

prohibits lawful treatment by spiritual means through prayer in lieu of medical or surgical treatment when treatment by spiritual means has been authorized by the declarant.

Presented to the governor February 28, 1989

Signed by the governor March 3, 1989, 11:36 a.m.

CHAPTER 4—S.F.No. 171

An act relating to law libraries; permitting fees to be set annually; amending Minnesota Statutes 1988, section 140.422, subdivision 4.

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

Section 1. Minnesota Statutes 1988, section 140.422, subdivision 4, is amended to read:

Subd. 4. **SETTING FEES.** The law library board of trustees shall, with the approval of the board of commissioners, set the amount of the law library fee for civil and criminal matters in the district, ~~county or county municipal~~ and conciliation courts of the county. The fee shall be initially set on July 1, 1982. ~~Commencing with July 1, 1983, the law library fee shall be set every two years each year and shall remain in effect during that time until changed.~~ All law library fees shall be published in the State Register.

Presented to the governor March 2, 1989

Signed by the governor March 3, 1989, 9:10 a.m.

CHAPTER 5—S.F.No. 32

An act relating to crimes; trespass; recodifying the law on dangerous trespasses and misdemeanor trespasses; prescribing penalties; amending Minnesota Statutes 1988, sections 609.02, subdivisions 12 and 13; 609.50; 609.55, subdivision 2, and by adding subdivisions; 609.576; 609.605; 609.85; 609.855, subdivisions 1 and 3; 624.731, subdivision 7; and 629.363; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1988, section 609.60.

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

Section 1. Minnesota Statutes 1988, section 609.02, subdivision 12, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 12. **HARASS.** As used in sections 609.605, subdivision 1, clause ~~(4)~~ (7), 609.746, 609.79, and 609.795, "harass" means to interfere with another person so as to persecute or oppress that person.

Sec. 2. Minnesota Statutes 1988, section 609.02, subdivision 13, is amended to read:

Subd. 13. **THREATEN.** As used in sections 609.605, subdivision 1, clause ~~(4)~~ (7), 609.746, 609.79, and 609.795, "threaten" means to express a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act.

Sec. 3. [609.396] UNAUTHORIZED PRESENCE AT CAMP RIPLEY.

A person is guilty of a felony and may be sentenced to not more than five years imprisonment or to payment of a fine of not more than \$10,000, or both, if:

(1) the person intentionally enters or is present without authorization of the adjutant general in an area at the Camp Ripley military reservation that is posted by order of the adjutant general as restricted for weapon firing or other hazardous military activity; and

(2) the person knows that doing so creates a risk of death, bodily harm, or serious property damage.

Sec. 4. Minnesota Statutes 1988, section 609.50, is amended to read:

609.50 OBSTRUCTING LEGAL PROCESS ~~OR~~, ARREST, OR FIREFIGHTING.

Subdivision 1. CRIME. Whoever intentionally does any of the following may be sentenced as provided in subdivision 2:

(1) obstructs, hinders, or prevents the lawful execution of any legal process, civil or criminal, or apprehension of another on a charge or conviction of a criminal offense ~~or~~;

(2) obstructs, resists, or interferes with a peace officer while the officer is engaged in the performance of official duties;

(3) interferes with or obstructs the prevention or extinguishing of a fire, or disobeys the lawful order of a firefighter present at the fire; or

(4) by force or threat of force endeavors to obstruct any employee of the department of revenue while the employee is lawfully engaged in the performance of official duties for the purpose of deterring or interfering with the performance of those duties; ~~may be sentenced as follows:~~

Subd. 2. PENALTY. A person convicted of violating subdivision 1 may be sentenced as follows:

New language is indicated by underline, deletions by ~~strikeout~~.

(1) if the act was committed with knowledge that it created a risk of death, substantial bodily harm, or serious property damage, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(2) if the act was accompanied by force or violence or the threat thereof, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; or

~~(2)~~ (3) in other cases to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

Sec. 5. Minnesota Statutes 1988, section 609.55, subdivision 2, is amended to read:

Subd. 2. ~~ACTS CONSTITUTING FELONY.~~ Whoever intentionally takes or drives a motor vehicle without the consent of the owner or an authorized agent of the owner may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.

Sec. 6. Minnesota Statutes 1988, section 609.55, is amended by adding a subdivision to read:

Subd. 3. UNAUTHORIZED RIDING. Whoever intentionally rides in or on a motor vehicle knowing that the vehicle was taken and is being driven by another without the owner's permission is guilty of a misdemeanor.

Sec. 7. Minnesota Statutes 1988, section 609.55, is amended by adding a subdivision to read:

Subd. 4. UNAUTHORIZED ENTRANCE. Whoever intentionally tampers with or enters into or on a motor vehicle without the owner's permission is guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 1988, section 609.576, is amended to read:

609.576 NEGLIGENT FIRES; DANGEROUS SMOKING.

Subdivision 1. NEGLIGENT FIRE RESULTING IN INJURY OR PROPERTY DAMAGE. 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 \$700, or both, if the value of the property damage is under \$300;

New language is indicated by underline, deletions by ~~strikeout~~.

(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 but is less than \$10,000;

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

Subd. 2. DANGEROUS SMOKING. A person is guilty of a misdemeanor if the person smokes in the presence of explosives or inflammable materials. If a person violates this subdivision and knows that doing so creates a risk of death or bodily harm or serious property damage, the person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 9. Minnesota Statutes 1988, section 609.605, is amended to read:

609.605 TRESPASSES AND OTHER ACTS TRESPASS.

Subdivision 1. **MISDEMEANOR.** (a) The following terms have the meanings given them for purposes of this section.

(i) "Premises" means real property and any appurtenant building or structure.

(ii) "Dwelling" means the building or part of a building used by an individual as a place of residence on either a full-time or a part-time basis. A dwelling may be part of a multidwelling or multipurpose building, or a manufactured home as defined in section 168.011, subdivision 8.

MISDEMEANOR. Whoever (b) A person is guilty of a misdemeanor if the person intentionally does any of the following is guilty of a misdemeanor:

(1) ~~smokes in a building, area, or common carrier in which "no smoking" notices have been prominently posted, or when requested not to by the operator of the common carrier; or~~

(2) ~~trespasses or permits animals under the actor's control to trespass upon a railroad track; or~~

(3) ~~permits domestic animals or fowls under the actor's control to go upon the lands land of another within a city; or~~

(4) (2) ~~interferes unlawfully with any a monument, sign, or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or of a tract of land; or~~

(5) (3) ~~trespasses upon on the premises of another and, without claim of right, refuses to depart therefrom from the premises on demand of the lawful possessor thereof; or~~

New language is indicated by underline, deletions by ~~strikeout~~.

(6) ~~(4)~~ occupies or enters the dwelling of another, without claim of right or consent of the owner or the consent of one who has the right to give consent, except in an emergency situation. ~~As used in this clause, "dwelling" means the building or part of the building used by an individual as a place of residence on either a full-time or a part-time basis. The dwelling may be part of a multidwelling or multipurpose building, or a manufactured home as defined in section 168.011, subdivision 8; or~~

(7) ~~(5)~~ enters the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing thereon on the premises, without the permission of the owner or occupant; ~~or~~

(8) ~~refuses the request of the operator of a public conveyance to either pay the required fare or leave the conveyance; or~~

(9) ~~takes any animal on a public conveyance without the consent of the operator; or~~

(10) ~~without the permission of the owner, tampers with or gets into or upon a motor vehicle as defined in section 609.55, subdivision 1; or rides in or upon such motor vehicle knowing it was taken and is being driven by another without the permission of the owner; or~~

(11) ~~(6)~~ enters or is found upon on the premises of a public or private cemetery without authorization during hours the cemetery is posted as closed to the public; or

(12) ~~without authorization of the adjutant general enters or is present upon the Camp Ripley military reservation; or~~

(13) ~~(7)~~ returns to the property of another with the intent to harass, abuse, or threaten another, after being told to leave the property and not to return, if the actor ~~has no~~ is without claim of right to the property ~~and no~~ or consent of one with authority to consent.

Subd. 2. **GROSS MISDEMEANOR.** Whoever trespasses upon the grounds of a facility providing emergency shelter services for battered women, as defined under section 611A.31, subdivision 3, or of a facility providing transitional housing for battered women and their children, without claim of right or consent of one who has right to give consent, and refuses to depart from the grounds of the facility on demand of one who has right to give consent, is guilty of a gross misdemeanor.

Sec. 10. **[609.681] UNLAWFUL SMOKING.**

A person is guilty of a misdemeanor if the person intentionally smokes in a building, area, or common carrier in which "no smoking" notices have been prominently posted, or when requested not to by the operator of the common carrier.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 11. Minnesota Statutes 1988, section 609.85, is amended to read:

609.85 CRIMES AGAINST RAILROAD EMPLOYEES AND PROPERTY; PENALTY.

(1) Subdivision 1. INTENT TO CAUSE DERAILMENT. Whoever throws or deposits any type of debris or waste material, or other obstruction on any railroad track or whoever causes damage or causes another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel, signal or moving equipment used in providing rail services, with intention to cause injury, accident or derailment, is guilty of a felony.

(2) Subd. 2. FORESEEABLE RISK. Whoever intentionally throws or deposits any type of debris or waste material, or other obstruction on any railroad track or whoever intentionally causes damage or causes another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel, signal or moving equipment used in providing rail services, which creates a reasonably foreseeable risk of any injury, accident or derailment, is guilty of a gross misdemeanor.

(3) Subd. 3. SHOOTING AT TRAIN. Whoever intentionally shoots a firearm at any portion of a railroad train, car, caboose, engine or moving equipment so as to endanger the safety of another is guilty of a gross misdemeanor.

(4) Subd. 4. THROWING OBJECTS AT TRAIN. Whoever intentionally throws, shoots or propels any stone, brick or other missile at any railroad train, car, caboose, engine or moving equipment, so as to endanger the safety of another is guilty of a gross misdemeanor.

Subd. 5. PLACING OBSTRUCTION ON TRACK. Whoever places an obstruction on a railroad track is guilty of a misdemeanor.

Subd. 6. ALLOWING ANIMALS ON TRACK. Whoever intentionally permits animals under the person's control to trespass on a railroad track is guilty of a misdemeanor.

Sec. 12. [609.851] FALSE TRAFFIC SIGNAL.

Subdivision 1. MISDEMEANOR. A person is guilty of a misdemeanor if the person exhibits a false light or signal or interferes with a light, signal, or sign controlling or guiding traffic on a highway, railroad track, navigable waters, or in the air.

Subd. 2. FELONY. A person who violates subdivision 1 and knows that doing so creates a risk of death or bodily harm or serious property damage is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 13. Minnesota Statutes 1988, section 609.855, subdivision 1, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **UNLAWFULLY OBTAINING SERVICES.** Whoever intentionally obtains or attempts to obtain service from a provider of regular route transit as defined in section 174.22, subdivision 8, or from a public conveyance, without making the required fare deposit or otherwise obtaining the consent of the transit operator or other authorized transit representative is guilty of unlawfully obtaining services and may be sentenced as provided in subdivision 4.

Sec. 14. Minnesota Statutes 1988, section 609.855, subdivision 3, is amended to read:

Subd. 3. **PROHIBITED ACTIVITIES.** Whoever, while riding in a vehicle providing regular route transit service:

(1) operates a radio, television, tape player, electronic musical instrument, or other electronic device, other than a watch, which amplifies music, unless the sound emanates only from earphones or headphones and except that vehicle operators may operate electronic equipment for official business;

(2) smokes or carries lighted smoking paraphernalia;

(3) consumes food or beverages, except when authorized by the operator or other official of the transit system;

(4) throws or deposits litter; ~~or~~

(5) carries or is in control of an animal without the operator's consent; or

(6) acts in any other manner which disturbs the peace and quiet of another person;

is guilty of disruptive behavior and may be sentenced as provided in subdivision 4.

Sec. 15. Minnesota Statutes 1988, section 624.731, subdivision 7, is amended to read:

Subd. 7. **EXEMPTION.** Tear gas, tear gas compounds, and authorized tear gas compounds shall not be classified as an obnoxious or harmful gas, fluid, or substance under section ~~609.60~~; ~~clause (5)~~ 16.

Sec. 16. [624.732] **INTENTIONAL RELEASE OF HARMFUL SUBSTANCE.**

Subdivision 1. MISDEMEANOR. A person is guilty of a misdemeanor if the person intentionally exposes another or the other's property to an obnoxious or harmful gas, fluid, or substance, with intent to injure, molest, or coerce.

Subd. 2. FELONY. A person who violates subdivision 1 and knows that doing so creates a risk of death or bodily harm or serious property damage is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 17. Minnesota Statutes 1988, section 629.363, is amended to read:

629.363 RAILWAY CONDUCTOR; AUTHORITY TO ARREST.

A conductor of a railway train may arrest a person committing an act upon the train prohibited by sections ~~609.605~~ 10, 13, and 609.72 with or without a warrant, and take that person to the proper law enforcement authorities, or to the station agent at the next railway station. The station agent shall take the arrested person to the law enforcement authorities. A conductor or station agent possesses the powers of a sheriff with a warrant in making arrests under this chapter.

Sec. 18. **REPEALER.**

Minnesota Statutes 1988, section 609.60 is repealed.

Sec. 19. **EFFECTIVE DATE.**

Sections 1 to 18 are effective August 1, 1989, and apply to crimes committed on or after that date.

Presented to the governor March 7, 1989

Signed by the governor March 9, 1989, 6:53 p.m.

CHAPTER 6—S.F.No. 215

An act relating to notaries public; increasing the period of time during which reappointments may be made; amending Minnesota Statutes 1988, section 359.02.

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

Section 1. Minnesota Statutes 1988, section 359.02, is amended to read:

359.02 TERM, BOND, OATH, REAPPOINTMENT.

Every notary so commissioned shall hold office for six years, unless sooner removed by the governor or the district court; and, before entering upon the duties of office, shall give a bond to the state in the sum of \$10,000, to be approved by the governor, conditioned for the faithful discharge of the duties of office, which, with the oath of office, shall be filed with the secretary of state. Within ~~ten~~ 30 days before the expiration of the commission a notary may be reappointed for a new term to commence and to be designated in the new commission as beginning upon the day immediately following such expiration. The reappointment so made shall go into effect and be valid although the appointing governor may not be in the office of governor on said day.

Presented to the governor March 7, 1989

New language is indicated by underline, deletions by ~~strikeout~~.