

CHAPTER 624

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SABBATH BREAKING

624.01 SABBATH BREAKING; DAY. The law prohibits the doing on the first day of the week of the certain acts specified in section 624.02, which are serious interruptions of the repose and religious liberty of the community, and the doing of any of such acts on that day shall constitute Sabbath breaking. Under the term "day," as used in this section and section 624.02, is included all the time from midnight to midnight.

[*RL s 4980*] (10234)

624.02 THINGS PROHIBITED; EXCEPTIONS. All horse racing, except horse racing at the annual fairs held by the various county agricultural societies of the state, gaming, and shows; all noises disturbing the peace of the day; all trades, manufacturers, and mechanical employments, except works of necessity performed in an orderly manner so as not to interfere with the repose and religious liberty of the community; all public selling or offering for sale of property, and all other labor except works of necessity and charity are prohibited on the Sabbath day.

Meals to be served upon the premises or elsewhere by caterers, prepared tobacco in places other than where intoxicating liquors are kept for sale, fruits, confectionery, newspapers, drugs, medicines, and surgical appliances may be sold in a quiet and orderly manner. In works of necessity or charity is included whatever is needful during the day for good order, health, or comfort of the community, including the usual shoe shining service; but keeping open a barber shop or shaving and hair cutting shall not be deemed works of necessity or charity, and nothing in this section shall be construed to permit the selling of uncooked meats, groceries, clothing, boots, or shoes. The games of baseball, football, hockey, basketball, golf, soccer and other contests of athletic skill when conducted in a quiet and orderly manner so as not to interfere with the peace, repose, and comfort of the community, may be played on the Sabbath day.

[*RL s 4981; 1909 c 267 s 1; 1929 c 308 s 1; 1935 c 129; 1941 c 336; 1961 c 732 s 1*] (10235)

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624.03 PUNISHMENT. Every person who breaks the Sabbath shall be guilty of a misdemeanor and punished by a fine of not less than \$1 nor more than \$10 or by imprisonment in the county jail for not more than five days; but it shall be a sufficient defense to a prosecution for Sabbath breaking that the defendant uniformly keeps another day of the week as holy time and that the act complained of was done in such manner as not to disturb others in the observance of the Sabbath.

[*RL s 4982*] (10236)

624.04 SERVICE OF PROCESS ON THE SABBATH PROHIBITED. Every service of legal process upon the Sabbath day, except in case of a breach or apprehended breach of the peace, or when sued out for the apprehension of a person charged with crime, or where such service is expressly authorized by statute, is hereby prohibited.

[*RL s 4983*] (10237)

FIREWORKS

624.20 FIREWORKS. As used in sections 624.20 to 624.25, the term "fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrocketes, Roman candles, daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25 hundredths grains or less of explosive compound are used and toy pistol caps which contain less than 20 hundredths grains of explosive mixture.

[*1941 c 125 s 1*]

624.21 SALE AND USE OF FIREWORKS PROHIBITED. Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or wholesale, or use or explode any fireworks. This section shall not be construed to prohibit sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the state, or to prohibit sales outside the state.

[*1941 c 125 s 2; 1963 c 818 s 1*]

624.22 PUBLIC DISPLAYS OF FIREWORKS BY MUNICIPALITIES EXCEPTED. Sections 624.20 to 624.25 shall not prohibit supervised public displays of fireworks by cities, fair associations, amusement parks, and other organizations. Except when such display is given by a municipality or fair association within its own limits, no display shall be given unless a permit therefor has first been secured. Every application for such a permit shall be made in writing to the municipal clerk at least 15 days in advance of the date of the display. The application shall be promptly referred to the chief of the fire department who shall make an investigation to determine whether the operator of the display is competent and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The fire chief shall report the results of this investigation to the clerk and if he reports that in his opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the state fire marshal hereinafter provided for, the clerk shall issue a permit for the display when the applicant pays a permit fee of \$2. When the supervised public display for which a permit is sought is to be held outside the limits of an incorporated municipality, the application shall be made to the county auditor and the duties imposed by such sections upon the clerk of the municipality shall be performed in such case by the county auditor. The duties imposed on the fire chief of the municipality by such sections shall be performed in such case by the county sheriff. After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit so granted shall be transferable. The state fire marshal shall adopt reasonable rules and regulations not inconsistent with the provisions of such sections to insure that fireworks displays are given safely.

[*1941 c 125 s 3; 1973 c 123 art 5 s 7*]

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624.23 CONSTRUCTION OF SECTIONS 624.20 TO 624.25. Nothing in sections 624.20 to 624.25 shall be construed to prohibit any resident wholesaler, dealer, or jobber, from selling at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks for shipment directly out of the state; or the use of fireworks by airplanes and railroads, or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations or for use as a bird or animal repelling device.

[1941 c 125 s 4; 1971 c 710 s 1]

624.24 OFFICERS MAY SEIZE ILLEGAL FIREWORKS. The state fire marshal, or any sheriff, police officer, constable, or local fire marshal, shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of sections 624.20 to 624.25.

[1941 c 125 s 5]

624.25 VIOLATION. Any person violating the provisions of sections 624.20 to 624.24 shall be guilty of a misdemeanor.

[1941 c 125 s 6]

TOKENS, CHECKS AND SLUGS

624.30 MANUFACTURE AND DISTRIBUTION OF TOKENS, WHEN PROHIBITED. The manufacture, sale, offering for sale, advertising for sale, or distribution of tokens, checks, or slugs similar in size and shape to lawful coin of the United States with knowledge or reason to believe that such tokens, checks, or slugs may be used in substitution for any such lawful coin in any vending machine, parking meter, service meter, coin-box telephone, or other coin receptacle designed to receive or be operated only by lawful coin of the United States in connection with the sale, use, or enjoyment of property, privilege, or service, is hereby prohibited.

[1941 c 132 s 1]

624.31 RESTRICTIONS AS TO SIZE OF TOKENS. No person shall manufacture, sell, or offer for sale or distribute any checks, tokens, or slugs unless they shall be either five percent larger or five percent smaller in diameter than any lawful coin of the United States.

[1941 c 132 s 2]

624.32 KNOWLEDGE OF ILLEGAL USE PRESUMED. In the trial of a defendant for violation of the provisions of sections 624.30 to 624.33, knowledge or reason to believe, within the meaning thereof, shall be deemed to exist upon the presentation of proof to the court that any county attorney, sheriff, or chief of police in the state, or a deputy or delegate of such officer, has given written notice to the defendant that tokens, checks, or slugs of the kind manufactured, sold, offered for sale, advertised for sale, or distributed by him are being used in substitution for lawful coin in the operation of any such coin receptacle or machine; provided that such notice shall have been given prior to the time of the manufacture, sale, offering for sale, advertising for sale, or distribution of such tokens, checks, or slugs for which the defendant is being tried.

[1941 c 132 s 3]

624.33 VIOLATION A MISDEMEANOR. Any person, firm, or corporation violating the provisions of sections 624.30 to 624.32 shall be guilty of a misdemeanor.

[1941 c 132 s 4]

DANCE HALLS

624.42 DANCE HALL. A public dancing place, as the term is used in sections 624.42 to 624.54, shall be taken to mean any room, place, or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment, directly or indirectly, of an admission fee or price for dancing. A public dance, as the term is used in those sections, shall be taken to mean any dance wherein the public may participate by payment, directly or indirectly, of an admission fee or price for dancing, or a fee for a

membership in a club, and shall include any manner of holding a dance which may be participated in by the public through the payment of money, directly or indirectly. When used in sections 624.42 to 624.54, the term "intoxicating liquor" and "liquor," "sell" and "sale" shall be given the same meaning, respectively, as is prescribed in Laws 1919, Chapter 455, Section 1, and acts amendatory thereof.

[1923 c 139 s 1] (10161)

624.43 PROPRIETORS MUST OBTAIN PERMITS. It shall be unlawful for any person to give, hold, or conduct a public dance unless the owner or proprietor of the public dancing place, or the person giving the same or in charge thereof, shall first have procured a permit to hold, give, and conduct such public dance from the public authorities hereinafter designated, as hereinafter provided.

[1923 c 139 s 2] (10162)

624.44 ISSUANCE OF PERMIT. In all cities of this state the permit must be procured from the governing body of the municipality; provided, that in any county within which there now exists a city having a population of 225,000, or more, such permits may be issued only by the town board of the town within which such public dance is to be held, except when the public dancing place is owned by the municipality and the dance to be given or held therein is to be given by and under the supervision of the public authorities of the municipality. In all other cases the permit must be procured from the county board of the county in which the public dance is to be held. Such permits may be issued for one or more public dances or for a period of time not exceeding one year; provided, that in any case where a permit for one single dance is desired, the town board of the town where the dance is to be held shall have a right to grant the same, but any person owning or operating a dance pavilion or dance hall in any such town where dances are regularly held during the year, or a part thereof, must make application for such dance permit to the county commissioners; and, provided, that this shall not apply to counties having a population of 225,000, or more. The permit shall be issued at a fee and under such conditions as such governing body or county board may prescribe, not inconsistent with the provisions of sections 624.42 to 624.54; provided, no such permit shall be granted in any organized town outside of the limits of any city, in which town the town board shall pass a bylaw or resolution prohibiting public dances therein.

[1923 c 139 s 3; 1929 c 264 s 1; 1973 c 123 art 5 s 7] (10163)

624.45 PERMIT TO BE POSTED. Any person desiring a permit to hold, give, or conduct a public dance shall make application therefor by filing with the city clerk, statutory city recorder, or county auditor, as the facts may require, a verified application, setting forth the name and address of the person, persons, committee, or organization who are to give, hold, and conduct the same, the time and place where such public dance is to be held, and the area of the dance floor where the dance is to be given. The application shall thereupon be presented to the governing body or to the county board at its next meeting for action. The governing body or the county board may refer the application to the chief peace officer of the municipality or to the sheriff of the county for investigation and report before granting the same. The governing body or the county board shall thereupon act upon the application and either grant or reject the same. In case the same is granted, the governing body or the county board shall fix the fee to be paid by the applicant for such permit and shall direct the proper officers to issue the same upon the payment of the fee and upon payment of the expense of the investigation herein provided for in case such investigation is made. The permit shall specify the names and addresses of the persons to whom issued, the amount paid therefor, and the time and place where the public dance is to be held. The permit shall be posted in a public place in the dance hall described therein during the time the public dance mentioned therein is being given, and the persons named in the permit shall be responsible under the law for the manner in which the public dance is being held and conducted. Such permit may be acted upon at any special meeting of the governing body or county board, whether included in the call for the special meeting or otherwise.

[1923 c 139 s 4; 1929 c 264 s 2; 1973 c 123 art 5 s 7] (10164)

624.46 APPLICATIONS. All applications for such permits shall be made upon blanks furnished by the city, or county, as the case may be, and shall be accompanied by the affidavit of two freeholders and shall affirmatively show by the application and

affidavits that the applicant is a person of good moral character and reputation in the community in which he lives and that the applicant has not, within five years prior to the making of the application, been convicted of a felony, gross misdemeanor, or of any of the provisions of sections 624.42 to 624.54, and no such application shall be granted to any person of bad character or who has been so convicted as aforesaid, nor to any person who is keeper of any disorderly house of any kind, nor for any place which has any direct or indirect communication with any room in which intoxicating liquor is sold, given away, or otherwise used, nor for any place having any so-called "private apartments" or "private rooms" furnished or used for any other than legitimate business purposes which adjoin such dancing place or which may be reached by stairs, elevator, or passageway leading from such dancing place. No permit shall be issued under the terms of sections 624.42 to 624.54 unless the governing body or county board is satisfied that the place where the public dance is to be given or held is properly ventilated and equipped with necessary toilets, wash-rooms, lighting facilities, and that such place is not likely to become a public nuisance or detrimental to public morals.

[1923 c 139 s 5; 1929 c 264 s 3; 1973 c 123 art 5 s 7] (10165)

624.47 IMMODEST DANCES PROHIBITED. No person shall dance, nor shall any person to whom such permit is issued permit or suffer any person to dance in any public dance hall any indecent or immoral dances or any dance which is characterized by immodest motion of the body. No person shall in any public dance hall act or speak in rude, boisterous, obscene, or indecent manner, nor shall any person to whom a permit has been issued suffer or permit any person to so act or speak therein.

[1923 c 139 s 7] (10167)

624.48 LIGHTS. Every public dancing place shall be brightly illuminated while in public use, and dancing therein while the lights are extinguished, dimmed, or turned low, so as to give imperfect illumination, is hereby prohibited.

[1923 c 139 s 8] (10168)

624.49 NOT TO ADMIT CERTAIN PERSONS. No person to whom a permit has been issued shall permit to be or remain in any public dancing place any intoxicated person, any prostitute, any person of known immorality, or any unmarried person under the age of 16 years, unless such person is accompanied by a parent or guardian, nor any unmarried person more than 16, and under the age of 18, years unless such person is accompanied by a parent or guardian or presents the written consent of his parent or guardian to the officer in charge of such dance, and every such written permit shall be retained by such officer.

[1923 c 139 s 9] (10169)

624.50 OFFICER MUST ATTEND ALL PUBLIC DANCES. It shall be incumbent upon the person to whom such permit is issued to have an officer of the law present at every public dance to be given or held thereunder during all the time the public dance is being held. In the case of a public dance to be held or given in a city, such officer of the law shall be designated by the chief peace officer thereof. In all other cases such officer of the law shall be designated by the sheriff of the county. In all cases the fees and expenses of such officer of the law shall be paid in advance by the person to whom the permit has been issued. In case any person, not a public officer, shall be designated as such officer of the law, the person to whom the permit has been issued shall be responsible for his acts and conduct and there shall be no liability for his acts and conduct on the part of the officer designating him under the provisions of sections 624.42 to 624.54.

[1923 c 139 s 10; 1927 c 321; 1973 c 123 art 5 s 7] (10170)

624.51 HOURS. No public dance shall be held or conducted between the hours of one o'clock and six o'clock a.m., of any day; provided, that no public dance shall be held or conducted on Sunday between the hours of one o'clock a.m. and 12 o'clock noon thereof. In all other cases the public authorities issuing the permit herein provided for may, if they so desire, fix the hours within which public dances may be held, not inconsistent herewith, and shall also have authority, by ordinance, resolution, or bylaw, to regulate or to prohibit the same on Sunday, within the limits of the city or

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territory within which such public authorities may grant permits for public dancing as herein provided.

[1923 c 139 s 11; 1925 c 302; 1971 c 79 s 1; 1973 c 123 art 5 s 7] (10171)

624.52 DISPOSITION OF FEES. All fees for permits hereunder shall be paid into the treasury of the municipality or into the county treasury, as the case may be.

[1923 c 139 s 12] (10172)

624.53 REVOCATION OF PERMIT. The governing body or town board issuing a permit hereunder may at any time revoke the same and shall revoke any such permit held by any person convicted of violating any of the provisions of sections 624.42 to 624.54; provided, any five or more freeholders residing in any statutory city having a population of not more than 1,000, or in any town, may petition such town board or city council of any such town or city, setting forth that any dancing place for which a permit has been issued is being conducted contrary to law, whereupon it shall be the duty of such board or city council to hear and act upon such petition within ten days after the same shall have been filed with the town clerk or city recorder; and, in case any such petition shall be denied, or not acted upon, within such time, then any five freeholders of such town or city may file a petition with the county board of the county, setting forth the facts. Thereupon it shall be the duty of such county board to hear and determine such petition, and such board shall have power, and it shall be the duty of such board, to revoke any such permit if it finds that such dancing place has been conducted contrary to law. It shall be the duty of the county attorney in each county to enforce the provisions of sections 624.42 to 624.54 and prosecute all violations thereof.

[1923 c 139 s 13; 1973 c 123 art 5 s 7] (10173)

624.54 VIOLATION A MISDEMEANOR. Any person, firm, or corporation violating any of the provisions of sections 624.42 to 624.53 shall be guilty of a misdemeanor.

[1923 c 139 s 14] (10174)

MISCELLANEOUS

624.61 ARMED ASSOCIATION. It shall not be lawful for any body of men, other than the national guard, troops of the United States and, with the consent of the governor, sons of veterans and cadets of educational institutions where military science is taught, to associate themselves together as a military company with arms, but members of social and benevolent organizations are not prohibited from wearing swords. Any violation of this section shall be a misdemeanor.

[RL s 5195] (10533)

624.62 BOARDING MOVING ENGINES OR CARS. It shall be unlawful for any person, other than a passenger or employee, to get on or off, or attempt to get on or off, or to swing on, or hang on from the outside of, any engine or car or any electric motor or street car upon any railway or track, while such engine, car, motor, or street car is in motion, or switching or being switched. Every person who shall violate any of the foregoing provisions shall be punished by a fine of not more than \$10, and any sheriff, constable, or police officer finding any person in the act of violating any such provision shall arrest, take before a proper court or magistrate, and make a verified complaint against him for such violation.

[RL s 5178] (10507)

624.63 DANGEROUS EXHIBITIONS. Every proprietor, lessee, or occupant of any place of amusement, or any plat of ground, or building, who shall use or allow it to be used for the exhibition of skill in throwing any sharp instrument at or toward any human being, or who shall aim or discharge, or allow to be aimed or discharged, at or toward any human being, any bow-gun, pistol, or firearm of any description, shall be guilty of a misdemeanor.

[RL s 5004] (10266)

624.64 ACROBATIC EXHIBITIONS. Every proprietor, occupant, or lessee of any place where acrobatic exhibitions are held, who shall permit any person to perform on any trapeze, rope, pole, or other acrobatic contrivance, without network, or

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other sufficient means of protection from falling or other accident, shall be guilty of a gross misdemeanor, and, for the first offense, punished by a fine of \$250 and for each subsequent offense by a fine of \$250 and imprisonment in the county jail for not less than three months nor more than one year.

[*RL s 5005*] (10267)

624.65 ITINERANT CARNIVALS. Subdivision 1. **Prohibited.** Itinerant carnivals, as defined in subdivision 2, are hereby declared to be a public nuisance and are prohibited.

Subd. 2. **Itinerant carnival.** An itinerant carnival, within the meaning and for the purposes of this section, is any itinerant carnival, show, act, or exhibition, or any other carnival, show, act, or exhibition, which is held in the open or indoors or upon or within any public or private grounds of the state, or of any incorporated municipality thereof at which congregates and assembles, with or without payment of an admission fee, a promiscuous gathering of people, as spectators or otherwise, and at which lewd or obscene features are a part, or at which any gambling concessions are given or games of chance practiced, or in or about which actors or other persons connected therewith are engaged in immoral pursuits, or at which attractions are exhibited which affect the health or morals of the community.

Subd. 3. **Penalties.** Any person who shall participate in allowing or conducting any itinerant carnival herein prohibited shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$50 nor exceeding \$100 or by imprisonment in the county jail or the city workhouse for not less than 30 days nor more than three months.

[*1923 c 428 s 1-3*] (10242, 10243, 10244)

624.66 ENDURANCE CONTESTS. Subdivision 1. **Marathons prohibited.** It shall be unlawful for any person, firm, or corporation to advertise, operate, maintain, attend, promote, or aid in the advertising, operating, maintaining, or promoting of any mental or physical endurance contest exhibition, performance, or show in the nature of a "marathon," "walkathon," "skatathon," or any other such endurance contest of a like or similar character or nature, whether under that or other names, whether or not an admission is charged, for a period longer than 24 hours unless a rest period for contestants of at least five hours begins each subsequent 24 hour period.

Subd. 2. **Exceptions.** Nothing in this section shall apply to the continuance of bicycle-riding contests of no longer duration than six days, the ordinary amateur or professional athletic events or contests, or high school, college, and intercollegiate athletic sports.

Subd. 3. **Penalty.** Any person, firm, or corporation participating in, attending, or promoting any such contest and violating any of the provisions of this section, shall be guilty of a misdemeanor.

[*1935 c 228 s 1,2; 1975 c 250 s 1*] (10267-1, 10267-2)

624.67 FALSE CERTIFICATE OF REGISTRATION OF ANIMALS; FALSE REPRESENTATION AS TO BREED. Every person who by any false pretense shall obtain from any club, association, society, or company for the improvement of the breed of cattle, horses, sheep, swine, fowls, or other domestic animals, or birds, a certificate of registration of any animal in the herd, or other register of any such association, society, or company, or a transfer of any such registration, and every person who shall knowingly represent any animal used for breeding purposes to be of a greater degree of any particular strain of blood than such animal actually possesses, shall be guilty of a gross misdemeanor, and punished by imprisonment in the county jail for not more than six months, or by a fine of not more than \$250.

[*RL s 5064*] (10338)

624.68 RECEIVING DEPOSIT IN INSOLVENT BANKS OR FINANCIAL ORGANIZATIONS. Every officer, director, agent, or employee of any banking organization or financial organization as defined in section 345.31 and every person, company, and corporation engaged in whole or in part, in business as a banking organization or financial organization, who shall accept or receive on deposit from any person, any money, bank bills, notes, currency, checks, bills, drafts, or paper circulating as money, knowing or, in the case of officers or directors, having good reason to know that such banking organization or financial organization is insolvent, and every person knowing

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of such insolvent condition who shall be accessory to, or permit, or connive at the accepting or receiving on deposit therein any such deposits, shall be guilty of a felony and punished by imprisonment in the state prison for not less than one year nor more than five years or by a fine of not less than \$500 nor more than \$10,000.

[*RL s 5118; 1965 c 356 s 1; 1971 c 25 s 96*] (10407)

624.69 OBSTRUCTING PUBLIC LEVEES. It shall be unlawful for any houseboat, or other craft not used for the transportation of freight or passengers, to moor to or lay at the public levee of any city, or town, on the navigable waters of this state, where it will interfere with, inconvenience, or endanger the landing of any freight, passenger, or towing vessel. Every owner or person in charge of any such boat or craft, upon notice by the police of any city, or town, or the owner or agent of any freight, passenger, or towing craft, that it is obstructing the levee, interfering with, inconveniencing, or endangering the landing of any freight, passenger, or towing vessel, shall immediately cause the same to be removed and, upon neglect or refusal so to do, shall be punished by imprisonment in the county jail for not more than 60 days or by a fine of not more than \$50.

[*RL s 5132; 1973 c 123 art 5 s 7*] (10421)

624.70 DUTY OF COMMISSION MERCHANTS AND BROKERS. It shall be the duty of every commission merchant, copartnership, association, corporation, or broker, doing business as such, to furnish to every customer or principal for whom such commission merchant, broker, copartnership, corporation, or association has executed any order, for the actual purchase or sale of any stocks, grain, provisions, or other commodities, or personal property, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom it shall have been sold, as the case may be, the time when, the place where, and the price at which the same was either bought or sold; and, in case such commission merchant, broker, copartnership, corporation, or association fails to properly furnish such statement, the fact of such failure shall be prima facie evidence that such property was not sold or bought in a legitimate manner.

[*1905 c 133 s 4; 1965 c 45 s 69*] (10491)

624.701 LIQUORS IN CERTAIN BUILDINGS OR GROUNDS. Subdivision 1. Any person who shall introduce upon, or have in his possession upon, or in, any school ground, or any schoolhouse or school building, any intoxicating liquor or non-intoxicating malt liquor as defined in chapter 340, except for experiments in laboratories and except for those organizations who have been issued temporary licenses to sell nonintoxicating malt liquor pursuant to section 340.02, subdivision 2 and any person possessing nonintoxicating malt liquor as a result of a purchase from those organizations holding temporary licenses pursuant to section 340.02, subdivision 2, shall be guilty of a misdemeanor.

Subd. 2. Any person who except by prescription of a licensed physician or permission of the hospital administrator shall introduce upon, or have in his possession upon, or in, any state hospital or grounds thereof under the responsibility of the commissioner of public welfare any intoxicating liquor or nonintoxicating malt liquor as defined in chapter 340 shall be guilty of a misdemeanor.

[*1913 c 415 s 1; 1973 c 425 s 1; 1974 c 150 s 2*] (10149)

624.702 [Repealed, 1967 c 19 s 19]

624.703 [Repealed, 1967 c 238 s 1]

624.71 GUN CONTROL, APPLICATION OF FEDERAL LAW. Subdivision 1. Notwithstanding any other law to the contrary, it shall be lawful for any federally licensed importer, manufacturer, dealer, or collector to sell and deliver firearms and ammunition to a resident of a contiguous state in any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law 90-618).

Subd. 2. Notwithstanding any other law to the contrary, it shall be lawful for a resident of Minnesota to purchase firearms and ammunition in a contiguous state in any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law 90-618).

[*1969 c 216 s 1,2*]

624.711 DECLARATION OF POLICY. It is not the intent of the legislature to regulate shotguns, rifles and other longguns of the type commonly used for hunting and not defined as pistols, or to place costs of administration upon those citizens who wish to possess or carry pistols lawfully, or to confiscate or otherwise restrict the use of pistols by law-abiding citizens.

[1975 c 378 s 1]

624.712 DEFINITIONS. Subdivision 1. As used in sections 624.711 to 624.717, the terms defined in this section shall have the meanings given them.

Subd. 2. "Pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (a) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (b) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor.

"Pistol" does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used in the construction industry or children's pop guns or toys.

Subd. 3. "Antique firearm" means any firearm, including any pistol, with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899 and any replica of any firearm described herein if such replica is not designed or redesigned, made or remade, or intended to fire conventional rimfire or conventional centerfire ammunition, or uses conventional rimfire or conventional centerfire ammunition which is not readily available in the ordinary channels of commercial trade.

Subd. 4. "Saturday night special pistol" means a pistol other than an antique firearm or a pistol for which the propelling force is carbon dioxide, air or other vapor, or children's pop guns or toys, having a frame, barrel, cylinder, slide or breechblock:

(a) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or

(b) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or

(c) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

Subd. 5. "Crime of violence" includes murder in the first degree, murder in the second degree, murder in the third degree, manslaughter in the first degree, manslaughter in the second degree, aiding suicide, aiding attempted suicide, aggravated assault, use of drugs to injure or to facilitate crime, simple robbery, aggravated robbery, kidnapping, false imprisonment, aggravated rape, rape, aggravated sodomy, felonious theft, aggravated arson, riot, burglary, reckless use of a gun or dangerous weapon, intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, or operating a machine gun, and an attempt to commit any of these offenses, as each of those offenses is defined in chapter 609.

[1975 c 378 s 2]

624.713 CERTAIN PERSONS NOT TO HAVE PISTOLS; PENALTY. Subdivision 1. The following persons shall not be entitled to possess a pistol:

(a) A person under the age of 18 years except that a person under 18 may carry or possess a pistol (i) in the actual presence or under the direct supervision of his parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol and approved by the commissioner of natural resources;

(b) A person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored his civil rights or the sentence has expired, whichever occurs first, and during that time he has not been convicted of any other crime of violence. For purposes of this section, crime of

violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) A person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally deficient" or "dangerous to the public" person as those terms are defined in section 253A.02, to a hospital, mental institution or sanitarium, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that he is no longer suffering from this disability;

(d) A person who has been convicted in Minnesota or elsewhere for the unlawful use, possession or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused a controlled substance or marijuana during the previous two years; or

(e) A person who has been confined or committed to a hospital, mental institution or sanitarium in Minnesota or elsewhere as an "inebriate person" as that term is defined in section 253A.02, or for alcoholic problems, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused alcohol during the previous two years. A person who issues a certificate pursuant to this subdivision in good faith shall not be liable for damages in an action arising out of the issuance.

Subd. 2. A person named in subdivision 1, clause (b) who possesses a pistol is guilty of a felony. A person named in any other clause of subdivision 1 who possesses a pistol is guilty of a gross misdemeanor.

[1975 c 378 s 3]

624.714 CARRYING OF WEAPONS WITHOUT PERMIT; PENALTIES. Subdivision 1. **Penalty.** A person, other than a law enforcement officer who has authority to make arrests other than citizens arrests, who carries, holds or possesses a pistol in a motor vehicle, snowmobile or boat, or on or about his clothes or person, or otherwise in his possession or control in a public place or public area without first having obtained a permit to carry the pistol is guilty of a gross misdemeanor. A person who has been issued a permit and who engages in activities other than those for which the permit has been issued, is guilty of a misdemeanor.

Subd. 2. **Where application made.** Applications for permits to carry shall be made to the chief of police of an organized full-time police department of the municipality where the applicant resides or to the county sheriff where there is no such local chief of police where the applicant resides. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application.

Subd. 3. **Contents.** Applications for permits to carry shall set forth the name, residence, date of birth, height, weight, color of eyes and hair, sex and distinguishing physical characteristics, if any, of the applicant. The application shall be signed by the applicant.

Subd. 4. **Investigation.** The application authority shall check criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System.

Subd. 5. **Granting of permits.** No permit to carry shall be granted to a person unless the applicant:

(a) Is not a person prohibited by section 624.713 from possessing a pistol;

(b) Provides a firearms safety certificate recognized by the department of natural resources, evidence of successful completion of a test of ability to use a firearm supervised by the chief of police or sheriff or other satisfactory proof of ability to use a pistol safely; and

(c) Has an occupation or personal safety hazard requiring a permit to carry.

Subd. 6. **Failure to grant permits.** Failure of the chief police officer or the county sheriff to deny the application or issue a permit to carry a pistol within 21 days of the date of application shall be deemed to be a grant thereof. The local police authority shall provide an applicant with written notification of a denial and the spe-

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cific reason for the denial. The permits and their renewal shall be granted free of charge. The permit shall specify the activities for which it shall be valid.

Subd. 7. **Renewal.** Permits to carry a pistol issued pursuant to this section shall expire after one year and shall thereafter be renewed in the same manner and subject to the same provisions by which the original permit was obtained.

Subd. 8. **Permit to carry voided.** The permit to carry shall be void at the time that the holder becomes prohibited from possessing a pistol under section 624.713, in which event the holder shall return the permit within five days to the application authority. Failure of the holder to return the permit within the five days is a gross misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

Subd. 9. **Carrying pistols about one's premises or for purposes of repair, target practice.** A permit to carry is not required of a person:

(a) To keep or carry about his place of business, dwelling house, premises or on land possessed by him a pistol;

(b) To carry a pistol from a place of purchase to his dwelling house or place of business, or from his dwelling house or place of business to or from a place where repairing is done, to have the pistol repaired;

(c) To carry a pistol between his dwelling house and his place of business;

(d) To carry a pistol in the woods or fields or upon the waters of this state for the purpose of hunting other than protected wild animals or of target shooting in a safe area; or

(e) To transport a pistol in a motor vehicle, snowmobile or boat if the pistol is unloaded, contained in a closed and fastened case, gunbox, or securely tied package. If a motor vehicle, snowmobile or boat does not have an enclosed area, a pistol may be carried in the driver or passenger area as long as the pistol is unloaded and contained in a closed and fastened case, gunbox, or securely tied package. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

Subd. 10. **False representations.** A person who gives or causes to be given any false information in applying for a permit to carry, knowing or having reason to know the information is false, is guilty of a gross misdemeanor.

Subd. 11. **No limit on number of pistols.** A person shall not be restricted as to the number of pistols he may carry.

Subd. 12. **Hearing upon denial.** Any person aggrieved by denial of a permit to carry may appeal the denial to the county court having jurisdiction over the county or municipality wherein the notification or denial occurred. The matter shall be heard de novo without a jury.

Subd. 13. **Exemptions, prison guards.** A permit to carry a pistol is not required of a guard at a state adult correctional institution when on guard duty or otherwise engaged in an assigned duty.

[1975 c 378 s 4; 1976 c 269 s 1]

624.715 EXEMPTIONS; ANTIQUES AND ORNAMENTS. Sections 624.713 and 624.714 shall not apply to antique firearms which are carried or possessed as curiosities or for their historical significance or value.

[1975 c 378 s 5]

624.716 SATURDAY NIGHT SPECIALS PROHIBITED; PENALTY. Any federally licensed firearms dealer who sells a Saturday Night Special Pistol, or any person who manufactures or assembles a Saturday Night Special Pistol in whole or in part, shall be guilty of a gross misdemeanor.

[1975 c 378 s 6]

624.717 LOCAL REGULATION. Sections 624.711 to 624.716 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols and the regulation of Saturday Night Special Pistols except more restrictive regulation in cities of the first class.

[1975 c 378 s 7]

624.72 INTERFERENCE WITH USE OF PUBLIC PROPERTY. Subdivision 1. The state of Minnesota acknowledges and reaffirms the right of its citizens to petition, peacefully and in an orderly manner, all levels and units of government for the redress of grievances of whatever nature, but also affirms that functions and proceedings of governmental bodies and agencies must remain free from organized or calculated confusion, disturbance or delay, and that to this end rules and regulations for the governance of public property and business lawfully promulgated must be observed.

Subd. 2. As used in this section, "public property" means any building or other property owned by or in control of the state or any of its political subdivisions or of the board of regents of the University of Minnesota.

Subd. 3. For the purpose of protecting the free, proper and lawful access to, egress from and proper use of public property, and for the purpose of protecting the conduct of public business therein or thereon, free from interference, or disruption or the threat thereof, the legislature or any public officer, agency or board having the supervision thereof may to that end promulgate reasonable rules and regulations.

Subd. 4. Violation of a rule or regulation which has been published, posted, or announced in a reasonable manner at the time of such conduct shall be prima facie evidence of intent to violate this section.

Subd. 5. Whoever, intentionally, or through coercion, force or intimidation, denies or interferes with the lawful right of another to the free access to or egress from or to use or remain in or upon public property or in like manner interferes with the transaction of public business therein or thereon may be sentenced to imprisonment for not more than one year or a fine of not more than \$1000 or both.

Subd. 6. Nothing contained herein shall in any way affect the provisions of chapter 179.

[1969 c 767 s 1-6]

624.73 DISABLING CHEMICALS; FURNISHING OR USE; PENALTY. Subdivision 1. No person shall sell or furnish any substance composed of a mixture of tear gas and chemicals which has or is designed to have a disabling effect upon any person, except to a law enforcement agency, the national guard or reserve forces for training or for riot control purposes, or an individual for use upon his own premises.

Subd. 2. No person other than law enforcement officers and members of the national guard when on duty, an individual upon his own premises, and a manufacturer, distributor, retailer or their employees or agents acting within the scope of their agency or employment shall use or possess such disabling substances.

Subd. 3. Any person violating this section is guilty of a gross misdemeanor.

[1969 c 1033 s 1]