admissibility set forth in the Rules of Evidence.

History: *1989 c 290 art 4 s 18; 1989 c 356 s 55*

634.26 STATISTICAL PROBABILITY EVIDENCE.

In a civil or criminal trial or hearing, statistical population frequency evidence, based on genetic or blood test results, is admissible to demonstrate the fraction of the population that would have the same combination of genetic markers as was found in a specific human biological specimen. "Genetic marker" means the various blood types or DNA types that an individual may possess.

History: *1989 c 290 art 4 s 19*

634.30 EVIDENCE OBTAINED IN FOREIGN JURISDICTIONS.

Relevant evidence shall not be excluded in any criminal trial or hearing or in any proceeding arising under section 169A.53 on the ground that it existed or was obtained outside of this state.

History: *1990 c 449 s 4; 2000 c 478 art 2 s 7*

634.35 RECORDINGS OF CHILD VICTIMS; CONDITIONS OF DISCLOSURE.

(a) If a recorded interview of a child victim of physical or sexual abuse is disclosed by a prosecuting attorney to a defendant or the defendant's attorney, the following applies:

(1) no more than two copies of the recording or any portion of the recording may be made by the defendant or the defendant's attorney, investigator, expert, or any other representative or agent of the defendant;

(2) the recordings may not be used for any purpose other than to prepare for the defense in the criminal action against the defendant;

(3) the recordings may not be publicly exhibited, shown, displayed, used for educational, research, or demonstrative purposes, or used in any other fashion, except in judicial proceedings in the criminal action against the defendant;

(4) the recordings may be viewed only by the defendant, the defendant's attorney, and the attorney's employees, investigators, and experts;

(5) no transcript of the recordings, nor the substance of any portion of the recordings, may be divulged to any person not authorized to view or listen to the recordings;

(6) no person may be granted access to the recordings, any transcription of the recordings, or the substance of any portion of the recordings unless the person has first signed a written agreement that the person is aware of this statute and acknowledges that the person is subject to the court's contempt powers for any violation of it; and

(7) upon final disposition of the criminal case against the defendant, the recordings and any transcripts of the recordings must be returned to the prosecuting attorney.

(b) The court may hold a person who violates this section in contempt.

History: *2003 c 116 s 6; 2025 c 35 art 5 s 26*

634.36 EVIDENCE OF VIDEOTAPES, AUDIOTAPES, OR OTHER RECORDINGS.

In any hearing or trial of a criminal offense or petty misdemeanor or proceeding pursuant to section 169A.53, subdivision 3, evidence of a videotape, audiotape, or electronic or digital recording prepared by a peace officer, using recording equipment in a law enforcement vehicle or on the officer's person, while in the performance of official duties shall not be excluded on the ground that a written transcript of the recording was not prepared and available at or prior to trial. As used in this section, "peace officer" has the meaning given in section 169A.03, subdivision 18.

History: *2010 c 231 s 1; 2017 c 95 art 2 s 18*