

CHAPTER 388

COUNTY ATTORNEY

388.02 Repealed.
388.051 Duties.

388.09 Other attorney employed.
388.18 Compensation schedule, salaries.

388.02 [Repealed, 1983 c 359 s 151]

388.051 DUTIES.

Subdivision 1. **General provisions.** The county attorney shall:

- (a) Appear in all cases in which the county is a party;
- (b) Give opinions and advice, upon the request of the county board or any county officer, upon all matters in which the county is or may be interested, or in relation to the official duties of the board or officer;
- (c) Prosecute felonies, including the drawing of indictments found by the grand jury, and, to the extent prescribed by law, gross misdemeanors, misdemeanors, petty misdemeanors, and violations of municipal ordinances, charter provisions and rules or regulations;
- (d) Attend before the grand jury, give them legal advice and examine witnesses in their presence;
- (e) Request the clerk of court to issue subpoenas to bring witnesses before the grand jury or any judge or judicial officer before whom he is conducting a criminal hearing;
- (f) Attend any inquest at the request of the coroner; and
- (g) Appear, when requested by the attorney general, for the state in any case instituted by the attorney general in his county or before the United States land office in case of application to preempt or locate any public lands claimed by the state and assist in the preparation and trial.

Subd. 2. **Special provision; gross misdemeanors.** In Anoka, Carver, Dakota, Hennepin, Scott, and Washington counties, the county attorney shall only prosecute gross misdemeanor violations of sections 290.53, subdivisions 4 and 8; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivisions 4 and 8; 297B.10; 609.255, subdivision 3; 609.377; 609.378; and 609.41.

History: 1983 c 177 s 5; 1983 c 345 s 9

388.09 OTHER ATTORNEY EMPLOYED.

Subdivision 1. **General provisions.** When there is no county attorney, the county board may employ any competent attorney to perform legal services for the county. The board may employ an attorney other than the county attorney to assist him, to appear for the county or any county officer in any action in which the county or officer in his official capacity is a party, to advise the board or its members in relation to the action, or in relation to any other matter affecting the interests of the county. The county may pay the attorney out of the funds of the county.

Subd. 2. **Misdemeanors; other prosecutions.** Except in the counties of Ramsey and Hennepin, the county board with concurrence of the county attorney may enter into agreements with attorneys or firms of attorneys for the prosecution of gross misdemeanors, misdemeanors or petty misdemeanors, without making these

attorneys or members of the firms assistant county attorneys or employees of the county where the county attorney has responsibility for the prosecution of these charges. If there is a contract between the county and any city within it which provides that the county attorney shall also prosecute municipal ordinance, municipal rule or regulation, and charter provision violations for that city, an attorney or firm engaged pursuant to this subdivision may also prosecute these violations.

History: 1983 c 177 s 6

388.18 COMPENSATION SCHEDULE, SALARIES.

[For text of subds 1 to 4, see M.S.1982]

Subd. 5. **Budget for office.** The county board by resolution shall provide the budget for (1) the salary of the county attorney, any assistant county attorneys and employees in the county attorney's office; (2) the salary or other fees of any attorneys or firms of attorneys employed or engaged to prosecute misdemeanors, petty misdemeanors, gross misdemeanors, municipal ordinance violations, or municipal charter, rule or regulation violations, if any; (3) other expenses necessary in the performance of the duties of the office; and (4) the payment of premiums of any bonds required of the county attorney and any assistant county attorney or employee in the county attorney's office. The board is authorized to appropriate funds for those purposes.

[For text of subd 6, see M.S.1982]

History: 1983 c 177 s 7; 1983 c 345 s 10