

## CHAPTER 626

TRAINING; INVESTIGATION, APPREHENSION;  
REPORTS

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|--|--|
| <b>SEARCH WARRANTS</b>   |  |
| 626.04   | Property; seizure, keeping, and disposal.                                      |
| 626.05   | Definitions.   |
| 626.06   | Jurisdiction to issue.   |
| 626.07   | Grounds for issuance.  |
| 626.08   | Probable cause.  |
| 626.09   | Examination of parties making request.   |
| 626.10   | Affidavit, content.  |
| 626.11   | Issuance of warrant.   |
| 626.12   | Applicants, names on warrant.  |
| 626.13   | Service, persons making.   |
| 626.14   | Time of service.   |
| 626.15   | Execution and return of warrant, time.   |
| 626.16   | Delivery of copy of warrant and receipt.                                       |
| 626.17   | Return and inventory.  |
| <b>UNLAWFUL SEARCHES AND SEIZURES</b>                                |  |
| 626.21   | Return of property and suppression of evidence.                                |
| 626.22   | Maliciously procuring search warrant; misconduct in use.                       |
| <b>REPORTS</b>   |  |
| 626.52   | Physicians and other aids to healing to report injuries from firearms.         |
| 626.53   | Report by telephone and letter.  |
| 626.54   | Application of sections 626.52 to 626.55.                                      |
| 626.55   | Penalty.   |
| 626.553  | Gunshot wounds; peace officers, discharging firearms; investigations, reports. |
| 626.556  | Reporting of maltreatment of minors.   |
| 626.557  | Reporting of maltreatment of vulnerable adults.                                |
| 626.558  | Multidisciplinary child protection team.                                       |
| <b>UNIFORM LAW ON FRESH PURSUIT</b>                                  |  |
| 626.65   | Uniform law on fresh pursuit; reciprocal.                                      |
| 626.66   | Arrest; hearing.   |
| 626.67   | Construction of section 626.65.  |
| 626.68   | State includes District of Columbia.   |
| 626.69   | Fresh pursuit.   |
| 626.70   | Citation, uniform act on fresh pursuit.  |
| <b>PEACE OFFICERS;<br/>ASSISTING OTHER OFFICERS</b>                  |  |
| 626.76   | Rules and regulations; aiding other officers.                                  |
| <b>PEACE OFFICER TRAINING</b>  |  |
| 626.84   | Definitions and scope.   |
| 626.841  | Board; members.  |
| 626.842  | Terms; meetings; compensation; removal; vacancies.                             |
| 626.843  | Rules, standards; executive director.  |
| 626.845  | Powers and duties.   |
| 626.846  | Attendance, forfeiture of position.  |
| 626.8461   | Part-time peace officers; policy.  |
| 626.8462   | Competency requirements.   |
| 626.8463   | Part-time peace officers.  |
| 626.8464   | New part-time peace officer positions.   |
| 626.8465   | Part-time officers; limitations.   |
| 626.8466   | Reserve officers.  |
| 626.847  | Compulsory program; exemptions.  |
| 626.848  | Training courses, locations.   |
| 626.849  | Schedule of subject material.  |
| 626.85   | Instructors; donations, contributions.   |
| 626.851  | Eligibility of officers.   |
| 626.852  | Tuition; salary and expenses.  |
| 626.855  | University of Minnesota peace officers.  |
| 626.86   | Peace officers training.   |
| 626.861  | Levy and collection of penalty assessments.                                    |
| <b>UNIFORM COLORS FOR PEACE<br/>OFFICERS<br/>AND SECURITY GUARDS</b> |  |
| 626.88   | Uniforms; peace officers, security guards; color.                              |

## SEARCH WARRANTS

- 626.01** [Repealed, 1963 c 849 s 17]  
**626.02** [Repealed, 1963 c 849 s 17]  
**626.03** [Repealed, 1963 c 849 s 17]

**626.04 PROPERTY; SEIZURE, KEEPING, AND DISPOSAL.**

When any officer seizes, with or without warrant, any property or thing, it shall be safely kept by direction of the court as long as necessary for the purpose of being produced as evidence on any trial. After the trial the property or thing shall, unless otherwise subject to lawful detention, be returned to its owner or any other person entitled to possess it. Any property or thing seized may be destroyed or otherwise disposed of under the direction of the court. Any money found in gambling devices when seized shall be paid into the county treasury. If the gambling devices are seized by a police officer of a municipality, the money shall be paid into the treasury of the municipality.

**History:** *RL s 5199; 1929 c 177; 1963 c 849 s 16; 1983 c 359 s 111 (10540)*

# MINNESOTA STATUTES 1984

## 626.05 DEFINITIONS.

Subdivision 1. **Search warrant.** A search warrant is an order in writing, in the name of the state, signed by a court other than a probate court, directed to a peace officer, commanding him to make a search as authorized by law and hold any item seized, subject to the order of a court.

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.

**History:** 1963 c 849 s 3; 1976 c 2 s 154; 1977 c 82 s 4; 1979 c 258 s 21; 1983 c 359 s 112

## 626.06 JURISDICTION TO ISSUE.

Search warrants may be issued by any court, other than a probate court, having jurisdiction in the area where the place to be searched is located.

**History:** 1963 c 849 s 4; 1983 c 359 s 113

## 626.07 GROUNDS FOR ISSUANCE.

A search warrant may be issued upon any of the following grounds:

- (1) The property or things were stolen or embezzled;
- (2) The property or things were used as the means of committing a crime;
- (3) The possession of the property or things constitutes a crime;
- (4) The property or things are in the possession of any person with the intent to use them as a means of committing a crime, or the property or things so intended to be used are in the possession of another to whom they have been delivered for the purpose of concealing them or preventing their being discovered;
- (5) The property or things to be seized consist of any item or constitute any evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The property or things described in this section may be taken pursuant to the warrant from any place, or from any person in whose possession they may be.

**History:** 1963 c 849 s 5

## 626.08 PROBABLE CAUSE.

A search warrant cannot be issued but upon probable cause, supported by affidavit, naming or describing the person, and particularly describing the property or thing to be seized, and particularly describing the place to be searched.

**History:** 1963 c 849 s 6

## 626.09 EXAMINATION OF PARTIES MAKING REQUEST.

The court may, before issuing the warrant, examine on oath the person seeking the warrant and any witnesses he may produce. It shall take the affidavits in writing, and cause them to be subscribed to by the party or parties making them.

**History:** 1963 c 849 s 7; 1983 c 359 s 114

## 626.10 AFFIDAVIT, CONTENT.

The affidavit or affidavits must set forth the facts tending to establish the grounds of the application, or probable cause for believing that they exist.

**History:** 1963 c 849 s 8

**626.11 ISSUANCE OF WARRANT.**

If the court is 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. The warrant shall direct the officer or agent to search the person or place named for the property or things specified, and to retain the property or things in his custody subject to order of the court issuing the warrant.

*History: 1963 c 849 s 9; 1979 c 258 s 22; 1983 c 359 s 115*

**626.12 APPLICANTS, NAMES ON WARRANT.**

The warrant, in addition, shall contain the names of the persons presenting affidavits in support of the application, and the grounds for its issuance.

*History: 1963 c 849 s 10*

**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.

*History: 1963 c 849 s 11; 1979 c 258 s 23*

**626.14 TIME OF SERVICE.**

A search warrant may be served only in the daytime unless the court determines on the basis of facts stated in the affidavits that a nighttime search is necessary to prevent the loss, destruction, or removal of the objects of the search. The search warrant shall state that it may be served only in the daytime unless a nighttime search is authorized.

*History: 1963 c 849 s 12; 1983 c 359 s 116*

**626.15 EXECUTION AND RETURN OF WARRANT, TIME.**

A search warrant must be executed and returned to the court which issued it within ten days after its date. After the expiration of this time, the warrant is void unless previously executed.

*History: 1963 c 849 s 13; 1983 c 359 s 117*

**626.16 DELIVERY OF COPY OF WARRANT AND RECEIPT.**

When the officer conducts the search he must give a copy of the warrant and, when property or things are taken, a receipt therefor (specifying it in detail) to the person in whose possession the premises or the property or things taken were found; or, in the absence of any person, he must leave such copy of the warrant and receipt in the place where the property or things were found. Such delivery of a copy of the warrant shall constitute service.

*History: 1963 c 849 s 14*

**626.17 RETURN AND INVENTORY.**

The officer must immediately return the warrant to the court and deliver to it a written inventory of the property or things taken, verified by the certificate of the officer at the foot of the inventory.

**History:** 1963 c 849 s 15; 1983 c 359 s 118

**UNLAWFUL SEARCHES AND SEIZURES****626.21 RETURN OF PROPERTY AND SUPPRESSION OF EVIDENCE.**

A person aggrieved by an unlawful search and seizure may move the district court for the district in which the property was seized or the municipal court having jurisdiction of the substantive offense for the return of the property and to suppress the use, as evidence, of anything so obtained on the ground that (1) the property was illegally seized, or (2) the property was illegally seized without warrant, or (3) the warrant is insufficient on its face, or (4) the property seized is not that described in the warrant, or (5) there was not probable cause for believing the existence of the grounds on which the warrant was issued, or (6) the warrant was illegally executed, or (7) the warrant was improvidently issued. The judge shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted the property shall be restored unless otherwise subject to lawful detention, and it shall not be admissible in evidence at any hearing or trial. The motion to suppress evidence may also be made in the district where the trial is to be had. The motion shall be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.

**History:** 1963 c 850 s 1

**626.22 MALICIOUSLY PROCURING SEARCH WARRANT; MISCONDUCT IN USE.**

Every person who shall maliciously and without probable cause procure a search warrant to be issued and executed, and every officer who, in executing a search warrant, shall wilfully exceed his authority, or exercise it with unnecessary severity, shall be guilty of a misdemeanor.

**History:** *RL s 4846 (10031)*

**626.311** [Repealed, 1969 c 177 s 1]

**626.312** [Repealed, 1969 c 177 s 1]

**626.313** [Repealed, 1969 c 177 s 1]

**626.314** [Repealed, 1969 c 177 s 1]

**626.315** [Repealed, 1969 c 177 s 1]

**626.316** [Repealed, 1969 c 177 s 1]

**626.317** [Repealed, 1969 c 177 s 1]

**626.318** [Repealed, 1969 c 177 s 1]

**626.319** [Repealed, 1969 c 177 s 1]

**626.32** [Obsolete]

**626.33** [Renumbered 299C.03]

**626.34** [Renumbered 299C.04]

**626.35** [Renumbered 299C.05]

**626.36** [Renumbered 299C.06]

**626.365** [Renumbered 299C.07]

# MINNESOTA STATUTES 1984

9989

TRAINING; INVESTIGATION, APPREHENSION; REPORTS 626.53

- 626.37 [Renumbered 299C.08]
- 626.38 [Renumbered 299C.09]
- 626.39 [Renumbered 299C.10]
- 626.40 [Renumbered 299C.11]
- 626.41 [Renumbered 299C.12]
- 626.42 [Renumbered 299C.13]
- 626.43 [Renumbered 299C.14]
- 626.44 [Renumbered 299C.15]
- 626.45 [Renumbered 299C.16]
- 626.46 [Repealed, Ex1959 c 34 s 12]
- 626.461 [Repealed, 1967 c 870 s 15]
- 626.462 [Repealed, 1967 c 870 s 15]
- 626.463 [Repealed, 1967 c 870 s 15]
- 626.464 [Repealed, 1967 c 870 s 15]
- 626.465 [Repealed, 1967 c 870 s 15]
- 626.466 [Repealed, 1967 c 870 s 15]
- 626.467 [Repealed, 1967 c 870 s 15]
- 626.468 [Repealed, 1967 c 870 s 15]
- 626.469 [Repealed, 1967 c 870 s 15]
- 626.47 [Renumbered 299C.17]
- 626.48 [Renumbered 299C.18]
- 626.49 [Renumbered 299C.19]
- 626.50 [Renumbered 299C.20]
- 626.51 [Renumbered 299C.21]

## REPORTS

### 626.52 PHYSICIANS AND OTHER AIDS TO HEALING TO REPORT INJURIES FROM FIREARMS.

Every physician, every surgeon, every person authorized to engage in the practice of healing, every superintendent or manager of a hospital, every nurse and every pharmacist, whether such physicians, surgeons, persons engaged in the practice of healing, superintendent or manager of any hospital, nurse and pharmacist be licensed or not, shall immediately report to the proper police authorities, as herein defined, all bullet wounds, gunshot wounds, powder burns, or any other injury arising from, or caused by the discharge of any gun, pistol, or any other firearm, which wound he is called upon to treat, dress, or bandage.

**History:** 1935 c 165 s 1; 1963 c 489 s 1; 1965 c 759 s 1 (9950-22a)

### 626.53 REPORT BY TELEPHONE AND LETTER.

The report required by section 626.52 shall be made forthwith by telephone or in person, and shall be promptly supplemented by letter, enclosed in a securely sealed, postpaid envelope, addressed to the sheriff of the county in which the wound is examined, dressed, or otherwise treated; except that, if the place in which the patient is treated for such injury or his wound dressed or bandaged be in a city of the first, second, or third class, such report shall be made and transmitted as herein provided to the chief of police of such city instead of the sheriff. The office of any such sheriff and of any such chief of police shall keep such report as a confidential communication and shall not disclose the name of the person making the same, and

# MINNESOTA STATUTES 1984

the party making the report shall not by reason thereof be subpoenaed, examined, or forced to testify in court as a consequence of having made such a report.

*History: 1935 c 165 s 2 (9950-23)*

## 626.54 APPLICATION OF SECTIONS 626.52 TO 626.55.

The requirements of sections 626.52 to 626.55 shall not apply to a nurse employed in a hospital nor to a nurse regularly employed by a physician, surgeon, or other person practicing healing, where the employer has made a proper report in compliance therewith.

*History: 1935 c 165 s 3 (9950-24)*

## 626.55 PENALTY.

Any person who violates any provision of sections 626.52 to 626.55 is guilty of a gross misdemeanor.

*History: 1935 c 165 s 4 (9950-25)*

## 626.553 GUNSHOT WOUNDS; PEACE OFFICERS, DISCHARGING FIREARMS; INVESTIGATIONS, REPORTS.

Subdivision 1. Upon receipt of the report required in sections 626.52 and 626.53, the sheriff or chief of police receiving the report shall determine the general cause of the wound, and if he determines that the wound was caused by an action connected with the occupation or sport of hunting or shooting he shall immediately conduct a detailed investigation into the facts surrounding the incident or occurrence which occasioned the injury or death reported. The investigating officer shall report the findings of his investigation to the commissioner of natural resources on forms provided by the commissioner for this purpose.

Subd. 2. Whenever a peace officer discharges a firearm in the course of duty, other than for training purposes or the killing of an animal that is sick, injured, or dangerous, notification shall be filed within 30 days of the incident by the officer's department head with the commissioner of public safety. The notification shall contain information concerning the reason for and circumstances surrounding discharge of the firearm. The commissioner of public safety shall file a report with the legislature by November 15 of each even-numbered year containing summary information concerning use of firearms by peace officers.

*History: 1957 c 407 s 1; 1969 c 1129 art 10 s 2; 1977 c 455 s 89; 1983 c 293 s 108*

**626.554** [Repealed, 1975 c 221 s 2]

**626.555** [Repealed, 1980 c 542 s 2]

## 626.556 REPORTING OF MALTREATMENT OF MINORS.

Subdivision 1. **Public policy.** The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse; to strengthen the family and make the home, school, and community safe for children by promoting responsible child care in all settings; and to provide, when necessary, a safe temporary or permanent home environment for physically or sexually abused children.

In addition, it is the policy of this state to require the reporting of suspected neglect, physical or sexual abuse of children in the home, school, and community settings; to provide for the voluntary reporting of abuse or neglect of children; to

require the assessment and investigation of the reports; and to provide protective and counseling services in appropriate cases.

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 a person responsible for the child's care, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, or sections 609.364 to 609.3644. 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) "Person responsible for the child's care" means a parent, guardian, teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, baby sitting whether paid or unpaid, counseling, teaching, and coaching.

(c) "Neglect" means failure by a 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 or mental health when reasonably able to do so. Nothing in this section shall be construed to (i) 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, or (ii) impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter or medical care, a duty to provide that care.

(d) "Physical abuse" means:

(i) Any physical injury inflicted by a 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 child's history of injuries.

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

(f) "Facility" means a day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

(g) "Operator" means an operator or agency as defined in section 245.782.

(h) "Commissioner" means the commissioner of human services.

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

Subd. 3. **Persons mandated to report.** A professional or his delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement who has knowledge of or reasonable cause to believe a child is being neglected or physically or sexually abused shall immediately report the information to the local welfare agency, police department or the county sheriff. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school or agency.

Any person not required to report under the provisions of this subdivision may voluntarily report to the local welfare agency, police department or the county sheriff if he has knowledge of or reasonable cause to believe a child is being neglected or subjected to physical or sexual abuse. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency.

A person mandated to report suspected physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b.

Any person who makes a report shall, upon request to the local welfare agency, receive a concise summary of the disposition of the report, unless release would be detrimental to the best interests of the child.

**Subd. 3a. Report of deprivation of parental rights.** A person mandated to report under subdivision 3, who knows or has reason to know of a violation of section 609.26, shall report the information to the local police department or the county sheriff. Receipt by a local welfare agency of a report or notification of a report of a violation of section 609.26 shall not be construed to invoke the duties of subdivisions 10, 10a, or 10b of this section.

**Subd. 4. Immunity from liability.** (a) Any person, including those voluntarily making reports and those required to make reports under subdivision 3, participating in good faith and exercising due care in the making of a report or assisting in an assessment pursuant to this section has immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

(b) A supervisor or social worker employed by a local welfare agency, who in good faith exercises due care when complying with subdivisions 10 and 11 or any related rule or provision of law, shall have immunity from any civil liability that otherwise might result by reason of his action.

Any public or private school, facility as defined in subdivision 2, or the employee of any public or private school or facility who permits access by a local welfare agency or local law enforcement agency and assists in good faith in an investigation or assessment pursuant to subdivision 10 has immunity from any liability, civil or criminal, that otherwise might result by reason of that action.

This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

**Subd. 4a. Retaliation prohibited.** (a) An employer of any person required to make reports under subdivision 3 shall not retaliate against the person for reporting in good faith suspected abuse or neglect pursuant to this section, or against a child with respect to whom a report is made, because of the report.

(b) The employer of any person required to report under subdivision 3 who retaliates against the person because of a report of suspected abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to \$1,000.

(c) There shall be a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of this paragraph, the term "adverse action" refers to action taken by an employer of a person required to report under subdivision 3 which is involved in a report against the person making the report or the child with respect to whom the report was made because of the report, and includes, but is not limited to:

- (1) discharge, suspension, termination, or transfer from the facility, institution, school, or agency;
- (2) discharge from or termination of employment;



# MINNESOTA STATUTES 1984

9993

TRAINING; INVESTIGATION, APPREHENSION; REPORTS 626.556

(3) demotion or reduction in remuneration for services; or

(4) restriction or prohibition of access to the facility, institution, school, agency, or persons affiliated with it.

Subd. 5. **Falsified reports.** Any person who willfully or recklessly makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

Subd. 6. **Failure to report.** Any person required by this section to report suspected physical or sexual child abuse or neglect who willfully fails to do so shall be guilty of a misdemeanor.

Subd. 7. **Report.** An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 3 to report shall be followed as soon as possible by a report in writing to the appropriate police department, the county sheriff or local welfare agency. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter. Written reports received by a police department or the county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff.

A written copy of a report maintained by personnel of agencies, other than welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential. An individual subject of the report may obtain access to the original report as provided by subdivision 11.

Subd. 8. **Evidence not privileged.** No evidence relating to the neglect or abuse of a child or to any prior incidents of neglect or abuse involving any of the same persons accused of neglect or abuse shall be excluded in any proceeding arising out of the alleged neglect or physical or sexual abuse on the grounds of privilege set forth in section 595.02, subdivision 1, paragraphs (a), (d), or (g).

Subd. 9. **Mandatory reporting to a medical examiner or coroner.** When a person required to report under the provisions of subdivision 3 has reasonable cause to believe a child has died as a result of neglect or physical or sexual abuse, he shall report that information to the appropriate medical examiner or coroner instead of the local welfare agency, police department or county sheriff. Medical examiners or coroners shall notify the local welfare agency or police department or county sheriff in instances in which they believe that the child has died as a result of neglect or physical or sexual abuse. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff and the local welfare agency.

Subd. 10. **Duties of local welfare agency and local law enforcement agency upon receipt of a report.** (a) If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately conduct an assessment and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

# MINNESOTA STATUTES 1984

(b) Authority of the local welfare agency responsible for assessing the child abuse report and of the local law enforcement agency includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or any facility or other place where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school official. Except as provided in this clause, the parent, legal custodian, or guardian shall be notified, no later than the conclusion of the investigation or assessment, that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, notification of this interview be withheld from the parent, legal custodian, or guardian.

(c) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chairman of the county welfare board or his designee. The time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare agency, or the local law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is deemed necessary by agreement between the school officials and the local welfare agency or local law enforcement agency. Where the school fails to comply with the provisions of this section, the juvenile court may order the school to comply with this provision. School officials shall not disclose to the parent, legal custodian, guardian, or perpetrator that a request to interview the child has been made until after the investigation or assessment has been concluded. Every effort shall be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

(d) Where the perpetrator or a person responsible for the care of the alleged victim or other minor prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the local welfare agency or the local law enforcement agency outside the presence of the perpetrator or any person responsible for the child's care at reasonable places and times as specified by court order.

(e) Before making an order under paragraph (d), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If a guardian ad litem is appointed, he shall be present at the hearing on the order to show cause.

(f) The commissioner, the local welfare agencies responsible for investigating reports, and the local law enforcement agencies have the right to enter facilities as defined in subdivision 2 and to inspect and copy the facility's records as part of the

investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglecting a child, and to provide the facility with a copy of the report and the investigative findings.

**Subd. 10a. Abuse outside the family unit.** If the report alleges neglect, physical abuse, or sexual abuse by a person responsible for the child's care functioning outside the family unit in a setting other than a facility as defined in subdivision 2, the local welfare agency shall immediately notify the appropriate law enforcement agency and shall offer appropriate social services for the purpose of safeguarding and enhancing the welfare of the abused or neglected minor.

**Subd. 10b. Duties of commissioner; neglect or abuse in a facility.** If the report alleges that a child in the care of a facility as defined in subdivision 2 is neglected, physically abused, or sexually abused by an individual in that facility, the commissioner shall immediately investigate. The commissioner shall arrange for the transmittal to him of reports received by local agencies and may delegate to a local welfare agency the duty to investigate reports. In conducting an investigation under this section, the commissioner has the powers and duties specified for local welfare agencies under this section.

**Subd. 11. Records.** All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation. After the assessment or investigation is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order.

Records maintained by local welfare agencies, the police department or county sheriff under this section shall be destroyed as described in clauses (a) to (c):

(a) If upon assessment or investigation a report is found to be unsubstantiated, notice of intent to destroy records of the report shall be mailed to the individual subject of the report. At the subject's request the records shall be maintained as private data. If no request from the subject is received within 30 days of mailing the notice of intent to destroy, the records shall be destroyed.

(b) All records relating to reports which, upon assessment or investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record.

(c) All records of reports which, upon initial assessment or investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report in the manner provided by clause (a).

Subd. 12. **Duties of facility operators.** Any operator, employee, or volunteer worker at any facility who intentionally neglects, physically abuses, or sexually abuses any child in the care of that facility may be charged with a violation of sections 609.255, 609.377, or 609.378. Any operator of a facility who knowingly permits conditions to exist which result in neglect, physical abuse, or sexual abuse of a child in the care of that facility may be charged with a violation of section 609.23 or section 609.378.

Subd. 13. **Application of data practices act.** The classification of reports and records created or maintained for the purposes of this section shall be determined as provided by this section, notwithstanding any other classifications established by chapter 13.

**History:** 1975 c 221 s 1; 1977 c 130 s 9; 1977 c 212 s 2,3; 1978 c 755 s 1-9; 1979 c 143 s 1; 1979 c 255 s 7; 1980 c 509 s 50,181; 1981 c 240 s 2; 1981 c 273 s 12; 1981 c 311 s 39; 1Sp1981 c 4 art 1 s 15; 1982 c 393 s 1,2; 1982 c 545 s 24; 1982 c 636 s 1-4; 1983 c 217 s 8; 1983 c 229 s 1,2; 1983 c 345 s 13-19; 1984 c 484 s 3; 1984 c 573 s 10; 1984 c 577 s 1-6; 1984 c 588 s 12; 1984 c 654 art 5 s 58; 1984 c 655 art 2 s 14 subd 1

#### 626.557 REPORTING OF MALTREATMENT OF VULNERABLE ADULTS.

Subdivision 1. **Public policy.** The legislature declares that the public policy of this state is to protect adults who, because of physical or mental disability or dependency on institutional services, are particularly vulnerable to abuse or neglect; to provide safe institutional or residential services or living environments for vulnerable adults who have been abused or neglected; and to assist persons charged with the care of vulnerable adults to provide safe environments.

In addition, it is the policy of this state to require the reporting of suspected abuse or neglect of vulnerable adults, to provide for the voluntary reporting of abuse or neglect of vulnerable adults, to require the investigation of the reports, and to provide protective and counseling services in appropriate cases.

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

(a) "Facility" means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed to serve adults pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812; a mental health program receiving funds pursuant to section 245.61; or a home health agency certified for participation in Titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq.

(b) "Vulnerable adult" means any person 18 years of age or older:

- (1) Who is a resident or inpatient of a facility;
- (2) Who receives services at or from a facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812, except a person receiving outpatient services for treatment of chemical dependency or mental illness;
- (3) Who receives services from a home health agency certified for participation under Titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq and 1396 et seq; or

(4) Who, regardless of residence or type of service received, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

(c) "Caretaker" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of family relationship, or who has assumed

responsibility for all or a portion of the care of a vulnerable adult voluntarily, or by contract, or agreement.

(d) "Abuse" means:

(1) Any act which constitutes a violation under sections 609.221 to 609.235, 609.322, 609.342, 609.343, 609.344, or 609.345; or

(2) The intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress.

(e) "Neglect" means:

(1) Failure by a caretaker to supply the vulnerable adult with necessary food, clothing, shelter, health care or supervision; or

(2) The absence or likelihood of absence of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult.

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

(g) "Licensing agency" means:

(1) The commissioner of health, for facilities as defined in clause (a) which are required to be licensed or certified by the department of health;

(2) The commissioner of human services, for facilities required by sections 245.781 to 245.813 to be licensed;

(3) Any licensing board which regulates persons pursuant to section 214.01, subdivision 2; and

(4) Any agency responsible for credentialing human services occupations.

**Subd. 3. Persons mandated to report.** A professional or his delegate who is engaged in the care of vulnerable adults, education, social services, law enforcement, or any of the regulated occupations referenced in subdivision 2, clause (g)(3) and (4), or an employee of a rehabilitation facility certified by the commissioner of economic security for vocational rehabilitation, or an employee of or person providing services in a facility who has knowledge of the abuse or neglect of a vulnerable adult, has reasonable cause to believe that a vulnerable adult is being or has been abused or neglected, or who has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained by the history of injuries provided by the caretaker or caretakers of the vulnerable adult shall immediately report the information to the local police department, county sheriff, local welfare agency, or appropriate licensing or certifying agency. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff and the appropriate licensing agency or agencies.

A person not required to report under the provisions of this subdivision may voluntarily report as described above. Medical examiners or coroners shall notify the police department or county sheriff and the local welfare department in instances in which they believe that a vulnerable adult has died as a result of abuse or neglect.

Nothing in this subdivision shall be construed to require the reporting or transmittal of information regarding an incident of abuse or neglect or suspected abuse or neglect if the incident has been reported or transmitted to the appropriate person or entity.

**Subd. 3a. Report not required.** (a) Where federal law specifically prohibits a person from disclosing patient identifying information in connection with a report of suspected abuse or neglect under Laws 1983, chapter 273, section 3, that person need not make a required report unless the vulnerable adult, or his guardian, conservator, or legal representative, has consented to disclosure in a manner which conforms to federal requirements. Facilities whose patients or residents are covered by such a

federal law shall seek consent to the disclosure of suspected abuse or neglect from each patient or resident, or his guardian, conservator, or legal representative, upon his admission to the facility. Persons who are prohibited by federal law from reporting an incident of suspected abuse or neglect shall promptly seek consent to make a report.

(b) Except as defined in subdivision 2, paragraph (d), clause (1), verbal or physical aggression occurring between patients, residents, or clients of a facility, or self-abusive behavior of these persons does not constitute "abuse" for the purposes of subdivision 3 unless it causes serious harm. The operator of the facility or a designee shall record incidents of aggression and self-abusive behavior in a manner that facilitates periodic review by licensing agencies and county and local welfare agencies.

**Subd. 4. Report.** A person required to report under subdivision 3 shall make an oral report immediately by telephone or otherwise. A person required to report under subdivision 3 shall also make a report as soon as possible in writing to the appropriate police department, the county sheriff, local welfare agency, or appropriate licensing agency. The written report shall be of sufficient content to identify the vulnerable adult, the caretaker, the nature and extent of the suspected abuse or neglect, any evidence of previous abuse or neglect, name and address of the reporter, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. Written reports received by a police department or a county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff and the appropriate licensing agency or agencies.

**Subd. 5. Immunity from liability.** A person, including a person voluntarily making reports and a person required to make reports under subdivision 3, participating in good faith in making a report pursuant to this section shall have immunity from any civil liability that otherwise might result from making the report.

**Subd. 6. Falsified reports.** A person who intentionally makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

**Subd. 7. Failure to report.** (a) A person required to report by this section who intentionally fails to report is guilty of a misdemeanor.

(b) A person required by this section to report who negligently or intentionally fails to report is liable for damages caused by the failure.

**Subd. 8. Evidence not privileged.** No evidence regarding the abuse or neglect of the vulnerable adult shall be excluded in any proceeding arising out of the alleged abuse or neglect on the grounds of lack of competency under section 595.02.

**Subd. 9. Mandatory reporting to a medical examiner or coroner.** When a person required to report under the provisions of subdivision 3 has reasonable cause to believe that a vulnerable adult has died as a direct or indirect result of abuse or neglect, he shall report that information to the appropriate medical examiner or coroner in addition to the local welfare agency, police department, or county sheriff or appropriate licensing agency or agencies. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff and the local welfare agency.

**Subd. 10. Duties of local welfare agency upon a receipt of a report.** (a) The local welfare agency shall immediately investigate and offer emergency and continuing protective social services for purposes of preventing further abuse or neglect and

# MINNESOTA STATUTES 1984

9999

TRAINING; INVESTIGATION, APPREHENSION; REPORTS 626.557

for safeguarding and enhancing the welfare of the abused or neglected vulnerable adult. Local welfare agencies may enter facilities and inspect and copy records as part of investigations. In cases of suspected sexual abuse, the local welfare agency shall immediately arrange for and make available to the victim appropriate medical examination and treatment. The investigation shall not be limited to the written records of the facility, but shall include every other available source of information. When necessary in order to protect the vulnerable adult from further harm, the local welfare agency shall seek authority to remove the vulnerable adult from the situation in which the neglect or abuse occurred. The local welfare agency shall also investigate to determine whether the conditions which resulted in the reported abuse or neglect place other vulnerable adults in jeopardy of being abused or neglected and offer protective social services that are called for by its determination. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) If the report indicates, or if the local welfare agency finds that the suspected abuse or neglect occurred at a facility, or while the vulnerable adult was or should have been under the care of or receiving services from a facility, or that the suspected abuse or neglect involved a person licensed by a licensing agency to provide care or services, the local welfare agency shall immediately notify the appropriate licensing agency or agencies, and provide the licensing agency with a copy of the report and of its investigative findings.

**Subd. 11. Duties of licensing agencies upon receipt of report.** Whenever a licensing agency receives a report, or otherwise has information indicating that a vulnerable adult may have been abused or neglected at a facility it has licensed, or that a person it has licensed or credentialed to provide care or services may be involved in the abuse or neglect of a vulnerable adult, or that such a facility or person has failed to comply with the requirements of this section, it shall immediately investigate. Subject to the provisions of chapter 13, the licensing agency shall have the right to enter facilities and inspect and copy records as part of investigations. The investigation shall not be limited to the written records of the facility, but shall include every other available source of information. The licensing agency shall issue orders and take actions with respect to the license of the facility or person that are designed to prevent further abuse or neglect of vulnerable adults.

**Subd. 12. Records.** Each licensing agency shall maintain summary records of reports of suspected abuse or neglect and suspected violations of the requirements of this section with respect to facilities or persons licensed or credentialed by that agency. As part of these records, the agency shall prepare an investigation memorandum. The investigation memorandum shall be accessible to the public pursuant to section 13.03. It shall contain a complete review of the agency's investigation, including but not limited to the facility's name, if any, a statement of the nature of the suspected abuse or neglect or violation of the requirements of this section, pertinent information obtained from medical or other records reviewed, the investigator's name, a summary of the investigation's findings, and a statement of any determination made or action taken by the agency. The investigation memorandum shall be written in a manner which protects the identity of the reporter and of the vulnerable adult and may not contain the name or, to the extent possible, the identity of the alleged perpetrator or of those interviewed during the investigation. During the licensing agency's investigation, all data collected pursuant to this section shall be classified as investigative data pursuant to section 13.39. After the licensing agency's investigation is complete, the data on individuals collected and maintained shall be private data on individuals. All data collected pursuant to this section shall be made available to prosecuting authorities and law enforcement officials, local welfare agencies, and licensing agencies investigating the alleged abuse or neglect.

# MINNESOTA STATUTES 1984

Notwithstanding any law to the contrary, the name of the reporter shall be disclosed only upon a finding by the court that the report was false and made in bad faith.

Notwithstanding the provisions of section 138.163:

(1) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be false may be destroyed two years after the finding was made;

(2) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be unsubstantiated may be destroyed four years after the finding was made;

(3) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be substantiated may be destroyed seven years after the finding was made.

Subd. 12a. [Repealed, 1983 c 273 s 8]

Subd. 13. **Coordination.** (a) Any police department or county sheriff, upon receiving a report shall notify the local welfare agency pursuant to subdivision 3. A local welfare agency or licensing agency which receives a report pursuant to that subdivision shall immediately notify the appropriate law enforcement, local welfare, and licensing agencies.

(b) Investigating agencies, including the police department, county sheriff, local welfare agency, or appropriate licensing agency shall cooperate in coordinating their investigatory activities. Each licensing agency which regulates facilities shall develop and disseminate procedures to coordinate its activities with (i) investigations by police and county sheriffs, and (ii) provision of protective services by local welfare agencies.

Subd. 14. **Abuse prevention plans.** (a) Each facility, except home health agencies, shall establish and enforce an ongoing written abuse prevention plan. The plan shall contain an assessment of the physical plant, its environment, and its population identifying factors which may encourage or permit abuse, and a statement of specific measures to be taken to minimize the risk of abuse. The plan shall comply with any rules governing the plan promulgated by the licensing agency.

(b) Each facility shall develop an individual abuse prevention plan for each vulnerable adult residing there. Facilities designated in subdivision 2, clause (b)(2) or clause (b)(3) shall develop plans for any vulnerable adults receiving services from them. The plan shall contain an individualized assessment of the person's susceptibility to abuse, and a statement of the specific measures to be taken to minimize the risk of abuse to that person. For the purposes of this clause, the term "abuse" includes self-abuse.

Subd. 15. **Internal reporting of abuse and neglect.** Each facility shall establish and enforce an ongoing written procedure in compliance with the licensing agencies' rules for insuring that all cases of suspected abuse or neglect are reported promptly to a person required by this section to report abuse and neglect and are promptly investigated.

Subd. 16. **Enforcement.** (a) A facility that has not complied with this section within 60 days of the effective date of passage of emergency rules is ineligible for renewal of its license. A person required by subdivision 3 to report and who is licensed or credentialed to practice an occupation by a licensing agency who willfully fails to comply with this section shall be disciplined after a hearing by the appropriate licensing agency.



# MINNESOTA STATUTES 1984

10001

TRAINING; INVESTIGATION, APPREHENSION; REPORTS 626.558

(b) Licensing agencies shall as soon as possible promulgate rules necessary to implement the requirements of subdivisions 11, 12, 13, 14, 15, and 16, clause (a). Agencies may promulgate emergency rules pursuant to sections 14.29 to 14.36.

(c) The commissioner of human services shall promulgate rules as necessary to implement the requirements of subdivision 10.

Subd. 17. **Retaliation prohibited.** (a) A facility or person shall not retaliate against any person who reports in good faith suspected abuse or neglect pursuant to this section, or against a vulnerable adult with respect to whom a report is made, because of the report.

(b) Any facility or person which retaliates against any person because of a report of suspected abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to \$1,000.

(c) There shall be a rebuttable presumption that any adverse action, as defined below, within 90 days of a report, is retaliatory. For purposes of this clause, the term "adverse action" refers to action taken by a facility or person involved in a report against the person making the report or the person with respect to whom the report was made because of the report, and includes, but is not limited to:

- (1) Discharge or transfer from the facility;
- (2) Discharge from or termination of employment;
- (3) Demotion or reduction in remuneration for services;
- (4) Restriction or prohibition of access to the facility or its residents; or
- (5) Any restriction of rights set forth in section 144.651.

Subd. 18. **Outreach.** The commissioner of human services shall establish an aggressive program to educate those required to report, as well as the general public, about the requirements of this section using a variety of media.

Subd. 19. **Penalty.** Any caretaker, as defined in subdivision 2, or operator or employee thereof, or volunteer worker thereat, who intentionally abuses or neglects a vulnerable adult, or being a caretaker, knowingly permits conditions to exist which result in the abuse or neglect of a vulnerable adult, is guilty of a gross misdemeanor.

**History:** 1980 c 542 s 1; 1981 c 311 s 39; 1982 c 393 s 3,4; 1982 c 424 s 130; 1982 c 545 s 24; 1982 c 636 s 5,6; 1983 c 273 s 1-7; 1984 c 640 s 32; 1984 c 654 art 5 s 58

## 626.558 MULTIDISCIPLINARY CHILD PROTECTION TEAM.

Subdivision 1. **Establishment of the team.** A county may establish a multidisciplinary child protection team comprised of the director of the local welfare agency or his designees, the county attorney or his designees, the county sheriff or his designees and representatives of health, education, mental health or other appropriate agencies and parent groups.

Subd. 2. **Duties of team.** A multidisciplinary child protection team shall be a consultant to the local welfare agency to better enable the agency to carry out its child protection functions pursuant to section 626.556 and the community social services act.

Subd. 3. **Information sharing.** All records collected and maintained by the local welfare agency pursuant to section 626.556 may be made available to the child protection team. Any member of the child protection team may share information acquired in the member's professional capacity with the team for the purpose of aiding the team in its function.

**History:** 1981 c 150 s 1

626.56 [Renumbered 299C.30]

# MINNESOTA STATUTES 1984

626.558 TRAINING; INVESTIGATION, APPREHENSION; REPORTS

10002

- 626.57 [Renumbered 299C.31]
- 626.58 [Renumbered 299C.32]
- 626.59 [Renumbered 299C.33]
- 626.60 [Renumbered 299C.34]
- 626.61 [Renumbered 299C.35]
- 626.62 [Renumbered 299C.36]
- 626.63 Subdivision 1. [Renumbered 299C.37, subdivision 1]
  - Subd. 2. [Renumbered 299C.37, subd 2]
  - Subd. 3. [Renumbered 299C.37, subd 3]
  - Subd. 4. [Renumbered 299C.37, subd 4]
- 626.64 [Renumbered 299C.38]

## UNIFORM LAW ON FRESH PURSUIT

### 626.65 UNIFORM LAW ON FRESH PURSUIT; RECIPROCAL.

Any member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county, or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state; provided, the rights extended by this section shall be extended only to those states granting these same rights to peace officers of this state who may be in fresh pursuit of suspected criminals in such reciprocating states.

**History:** 1939 c 64 s 1 (10547-1)

### 626.66 ARREST; HEARING.

If an arrest is made in this state by an officer of another state in accordance with the provisions of section 626.65, he shall, without unnecessary delay, take the person arrested before a judge of the county in which the arrest was made. The judge shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was lawful, he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state, or admit him to bail for such purpose. If the judge determines that the arrest was unlawful, he shall discharge the person arrested.

**History:** 1939 c 64 s 2; 1983 c 359 s 119 (10547-2)

### 626.67 CONSTRUCTION OF SECTION 626.65.

Section 626.65 shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

**History:** 1939 c 64 s 3 (10547-3)

### 626.68 STATE INCLUDES DISTRICT OF COLUMBIA.

For the purpose of sections 626.65 to 626.69, the word "state" includes the District of Columbia.

**History:** 1939 c 64 s 4 (10547-4)

# MINNESOTA STATUTES 1984

10003

TRAINING; INVESTIGATION, APPREHENSION; REPORTS 626.84

## 626.69 FRESH PURSUIT.

The term "fresh pursuit," as used in sections 626.65 to 626.69, includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit, as used therein, shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

**History:** 1939 c 64 s 5 (10547-5)

## 626.70 CITATION, UNIFORM ACT ON FRESH PURSUIT.

Sections 626.65 to 626.70 may be cited as the uniform act on fresh pursuit.

**History:** 1939 c 64 s 8 (10547-8)

## PEACE OFFICERS;

### ASSISTING OTHER OFFICERS

## 626.76 RULES AND REGULATIONS; AIDING OTHER OFFICERS.

Subdivision 1. Any appointive or elective agency or office of peace officers as defined in subdivision 3 may establish rules or regulations for assisting other peace officers in the line of their duty and within the course of their employment.

Subd. 2. When a peace officer gives assistance to another peace officer within the scope of the rules or regulations of his appointive or elected agency or office, any such assistance shall be within the line of duty and course of employment of the officer rendering the assistance.

Subd. 3. For the purposes of this section the term "peace officer" means any member of a police department, state patrol, game warden service, sheriff's office, or any other law enforcement agency, the members of which have, by law, the power of arrest.

Subd. 4. This section shall in no way be construed as extending or enlarging the duties or authority of any peace officer or any other law enforcement agent as defined in subdivision 3 except as provided in this section.

**History:** 1959 c 374 s 1; 1981 c 37 s 2

**626.80** [Renumbered 299C.45]

**626.81** [Renumbered 299C.46]

**626.82** [Renumbered 299C.47]

**626.83** [Renumbered 299C.48]

## PEACE OFFICER TRAINING

### 626.84 DEFINITIONS AND SCOPE.

Subdivision 1. **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 licensed by the board, 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 state patrol and state conservation officers.

# MINNESOTA STATUTES 1984

(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 peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 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. The limitation on the average number of hours in which the services of a part-time peace officer may be utilized shall not apply to a part-time peace officer who has formally notified the board pursuant to rules adopted by the board of his intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g) and 626.845, subdivision 1, clause (g).

(g) "Reserve peace 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.

Subd. 2. **Scope.** Notwithstanding sections 12.03, subdivision 4, 12.25, or any other law to the contrary, no individual employed or acting as an agent of any political subdivision shall be authorized to carry a firearm when on duty unless the individual has been licensed pursuant to sections 626.84 to 626.855. Nothing herein shall be construed as requiring licensure of a security guard as that term is defined in section 626.88, subdivision 1, clause (c).

**History:** 1977 c 433 s 1; 1978 c 681 s 8; 1979 c 282 s 1; 1980 c 578 s 2; 1981 c 37 s 2; 1981 c 310 s 1

## 626.841 BOARD; MEMBERS.

The board of peace officer standards and training shall be composed of the following 13 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 elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2;

(f) Two members 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.

**History:** 1967 c 870 s 1; 1969 c 108 s 1; 1977 c 433 s 2; 1979 c 282 s 2; 1981 c 310 s 2

# MINNESOTA STATUTES 1984

10005

TRAINING; INVESTIGATION, APPREHENSION; REPORTS 626.843

## **626.842 TERMS; MEETINGS; COMPENSATION; REMOVAL; VACANCIES.**

Subdivision 1. Meetings shall be called at the request of the chairman or upon the written request of a majority of the members of the board.

Membership on the board shall not constitute the holding of a public office, and members of the board shall not be required to take and file oaths of office or submit a public official's bond before serving on the board.

No member of the board shall be disqualified from holding any public office or employment, by reason of his appointment to the board, nor shall he forfeit any such office or employment notwithstanding any general, special, or local restriction, or ordinance, or city charter to the contrary.

Subd. 2. The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841, clauses (a), (b), (d) and (e) on the board; the provision of staff, administrative services and office space; the review and processing of complaints; the setting of fees; and other matters relating to board operations shall be as provided in chapter 214.

*History: 1967 c 870 s 2; 1969 c 108 s 2; 1971 c 24 s 55; 1976 c 134 s 76; 1977 c 433 s 3*

## **626.843 RULES, STANDARDS; EXECUTIVE DIRECTOR.**

Subdivision 1. **Rules required.** The board shall adopt rules with respect to:

(a) The certification of peace officer training schools, programs, or courses including training schools for the Minnesota state patrol. Such schools, programs and courses shall include those administered by the state, county, school district, municipality, or joint or contractual combinations thereof, and shall include preparatory instruction in law enforcement and minimum basic training courses;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each certified peace officers training school located within the state;

(c) Minimum qualifications for instructors at certified peace officer training schools located within this state;

(d) Minimum standards of physical, mental and educational fitness which shall govern the recruitment and licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota state patrol;

(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

These standards shall be established and published on or before July 1, 1979.

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum specialized training which part-time peace officers shall complete in order to be eligible for continued employment as a part-time peace officer or permanent employment as a peace officer, and the time within which the specialized training must be completed;

(h) Content of minimum basic training courses required of graduates of certified law enforcement training schools or programs. Such courses shall not duplicate the

# MINNESOTA STATUTES 1984

content of certified academic or general background courses completed by a student but shall concentrate on practical skills deemed essential for a peace officer. Successful completion of such a course shall be deemed satisfaction of the minimum basic training requirement;

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment;

(j) The procedures to be followed by a part-time peace officer for notifying the board of his intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g) and 626.845, subdivision 1, clause (g);

(k) The establishment, and use by any political subdivision or state law enforcement agency which employs persons licensed by the board of procedures for investigation and resolution of allegations of misconduct by persons licensed by the board. The procedures shall be in writing and shall be established on or before October 1, 1984; and

(l) Such other matters as may be necessary consistent with sections 626.84 to 626.855. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to 626.855.

Subd. 1a. The rules adopted by the board relating to training and selection of peace officers described in subdivision 1 shall apply to constables on or after July 1, 1979.

Subd. 2. An executive director shall be appointed by and serve in the unclassified service at the pleasure of the board. The executive director shall perform such duties, on behalf of the board, as the board shall prescribe. The board shall appoint such employees, agents and consultants as deemed necessary, prescribe their duties, and provide for reimbursement of their expenses. Such employees shall be in the classified service.

Subd. 3. The board may, in addition:

(a) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 626.841 to 626.855;

(b) Visit and inspect any peace officer training school approved by the executive director or for which application for such approval has been made;

(c) Make recommendations, from time to time, to the executive director, attorney general, governor, and the legislature regarding the carrying out of the objectives and purposes of sections 626.841 to 626.855;

(d) Perform such other acts as may be necessary or appropriate to carry out the powers and duties of the board as set forth in sections 626.841 to 626.849;

(e) Cooperate with and receive financial assistance from and join in projects or enter into contracts with the federal government or its agencies for the furtherance of the purposes of Laws 1977, Chapter 433.

Subd. 4. The board shall report to the attorney general, from time to time, and to the governor and the legislature at least biennially concerning the activities of the board.

**History:** 1967 c 870 s 3; 1973 c 507 s 45; 1974 c 478 s 1; 1977 c 433 s 4-6; 1978 c 681 s 9-11; 1981 c 37 s 2; 1981 c 310 s 3; 1983 c 269 s 3

**626.844** [Repealed, 1977 c 433 s 16]

## **626.845 POWERS AND DUTIES.**

Subdivision 1. **Powers and duties.** The board shall have the following powers and duties:

# MINNESOTA STATUTES 1984

10007

TRAINING; INVESTIGATION, APPREHENSION; REPORTS 626.845

(a) To certify peace officers' training schools or programs administered by state, county and municipalities located within this state in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;

(b) To issue certificates to schools, and to revoke such certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.855;

(c) To certify, as qualified, instructors at peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To license peace officers who have satisfactorily completed certified basic training programs, and passed examinations as required by the board;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of in-service training programs for peace officers;

(g) To consult and cooperate with universities, colleges, and area vocational technical institutes for the development of specialized courses of instruction and study in the state for peace officers and part-time peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out the powers and duties as set forth in the provisions of sections 626.841 to 626.855;

(j) To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs;

(k) To obtain criminal conviction data for persons seeking a license to be issued or possessing a license issued by the board. The board shall have authority to obtain criminal conviction data to the full extent that any other law enforcement agency, as that term is defined by state or federal law, has to obtain the data;

(l) To prepare and transmit annually to the governor and the legislature a report of its activities with respect to allocation of moneys appropriated to it for peace officers training, including the name and address of each recipient of money for that purpose, the amount awarded, and the purpose of the award; and

(m) To assist and cooperate with any political subdivision or state law enforcement agency which employs persons licensed by the board to establish written procedures for the investigation and resolution of allegations of misconduct of persons licensed by the board, and to enforce licensing sanctions for failure to implement such procedures.

Subd. 2. The board on or after July 1, 1979 shall license constables who have satisfactorily completed certified basic training programs, and passed examinations as required by the board.

**History:** 1967 c 870 s 5; 1977 c 433 s 7; 1978 c 681 s 12; 1981 c 310 s 4; 1981 c 341 s 4; 1983 c 269 s 4

**626.846 ATTENDANCE, FORFEITURE OF POSITION.**

Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any peace officer or part-time peace officer employed or elected on or after July 1, 1979, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota shall not be eligible for permanent appointment without being licensed by the board pursuant to sections 626.84 to 626.855.

Subd. 1a. [Repealed, 1980 c 578 s 12]

Subd. 2. Every peace officer or part-time peace officer who shall be appointed by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota on a temporary basis or for a probationary term, shall forfeit his position unless he has been licensed by the board pursuant to sections 626.841 to 626.855. Any other peace officer or part-time peace officer employed or elected by any state, county, municipality or joint or contractual combination thereof, may attend peace officer training courses and be licensed by the board pursuant to sections 626.84 to 626.855.

Subd. 3. A peace officer who has received a permanent appointment prior to July 1, 1978, shall be licensed by the board if the officer has met the requirements of sections 626.841 to 626.855 in effect on June 30, 1977 and if the officer has requested licensing by the board.

Subd. 3a. [Repealed, 1980 c 578 s 12]

Subd. 4. [Repealed, 1980 c 578 s 12]

Subd. 5. [Repealed, 1980 c 578 s 12]

**History:** 1967 c 870 s 6; 1977 c 433 s 8; 1977 c 455 s 90; 1978 c 681 s 13-18; 1980 c 578 s 3,4; 1981 c 310 s 5,6

**626.8461 PART-TIME PEACE OFFICERS; POLICY.**

The legislature finds and declares that it is necessary to establish minimum training requirements for part-time peace 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 peace 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 peace officers when needs for service would otherwise justify the use of peace officers.

**History:** 1979 c 282 s 3; 1981 c 310 s 7

**626.8462 COMPETENCY REQUIREMENTS.**

Part-time peace 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.

*History: 1979 c 282 s 5; 1981 c 310 s 8*

#### **626.8463 PART-TIME PEACE OFFICERS.**

Any individual appointed or employed as a part-time peace officer to a position which was filled by a part-time officer between January 1, 1978 and May 31, 1979 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. The board shall grant a reasonable extension of time to show satisfaction of selection standards to any law enforcement agency that demonstrates that satisfaction of selection standards within six months would impose financial hardship;

(b) Within 12 months of his appointment 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;

(c) Within 24 months of his appointment he has successfully passed a board part-time peace officer licensing examination.

A law enforcement agency may designate personnel as part-time peace 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 between January 1, 1978 and May 31, 1979. Provided that the number of personnel so designated shall not exceed a number equal to two or ten percent of the positions filled by part-time officers between January 1, 1978 and May 31, 1979, rounded to the next highest whole number, whichever is greater.

*History: 1979 c 282 s 6; 1980 c 578 s 5; 1981 c 310 s 9*

#### **626.8464 NEW PART-TIME PEACE OFFICER POSITIONS.**

Except as otherwise provided in section 626.8463, any individual appointed or employed as a part-time peace officer to a position which was not filled by a part-time officer between January 1, 1978 and May 31, 1979 shall meet the training and licensing requirements of the board then in effect for full-time peace officers.

*History: 1979 c 282 s 7; 1980 c 578 s 7; 1981 c 310 s 10*

#### **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 peace officer unless the part-time peace 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.

Subd. 2. **Part-time peace officer license, restriction.** Any individual licensed by the board as a part-time peace officer shall be eligible for appointment or employment anywhere in the state as a part-time peace officer but not as a peace

# MINNESOTA STATUTES 1984

626.8465 TRAINING; INVESTIGATION, APPREHENSION; REPORTS

10010

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.

**History:** 1979 c 282 s 8; 1981 c 310 s 11,12

## 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.

**History:** 1979 c 282 s 9

626.8467 [Repealed, 1980 c 578 s 12]

## 626.847 COMPULSORY PROGRAM; EXEMPTIONS.

Nothing contained in sections 626.841 to 626.855, shall be construed to exempt any peace officer from the provisions of sections 626.841 to 626.855, or to exempt a peace officer having received his last permanent appointment as a peace officer prior to July 1, 1967.

**History:** 1967 c 870 s 7; 1977 c 433 s 9; 1978 c 681 s 19

## 626.848 TRAINING COURSES, LOCATIONS.

Subject to board rules, the superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state, for training peace officers and constables in their powers and duties, and in the use of approved equipment and the latest technique for detection, identification and apprehension of criminals. For this purpose, the superintendent may use the services and employees of the bureau.

The superintendent shall provide training to deputy constables in the limitations on their powers and duties, the conduct of inspections, and such other matters as the board may direct. Nothing herein shall be construed as establishing a mandatory training requirement for deputy constables.

**History:** 1967 c 870 s 8; 1977 c 433 s 10; 1978 c 681 s 20

## 626.849 SCHEDULE OF SUBJECT MATERIAL.

The superintendent of the bureau of criminal apprehension shall prepare not later than August 1 each year a written schedule of subject material to be taught in each training course, the scheduled instructors for each subject and the time and place for each subject presentation. This material shall be presented to the board.

# MINNESOTA STATUTES 1984

10011

TRAINING; INVESTIGATION, APPREHENSION; REPORTS 626.851

The subject material, instructors and schedules may be approved or disapproved by a majority vote of the board before September 1 each year and if disapproved, the proposal shall be revised and re-presented to the board for their review in like manner.

Upon request of the board to the bureau of criminal apprehension, the subject matter of at least one training course shall include instruction in the development of procedures by a law enforcement agency to investigate and resolve allegations of misconduct by persons licensed by the board and employed by a law enforcement agency.

*History: 1967 c 870 s 9; 1983 c 269 s 5*

## 626.85 INSTRUCTORS; DONATIONS, CONTRIBUTIONS.

Subdivision 1. In addition to the bureau employees assigned to police training, full time or part time, the superintendent is authorized to engage such part time instructors as he deems proper and necessary to furnish the best possible instruction in police sciences, subject to board rules and to the limitation of funds as appropriated and available for expenditure. Laws 1981, Chapter 210, Sections 1 to 48 shall not apply to such part time employees.

Subd. 2. Any donations, contributions, grants or gifts which may be received shall be accepted without recourse to the donor, and shall become the property of the state. All cash receipts shall be deposited with the state treasurer, and are hereby appropriated to the bureau in the quarter in which they were so deposited.

Subd. 3. Any peace officer who has been designated to serve as an instructor, researcher or member of a special project for the peace officer training board may in the discretion of the appointing authority be given up to a 12 month leave of absence with pay from the police department or agency by which he is employed for the purpose of serving as such instructor, researcher or member of a special project. While serving in such capacity peace officers shall continue to maintain the civil service status they have attained or accrued pursuant to chapters 43A, 44 and 419. The state treasurer shall reimburse solely from federal funds available for this purpose the respective law enforcement employers of such peace officers for all salaries and contributions such employers make during said leave of absence towards accrual of their civil service benefits, pension fund and hospitalization benefits.

*History: 1967 c 870 s 10; 1971 c 615 s 1; 1977 c 433 s 11; 1981 c 210 s 54*

## 626.851 ELIGIBILITY OF OFFICERS.

Subdivision 1. Any peace officer or part-time peace officer employed or elected by any county or municipality of the state of Minnesota shall be eligible to attend training courses as herein provided in accordance with the rules of the board.

Subd. 2. Any student successfully completing a program of law enforcement instruction in a post secondary educational institution, which program has been certified by the board, and which institution has been approved by the Minnesota state department of education or an accredited institution of higher learning shall be eligible to attend a skills oriented basic training course as established under section 626.843. Nothing contained in sections 626.84 to 626.855 shall be construed to preclude the provision of skills oriented basic training courses by certified law enforcement schools providing such course has been certified by the board.

*History: 1967 c 870 s 11; 1973 c 565 s 1; 1976 c 52 s 1; 1977 c 433 s 12; 1978 c 681 s 21; 1980 c 578 s 6; 1981 c 310 s 13*

# MINNESOTA STATUTES 1984

626.852 TRAINING; INVESTIGATION, APPREHENSION; REPORTS

10012

## 626.852 TUITION; SALARY AND EXPENSES.

No tuition shall be charged any peace officer or part-time peace officer for attending any training school herein provided for, and each officer when assigned to the bureau of criminal apprehension continuing education courses pursuant to rules of the board shall receive his regular salary and shall be reimbursed by the governing body of the governmental unit or combination of governmental units from which elected or by which employed for his cost of meals, travel, and lodgings while in attendance at the bureau of criminal apprehension courses, not to exceed similar allowance for state employees.

**History:** 1967 c 870 s 12; 1980 c 578 s 8; 1981 c 310 s 14

**626.853** [Repealed, 1978 c 681 s 22]

**626.854** [Repealed, 1977 c 433 s 16]

## 626.855 UNIVERSITY OF MINNESOTA PEACE OFFICERS.

A university of Minnesota peace officer appointed and employed on or after July 1, 1977 by the regents of the university of Minnesota who has not previously attended a peace officers training course shall attend a peace officers training course within 12 months of his appointment or of August 1, 1977.

**History:** 1977 c 82 s 5

## 626.86 PEACE OFFICERS TRAINING.

Money appropriated for peace officers training shall be expended as follows:

(a) Ten percent shall be provided for reimbursement to board approved skills courses in proportion to the number of students successfully completing the board's skills licensing examination.

(b) To each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount shall be used exclusively for reimbursement of the cost of in-service training required under chapters 214 and 626.

**History:** 1981 c 341 s 1

## 626.861 LEVY AND COLLECTION OF PENALTY ASSESSMENTS.

Subdivision 1. **Levy of assessment.** There is levied a penalty assessment of ten percent on each fine imposed and collected by the courts of this state for traffic offenses in violation of chapters 168 to 173 or equivalent local ordinances, other than a fine or forfeiture for a violation of a local ordinance or other law relating to the parking of a vehicle. In cases where the defendant is convicted but a fine is not imposed, or execution of the fine is stayed, the court shall impose a penalty assessment of not less than \$5 nor more than \$10 when the conviction is for a misdemeanor or petty misdemeanor, and shall impose a penalty assessment of not less than \$10 but not more than \$50 when the conviction is for a gross misdemeanor or felony. Where multiple offenses are involved, the penalty assessment shall be assessed separately on each offense for which the defendant is sentenced. If imposition or execution of sentence is stayed for all of the multiple offenses, the penalty assessment shall be based upon the most serious offense of which the defendant was convicted. Where the court suspends a portion of a fine, the suspended portion shall not be counted in determining the amount of the penalty assessment unless the offender is ordered to pay the suspended portion of the fine. Suspension of an entire fine shall be treated as a stay of execution for purposes of computing the amount of the penalty assessment.

# MINNESOTA STATUTES 1984

10013

TRAINING; INVESTIGATION, APPREHENSION; REPORTS 626.88

Subd. 2. **Payment guidelines.** The sentencing court may, upon a showing of indigency or undue hardship upon the convicted person or his immediate family, authorize payment of the penalty assessment in installments. If the convicted person is sentenced and committed to imprisonment, the chief executive officer of the institution in which the person is confined may collect the assessment from any earnings the inmate shall accrue for work performed in the institution or while on conditional release therefrom under the provisions of sections 241.26 or 631.425 and forward same to the clerk of the court in which he was sentenced, for transmittal to the state treasurer in the manner provided in subdivision 3.

The court may decline to impose a penalty assessment or may forgive payment of a penalty assessment previously imposed, in cases where undue hardship cannot otherwise be avoided.

Subd. 3. **Collection by court.** After a determination by the court of the amount of the fine or penalty assessment due, the clerk of court shall collect the appropriate penalty assessment and transmit it to the county treasurer separately with designation of its origin as a penalty assessment, but with the same frequency as fines are transmitted. Amounts collected under this subdivision shall then be transmitted to the state treasurer for deposit in the general fund for peace officers training, in the same manner as fines collected for the state by a county. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

*History: 1981 c 341 s 2*

## UNIFORM COLORS FOR PEACE OFFICERS AND SECURITY GUARDS

### 626.88 UNIFORMS; PEACE OFFICERS, SECURITY GUARDS; COLOR.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given them.

(b) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed pursuant to sections 626.84 to 626.855 charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has full power of arrest, and shall also include Minnesota state troopers, state conservation officers, park police, constables, and University of Minnesota police officers.

(c) "Security guard" means any person who is paid a fee, wage or salary to perform one or more of the following functions:

(1) Prevention or detection of intrusion, unauthorized entry or activity, vandalism or trespass on private property;

(2) Prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;

(3) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;

(4) Protection of individuals from bodily harm; or

(5) Enforcement of policies and rules of his employer related to crime reduction insofar as such enforcement falls within the scope of his duties.

The term "security guard" does not include: (i) auditors, accountants, and accounting personnel performing audits or accounting functions; (ii) employees of a firm licensed pursuant to section 326.331 whose duties are primarily administrative or clerical in nature; (iii) unarmed watchmen; (iv) personnel temporarily employed

# MINNESOTA STATUTES 1984

pursuant to statute or ordinance by political subdivisions to provide protective services at social functions; (v) employees of air or rail carriers.

Subd. 2. **Uniforms.** Uniforms for peace officers shall be of uniform colors throughout the state as provided herein. Uniforms for:

(a) Municipal peace officers, including University of Minnesota peace officers, constables, and peace officers assigned to patrol duties in parks, shall be blue, brown or green;

(b) Peace officers who are members of the county sheriffs' office shall be blue, brown or green;

(c) State troopers shall be maroon;

(d) Conservation officers shall be green.

The uniforms of security guards may be any color other than those specified for peace officers.

This subdivision shall apply to uniforms purchased subsequent to January 1, 1981.

Subd. 3. **Exception.** Security guards employed by the capitol complex security division of the department of public safety are not required to comply with subdivision 2 until July 1, 1985, at which time they shall be subject to the same uniform color restrictions as other security guards.

**History:** 1980 c 578 s 9; 1981 c 37 s 2; 1981 c 310 s 16; 1983 c 293 s 109