

PART V

CRIMES, CRIMINALS

CHAPTER 610

CRIMES, GENERAL PROVISIONS

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610.01 CRIMES DEFINED AND CLASSIFIED. A crime is an act or omission forbidden by law, and punishable upon conviction by death, imprisonment, fine, or other penal discipline. Every crime which may be punished by death, or by imprisonment in the state prison or state reformatory, is a felony. Every crime punishable by fine not exceeding \$100, or by imprisonment in a jail for not more than 90 days, is a misdemeanor. Every other crime is a gross misdemeanor.

[R. L. s. 4747] (9906)

610.02 MEANING OF WORDS AND TERMS. In the construction of Part V, save when otherwise plainly declared or clearly apparent from the context, the following rules shall be observed:

(1) Each of the words "neglect," "negligence," "negligent," and "negligently" shall import a want of such attention to the nature or probable consequences of the act or omission as an ordinarily prudent man usually exercises in his own business;

(2) Each of the words "corrupt" and "corruptly" shall import a wrongful desire to acquire or cause some pecuniary or other advantage to himself or another, by the person to whom applicable;

(3) "Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person, or to maltreat or injure an animal;

(4) The word "knowingly" imports a knowledge that the facts exist which constitute the act or omission a crime, and does not require knowledge of its unlawfulness;

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(5) When an intent to defraud constitutes a part of a crime, it is not necessary to aver or prove an intent to defraud any particular person;

(6) The word "vessel" includes ships, steamers, and every boat or structure adapted to navigation, either upon lakes, rivers, or artificial waterways;

(7) The word "signature" includes any memorandum, mark, or sign written with intent to authenticate any instrument or writing, or the subscription of any person thereto;

(8) The word "writing" includes printing;

(9) The word "property" includes both real and personal property, things in action, money, bank bills, and every other thing of value;

(10) The word "oath" includes an affirmation; the word "bond," an undertaking; words in the present include the future tense; and in the masculine include the feminine and neuter genders; and in the singular include the plural; and in the plural, the singular;

(11) The word "person" includes a corporation or joint-stock association; when it is used to designate a party whose property may be the subject of any offense, it also includes the state, or any other state, government, or country which may lawfully own property within the state;

(12) The term "real property" includes every estate, interest, and right in lands, tenements, or hereditaments;

(13) The term "personal property" includes every description of money, goods, chattels, effects, evidences of rights in action, and all written instruments by which any pecuniary obligation, right, or title to property, real or personal, is created, acknowledged, transferred, increased, defeated, discharged, or diminished, and every right and interest therein.

[R. L. s. 4748] (9907)

610.03 RULES OF CONSTRUCTION. The rule that a penal statute is to be strictly construed shall not apply to any provision of Part V of the Minnesota Statutes, but every such provision shall be construed according to the fair import of its terms, to promote justice and effect the purpose of the law.

[R. L. s. 4749] (9908)

610.04 PERSONS PUNISHABLE. The following persons are liable to punishment:

(1) A person who commits in the state any crime, in whole or in part;

(2) A person who commits out of the state any offense which, if committed within it, would be larceny under the law, and is afterward found in the state with any of the stolen property;

(3) A person who, being out of the state, causes, procures, aids, or abets another to commit a crime in the state;

(4) A person who, being out of the state, abducts or kidnaps, by force or fraud, any person, contrary to the laws of the place where the act is committed, and brings, sends, or conveys such person into this state;

(5) A person who, being out of the state, and with intent to cause within it a result contrary to its laws, does an act which, in its natural and usual course, results in an act or effect contrary to such laws.

[R. L. s. 4750] (9909)

610.05 DEFENSE OF SELF OR ANOTHER, WHEN JUSTIFIABLE. An act otherwise criminal is justifiable when done to protect the doer, or another whom he is bound to protect, from imminent, personal injury, whenever such act appears to be only what is reasonably necessary to prevent the injury.

[R. L. s. 4751] (9910)

610.06 DEFENSE OF DURESS BY MARRIED WOMAN. It is no defense for a married woman charged with crime that the alleged act was committed by her in the presence of her husband.

[R. L. s. 4752] (9911)

610.07 DURESS; HOW CONSTITUTED. When any crime, except murder, is committed or participated in by two or more persons, any one of whom participates only under compulsion by another engaged therein, who by threats creates a reasonable apprehension in the mind of such participator that in case of refusal he is liable to instant death, such threats and apprehension constitute duress which will excuse such participator from criminal liability.

[R. L. s. 4753] (9912)

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610.08 PRESUMPTION OF RESPONSIBILITY. Save as hereinafter specified, every person is presumed to be responsible for his acts, and the burden of rebutting such presumption is upon him. Children under the age of seven years, idiots, imbeciles, lunatics, or insane persons are incapable of committing crime. Children of seven, and under 12, years of age are presumed incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. When, in legal proceedings, it becomes necessary to determine the age of a child, he may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his examination by one or more physicians, whose opinion shall be competent evidence upon the question of his age.

[R. L. s. 4754] (9913)

610.09 INTOXICATION OR CRIMINAL PROPENSITY NO DEFENSE. No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his condition, but when the actual existence of any particular purpose, motive, or intent is a necessary element to constitute a particular species or degree of crime, the fact of his intoxication may be taken into consideration in determining such purpose, motive, or intent. A morbid propensity to commit prohibited acts existing in the mind of a person who is not shown to have been incapable of knowing that such acts were wrong shall constitute no defense.

[R. L. s. 4755] (9914)

610.10 CRIMINAL RESPONSIBILITY OF INSANE PERSONS. No person shall be tried, sentenced, or punished for any crime while in a state of idiocy, imbecility, lunacy, or insanity, so as to be incapable of understanding the proceedings or making a defense; but he shall not be excused from criminal liability except upon proof that at the time of committing the alleged criminal act he was laboring under such a defect of reason, from one of these causes, as not to know the nature of his act, or that it was wrong.

[R. L. s. 4756] (9915)

610.11 CONVICTION OF LESSER CRIME, WHEN. Upon the trial of an indictment, the defendant may be convicted of the crime charged therein, or of a lesser degree of the same crime or of an attempt to commit the crime so charged, or of an attempt to commit a lesser degree of the same crime. In an indictment for an assault with intent to commit a felony, the jury, in case it does not find the intent charged, may convict of assault, and the court may sentence the defendant to imprisonment in the county jail for not more than one year, or to pay a fine not exceeding \$500.

[R. L. s. 4757] (9916)

610.12 PRINCIPAL, DEFINED. Every person concerned in the commission of a crime, whether he directly commits the act constituting the offense, or aids and abets in its commission and whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit a crime, is a principal, and shall be indicted and punished as such.

[R. L. s. 4758] (9917)

610.13 ACCESSORY, DEFINED. Every person not standing in the relation of husband or wife, parent or child, to the offender, who, after the commission of a felony, shall harbor, conceal, or aid such offender, with intent that he may avoid or escape from arrest, trial, conviction, or punishment, having knowledge or reasonable ground to believe that such offender has committed a felony or is liable to arrest, is an accessory to the felony.

[R. L. s. 4759] (9918)

610.14 TRIAL AND PUNISHMENT OF ACCESSORIES. Every accessory to a felony may be indicted, tried, and convicted, either in the county where he became an accessory; or where the principal felony was committed, and whether the principal offender has or has not been convicted or is or is not amenable to justice, or has been pardoned or otherwise discharged after conviction; and, except where a different punishment is specially prescribed by law, such accessory shall be punished by imprisonment in the state prison or county jail for not more than five years, or by a fine of not more than \$500, or by both.

[R. L. s. 4760] (9919)

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610.15 CERTAIN DUTIES OF COURTS AND JURIES. When a crime is distinguished into different degrees, the jury, on conviction, shall find the degree of which the accused is guilty. When a crime is declared to be punishable in a specified way, the court shall pass sentence imposing the prescribed punishment; and, when the punishment is left undetermined between certain limits, the court shall determine the same within the prescribed limits.

[R. L. s. 4761] (9920)

610.16 PUNISHMENT OF FELONY WHEN NOT FIXED BY STATUTE. Whoever is convicted of a felony for which no punishment is specially prescribed by any statutory provision in force at the time of conviction and sentence shall be punished by imprisonment in the state prison or a county jail for not more than seven years, or by a fine of not more than \$1,000, or by both.

[R. L. s. 4762] (9921)

610.17 MINIMUM TERM OF IMPRISONMENT FOR FELONY. The minimum penalty of imprisonment for any felony committed within this state shall be one year if the court, in its discretion, shall impose a state's prison or reformatory sentence therefor; provided, that the provisions of this section shall not apply to any offense where a greater minimum penalty of imprisonment is now or shall hereafter be prescribed by law for such offense.

[1927 c. 306] (9921-1)

610.18 FELONIES COMMITTED WHILE ARMED WITH FIREARMS; ADDITIONAL PUNISHMENT. If any person shall commit a felony, or attempt to commit a felony, while armed with a pistol, revolver, gun, or other firearm, with intent to use the same in the commission thereof, the penalty therefor, including any additional penalty which may be now or hereafter imposed by any law of this state for the commission of a crime of violence while armed with or having available any firearm, shall, in the discretion of the trial judge, be imprisonment for not less than five years; provided, that this section shall not apply to reduce either the minimum or the maximum sentence now or hereafter provided by law for any offense for which the person has been convicted.

[1927 c. 294] (9921-2)

610.19 PUNISHMENT OF MISDEMEANORS WHEN NOT FIXED BY STATUTE. Whoever is convicted of a misdemeanor for which no punishment is prescribed by any statute in force at the time of conviction and sentence shall be punished by imprisonment in the county jail for not more than three months, or by a fine of not more than \$100.

[R. L. s. 4763] (9922)

610.20 PUNISHMENT OF GROSS MISDEMEANOR WHEN NOT FIXED BY STATUTE. Whoever shall be convicted of a gross misdemeanor for which no punishment is prescribed by any statute in force at the time of conviction and sentence shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than \$1,000.

[R. L. s. 4764] (9923)

610.21 CRIMES PUNISHABLE UNDER DIFFERENT PROVISIONS. Any act or omission declared criminal and punishable in different ways by different provisions of law shall be punished under only one of such provisions, and a conviction or acquittal under any one shall bar a prosecution for the same act or omission under any other provision.

[R. L. s. 4765] (9924)

610.22 ACTS PUNISHABLE UNDER FOREIGN LAW. An act or omission declared punishable by criminal law is not less so because it is also punishable under the laws of another state, government, or country, unless the contrary is expressly declared in such law.

[R. L. s. 4766] (9925)

610.23 FOREIGN CONVICTION OR ACQUITTAL. When, upon the trial of any person indicted for a crime, it appears that the offense was committed in another state or country, under such circumstances that the courts of this state had jurisdiction thereof, and that the defendant has already been acquitted or convicted on the merits, upon a criminal prosecution under the laws of such state or country, founded upon the act or omission in respect of which he is upon trial, such former acquittal or conviction is a sufficient defense.

[R. L. s. 4767] (9926)

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610.24 PUNISHMENT FOR CONTEMPT. A criminal act which at the same time constitutes contempt of court, and has been punished as such, may also be punished as a crime, but in such case the punishment for contempt may be considered in mitigation.

[R. L. s. 4768] (9927)

610.25 SENDING LETTER, WHEN COMPLETE. When the statute makes the sending of a letter criminal, the offense shall be deemed complete from the time it is deposited in any post-office or other place, or delivered to any person, with intent that it shall be forwarded; and the sender may be indicted and tried in the county wherein it was so deposited or delivered, or in which it was received by the person to whom it was addressed.

[R. L. s. 4769] (9928)

610.26 OMISSION; WHEN PUNISHABLE. No person shall be punished for omission to perform an act where it has been performed by another acting in his behalf, and competent by law to perform it.

[R. L. s. 4770] (9929)

610.27 ATTEMPTS; PUNISHMENT. An act done with intent to commit a crime and tending, but failing, to accomplish it, is an attempt to commit that crime; and every person who attempts to commit a crime, unless otherwise prescribed by statute, shall be punished as follows:

(1) If the crime attempted is punishable by death or life imprisonment, the person convicted of the attempt shall be punished by imprisonment in the state prison for not more than ten years;

(2) In every other case he shall be punished by imprisonment in the state prison for not more than half of the longest term, not to exceed seven years, or by fine of not more than half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both such fine and imprisonment; but this shall not protect a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the prescribed punishment for the crime actually committed.

[R L s 4771; 1953 c 361 s 1] (9930)

610.28 SECOND OFFENSES; PUNISHMENT. Every person who, after having been convicted in this state of a felony or an attempt to commit a felony, or, under the laws of any other state or country, of a crime which, if committed in this state, would be a felony, commits any felony or attempts to commit any felony, in this state, upon conviction thereof, shall be punished as follows:

(1) If the subsequent crime is such that the offender, upon a first conviction, might be punished by a definite sentence of imprisonment for life, he shall be sentenced to imprisonment in the state prison for life;

(2) If the subsequent crime is such that upon a first conviction the offender might be punished by an indeterminate sentence of imprisonment, then he shall be sentenced to imprisonment under an indeterminate sentence for not less than twice the shortest term, nor more than twice the longest term, prescribed upon a first conviction; provided, that nothing herein shall reduce any minimum sentence now or hereafter fixed by any other law of this state.

[R. L. s. 4772; 1927 c. 236 s. 1] (9931)

610.29 CONVICTION OF THREE OR MORE FELONIES; PUNISHMENT. A person who, after having been three times convicted in this state of felonies, or attempts to commit felonies, or, under the laws of any other state or country, of crimes which, if committed in this state, would be felonies, commits any felony or attempts to commit any felony in this state, upon conviction of such fourth or subsequent offense, shall be punished as follows:

(1) If the fourth or subsequent offense is such that the offender upon a first conviction might be punished by a definite sentence of imprisonment for life, he shall be sentenced to imprisonment for life;

(2) If the fourth or subsequent offense is such that the offender upon a first conviction might be punished by an indeterminate sentence of imprisonment, then he shall be sentenced to imprisonment under an indeterminate sentence of which the minimum shall be not less than twice the shortest term prescribed upon a first conviction, and the maximum shall be for life; provided, that nothing herein shall reduce any minimum sentence now or hereafter fixed by any other law of this state.

[1927 c. 236 s. 2] (9931-1)

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610.30 PUNISHMENT NOT DEPENDENT UPON INDICTMENT AND CONVICTION AS PREVIOUS OFFENDER. A person to be punishable under sections 610.28 and 610.29, or under any law of this state now or hereafter imposing any additional or other penalty need not have been indicted and convicted as a previous offender in order to receive the increased punishment therein provided, but may be proceeded against as provided in section 610.31.

[1927 c. 236 s. 3] (9931-2)

610.31 INFORMATION AS TO PREVIOUS OFFENSE BY PROSECUTING OFFICER AND PROCEDURE THEREON. If at any time before sentence, or at any time after sentence but before such sentence is fully executed, it shall appear that a person convicted of a felony, or an attempt to commit a felony, has been previously convicted of any crime so as to render him liable to increased punishment by reason thereof under any law of this state, it shall be the duty of the county attorney of the county in which such conviction was had to file an information with the court wherein the conviction was had accusing such person of such previous convictions, whereupon the court shall cause such person, whether confined in prison or otherwise, to be brought before it, either in term or in vacation, and shall inform him of the accusations contained in the information, by reading the same to him, and of his right to be tried as to the truth thereof according to law, and shall require such person to say whether he has been convicted as charged in the information or not. If he shall say that he has not been convicted as therein charged or refuses to answer, or remains silent, his plea, or the fact of his silence, shall be entered of record, and the court shall make an order directing that the truth of the accusations made in the information be submitted to a jury at the then present term of court, if in term time and a jury be in attendance, or at the next ensuing term of court when a jury shall be in attendance. If the jury shall find and determine that the accused is guilty of previous convictions as charged in the information, or if the accused acknowledges or confesses in open court, after being duly cautioned as to his rights, that he has been so convicted, the court shall sentence him to the increased punishment or penalty of imprisonment to which he is liable, as provided by law, and shall vacate any previous sentence if one has theretofore been imposed; provided, that any time served under the previous sentence shall be deemed to have been served under the new sentence and shall be credited thereon.

[1927 c. 236 s. 4] (9931-3)

610.32 REPORT BY PRISON OFFICIALS AS TO PREVIOUS CONVICTIONS. When it shall become known to any warden or person in charge of the place of imprisonment wherein such person is confined, or to the board of punishments or to any probation or parole officer, police officer, or other peace officer, that any person charged with or convicted of a felony, or attempt to commit a felony, has been previously convicted of any crime so as to render him liable to increased punishment by reason thereof under any law of this state, it shall be the duty of such person forthwith to report the facts to the county attorney of the county wherein the charge is pending or the conviction was had.

[1927 c. 236 s. 5] (9931-4)

610.33 IMPRISONMENT ON TWO OR MORE CONVICTIONS. When a person shall be convicted of two or more offenses before sentence has been pronounced for either, the imprisonment to which he is sentenced upon the second or other subsequent conviction shall commence at the termination of the first or other prior term or terms of imprisonment to which he is sentenced; and when a person while under sentence for felony commits another felony, and is sentenced to another term of imprisonment such latter term shall not begin until the expiration of all prior terms.

[R. L. s. 4773] (9932)

610.34 LIFE SENTENCE; EFFECT. When the statute declares a crime punishable by imprisonment for not less than a specified number of years, and fixes no maximum limit, the court may sentence the offender to imprisonment during his natural life, or for not less than the minimum number of years prescribed. A person sentenced to imprisonment for life is thereafter civilly dead.

[R. L. s. 4774] (9933)

610.35 SENTENCES OF CONVICTS. When a convict is sentenced to the state prison for more than one year, unless the exact period be fixed by law, the court shall so limit the term that it will expire between the months of March and

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November. When a sentence may be imprisonment in a county jail, the offender may be sentenced to and imprisoned in a workhouse, if there be one in the county where he is tried or where the offense was committed, and if there be no workhouse in the county where the offender is tried or where the offense was committed, then the offender may be sentenced to and imprisoned in a workhouse in any county in this state; provided, that the county board of the county where the offender is tried shall have some agreement for the receipt, maintenance, and confinement of the prisoners with the latter county. The place of imprisonment shall be specified in the sentence. Convicts may be removed from one place of confinement to another when so provided by statute.

[*R. L. s. 4775; 1933 c. 329*] (9934)

610.36 LIMIT OF FINE WHEN NOT SPECIFIED. When a statute makes a crime other than a misdemeanor punishable by fine, and does not specify its amount, a fine of not more than \$500 may be imposed; and, where the defendant shall be sentenced to pay a fine, the court may, as part of the judgment, order the defendant to be committed to the county jail until such fine is paid, not exceeding a reasonable time, to be graduated according to the amount of the fine.

[*R. L. s. 4776*] (9935)

610.37 SUSPENSION OF SENTENCES. The several courts of record of this state having jurisdiction to try criminal causes shall have power, upon the imposition of sentence by such court against any person who has been convicted of the violation of a municipal ordinance or by law, or of any crime for which the maximum penalty provided by law is not life imprisonment in the state prison, to stay the execution of such sentence which the court has imposed when the court shall be of the opinion that by reason of the character of the person, of the facts and circumstances of his case, the welfare of society does not require that he shall suffer the penalty imposed by law for such offense so long as he shall thereafter be of good behavior, and at any time after the imposition of sentence in all cases where the sentence imposed is to a county jail, work farm or workhouse, any such court of this state shall have like power upon application of a prisoner and after notice to the county attorney. Before suspending sentence in any such case the court may require an investigation and a written report concerning the previous history and conduct of the offender by the county probation officer where such officer is provided by law and, in those counties or districts having no county probation officer, but in which the services of state agents are available, by such state agent. For the information of the court the commissioner of corrections shall advise the clerk of court in each county in the district to which a state agent has been assigned, of such appointment and that services of such agent are available to the court.

[*1909 c 391 s 1; 1921 c 298 s 1; 1933 c 133; 1935 c 324; 1945 c 261 s 1; 1947 c 243 s 1; 1955 c 261 s 1; 1959 c 263 s 8*] (9936)

610.38 SUSPENSION OF SENTENCES AND PROBATION. Such stay shall be for the full period of sentence; and during such time the person so sentenced may be placed on probation under the supervision of a probation officer in counties where such officer is provided by law, and in other counties under the supervision of the commissioner of corrections or of some discreet person who will accept such supervision and serve without pay, making report to the court as required. Nothing herein contained shall prevent juvenile courts, in appropriate cases, from placing persons on probation to the commissioner of corrections for supervision. The court shall in each case set forth the reason for the order of probation and may make such terms and conditions of probation as are deemed suitable, and may require a recognizance or other surety, conditioned upon the performance of such terms and conditions and may enforce the same. Prior to the expiration of the sentence, but not until after one year from the time the person has been placed on probation, the court, or the commission where the case has been referred to such commission shall have the power, when in its judgment the facts in the case and the behavior of the probationer so warrants, to indefinitely suspend such sentence; provided, the period of suspension of sentence shall not exceed the maximum sentence imposed except where such maximum penalty is less than one year, when such stay may be for a period not exceeding one year, unless otherwise provided by law. The court may, in its discretion, suspend sentence indefinitely. The court may make such order in or out of term, and at any place within the judicial district in which the case was tried. When a person is placed on probation

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under the supervision of the commissioner of corrections, the clerk of the district court shall, immediately upon the entry of the order of probation, certify a copy of the record of the case upon the blanks supplied by the commissioner of corrections, set forth the reasons, terms, and conditions of probation, and deliver the same to the commissioner of corrections; whereupon the custody of the person so placed on probation shall vest in that commissioner with the same power as is exercised over persons on parole from the state prison or state reformatory. The commissioner of corrections shall act as director of probation and parole and, for the purpose of carrying out the provisions of sections 610.37 to 610.39, the commissioner of corrections is authorized and empowered to provide such state agents.

[1909 c 391 s 2; 1933 c 135; 1935 c 167; 1945 c 260 s 1; 1955 c 261 s 1; 1959 c 263 s 9] (9937)

610.39 REVOCATION. Before sentence has been indefinitely suspended the court shall have power, in the exercise of its discretion, to revoke the order staying sentence and releasing such person on probation, without notice and at any time or place mentioned in section 610.38, stating in such order of revocation the reasons therefor; in which case the sentence theretofore imposed shall be executed in all respects as though no proceedings under sections 610.37 to 610.39 had been taken.

[1909 c. 391 s. 3] (9938)

610.40 CONVICTS PROTECTED; CERTAIN FORFEITURES ABOLISHED. Every convict sentenced to imprisonment shall be under the protection of the law, and any unauthorized injury to his person is punishable in the same manner as if he were not convicted or sentenced. A conviction for any crime does not work a forfeiture of any property, real or personal, or of any right or interest therein. All forfeitures in the nature of deodands, or in a case of suicide, or where a person flees from justice, are abolished.

[R. L. s. 4777] (9939)

610.41 RESTORATION TO CIVIL RIGHTS. All persons residing or having their domicile in this state, who have been or may hereafter be convicted of a felony and sentenced by a court of this state to the state reformatory or the state prison for such offense, may be restored by the governor, in his discretion, to civil rights, upon certification to him by the judge, officer, or board having jurisdiction, custody, or supervision of such person at the time such jurisdiction, custody, or supervision is terminated of the matters specified in section 610.42.

[1919 c. 290 s. 1] (9940)

610.42 CERTIFICATION BY PROPER OFFICERS. Every such judge, officer, or board shall, upon the termination of such jurisdiction, custody, or supervision, certify to the governor as follows: The court wherein the conviction was had; the offense of which such person was convicted; the indefinite suspension of the sentence, or the release, discharge, or other final disposition of the person at the termination of the sentence, and the nature and character of his conduct while under such jurisdiction, custody, or supervision.

It shall also be the duty of any such judge, officer, or board to certify such matters with reference to any such person whose sentence has heretofore been terminated and who has not heretofore been restored to civil rights, when such person shall make application therefor in writing, and the governor may, in like manner, in his discretion, restore such person to civil rights.

[1919 c. 290 s. 2] (9941)

610.43 CERTIFICATE BY GOVERNOR. The governor, in case he determines to restore to civil rights, shall issue a certificate of restoration to civil rights, in duplicate, one copy to be transmitted to the person and one copy mailed to the clerk of court wherein conviction was had for filing and proper entry in the register.

[1919 c. 290 s. 3] (9942)

610.44 APPLICATION OF SECTIONS 610.41 TO 610.44. The provisions of sections 610.41 to 610.44 shall not apply to any case where deprivation of any of the rights or privileges of citizenship is specifically made a part of the penalty for offense of which such person shall have been convicted.

[1919 c. 290 s. 4] (9943)

610.45 RESTORATION TO CIVIL RIGHTS; PERSONS HERETOFORE CONVICTED. All persons residing or having their domicile in the state of Minnesota, who have heretofore been convicted of a felony and sentenced by a court of this

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state to pay a fine or to be confined in a county jail, for such offense, and who have paid and satisfied such fine or served such sentence, shall be restored to all their civil rights and to full citizenship, with full right to vote and hold office, the same as if such conviction and sentence had not taken place, in the manner hereinafter provided. Before such restoration to civil rights shall take effect, such person or persons shall apply to the district court where such person or persons may reside, and produce before the court two witnesses to testify to his general good character, and if the court shall be satisfied of such good character, an order shall be issued restoring such party to all civil rights, which order shall be filed with the clerk of such court; thereupon the restoration to civil rights shall take effect and be in full force.

[1907 c. 34 s. 1; 1913 c. 187 s. 1] (9944)

610.46 PERSONS HEREAFTER CONVICTED. All persons who shall hereafter be convicted of a felony in any court of this state and sentenced to jail or to pay a fine therefor and who shall serve such sentence or pay such fine, upon complying with the provisions of section 610.45, shall have all their civil rights restored as therein provided.

[1907 c. 34 s. 2; 1913 c. 187 s. 2] (9945)

610.47 INCRIMINATING TESTIMONY NOT TO BE USED. In every case in the Minnesota Statutes where it is provided that a witness shall not be excused from giving testimony tending to criminate himself, no person shall be excused from testifying or producing any papers or documents on the ground that his testimony may tend to criminate him or subject him to a penalty or forfeiture; but he shall not be prosecuted or subjected to a penalty or forfeiture for or an account of any action, matter, or thing concerning which he shall so testify, except for perjury committed in such testimony.

[R. L. s. 4778] (9946)

610.48 [Repealed, 1961 c 561 s 17]

610.49 CONVICT AS WITNESS. Every person convicted of crime shall be a competent witness in any civil or criminal proceeding, but his conviction may be proved for the purpose of affecting the weight of his testimony, either by the record or by his cross-examination, upon which he shall answer any proper question relevant to that inquiry; and the party cross-examining shall not be concluded by his answer thereto.

[R. L. s. 4780] (9948)

610.50 INTENT TO DEFRAUD. When, by any provision of Part V, an intent to defraud is required in order to constitute an offense, it is sufficient if an intent appears to defraud any person, association, or body politic or corporate.

[R. L. s. 4781] (9949)

610.51 CRIMES ON PUBLIC CONVEYANCES. The route traversed by any railway car, coach, train, or other public conveyance, and the water traversed by any boat, shall be criminal districts; and jurisdiction of all public offenses which shall be committed on any such railway car, coach, train, boat, or other public conveyance, or at any station or depot upon such route, shall be in any county through which such car, coach, train, boat, or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate.

[R. L. s. 4782] (9950)

610.52 ALIEN CONVICTS OR INSANE PERSONS; NOTICE TO UNITED STATES IMMIGRATION OFFICERS. When any person convicted of a felony, or adjudged insane, shall be committed to the state prison, the state reformatory, the county jail, or any other state or county institution which is supported, wholly or in part, by public funds, it shall be the duty of the warden, superintendent, sheriff, or other officer in charge of such state or county institution to at once inquire into the nationality of such person, and, if it shall appear that such person is an alien, to immediately notify the United States immigration officer in charge of the district in which such prison, reformatory, jail, or other institution is located, of the date of and the reasons for such alien commitment, the length of time for which committed, the country of which he is a citizen, and the date on which and the port at which he last entered the United States.

[1927 c. 301 s. 1] (9950-1)

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610.53 CERTIFIED COPIES OF INDICTMENT FURNISHED TO IMMIGRATION OFFICERS. Upon the official request of the United States immigration officer in charge of the territory or district in which is located any court committing an alien, for the conviction of a felony, to any state or county institution which is supported, wholly or in part, by public funds, it shall be the duty of the clerk of such court to furnish without charge a certified copy of the complaint, information, or indictment and the judgment and sentence and any other record pertaining to the case of the convicted alien.

[1927 c. 301 s. 2] (9950-2)

610.54 TRANSFER OF INMATES OF PENAL INSTITUTIONS TO FEDERAL DISTRICT COURT FOR TRIAL FOR VIOLATIONS OF FEDERAL CRIMINAL LAWS. When the attorney general of the United States, or any of his assistants, or the United States attorney for the district of Minnesota, or any of his assistants, shall present and file with the governor of Minnesota a written verified petition stating that at the date of the petition there was imprisoned in one of the penal institutions of Minnesota, naming the institution, a certain person, naming the person, then serving a sentence of imprisonment imposed by one of the courts of record of Minnesota, which person was at the time of the petition under indictment in the United States district court for the district of Minnesota for a violation of a federal criminal law, which petition shall have attached to it a certified copy of the indictment, and petitioning the state of Minnesota to consent to the transfer of such person from such Minnesota penal institution to the United States district court for the district of Minnesota having jurisdiction thereof, for trial under such indictment, and agreeing to pay all expenses incurred by the state by reason thereof, the governor shall forthwith hear and consider the petition and, when satisfied as to the identity of the person sought to be transferred, the governor may consent to the transfer of the prisoner by and on behalf of the state of Minnesota, and may issue his order directing the warden, superintendent, or keeper of the penal institution in which the person shall be imprisoned to transfer the person from the penal institution to the United States district court for the district of Minnesota, upon receipt and service of a proper process issued out of the United States district court naming the time and place where the prisoner shall be wanted for trial, and directing the warden, superintendent, or keeper of the penal institution to retain custody of the prisoner during the trial and, at the conclusion of the trial after judgment shall have been pronounced by the United States district court, to return the prisoner to the Minnesota penal institution from which he was taken, to be there kept until released pursuant to the laws of the State of Minnesota and, prior to the time for the release of any such prisoner who shall be under sentence in the United States district court, the warden, superintendent, or keeper of the penal institution in which the prisoner is in custody shall notify the United States marshal in and for the district of Minnesota and shall at the time of such release surrender such prisoner to him to be dealt with in accordance with the laws of the United States.

[1927 c. 141] (9950-3)

610.55 TRANSFER OF FEMALE PRISONERS; FEMALE TO ACCOMPANY. Every sheriff and every other person having the legal custody of any female person charged with crime or the detention of any female person are hereby required, when such female person is being conducted to or from one place to another over 25 miles apart, to have a suitable female person accompany such female person, and every sheriff in every county of this state is hereby authorized to employ, when the occasion exists, a suitable female person to carry out the provisions of this section. The expenses of such employment shall be paid out of any county funds not otherwise appropriated.

[1927 c. 213 s. 1] (9950-4)