

(1) Proof that, at the time of issuance, he did not have an account with the drawee;

(2) Proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

(3) Proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision.

Notice of nonpayment or dishonor ~~and a copy of that includes a citation to and a description of the penalties in~~ this section shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed on the check. Refusal by the maker or drawer of the check to accept certified mail notice or failure to claim certified or regular mail notice is not a defense that notice was not received.

The notice may state that unless the check is paid in full within five business days after mailing of the notice of nonpayment or dishonor, the payee or holder of the check will or may refer the matter to proper authorities for prosecution under this section.

An affidavit of service by mailing shall be retained by the payee or holder of the check.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective August 1, 1985, and apply to checks issued on or after that date.

Approved May 17, 1985

CHAPTER 141 — H.F.No. 374

An act relating to crimes; providing that persons guilty of failing to comply with fire security measures are guilty of obstructing legal process; redefining arson in the second and third degrees and negligent fires; prescribing penalties; amending Minnesota Statutes 1984, sections 299F.08, by adding a subdivision; 609.562; 609.563; and 609.576; proposing coding for new law in Minnesota Statutes, chapter 609.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1984, section 299F.08, is amended by adding a subdivision to read:

Subd. 4. SECURING THE SCENE. In order to prevent the loss, destruction, or alteration of evidence at a fire scene, fire officials may secure fire scenes for up to 48 hours after having extinguished the fire while warrants are obtained or while the investigation authorized in this section is conducted. Fire scene security may be accomplished by preventing any person from entering the fire scene or from removing property from the fire scene. An individual may enter the fire scene if accompanied by the fire official conducting the investigation, or if the individual obtains the fire official's written permission. Persons not complying with the fire security measures under this subdivision are guilty of obstructing legal process as defined in section 609.50. Nothing in this subdivision shall be construed to increase the civil liability of fire officials or to decrease municipal or state immunities as set forth in section 3.736 or 466.03.

Sec. 2. Minnesota Statutes 1984, section 609.562, is amended to read:

609.562 ARSON IN THE SECOND DEGREE.

Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not covered by section 609.561, no matter what its value, or any other real or personal property valued at more than \$2,500, whether the property of himself or another, may be sentenced to imprisonment for not more than ten years or to a fine of not more than \$20,000 or both.

Sec. 3. Minnesota Statutes 1984, section 609.563, is amended to read:

609.563 ARSON IN THE THIRD DEGREE.

Subdivision 1. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any real or personal property ~~belonging to another~~ may be sentenced to imprisonment for not more than five years or to a fine of \$10,000 or both, if:

(a) The property intended by the accused to be damaged or destroyed had a value of more than \$300 but less than \$2,500; or

(b) Property of the value of \$300 or more was unintentionally damaged or destroyed but such damage or destruction could reasonably have been foreseen; or

(c) The property specified in clauses (a) and (b) in the aggregate had a value of \$300 or more.

Subd. 2. In all other cases whoever intentionally by means of fire or explosives sets fire to or burns or causes to be burned any real or personal

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property of value ~~belonging to another~~ may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700.

Sec. 4. **[609.564] EXCLUDED FIRES.**

A person does not violate section 609.561, 609.562, or 609.563 if the person sets a fire pursuant to a validly issued license or permit or with written permission from the fire department of the jurisdiction where the fire occurs.

Sec. 5. Minnesota Statutes 1984, section 609.576, is amended to read:
609.576 NEGLIGENT FIRES.

Whoever is culpably negligent in causing a fire to burn or get out of control thereby causing damage or injury to another, and as a result thereof:

(a) A human being is injured and great bodily harm incurred, is guilty of a crime and may be sentenced to imprisonment of not more than three years or to a fine of not more than \$5,000, or both; or

(b) Property of another is injured, thereby, is guilty of a crime and may be sentenced as follows:

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than ~~\$750~~ \$700, or both, if the value of the property damage is under \$300;

(2) To imprisonment for not more than one year, or to a fine of \$3,000 or both, if the value of the property damaged is at least \$300 ~~and under \$2,500~~ but is less than \$10,000;

(3) To imprisonment for not less than 90 days nor more than ~~one year~~ three years, or to a fine of ~~\$3,000 not more than \$5,000~~, or both, if the value of the property damaged is at least ~~\$2,500~~ \$10,000 or more;

(4) ~~To imprisonment for not less than 90 days nor more than three years or to a fine of \$5,000 or both, if value of property damaged is at least \$10,000.~~

Sec. 6. **EFFECTIVE DATE.**

Sections 1 to 5 are effective August 1, 1985, and apply to crimes committed on or after that date.

Approved May 17, 1985

CHAPTER 142 — H.F.No. 385

An act relating to occupations and professions; providing advertising restrictions for plumbers; proposing coding for new law in Minnesota Statutes, chapter 326.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.