

# MINNESOTA STATUTES 1979 SUPPLEMENT

## ABORTION; OBSCENITY; HOUSES OF ILL-FAME 617.299

### CHAPTER 617. ABORTION; OBSCENITY; HOUSES OF ILL-FAME

Sec. 617.298	Obscene motion pictures at drive-in theatres; definitions.	Sec. 617.299	Obscene motion pictures; prohibiting exhibition at drive-in theatres.
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#### 617.298 Obscene motion pictures at drive-in theatres; definitions.

Subdivision 1. For the purposes of this section and section 617.299, the terms defined in this section have the meanings given them.

Subd. 2. A motion picture is "obscene" if:

(a) Considered as a whole, by an average person applying contemporary community standards, it is found to appeal predominantly to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; and

(b) Taken as a whole, it lacks serious literary, artistic, political, or scientific value; and

(c) It depicts or describes in a patently offensive way sexual conduct.

For the purpose of this subdivision, "community" means the political subdivision from which persons properly qualified to serve as jurors in a civil proceeding are chosen.

Subd. 3. "Nudity" means the showing of the human male or female genitals, pubic areas, or buttocks with less than a fully opaque covering, or the showing of an uncovered, or less than opaquely covered, female breast below a point immediately above the top of the nipple (or the breast with the nipple and immediately adjacent area only covered).

Subd. 4. "Sexual conduct" means any of the following depicted sexual conduct:

(a) Sadoomasochistic abuse, meaning flagellation or torture by or upon a person who is nude, or clad in undergarments, a mask or bizarre costume, or the condition of being bound, fettered, or otherwise physically restrained on the part of one who is so clothed as an act of sexual stimulation or gratification;

(b) Human defecation or urination;

(c) The condition of human male or female genitals, or the breasts of the female when in a state of sexual stimulation, or the sensual experience of humans in engaging in or witnessing sexual conduct or nudity; or

(d) Human masturbation, sexual intercourse or sodomy, actual or simulated, or any touching of the genitals, pubic areas or buttocks of a human being, whether alone or between members of the same or opposite sex or between humans or animals in an act of apparent sexual stimulation or gratification.

[ 1979 c 290 s 1 ]

#### 617.299 Obscene motion pictures; prohibiting exhibition at drive-in theatres.

Subdivision 1. Subject to the exemptions of section 617.295, a person who exhibits an obscene motion picture at a drive-in theatre is guilty of a misdemeanor.

Subd. 2. Whoever violates the provisions of subdivision 1 within two years of a previous conviction shall be sentenced to imprisonment for not less than 20 days nor more than one year and to payment of a fine of not more than \$1,000.

[ 1979 c 290 s 2 ]

### CHAPTER 626. TRAINING; INVESTIGATION, APPREHENSION; REPORTS

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# MINNESOTA STATUTES 1979 SUPPLEMENT

## **626.05 TRAINING; INVESTIGATION, APPREHENSION; REPORTS**

### **626.05 Definitions.**

[For text of subd 1, see M.S.1978]

Subd. 2. The term "peace officer" as used in sections 626.04 to 626.17 means a sheriff, deputy sheriff, policeman, constable, agent of the bureau of criminal apprehension or University of Minnesota peace officer.

[ 1979 c 258 s 21 ]

### **626.11 Issuance of warrant.**

If the court or justice of the peace is thereupon satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a peace officer in his county or to an agent of the bureau of criminal apprehension, commanding him forthwith to search the person or place named, for the property or things specified, and to retain such property or things in his custody subject to order of the court or justice of the peace issuing the warrant.

[ 1979 c 258 s 22 ]

### **626.13 Service, persons making.**

A search warrant may in all cases be served by any of the officers mentioned in its directions, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution. If the warrant is to be served by an agent of the bureau of criminal apprehension he shall notify the chief of police of an organized fulltime police department of the municipality or, if there is no such local chief of police, the sheriff or a deputy sheriff of the county in which service is to be made prior to execution.

[ 1979 c 258 s 23 ]

### **626.556 Reporting of maltreatment of minors.**

[For text of subd 1, see M.S.1978]

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical and mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

[For text of subds 3 to 11, see M.S.1978]

[ 1979 c 143 s 1; 1979 c 255 s 7 ]

# MINNESOTA STATUTES 1979 SUPPLEMENT

## TRAINING; INVESTIGATION, APPREHENSION; REPORTS

626.8461

### 626.84 Definitions.

For the purposes of sections 626.84 to 626.855, the following terms shall have the meanings given them:

- (a) "Board" means the Minnesota board of peace officer standards and training;
- (b) "Director" means the executive director of the board;
- (c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.
- (d) "Constable" shall have the meaning assigned to it in section 367.40.
- (e) "Deputy constable" shall have the meaning assigned to it in section 367.40.
- (f) "Part-time officer" means an individual whose services are utilized by law enforcement agencies no more than an average of 14 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency.

(g) "Reserve officer" means an individual whose services are utilized by a law enforcement agency for purposes including, but not limited to, providing supplementary assistance at special events, traffic or crowd control, or administrative or clerical assistance; provided that the individual's duties do not include enforcement of the general criminal laws of the state unless accompanied by a licensed peace officer; further provided that the individual does not have full powers of arrest or authorization to carry a firearm on duty. The term shall apply even though the individual receives no compensation and irrespective of the number of hours worked by, or the title conferred upon, the individual by any law enforcement agency.

[ 1979 c 282 s 1 ]

### 626.841 Board; members.

The board of peace officer standards and training shall be composed of the following 11 members:

- (a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;
- (b) Four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;
- (c) The superintendent of the Minnesota bureau of criminal apprehension or his designee;
- (d) Two members appointed by the governor experienced in law enforcement at a local, state or federal level who are not currently employed as peace officers;
- (e) Two members to be appointed by the governor from among the general public.

A chairman shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

[ 1979 c 282 s 2 ]

### 626.8461 Part-time officers; policy.

The legislature finds and declares that it is necessary to establish minimum training requirements for part-time officers in certain specified areas to maximize protection of the rights and safety of the public and to minimize liability on the part of Minnesota counties and municipalities. The legislature further finds that part-time officers are most effectively utilized as a supplement to regular, fully trained and licensed, peace officers and does not encourage the use of part-time officers when needs for service would otherwise justify the use of full-time officers.

[ 1979 c 282 s 3 ]

# MINNESOTA STATUTES 1979 SUPPLEMENT

## **626.8462 TRAINING; INVESTIGATION, APPREHENSION; REPORTS**

### **626.8462 Competency requirements.**

Part-time officer licensing examinations shall be designed to insure competency in the following areas reasonably achievable in courses within a total hourly maximum of 54 hours:

- (a) Law of arrest, including probable cause;
- (b) Law of search and seizure;
- (c) Confessions and interrogations, oral and written;
- (d) Law and rules of evidence;
- (e) Minnesota criminal code;
- (f) Juvenile law;
- (g) General principles of criminal investigations;
- (h) Crime scene search and investigation;
- (i) Preservation and collection of crime scene evidence;
- (j) Traffic enforcement, including accident investigation.

Upon request, the board shall provide to any sheriff or chief of police lesson plans and instructional materials reasonably necessary to conduct classes in the required areas of study. Nothing herein shall be construed to prohibit a requirement for more comprehensive training imposed by a local law enforcement agency.

[ 1979 c 282 s 5 ]

### **626.8463 Part-time officer replacements.**

Any individual appointed or employed as a part-time officer to a position which was filled by a part-time officer in the year 1978 owing to the death, termination, or failure of the incumbent to comply with the requirements of this section shall provide proof to the board that:

- (a) Within six months of his appointment he has satisfied the selection standards of the board then in effect;
- (b) Within 12 months of his appointment he has successfully met the training requirements of section 626.8467, subdivision 2;
- (c) Within 24 months of his appointment he has successfully passed a board part-time officer licensing examination.

A law enforcement agency may designate personnel as part-time officer replacements who shall be subject to the training requirements of this section notwithstanding the fact that the personnel are appointed to positions which were not filled by part-time officers in the year 1978. Provided that the number of personnel so designated shall not exceed a number equal to ten percent of the positions filled by part-time officers during the year 1978, rounded to the next highest whole number.

[ 1979 c 282 s 6 ]

### **626.8464 New part-time positions.**

Except as otherwise provided in section 626.8463, any individual appointed or employed as a part-time officer to a position which was not filled by a part-time officer in the year 1978 shall meet the training and licensing requirements of the board then in effect for full-time peace officers.

[ 1979 c 282 s 7 ]

### **626.8465 Part-time officers; limitations.**

Subdivision 1. **Supervision of powers and duties.** No law enforcement agency shall utilize the services of a part-time officer unless the part-time officer exercises his powers and duties under the supervision, directly or indirectly of a licensed peace officer designated by the chief law enforcement officer. Supervision also may be via radio communications. With the consent of the county sheriff, the designated supervising officer may be a member of the county sheriff's department.

# MINNESOTA STATUTES 1979 SUPPLEMENT

## TRAINING; INVESTIGATION, APPREHENSION; REPORTS 626.8467

Subd. 2. **Part-time license, restriction.** Any individual licensed by the board as a part-time officer shall be eligible for appointment or employment anywhere in the state as a part-time officer but not as a peace officer unless he meets board training and licensing requirements then in effect for peace officers.

Subd. 3. **Emergency appointment.** Upon application of a law enforcement agency the board shall exempt from the provisions of Laws 1979, Chapter 282 the number of individuals necessary to secure and maintain the public safety in the case of an emergency arising from a natural disaster, civil disorder, fire, explosion, or similar catastrophic event; provided that no exemption shall be valid for a period exceeding 30 days. In the event the emergency requires an exemption immediately, the director or in case of his absence, the chief law enforcement officer of the municipality or township, or the sheriff of the county in which the emergency has arisen, shall grant an exemption which shall be valid only until the board has met and approved or rejected the application, but in no event shall an exemption granted by the director, the chief law enforcement officer of the municipality or township, or a county sheriff, be valid for a period exceeding seven days.

[ 1979 c 282 s 8 ]

### 626.8466 Reserve officers.

Notwithstanding any provision of this chapter or rule of the board to the contrary, no reserve officer shall be subject to mandatory training, licensing, or continuing education requirements except as may be established by the agency utilizing the services of the reserve officer.

[ 1979 c 282 s 9 ]

### 626.8467 Current part-time officers.

Subdivision 1. **Eligibility.** No law enforcement agency shall continue to utilize the services of any individual appointed or employed as a part-time officer on or before May 31, 1979 if that individual has within six months of May 31, 1979 failed to provide proof to the board that he has met board selection requirements in effect on January 1, 1979 relating to minimum medical qualifications, past criminal record, and psychological screening; provided that the board shall grant a reasonable extension of time to satisfy the requirements of this subdivision to any law enforcement agency that shows satisfaction of selection standards within six months would impose financial hardship.

Subd. 2. **First aid, firearms.** No law enforcement agency shall continue to utilize the services of any individual appointed or employed as a part-time officer on or before May 31, 1979 if, within 12 months of May 31, 1979, that individual has failed to provide proof to the board that he has successfully completed a board certified course, or a professionally recognized program, in first aid, and, if authorized to carry a firearm on duty, firearms training, including legal limitations on the justifiable use of deadly force.

Subd. 3. **Part-time license.** No law enforcement agency shall continue to utilize the services of any individual appointed or employed as a part-time officer on or before May 31, 1979, if, within 24 months of May 31, 1979, that individual has not successfully passed a board part-time officer licensing examination.

[ 1979 c 282 s 4 ]

## CHAPTER 626A. PRIVACY OF COMMUNICATIONS

Sec.  
626A.05 Authorization for interception of wire or oral communications.