

CHAPTER 488A

MUNICIPAL COURTS; HENNEPIN AND RAMSEY
COUNTIES

- | | | |
|----------|---|--|
| | MUNICIPAL COURT,
HENNEPIN COUNTY | |
| 488A.01 | Establishment; jurisdiction;
powers; appeals. | 488A.119 |
| 488A.021 | Judges. | Bailiffs, deputy court
administrators and law clerks;
appointment, tenure; oath and
bond; salaries. |
| 488A.025 | Court administrator; abolition of
position of clerk. | MUNICIPAL COURT,
RAMSEY COUNTY |
| 488A.03 | Court administrators, deputies. | 488A.18 |
| 488A.035 | Deputy court administrators;
date of employment. | Establishment; jurisdiction;
powers; appeals. |
| 488A.04 | Probation officers. | 488A.185 |
| 488A.06 | Bailiffs. | Place of holding court. |
| 488A.08 | Misdemeanor violations bureaus. | 488A.19 |
| 488A.09 | Pleading, practice, procedure,
and forms in civil actions. | Judges. |
| 488A.10 | Pleading, practice, procedure,
and forms in criminal
proceedings. | 488A.20 |
| 488A.101 | County attorney as prosecutor,
notice to county. | Administrator; other employees. |
| 488A.11 | Forcible entry and unlawful
detainer actions. | 488A.21 |
| 488A.112 | Courtrooms. | Probation and regulated services. |
| 488A.113 | Courts abolished. | 488A.23 |
| 488A.115 | Employees of the municipal
court of the city of Minneapolis. | Fees payable to the
administrator. |
| 488A.116 | Employees of municipal courts
outside the city of Minneapolis. | 488A.24 |
| | | Petit jurors. |
| | | 488A.25 |
| | | Misdemeanor violations bureaus. |
| | | 488A.26 |
| | | Pleading, practice, procedure and
forms in civil actions. |
| | | 488A.27 |
| | | Pleading, practice, procedure,
and forms in criminal
proceedings. |
| | | 488A.28 |
| | | Forcible entry and unlawful
detainer actions. |
| | | 488A.282 |
| | | Courts abolished. |
| | | 488A.285 |
| | | Transfer of employees. |
| | | 488A.286 |
| | | Initial judges of the court. |
| | | 488A.287 |
| | | Powers to effectuate. |

NOTE: The Municipal Court Rules of Civil Procedure are published in Minnesota Reports, Volumes 255, 279 and 294, as a supplement thereto.

MUNICIPAL COURT, HENNEPIN COUNTY

488A.01 ESTABLISHMENT; JURISDICTION; POWERS; APPEALS.

Subdivision 1. **Establishment.** There is hereby created a municipal court of Hennepin county with the jurisdiction and powers hereinafter stated.

Subd. 2. **Court of record.** The court is a court of record with a court administrator and a seal.

Subd. 3. **Powers of court.** Except as otherwise provided in this act, the court has all the powers of the district courts of this state. It may issue all civil and criminal process necessary or proper to enforce and effectuate its jurisdiction and determinations.

Subd. 4. **Civil jurisdiction.** Excepting causes involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed \$15,000, exclusive of interest and costs.

Subd. 4a. **Jurisdiction.** Notwithstanding the provisions of subdivision 2 or 8 or any court rule to the contrary, the municipal court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in Hennepin county, and the summons in the action may be served anywhere in the state of Minnesota.

Subd. 5. **Forcible entry and unlawful detainer or unlawful removal or exclusion.** Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section 566.175, involving land located wholly or in part within Hennepin county and, notwithstanding any provision of subdivision 7 to the contrary, of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within Hennepin county.

Subd. 6. **Criminal jurisdiction.** The court has jurisdiction to hear, try and determine any charge of violation of:

(1) A criminal law of this state constituting a misdemeanor or gross misdemeanor committed within the county of Hennepin including all of the city of St. Anthony.

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Hennepin, including all of the city of St. Anthony or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-St. Paul metropolitan airports commission.

Subd. 7. **Exceptions to jurisdiction.** The court does not have jurisdiction:

(a) Of any action where the relief asked for in the complaint is purely equitable in its nature,

(b) Of an action for divorce,

(c) To issue a writ of habeas corpus, quo warranto, ne exeat, mandamus, prohibition or injunction, nor

(d) To issue any order in proceedings supplementary to execution.

Subd. 8. **Service.** All civil and criminal process and orders may be served and enforced anywhere within the state of Minnesota.

Subd. 9. **Place of holding court.** (a) The municipal building commission, or the county of Hennepin, or both, shall provide suitable quarters for the holding of regular terms of court in Minneapolis, Bloomington, and at such other northern and western suburban locations disbursed throughout the county as may be designated by a majority of the judges of the court. At the locations of holding regular terms of court established pursuant to this clause, all functions of the court may be discharged, including both court and jury trials of civil and criminal matters. Nothing in this subdivision shall be construed in such a way as to reduce the level of services to the suburban and rural citizens of Hennepin county.

(b) In addition to the regular locations of holding court set forth in clause (a), trials of traffic and criminal violations before the court without jury shall be held in such locations as may be designated by a majority of the judges of the court. Provided, however, that those municipalities which are holding court without jury but which are not holding regular terms of court upon August 1, 1978 may require the continuance of such services by resolution to the county board within 30 days following August 1, 1978. The county of Hennepin shall provide suitable quarters for the holding of court in such locations as may be designated under this clause.

Subd. 10. **Continuous terms.** The court shall be open every day, except Sundays and legal holidays. The term of the court shall be continuous.

Subd. 11. [Repealed, 1977 c 432 s 49]

Subd. 12. **Trial of civil actions.** (a) All civil actions brought in the municipal court of Hennepin county shall be tried at the place of holding court specified in writing on the summons issued therein. If no place of trial is specified on the summons by the plaintiff or plaintiffs, the action shall be tried at the Hennepin county courthouse.

(b) A defendant residing in Hennepin county outside of the city of Minneapolis and the city of St. Anthony may change the place of trial of a civil action to the place of holding court set forth in subdivision 9, which is nearest the municipality of the defendant's residence in the manner provided herein. A defendant residing in Hennepin county within the city of Minneapolis or the city of St. Anthony may change the place of trial of a civil action to the city of Minneapolis in the same manner. If there are several defendants residing in different municipalities or in the city of Minneapolis or the city of St. Anthony, the trial shall be held in the city of Minneapolis or in the place of holding court set forth in subdivision 9, upon which a majority of them shall unite in demanding or, if the number be equal, at the city of Minneapolis or in the place of holding court set forth in subdivision 9, which place of holding court is nearest to the place where such action would have been tried in the absence of such demand.

(c) If the place of court determined by the summons is not the place of residence

MINNESOTA STATUTES 1994

351

MUNICIPAL COURTS; HENNEPIN AND RAMSEY COUNTIES 488A.021

of the defendant or defendants, the action may notwithstanding be tried therein unless, within 20 days after the summons is served, the defendant demands in writing that it be tried in the proper place of holding court. This demand shall be accompanied by the affidavit of the defendant, or the defendant's agent or attorney, setting forth the municipality of defendant's residence at the time of the commencement of the action. This demand and affidavit, with proof of service thereof upon the plaintiff's attorney, shall be filed with the court administrator within 30 days from the date of its service and thereupon the place of trial shall be changed to the proper place of holding court without any other proceedings.

When the place of trial is changed all other proceedings shall be had in the place to which the change is made, unless otherwise provided by consent of the parties filed with the court administrator or by order of the court.

(d) For the purpose of determining the place of residence of a domestic corporation, such corporation shall be considered as residing at any place where it has an office, resident agent or business place.

(e) If none of the parties shall reside or be found in the county of Hennepin or the defendant be a foreign corporation, the action may be tried at any place of holding court designated in the summons.

(f) The provisions of this subdivision shall be subject to the provisions of subdivision 9.

Subd. 13. Trial of criminal actions. All charges of traffic and ordinance violations shall be tried in the municipality where the alleged violation occurred subject to provisions of subdivision 9. If there is no designated place of holding court as provided in subdivision 9 in such municipality, the alleged violation shall be tried in the municipality designated by rule of the court.

Subd. 14. Appeals. Appeals from the county municipal court to the court of appeals shall be subject to the rules of appellate procedure.

Subd. 15. Removal to district court. Whenever a counterclaim in excess of \$6,000 is asserted, an equitable defense interposed, or it shall otherwise appear that the court is without jurisdiction in a cause pending therein, the fact shall be recorded, and the court administrator of municipal court shall transmit to the court administrator of the district court a certified transcript of the record and all papers filed in the case. Thereafter the cause shall proceed to judgment in the district court as if it had there been commenced, and the costs shall abide the event.

History: 1955 c 215 s 1; 1957 c 357 s 1; 1963 c 877 s 1-6,52; 1965 c 339 s 1; 1965 c 858 s 1-4; Ex1967 c 50 s 1; 1973 c 123 art 5 s 7; 1973 c 360 s 1; 1973 c 611 s 3; 1975 c 410 s 7; 1976 c 239 s 120; 1977 c 129 s 3; 1977 c 432 s 29,30; 1978 c 784 s 1; 1979 c 56 s 8; 1979 c 95 s 1; 1982 c 398 s 10-12; 1983 c 247 s 179; 1984 c 655 s 80; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 346 s 14

488A.02 [Repealed, 1965 c 847 s 2]

488A.021 JUDGES.

Subdivision 1. Number of judges. There are 17 judges of the municipal court of the county of Hennepin.

Subd. 2. Qualifications and oath. Each judge shall be a person learned in the law who is admitted and qualified to practice in the supreme court of this state and is a resident of the county of Hennepin in this state. Before entering upon the duties of office, each judge shall take and subscribe an oath, in the form prescribed by law for judicial officers, and shall file that oath in the office of the county auditor.

Subd. 3. [Repealed, 1993 c 318 art 2 s 51]

Subd. 4. Powers. The judges have the general powers of judges of courts of record and all powers necessary to effectuate the purposes of sections 488A.01 to 488A.17. Each judge may administer oaths and take and certify acknowledgments. Each judge is a conservator of the peace and has all powers and authority vested in it by statute or court rule.

Subd. 5. **Contempt of court.** Any judge has the power to punish for contempt of court by a fine not exceeding \$100 or by imprisonment in the county jail or city workhouse not exceeding 90 days.

Subd. 6. **Court rules.** A majority of the judges may promulgate rules of court consistent with sections 488A.01 to 488A.17. Unless the rule forbids, a judge may waive its application.

Subd. 7. [Repealed, 1977 c 432 s 49]

Subd. 8. **Salaries.** Each judge shall be paid by the state an annual salary in the amount prescribed by section 15A.083. If a judge dies while in office, the amount of the judge's salary remaining unpaid for the month in which the death occurs shall be paid to the judge's estate. Each judge shall be paid expenses by the state in the same manner and amount as provided for judges of the district court in section 484.54.

NOTE: Subdivision 8 was also repealed by Laws 1977, Chapter 432, Section 49.

Subd. 9. **Retired judges, assignments.** Upon the retirement of any judge of the municipal court of Hennepin county, the judge may, with the judge's consent, be appointed and assigned, by the then chief judge upon authorization of a majority of the municipal court judges, to hear any cause properly assignable to a judge of the municipal court of Hennepin county and act thereon with full powers of such a judge. When such retired judge undertakes such service, the retired judge shall be provided at the expense of the county a courtroom or hearing room for the purpose of holding court or hearings, to be paid for by the county, and shall be paid in addition to a retirement compensation and not affecting the amount thereof, the sum of \$50 per diem for such additional service, together with travel pay in the sum of 12 cents per mile and the retired judge's actual expenses incurred in such service, said payment to be made in the same manner as the payment of salaries for district judges, on certification by the presiding or senior judge of the district or by the chief judge of the supreme court of the state of Minnesota.

History: 1965 c 847 s 1; 1967 c 735 s 1; Ex1967 c 50 s 2; 1969 c 970 s 1; 1971 c 25 s 85-87; 1971 c 879 s 1; 1973 c 347 s 1; 1975 c 290 s 1; 1977 c 35 s 16; 1977 c 432 s 31; 1983 c 359 s 69; 1986 c 444

488A.025 COURT ADMINISTRATOR; ABOLITION OF POSITION OF CLERK.

Subdivision 1. There is created the position of court administrator for the municipal court of Hennepin county.

Subd. 2. A majority of the judges of the municipal court of Hennepin county shall appoint the court administrator who shall serve at the pleasure of a majority of municipal court judges.

Subd. 3. Subject to the approval of a majority of the judges, the court administrator may appoint an assistant court administrator who shall serve at the pleasure of the court administrator.

Subd. 4. Wherever in Minnesota Statutes 1969, sections 488A.01 to 488A.17, powers, duties or responsibilities are placed upon the clerk of municipal court, such powers, duties and other responsibilities shall be and hereby are placed upon the court administrator. The court administrator shall perform such duties and have such responsibilities that were previously or shall be designated as the duty or responsibility of the clerk of municipal court.

Subd. 5. The position of clerk of municipal court of Hennepin county is hereby abolished.

History: Ex1971 c 8 s 1; 1973 c 508 s 1

488A.03 COURT ADMINISTRATORS, DEPUTIES.

Subdivision 1. [Repealed, Ex1971 c 8 s 2]

Subd. 2. **Oath, bond.** (a) The court administrator shall take and subscribe an oath to support the Constitution of the United States and the state of Minnesota and to perform faithfully the duties of the court administrator's office.

MINNESOTA STATUTES 1994

(b) The court administrator shall execute to the county of Hennepin a penal bond in such sum and with such surety as the county board directs, conditioned that:

(1) The court administrator will account to and pay over to the county treasurer as required by law all money belonging to or to be paid to the county.

(2) The court administrator will pay over to all persons on demand all money to which they are entitled which comes into the court administrator's hands as court administrator.

(3) At the expiration of tenure in office the court administrator will forthwith pay to such county all money to which it is entitled and to the court administrator's successor in office all other money then remaining in the court administrator's hands which came into the court administrator's hands as court administrator.

(c) The court administrator may not enter upon official duties until the court administrator's appointment, oath and bond are filed with the county auditor.

Subd. 3. [Repealed, 1965 c 845 s 4]

Subd. 3a. Deputy court administrator. (a) The court has one chief deputy court administrator and such number of assistant chief deputy court administrators Grade II, assistant chief deputy court administrators, Grade I, deputy court administrators and stenographers as the court administrator, with the approval of a majority of the judges, deems necessary from time to time, but no new or additional positions may be created without the consent of the county board.

(b) With the approval of a majority of the judges the court administrator shall appoint deputy court administrators.

(c) Each appointment shall be made under the hand of the court administrator and seal of the court and the approval of a majority of the judges shall be endorsed thereon.

(d) Each deputy shall take and subscribe an oath similar to that prescribed for the court administrator and shall execute a bond to the county of Hennepin for the faithful performance of duties in such amount and with such terms, conditions, and surety as the county board directs. No deputy may enter upon an office and duties before appointment, oath, and bond are filed with the county auditor.

(e) The appointments of the deputy court administrators shall be for terms of six years from their respective dates of appointment and shall not expire or be suspended by reason of the suspension, removal, termination of appointment, death, or other incapacity of the court administrator. At any time within six months from the date of initial appointment, a deputy court administrator may be removed and the deputy court administrator's appointment terminated, with or without cause and without prior notice or hearing. At any time a deputy court administrator may be suspended without pay for a period not exceeding 30 days, with or without cause, after hearing before a majority of the judges. Except as otherwise provided herein, a deputy court administrator, during the deputy court administrator's term, may be removed and the appointment terminated only for cause after notice and a hearing before a majority of the judges. Any termination, removal, or suspension provided for in this subdivision shall be made by a majority of the judges.

(f) The court administrator shall delegate, supervise, and expedite the work and accounting of the deputy court administrators. The court administrator is not personally responsible for their acts beyond the court administrator's responsibility for proper delegation and supervision.

(g) Each deputy may administer oaths and affirmations, and take acknowledgments and shall perform the duties and exercise the powers of the court administrator which are delegated to the deputy by the court administrator or by a majority of the judges in the event of the death or disability of the court administrator.

Subd. 4. Powers and duties; supervision of judges. (a) The court administrator may administer oaths and affirmations and take acknowledgments. The court administrator has all the powers and shall perform all of the duties usually incident to the office of a court administrator of a court of record or necessary to carry out the purposes of this act.

(b) Under the supervision and approval of a majority of the judges and with the consent of the county board the court administrator shall procure at the expense of the county all blanks, stationery, books, furniture, furnishings, and supplies necessary for the use of the court and its officers and jurors.

(c) In the performance of all the court administrator's duties the court administrator is subject to the control and supervision of the judges.

Subd. 5. Records, process and accounts. The court administrator shall make minutes, records and indices of all proceedings; enter all orders, judgments and sentences; issue commitments, execution and all other process; keep proper accounts; have the custody and care of all books, files, accounts, exhibits, papers and records of the court, and tax all costs and disbursements.

Subd. 6. Disposition of fines, fees and other moneys; accounts. (a) Except as otherwise provided herein and except as otherwise provided by law, the court administrator shall pay to the Hennepin county treasurer all fines and penalties collected by the court administrator, all fees collected by the court administrator for court administrator's services, all sums forfeited to the court as hereinafter provided, and all other moneys received by the court administrator.

(b) The court administrator shall provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed and the name and official position of the officer who prosecuted the offense for each fine or penalty, and the total amount of fines or penalties collected for each such municipality or other subdivision of government or for the county.

(c) At the beginning of the first day of any month the amount owing to any municipality or county in the hands of the court administrator shall not exceed \$5,000.

(d) On or before the last day of each month the county treasurer shall pay over to the treasurer of each municipality or subdivision of government in Hennepin county all fines or penalties collected during the previous month for offenses committed within such municipality or subdivision of government, except that all such fines and penalties attributable to cases in which the county attorney had charge of the prosecution shall be retained by the county treasurer and credited to the county general revenue fund.

(e) Amounts represented by checks issued by the court administrator or received by the court administrator which have not cleared by the end of the month may be shown on the monthly account as having been paid or received, subject to adjustment on later monthly accounts.

(f) The court administrator may receive negotiable instruments in payment of fines, penalties, fees or other obligations as conditional payments, and is not held accountable therefor until collection in cash is made and then only to the extent of the net collection after deduction of the necessary expense of collection.

Subd. 7. Payment of witness fees and mileage. The court administrator shall pay such fees and mileage to witnesses as may be ordered by any judge in any action or proceeding involving a charged violation of a criminal law or municipal ordinance. The court administrator shall obtain receipts therefor as vouchers for the sums paid and shall deduct these payments from the amount otherwise due to the county.

Subd. 8. Abandonment of deposits and bail. (a) All sums deposited with the court administrator to cover witness fees, jury fees, court administrator's fees or the fees of police officers shall be deemed abandoned and forfeited if the witness fees are not disbursed or the services covered by the fees are not performed and the person entitled to refund thereof does not file a written demand for refund with the court administrator within six months from the date of trial, dismissal or striking of the cause as to jury fees and from the date of deposit as to other fees.

(b) Any bail deposited with the court administrator and not forfeited by court order shall be deemed abandoned and forfeited if the person entitled to refund does not file a written demand for refund with the court administrator within six months from the date when the person became entitled to the refund. All such forfeited sums shall be paid over by the court administrator to the county treasurer promptly.

MINNESOTA STATUTES 1994

(c) Any judge may order any sums so forfeited under (a) or (b) to be reinstated for cause and the court administrator shall then refund accordingly. The county treasurer shall reimburse the court administrator if the court administrator refunds the deposit upon such an order and obtains a receipt to be used as a voucher.

Subd. 9. Disposition of forfeited sums. All sums collected on any bail, bond, or recognizance forfeited by court order shall be paid to the county of Hennepin to be applied to the support of the law library of the county. The receipt of the county treasurer to the court administrator shall be a sufficient voucher therefor. When the sums so forfeited, minus refunds, during any calendar year equal \$2,500, all sums in excess thereof shall be paid to the county treasurer who shall remit said sums to the municipality or subdivision of government in which the violation occurred in accordance with the provisions of this act. Such payments to the county shall be made periodically but not prior to six months from the date of the order for forfeiture. During that six month period, but not thereafter, any judge may set aside the forfeiture order upon proper showing of cause therefor. No obligation to pay to the county sums so ordered forfeited exists unless the forfeiture is not set aside within said six-month period. For the purpose of determining when said \$2,500 shall have accrued to the county law library the final forfeiture shall be deemed to occur at the end of the six-month period.

Subd. 10. Order for prisoner release. When a person is confined to the Minneapolis workhouse and a fine is remitted, a sentence stayed or suspended, the person released on parole, or the release of the person secured by payment of the fine in default of which the person was committed, the prisoner shall not be released except upon order of the court. A written transcript of such order signed by the court administrator and under the court's seal shall be furnished to the superintendent of the Minneapolis workhouse. All costs of confinement or imprisonment in any jail or workhouse shall be paid by the municipality or subdivision of government in Hennepin county in which the violation occurred, except that the county shall pay all costs of confinement or imprisonment incurred as a result of a prosecution of a gross misdemeanor.

Subd. 11. Fees payable to administrator. (a) The civil fees payable to the administrator for services are the same in amount as the fees then payable to the district court of Hennepin county for like services. Library and filing fees are not required of the defendant in an unlawful detainer action. The fees payable to the administrator for all other services of the administrator or the court shall be fixed by rules promulgated by a majority of the judges.

(b) Fees are payable to the administrator in advance.

(c) Judgments will be entered only upon written application.

(d) The following fees shall be taxed in all cases where applicable: (a) The state of Minnesota and any governmental subdivision within the jurisdictional area of any municipal court herein established may present cases for hearing before said municipal court; (b) In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town in Hennepin county, all fines, penalties, and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted a case for prosecution under ordinance violation and to the county treasurer in all other cases except where a different disposition is provided by law, in which case, payment shall be made to the public official entitled thereto. The following fees shall be taxed to the county or to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be paid to the court administrator for disposing of the matter:

(1) In all cases where the defendant is brought into court and pleads guilty and is sentenced, or the matter is otherwise disposed of without trial \$5.

(2) In arraignments where the defendant waives a preliminary examination \$10.

(3) In all other cases where the defendant stands trial or has a preliminary examination by the court \$15.

(4) In all cases where a defendant was issued a statute, traffic, or ordinance violation tag and a fine is paid or the case is otherwise disposed of in a violations bureau \$1.

(5) Upon the effective date of a \$2 increase in the expired meter fine schedule that is enacted on or after August 1, 1987, the amount payable to the court administrator must be increased by \$1 for each expired meter violation disposed of in a violations bureau.

Subd. 11a. **Governmental units; fee exclusions.** Any provision of law relating to the municipal court of Hennepin county to the contrary notwithstanding, no fees shall be charged by the court administrator of said municipal court to any governmental unit of the state of Minnesota or any agency thereof, located in whole or in part within the county of Hennepin when said governmental unit or any agency thereof transacts any business in, or they are a party to any action or proceeding in, the Hennepin county municipal court.

Subd. 11b. **Criminal fees.** Notwithstanding the provisions of subdivision 11a, beginning June 1, 1977, all criminal fees shall be collected in Hennepin county municipal court pursuant to subdivision 11.

Subd. 12. [Repealed, 1965 c 845 s 4]

Subd. 12a. **Salaries.** (a) The annual salary of the court administrator is \$11,000 per year.

(b) The classifications and annual salaries of the deputy court administrators are:

- (1) Chief deputy court administrator, \$9,000.
- (2) Assistant chief deputy court administrators, Grade II, \$8,500.
- (3) Assistant chief deputy court administrators, Grade I, \$8,000.
- (4) Deputy court administrators, from \$4,800 to \$7,800.

(c) Stenographers, from \$3,600 to \$4,400 annually.

(d) All of the foregoing salaries are payable out of the treasury of the county of Hennepin in semimonthly installments.

(e) Each deputy court administrator shall serve in the deputy court administrator's classification for one year at the minimum salary for that classification, and the deputy court administrator's salary shall be increased at the end of each year's service by \$300 until such salaries reach the maximum salaries for such classification. Laws 1965, chapter 845, shall not be construed to reduce the present salary of any deputy court administrator. Deputy court administrators returning from active service in the armed forces of the United States shall receive automatic salary increases in the same fashion as though the time spent in said active service had been spent as a deputy court administrator.

Subd. 13. **Destruction of records.** (a) Upon order of all the judges the court administrator may destroy or dispose of all of the following types of files and records of the court which are more than ten years old:

- (1) Garnishment files, uncontested,
- (2) Motion calendars, special term,
- (3) Unlawful detainer calendars, special term,
- (4) Garnishment calendars, special term,
- (5) General term calendars,
- (6) Court reporters note books,
- (7) Receipt books for prisoners,
- (8) Old receipt books for probation department,
- (9) Criminal and ordinance violations files,
- (10) Cash books,
- (11) Depositions,
- (12) Traffic tags.

(b) Upon order of all the judges and upon ten days written notice to the president of the Hennepin county historical society, the court administrator may destroy or dispose of all files of civil or garnishment actions and actions of forcible entry or unlawful detainer which were commenced more than 20 years prior to the judges' order and in which no proceedings have occurred within ten years prior to the judges' order.

History: 1955 c 215 s 3; 1963 c 877 s 8-17; 1965 c 845 s 1,2; 1965 c 858 s 5; 1967 c 250 s 1; 1967 c 772 s 1; Ex1971 c 9 s 1; 1973 c 123 art 5 s 7; 1977 c 321 s 1; 1979 c 318 s 2; 1983 c 177 s 14; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 190 s 1

488A.035 DEPUTY COURT ADMINISTRATORS; DATE OF EMPLOYMENT.

All persons previously employed as court administrators of a municipal court in the county of Hennepin but outside the city of Minneapolis, who on March 1, 1965, were employed as deputy court administrators of the municipal court of Hennepin county pursuant to section 488A.116, shall be considered for salary purposes to have commenced their employment on the date they commenced their employment as court administrator of a municipal court outside the city of Minneapolis.

History: 1965 c 539 s 1; 1Sp1986 c 3 art 1 s 82

488A.04 PROBATION OFFICERS.

Subdivision 1. Appointment; term; removal; suspension. A majority of the judges shall appoint a chief probation officer. With the approval of a majority of the judges, the chief probation officer shall appoint a chief deputy probation officer, a casework supervisor, and such number of deputy probation officers, clerks and stenographers as a majority of the judges may from time to time deem necessary, but no new or additional positions may be created without the consent of the board of county commissioners. Each appointment shall be for a term of four years from the respective date of appointment and shall not expire or be suspended by reason of the suspension, removal, termination of appointment, death or other incapacity of the chief probation officer. At any time within six months from the date of initial appointment, the chief probation officer, the chief deputy probation officer, the casework supervisor, a deputy probation officer, a clerk or a stenographer, may be removed and the appointment terminated, with or without cause and without prior notice or hearing. At any time the chief probation officer, the chief deputy probation officer, the casework supervisor, a deputy probation officer, a clerk or a stenographer may be suspended without pay for a period not exceeding 30 days, with or without cause, after hearing before a majority of the judges. Except as otherwise provided herein, the chief probation officer, the chief deputy probation officer, the casework supervisor, a deputy probation officer, a clerk or a stenographer, during a term, may be removed and that employee's appointment terminated only for cause after notice and a hearing before a majority of the judges. Any termination, removal or suspension provided for in this subdivision shall be made by a majority of the judges.

Subd. 2. Duties and powers. Probation officers shall be present at such sessions of the court as the judge presiding may direct. The probation officers shall take charge of all persons placed on probation or parole and committed to their care during a probation or parole period and supervise them as the court directs. They are not regular members of any police force, but in the execution of their official duties, they have all the powers of police officers. The chief probation officer shall supervise the other probation officers and may delegate duties and powers to them.

Subd. 3. Reports to court. The probation officers shall report to the court verbally or in writing, as the court may direct, regarding the condition, disposition, and other pertinent facts relative to the persons under their care.

Subd. 4. Offices and supplies. The board of county commissioners shall provide the probation officers, the casework supervisor, clerks, and stenographers with suitable furnished offices in the building where the court is held, and with record books, blanks, stationery, postage, and funds required for the performance of their duties.

Subd. 5. **Salaries.** The judges shall fix the amount of compensation to be paid the probation officers, the casework supervisor, clerks and stenographers. The annual compensation of each shall not exceed:

- Chief probation officer, \$10,000;
- Chief deputy probation officer, \$9,000;
- Casework supervisor, \$8,250;
- Deputy probation officers, \$7,500;
- Clerks and stenographers, \$4,900.

Their compensation is payable in equal semimonthly installments out of the county treasury.

History: 1955 c 215 s 4; 1963 c 783 s 1-3; 1963 c 877 s 18-20; 1965 c 851 s 1-3; 1986 c 444

488A.05 [Repealed, 1989 c 335 art 3 s 57 subd 3]

488A.06 BAILIFFS.

Subdivision 1. **Appointment; duties.** The sheriff with approval of a majority of the judges shall assign to the court a sufficient number of deputy sheriffs who shall act as bailiffs of the court. A bailiff shall be in attendance at all sessions of the court involving traffic or criminal matters, and serve all process and warrants and perform such other duties as may be directed by the judges of the court. The county board may with the approval of a majority of the judges contract with any municipality upon such terms as agreed upon for the services of police officers of the municipality to act as bailiffs at all sessions of the court in the municipality. Provided, however, and notwithstanding the provisions of any law to the contrary, the county board and the governing body of any town or city within the county shall have authority to contract for the service of such process and warrants by the police officers of such town or city within their respective boundaries upon such terms and conditions as may be agreed upon between the parties and approved by a majority of the judges of the court. Upon execution of such agreements, a copy thereof shall be delivered to the sheriff who may thereafter deliver for service the process and warrants to the local police officers for service pursuant to the terms of such agreement.

Subd. 2. **Service of papers.** No bailiff shall serve or receive for service any summons or other paper in any forcible entry, unlawful detainer or civil action until the complaint has been filed with the court administrator. The bailiff to whom a summons or other paper is delivered for service shall make a prompt return to the court administrator showing whether or not it has been served and if not served the reason therefor.

Subd. 3. **Fees and mileage.** The fees and mileage of bailiffs in civil actions and actions of forcible entry and unlawful detainer are the same as those payable to the sheriff of Hennepin county for like services for district court actions. The fees and mileage for all other services of bailiffs shall be fixed by rules promulgated by a majority of the judges. The fee provided for by chapter 349 of the Laws of 1953 is not payable. No fees or mileage are payable by the state, county or city to bailiffs for their services, except that the county may pay bailiffs for automobile mileage within the limits provided by law when the bailiffs furnish automobiles for use in the performance of their duties. Bailiffs shall make returns showing their fees and mileage after performing such services. The amount of the bailiffs' fees and mileage is payable to the sheriff in advance.

Subd. 4. **Compensation; gratuities.** Except as provided in subdivision 3 above, such bailiffs shall be paid for their services only the compensation payable to them by the county as bailiffs. If any fee, gratuity, or reward is paid to any bailiff for services while on duty as a bailiff of the court, the bailiff shall forthwith pay it over to the court administrator for the use of the county. Failure to do so is a misdemeanor and is punishable by a fine not exceeding \$100, or by imprisonment in the county jail or city workhouse for not more than 30 days.

Subd. 5. **Transportation of defendants.** The sheriff of Hennepin county shall transport defendants pursuant to rules promulgated by the court and orders of the court.

History: 1955 c 215 s 6; 1963 c 877 s 23-26; 1965 c 494 s 1; 1965 c 858 s 6,7; 1973 c 123 art 5 s 7; 1986 c 444; 1Sp1986 c 3 art 1 s 82

MINNESOTA STATUTES 1994

488A.07 [Repealed, 1977 c 286 s 21]

488A.08 MISDEMEANOR VIOLATIONS BUREAUS.

Subdivision 1. **Establishment.** Misdemeanor violation bureaus shall be established at Minneapolis, Bloomington, and at any other northern and western suburban locations dispersed throughout the county as may be designated by a majority of the judges of the court.

Subd. 2. **Supervision.** The court shall supervise and the court administrator of municipal court shall operate the misdemeanor violations bureaus in accordance with rule 23 of the rules of criminal procedure. Subject to approval by a majority of the judges the court administrator shall assign one or more deputy court administrators to discharge and perform the duties of the bureaus.

Subd. 3. **Uniform traffic ticket.** The county board of Hennepin county may alter by deletion or addition the uniform traffic ticket, provided in section 169.99, in such manner as it deems advisable for use in Hennepin county.

Subd. 4. **Procedure by person receiving misdemeanor citation.** A person who receives a misdemeanor or petty misdemeanor citation shall proceed as follows:

(a) If a fine for the violation may be paid at the bureau without appearance before a judge, the person charged may pay the fine in person or by mail to the bureau within the time specified in the citation. Payment of the fine shall be deemed to be the entry of a plea of guilty to the violation charged and a consent to the imposition of a sentence for the violation in the amount of the fine paid. A receipt shall be issued to evidence the payment and the receipt shall be satisfaction for the violation charged in that citation.

(b) When a fine is not paid, the person charged must appear at a bureau within the time specified in the citation, state whether the person desires to enter a plea of guilty or not guilty, arrange for a date for arraignment in court and appear in court for arraignment on the date set by the bureau.

History: 1955 c 215 s 8; 1963 c 877 s 30-33; 1965 c 858 s 8,9; 1969 c 501 s 1; 1979 c 233 s 19; 1981 c 235 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82

488A.09 PLEADING, PRACTICE, PROCEDURE, AND FORMS IN CIVIL ACTIONS.

Subdivision 1. **General.** Pleading, practice, procedure, and forms in civil actions are governed by the rules for municipal courts promulgated from time to time by the supreme court of this state or by the statutes governing in the district court of Hennepin county insofar as the rules promulgated by the supreme court do not contain any applicable provision. The provisions of this act relating to pleading, practice, and procedure in civil actions shall be effective as rules of court until modified or superseded by a rule hereafter adopted by the supreme court of this state and upon the adoption hereafter of any rule on the same subject by the supreme court, the provisions of this act, insofar as they are in conflict therewith, shall be of no further force or effect.

Subd. 2. **Court rules.** A majority of the judges may adopt rules governing pleading, practice, procedure and forms for civil actions which are not inconsistent with the provisions of this act, the rules for municipal courts promulgated from time to time by the supreme court of Minnesota or governing statutes.

Subd. 3. **Note of issue; demand for jury trial; waiver of jury trial.** (a) A party desiring to place a cause upon the calendar for trial after issue is joined shall serve a note of issue on all other parties and file it with the court administrator, with proof of service, within ten days after service. The note of issue shall state whether the issues are of law or fact, whether trial by jury is demanded or waived, whether a jury of 12 or six is demanded and the name and address of the respective counsel.

(b) If any other party to the action desires a trial by jury when none is demanded in the note of issue served upon the party or if any other party desires trial by a jury of 12 when a jury of six is demanded in the note of issue served upon the party, then

the party shall serve a demand for trial by a jury of six or 12 persons on all other parties to the action and file it with the court administrator, with proof of service, within ten days after the note of issue was served upon the party.

(c) The party demanding a jury trial shall pay to the court administrator a jury fee of \$5 for a jury of six or \$10 for a jury of 12 at the time of filing the note of issue or demand. If a party demands a jury of 12 when the note of issue previously served demanded a jury of six, the party shall pay a fee of \$5 to the court administrator at the time of filing the party's demand.

(d) If a jury of six or 12 persons is not demanded at the time and in the manner provided in this act, all parties waive trial by a jury of six or of 12, as the case may be. Jury trial may be waived also in the manner provided by rule 38.02 of the rules for municipal courts promulgated by the supreme court of Minnesota, as amended from time to time:

Subd. 4. **Five-sixths verdict.** In any civil action, after six hours of deliberation, the agreement of five-sixths of any jury is a valid verdict. The deliberation of the jury commences when the officer taking charge of the jury has been sworn. The court administrator shall enter that time in the court administrator's records.

Subd. 5. **Costs allowable.** Costs shall be allowed in civil actions as follows:

(a) To the plaintiff upon a judgment in the plaintiff's favor when an issue of fact or law has been joined:

(1) \$10 when the amount of the judgment or the value of the property recovered in a replevin action, exclusive of costs and disbursements, exceeds \$150;

(2) \$5 in all other cases.

(b) \$5 to the plaintiff upon a judgment in the plaintiff's favor when no issue of fact or law has been joined and the amount of the judgment or the value of the property recovered, exclusive of costs and disbursements, exceeds \$150.

(c) To the defendant upon a judgment in the defendant's favor on the merits:

(1) \$10 when the amount claimed in the complaint or the alleged value of the property involved in a replevin complaint exceeds \$150;

(2) \$5 in all other cases.

(d) \$5 to the defendant upon a dismissal or discontinuance other than on the merits, regardless of the amount claimed or the value of the property involved.

Subd. 6. **New trial or other determination.** In civil actions the court may:

(a) Grant a new trial to all or any of the parties and on all or part of the issues,

(b) Grant a motion for judgment notwithstanding the verdict or notwithstanding the jury has disagreed and been discharged,

(c) Open the judgment if one has been entered,

(d) Take additional testimony in a case tried without a jury,

(e) Amend findings of fact and conclusions of law, make new findings and conclusions, and direct entry of a new judgment,

(f) Correct clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission, or

(g) Relieve a party or a legal representative from a final judgment, order or other proceeding.

Subd. 7. **Lien of judgment; filing of transcript.** (a) No judgment of the municipal court shall attach as a lien upon real estate until a transcript of it is filed and docketed in district court.

(b) Any person who holds a judgment for an amount exceeding \$10, exclusive of interest and costs, may obtain from the court administrator a certified transcript of the judgment and may file the transcript in the office of the court administrator of the district court of Hennepin county, who shall file and docket it as prescribed by law or court rules.

(c) Upon the filing and docketing of the certified transcript, the judgment becomes

a lien upon the real estate of the debtor to the same extent as a judgment of the district court and the judgment thereafter is exclusively under the control of the district court and may be enforced by its process as though originally rendered by the district court.

(d) The court administrator of municipal court shall not issue a certified transcript while a writ of execution is outstanding on the judgment. The court administrator shall note on the record of the judgment the fact that the transcript has been given and shall not thereafter issue any writ of execution on the same judgment.

Subd. 8. Writs of replevin, attachment and execution. Writs of replevin, attachment and execution may be issued in accordance with the practice and procedure for such writs in district court, but a judge rather than a sheriff or police officer shall approve all bonds requiring approval.

Subd. 9. Satisfaction of execution. When a writ of execution has been delivered to an officer for enforcement, any person indebted to the judgment debtor may pay the amount of such debt, or so much thereof as may satisfy the execution, to the officer holding the writ and the receipt of that officer reciting the facts is a sufficient discharge and satisfaction of so much of said debt as is so paid.

Subd. 10. Garnishment. Proceedings against garnishees may be instituted in the same manner as in the district courts of the state. The garnishment summons may be served either by an officer or any person not a party to the action, at any place within the state of Minnesota, and the service shall in all cases be personal. The disclosure of the garnishee shall be made and all further proceedings had in the same manner as if the proceedings were in the district court, but the summons shall require disclosure within ten days after service, and service upon the judgment debtor shall be made not later than ten days after the service on the garnishee.

History: 1955 c 215 s 9; 1967 c 734 s 1; 1969 c 1142 s 20; 1983 c 359 s 70; 1986 c 444; 1Sp1986 c 3 art 1 s 82

488A.10 PLEADING, PRACTICE, PROCEDURE, AND FORMS IN CRIMINAL PROCEEDINGS.

Subdivision 1. General. Except as otherwise provided in this chapter but subject to the provisions of section 480.059, pleading, practice, procedure and forms in actions or proceedings charging violation of a criminal law or a municipal ordinance, charter provision or rule are governed by the rules of criminal procedure.

Subd. 2. Court rules. A majority of the judges may adopt rules governing pleading, practice, procedure and forms in actions or proceedings, charging violation of a criminal law or a municipal ordinance, charter provision or rule. The rules shall be consistent with the rules of criminal procedure, the provisions of this chapter and any other statute of this state.

Subd. 3. [Repealed, 1979 c 233 s 42]

Subd. 4. [Repealed, 1979 c 233 s 42]

Subd. 5. [Repealed, 1979 c 233 s 42]

Subd. 6. Right to jury trial. In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.

Subd. 7. Warrants. Any judge of the court may issue warrants. The court administrator may issue warrants when the offense alleged to have been committed is a violation of a petty misdemeanor law of this state or of a municipal ordinance which is punishable, upon conviction, by a sentence to the payment of a fine only.

Subd. 8. Probation, parole, stay, suspension. (a) At the time of imposing sentence, the judge may stay execution of the sentence for a period not exceeding one year upon such terms and conditions, including probation, as the judge may deem proper or may order release on parole after part of the sentence has been served. The parole shall be for a period not exceeding one year from the date of commitment and on such terms and conditions, including probation, as the judge may deem proper.

(b) At the time of imposing sentence or at any time thereafter, the sentencing judge, or any other judge when the sentencing judge is not available, may suspend forever the execution of any sentence or the balance of any sentence which has been executed in part.

(c) When a person has been committed to the city workhouse or county jail, the sentencing judge, or any other judge when the sentencing judge is not available, may order the release of such person on parole after part of the sentence is served when satisfied that the person will thereafter keep the peace and be of good behavior. The parole shall be for a period not exceeding one year from the date of commitment and on such terms and conditions as the judge deems proper. If a request for parole is denied by the sentencing judge, or any other judge when the sentencing judge is not available, under the judge's discretionary authority, then parole of that person may be granted thereafter only by order of a majority of all the judges.

(d) If any person violates any terms or conditions of a stay, parole or probation, or commits a subsequent violation of any law, charter provision or ordinance, any judge may revoke the stay, parole or probation and cause such person to be arrested and committed for the sentence originally imposed or the balance thereof if a portion of the sentence has been previously served. The revocation may be based on such showing, oral or written, sworn or unsworn, as the judge deems sufficient, and may be made without notice or hearing.

Subd. 9. [Repealed, 1979 c 233 s 42]

Subd. 10. **Minutes of preliminary hearings.** The court administrator shall keep minutes of preliminary hearings on indictable offenses and make proper return to the court before which the person charged with the offense may be bound to appear.

Subd. 11. **Prosecuting attorneys.** Except as otherwise provided in this subdivision and section 388.051, subdivision 2, the attorney of the municipality in which the violation is alleged to have occurred has charge of the prosecution of all violations of the state laws, including violations which are gross misdemeanors, and municipal charter provisions, ordinances, rules and regulations triable in the municipal court and shall prepare complaints for the violations. The county attorney has charge of the prosecution of a violation triable in municipal court and shall prepare a complaint for the violation:

(a) if the county attorney is specifically designated by law as the prosecutor for the particular violation charged; or

(b) if the alleged violation is of state law and is alleged to have occurred in a municipality or other subdivision of government whose population according to the most recent federal census is less than 2,500 and whose governing body, or the town board in the case of a town, has accepted this paragraph by majority vote, and if the defendant is cited or arrested by a member of the staff of the sheriff of Hennepin county or by a member of the state patrol.

Paragraph (b) shall not apply to a municipality or other subdivision of government whose population according to the most recent federal decennial census is 2,500 or more, regardless of whether or not it has previously accepted the paragraph.

Subd. 12. **Presumption of innocence; conviction of lowest degree.** In an action or proceeding charging a violation of an ordinance of any subdivision of government in the county of Hennepin, if such ordinance is the same or substantially the same as a state law, the provisions of section 611.02, shall apply.

History: 1955 c 215 s 10; 1963 c 877 s 34-36; 1965 c 858 s 10,11; 1967 c 734 s 2; 1967 c 772 s 2; 1967 c 846 s 1; Ex1967 c 50 s 3; 1969 c 9 s 89,90; Ex1971 c 27 s 33-35; 1977 c 432 s 32,33; 1979 c 233 s 7,8; 1981 c 37 s 2; 1983 c 177 s 15; 1983 c 345 s 12; 1986 c 444; 1Sp1986 c 3 art 1 s 82

488A.101 COUNTY ATTORNEY AS PROSECUTOR, NOTICE TO COUNTY.

A municipality or other subdivision of government seeking to use the county attorney for violations enumerated in section 488A.10, subdivision 11 shall notify the

county board of its intention to use the services of the county attorney at least 60 days prior to the adoption of the board's annual budget each year. A municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense on a case-by-case basis.

History: 1967 c 772 s 3; 1993 c 284 s 1

488A.11 FORCIBLE ENTRY AND UNLAWFUL DETAINER ACTIONS.

Subdivision 1. **Return days.** Return days for forcible entry and unlawful detainer actions may be fixed by rule promulgated by a majority of the judges.

Subd. 2. **Procedure; forms.** Sections 566.01 to 566.16 apply to the court. The forms therein prescribed, with appropriate modifications, may be used.

Subd. 3. **Default judgments.** Whenever a duly verified complaint in an action of forcible entry or unlawful detainer shows one of the causes of action set forth in section 566.03 and on the return day of the summons the defendant does not appear, the judge, upon proof of the due service of the summons, shall enter an order adjudging the defendant to be in default, and thereafter the court administrator shall enter judgment for the plaintiff without the introduction of evidence.

History: 1955 c 215 s 11; 1Sp1986 c 3 art 1 s 82

488A.111 [Repealed, 1989 c 335 art 3 s 57 subd 3]

488A.112 COURTROOMS.

The municipal court of the county of Hennepin and its probation office shall occupy the courtrooms and offices presently occupied by the municipal court of the city of Minneapolis until such time as the judges of the court may determine that this space is no longer necessary. The city of Minneapolis shall sell to the county of Hennepin the furniture and supplies in these courtrooms and offices at their fair value.

History: 1963 c 877 s 44

488A.113 COURTS ABOLISHED.

All courts in Hennepin county except district and probate courts are abolished as of January 1, 1965. The municipal court of the city of Minneapolis is merged into the municipal court of the county of Hennepin as hereinafter provided, as of January 1, 1965.

History: 1963 c 877 s 45; 1979 c 41 s 5

488A.114 MS 1971 [Transitional]

488A.115 EMPLOYEES OF THE MUNICIPAL COURT OF THE CITY OF MINNEAPOLIS.

Except as otherwise provided in Laws 1963, chapter 877, the judges and employees of the municipal court of the city of Minneapolis, including court reporters and the employees in the probation office, on December 31, 1964, shall become employees of the municipal court of Hennepin county in the same positions for the same terms and at the same salaries.

History: 1963 c 877 s 47; 1981 c 224 s 217

488A.116 EMPLOYEES OF MUNICIPAL COURTS OUTSIDE THE CITY OF MINNEAPOLIS.

All persons who on May 1, 1963, were full time clerks of municipal courts outside of the city of Minneapolis shall be given preference in the hiring of clerks or deputy clerks under Laws 1963, chapter 877.

History: 1963 c 877 s 48

488A.117 MS 1971 [Transitional]

488A.118 MS 1971 [Expired]

488A.119 BAILIFFS, DEPUTY COURT ADMINISTRATORS AND LAW CLERKS; APPOINTMENT, TENURE; OATH AND BOND; SALARIES.

A majority of the judges may appoint an individual or individuals to perform the function of court room bailiff, deputy court administrator and law clerk or any combination thereof. The appointment may be terminated by a majority of the judges without hearing or notice. A majority of the judges may establish requirements as to oath and bond. The salary or salaries of said individual or individuals shall be set by the Hennepin county board of commissioners and shall be paid by the Hennepin county treasurer.

History: 1965 c 858 s 13; 1Sp1986 c 3 art 1 s 82

488A.12 [Repealed, 1993 c 321 s 7]

488A.13 [Repealed, 1993 c 321 s 7]

488A.14 [Repealed, 1993 c 321 s 7]

488A.15 [Repealed, 1993 c 321 s 7]

488A.16 [Repealed, 1993 c 321 s 7]

488A.17 [Repealed, 1993 c 321 s 7]

MUNICIPAL COURT, RAMSEY COUNTY

488A.18 ESTABLISHMENT; JURISDICTION; POWERS; APPEALS.

Subdivision 1. **Establishment confirmed.** There is hereby created a municipal court of Ramsey county with the jurisdiction and powers hereinafter stated.

Subd. 2. **Court of record.** The court is a court of record with an administrator and a seal.

Subd. 3. **Powers of court.** Except as otherwise provided in this act, the court has all the powers of the district court of this state. It may issue all civil and criminal process necessary or proper to enforce and effectuate its jurisdiction and determinations.

Subd. 4. **Civil jurisdiction.** (a) Excepting cases involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed \$15,000, exclusive of interest and costs. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) The court also has jurisdiction, within the limitations provided in this subdivision, to hear, try and determine civil actions commenced by a plaintiff, resident of Ramsey county, where the action arose out of alleged negligent operation of a motor vehicle in Ramsey county, notwithstanding that the defendant or defendants are not residents of the county. Notwithstanding any law or rule of civil procedure to the contrary, the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the municipal court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere within the state of Minnesota.

Subd. 5. [Repealed, 1973 c 708 s 37]

Subd. 6. **Forcible entry and unlawful detainer or unlawful removal or exclusion.** Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section 566.175, involving land located wholly or in part within Ramsey

MINNESOTA STATUTES 1994

county and, notwithstanding any provision of subdivision 8 to the contrary, of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within Ramsey county.

Subd. 7. Criminal jurisdiction. The court has jurisdiction to hear, try and determine any charge of violation within Ramsey county of:

(1) A criminal law of this state constituting a misdemeanor or gross misdemeanor and any offense of this state which constitutes a petty misdemeanor,

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Ramsey, or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-Saint Paul metropolitan airports commission,

(4) Any ordinance, rule or regulation of the regents of the University of Minnesota.

Subd. 8. Exceptions to jurisdiction. The court does not have jurisdiction:

(a) Of any action where the relief asked for is purely equitable in its nature,

(b) Of an action for divorce,

(c) To issue any extraordinary writ, nor

(d) To issue any order in proceedings supplementary to execution.

Subd. 9. Service. All civil and criminal process and orders may be served and enforced anywhere within the state of Minnesota.

Subd. 10. Place of holding court. The county of Ramsey shall provide suitable quarters for the holding of regular terms of court at all places where court sessions are conducted.

Subd. 11. Continuous terms. The court shall be in continuous session and deemed open at all times except Sundays and legal holidays.

Subd. 12. [Repealed, 1977 c 432 s 49]

Subd. 13. Trial of criminal actions. All charges of misdemeanors, gross misdemeanors, petty misdemeanors and ordinance violations shall be tried in the municipality where the alleged violation occurred. If there is no court located in the municipality, then the trial of the charges shall take place at the nearest place of holding court. In addition to any daytime arraignments as the court may establish, traffic and criminal arraignments shall be held at least once each week in the evening after 7:00 p.m. if so requested by the governing body of a city in which a court is situated as provided by Laws 1973, chapter 708 by a resolution filed with the administrator of court.

Subd. 14. Appeals. Appeals from the county municipal court to the court of appeals shall be subject to the rules of appellate procedure.

Subd. 15. Removal to district court. Whenever a counterclaim in excess of \$6,000 is asserted, an equitable defense interposed, or it shall otherwise appear that the court is without jurisdiction in a cause pending therein, the fact shall be recorded, and the court administrator shall transmit to the court administrator of the district court a certified transcript of the record and all papers filed in the case. Thereafter the cause shall proceed to judgment in the district court as if it had there been commenced, and the costs shall abide the event.

History: 1961 c 436 s 1; 1965 c 695 s 1; 1967 c 747 s 1; Ex1971 c 27 s 36; 1973 c 360 s 2; 1973 c 421 s 8; 1973 c 611 s 4; 1973 c 708 s 1-4,36; 1974 c 397 s 1,2,16; 1975 c 410 s 8; 1977 c 129 s 5; 1977 c 432 s 36,37; 1979 c 56 s 9; 1979 c 95 s 2; 1982 c 398 s 15-18; 1983 c 247 s 181; 1Sp1986 c 3 art 1 s 82; 1987 c 346 s 15; 1992 c 468 s 1

488A.185 PLACE OF HOLDING COURT.

The county of Ramsey shall provide suitable quarters, as determined by the court, for the holding of regular terms of court at one centrally located site outside the city of Saint Paul and within the county of Ramsey.

History: 1987 c 145 s 1; 1992 c 468 s 2

488A.19 JUDGES.

Subdivision 1. **Number of judges.** There are 11 judges of the municipal court of the county of Ramsey.

Subd. 2. [Repealed, 1993 c 318 art 2 s 51]

Subd. 3. **Term; vacancies; appointments and election.** (a) Each elected judge holds office for six years beginning the first Monday in January next succeeding the judge's election.

(b) Whenever there is a vacancy in the office of judge the governor shall appoint a qualified person to fill the vacancy, to hold office until a successor is elected and qualified. The successor shall be elected for a six-year term at the next general election occurring more than one year after such appointment.

(c) At the general election immediately preceding the expiration of an elected judge's term the qualified voters of the county of Ramsey shall elect a successor.

(d) Each judge holds a separate nonpartisan office.

(e) When one or more judges of the court are to be nominated or elected at an election, the notice of election shall state the name of each judge whose successor is to be nominated or elected. The official ballot shall contain the names of all candidates for each such office, state the number of judges to be elected and the number of candidates for whom an elector may vote, and designate each candidacy as "For the office of Judge of the Municipal Court of the county of Ramsey to which(Name of Judge)..... was elected for the regular term," or "For the office of Judge of the Municipal Court of the county of Ramsey to which(Name of Judge)..... was appointed," as the case may be. The official ballots shall show in the spaces for the purpose the name of the judge whose successor is to be elected. When any judge is a candidate again, the word "incumbent" shall be printed after the judge's name where it appears among the names of the candidates for the office. When voting machines are used and such statements cannot be inserted in full, the designation shall be "Successor to(Name of Judge) (elected)," or "Successor to(Name of Judge)..... (appointed)," as the case may be.

(f) Each person desiring to have the person's name placed upon the primary ballot as a candidate for judge shall state in an affidavit of candidacy the office of the particular judge for which the person is a candidate. The filing of this affidavit with the county auditor and a compliance with all other requirements constitutes such person a candidate for that office, and for that office only. No person shall at any election be a candidate for more than one such office.

Subd. 4. [Repealed, 1973 c 708 s 37]

Subd. 5. **Powers.** The judges have the general powers of judges of courts of record and all powers necessary to effectuate the purposes of sections 488A.18 to 488A.34. Each judge may administer oaths and take and certify acknowledgments. Each judge is a conservator of the peace and has all powers and authority vested in it by statute or court rule.

Subd. 6. **Contempt of court.** Any judge has the power to punish for contempt of court by a fine not exceeding \$300 or by imprisonment in the county jail or city workhouse not exceeding 90 days, or both.

Subd. 7. **Court rules.** A majority of the judges may promulgate rules of court consistent with this act. Unless the rule forbids, a judge may waive its application.

Subd. 8. [Repealed, 1977 c 432 s 49]

Subd. 9. [Repealed, 1977 c 432 s 49]

Subd. 10. **Salaries.** Each judge shall be paid by the state an annual salary in the amount prescribed by section 15A.083. If a judge dies, the amount of the judge's salary remaining unpaid for the month in which the death occurs shall be paid to the judge's estate. Each judge shall be paid expenses by the state in the same manner and amount as provided for judges of the district court in section 484.54.

NOTE: Subdivision 10 was also repealed by Laws 1977, Chapter 432, Section 49.

History: 1961 c 436 s 2; 1963 c 736 s 1; 1963 c 878 s 1; 1965 c 695 s 2; 1967 c 747

MINNESOTA STATUTES 1994

367

MUNICIPAL COURTS; HENNEPIN AND RAMSEY COUNTIES 488A.20

s 2,3; 1969 c 729 s 1,2; Ex1971 c 4 s 3; Ex1971 c 30 s 1; 1973 c 708 s 5-7; 1974 c 397 s 17-19; 1977 c 35 s 17; 1977 c 432 s 38; 1983 c 359 s 71; 1986 c 444

488A.20 ADMINISTRATOR; OTHER EMPLOYEES.

Subdivision 1. **Appointment, term, removal, suspension.** (a) A majority of the judges shall appoint an administrator of the court.

(b) The court shall have employees, consisting of those persons employed in the municipal courts of the cities of New Brighton, Roseville, Maplewood, North Saint Paul, White Bear Lake and Saint Paul, as of December 31, 1974.

(c) Additional employees may be appointed by the administrator with the approval of the majority of the judges when the county board consents to the creation of such new positions.

(d) The administrator and other employees of the court, exclusive of court reporters, shall each be appointed for a term of six years from the date of appointment. At any time within six months from the date of initial appointment, each may be removed and the appointment terminated, with or without cause and without notice or hearing, by the appointing official or officials. At any time, each may be suspended by the appointing official or officials without pay for a period not to exceed 30 days with or without cause pending a hearing for removal and termination of appointment for cause before the appointing official or officials.

(e) The administrator and all other employees of the court shall be in the unclassified service of the county of Ramsey.

Subd. 2. **Oath, bond.** (a) The administrator and other employees of the court shall each take and subscribe an oath to support the Constitutions of the United States and the state of Minnesota and to perform faithfully the duties of office.

(b) The administrator and other employees of the court may not enter upon their official duties until their respective appointment and oath are filed with the county auditor.

Subd. 3. **Powers and duties.** (a) The administrator and other employees of the court may each administer oaths and affirmations and take acknowledgments.

(b) The administrator shall delegate and supervise the work of the other employees of the court. The administrator shall have all the powers and duties incident to the office of an administrator of a court of record or necessary to carry out the purposes of this act.

(c) The administrator shall make minutes, records and indices of all proceedings; enter all orders, judgments or sentences; issue all process; keep proper accounts; have custody of all court records; and tax all costs and disbursements.

(d) In the performance of all duties, the administrator is subject to the control and supervision of the judges.

Subd. 4. **Disposition of fines, fees and other moneys; accounts.** (a) Except as otherwise provided herein and except as otherwise provided by law, the administrator shall pay to the Ramsey county treasurer all fines and penalties collected by the administrator, all fees collected for administrator's services, all sums forfeited to the court as hereinafter provided, and all other moneys received by the administrator.

(b) The administrator of court shall for each fine or penalty, provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed and the total amount of the fines or penalties collected for each such municipality or other subdivision of government.

(c) The state of Minnesota and any governmental subdivision within the jurisdictional area of the municipal court herein established may present cases for hearing before said municipal court. In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town in Ramsey county, all fines, penalties and forfeitures collected shall be paid over to the county treasurer except where a different disposition is pro-

vided by law, and the following fees shall be taxed to the state or governmental subdivision other than a city or town within Ramsey county which would be entitled to payment of the fines, forfeitures or penalties in any case, and shall be paid to the administrator of the court for disposing of the matter. The administrator shall deduct the fees from any fine collected for the state of Minnesota or a governmental subdivision other than a city or town within Ramsey County and transmit the balance in accordance with the law, and the deduction of the total of the fees each month from the total of all the fines collected is hereby expressly made an appropriation of funds for payment of the fees:

(1) In all cases where the defendant is brought into court and pleads guilty and is sentenced, or the matter is otherwise disposed of without a trial.....\$5

(2) In arraignments where the defendant waives a preliminary examination.....\$10

(3) In all other cases where the defendant stands trial or has a preliminary examination by the court.....\$15

(4) The court shall have the authority to waive the collection of fees in any particular case.

(d) At the beginning of the first day of any month, the amount in the hands of the administrator which is owing to any municipality or county shall not exceed \$5,000.

(e) On or before the last day of each month, the county treasurer shall pay over to the treasurer of the city of St. Paul two-thirds and to the treasurer of each other municipality or subdivision of government in Ramsey county one-half of all fines or penalties collected during the previous month from those imposed for offenses committed within the treasurer's municipality or subdivision of government in violation of a statute, an ordinance, charter provision, rule or regulation of a city. All other fines and forfeitures and all fees and costs collected by the county municipal court shall be paid to the treasurer of Ramsey county who shall dispense the same as provided by law.

(f) Amounts represented by checks issued by the administrator or received by the administrator which have not cleared by the end of the month may be shown on the monthly account as having been paid or received, subject to adjustment on later monthly accounts.

(g) The administrator may receive negotiable instruments in payment of fines, penalties, fees, or other obligations as conditional payments, and is not held accountable therefor but if collection in cash is made and then only to the extent of the net collection after deduction of the necessary expense of collection.

Subd. 5. **Bail.** (a) Any bail deposited with the administrator and not forfeited by court order shall be deemed abandoned and forfeited if the person entitled to refund does not file a written demand therefor within six months from the date of entitlement to refund.

(b) All sums collected by bail, bond or recognizance forfeited by court order or by abandonment shall be forthwith paid by the administrator to the Ramsey county treasurer.

(c) Any judge may order any bail, bond, or recognizance forfeited under this subdivision to be reinstated for cause and the administrator shall then refund accordingly. The Ramsey county treasurer shall reimburse the administrator if the administrator refunds the deposit upon such an order and obtains a receipt to be used as a voucher.

Subd. 6. **Salaries.** The administrator and other employees of the court shall be paid annual salaries pursuant to a schedule adopted by a majority of judges of the court and approved by the Ramsey county board of commissioners.

Subd. 7. **Destruction of records.** Files and records of the court may be destroyed in accordance with law.

History: 1961 c 436 s 3; 1963 c 469 s 1; 1967 c 747 s 4; 1969 c 729 s 3-7; 1973 c 123 art 5 s 7; 1973 c 708 s 8-12,36; 1974 c 397 s 3-5,20,21,40; 1981 c 301 s 7; 1986 c 444; 1991 c 326 s 26; 1992 c 511 art 2 s 41

488A.21 PROBATION AND REGULATED SERVICES.

Subdivision 1. **Department of court services.** The Ramsey county department of court services shall supply all probation services for this court.

Subd. 2. **Psychiatric, psychological and medical services.** The judges of this court shall be and are hereby authorized to expend a sum not to exceed \$10,000 in any one year to secure such psychiatric, psychological and medical services as shall be deemed advisable by said judges in making disposition of such misdemeanants as shall come before the court. If the judges of this court so direct, the county board shall appropriate whatever sums are necessary to secure such services, not exceeding \$10,000 in any one year.

History: 1961 c 436 s 4; 1973 c 708 s 13; 1974 c 397 s 22

488A.22 [Repealed, 1989 c 335 art 3 s 57 subd 3]**488A.23 FEES PAYABLE TO THE ADMINISTRATOR.**

Subdivision 1. **Fees in civil actions.** Except as otherwise provided herein, the fees payable to the administrator for services in civil actions shall be the same as those payable to the court administrator of the district court, second judicial district, for like services, exclusive of library fees. The fees payable to the administrator for all other services performed by the administrator or the court shall be fixed by rules promulgated by a majority of the judges.

Subd. 2. [Repealed, 1973 c 708 s 37]

Subd. 3. [Repealed, 1974 c 397 s 41]

Subd. 4. [Repealed, 1974 c 397 s 41]

Subd. 5. **Fees in advance.** All fees payable to the administrator shall be paid in advance.

Subd. 6. **Exemptions from fees; no trial fees.** No filing fees, trial fees or fees for other services are payable by the county.

History: 1961 c 436 s 6; 1967 c 747 s 5-7; 1969 c 729 s 9; 1973 c 708 s 36; 1974 c 397 s 23; 1981 c 301 s 8; 1986 c 444; 1Sp1986 c 3 art 1 s 82

488A.24 PETIT JURORS.

Subdivision 1. **Selection; list.** Before the first day of June in each year, the judges shall select from the electors of the county of Ramsey a list of persons properly qualified to serve as petit jurors and certify the list to the administrator of this court. If there be a deficiency of persons on the list, the judges may select from the electors of the county of Ramsey additional persons to cover the deficiency and certify and deliver to the administrator a supplementary list which shall thereafter stand as part of the original list. The validity of the selection is not affected by the fact that any person is disqualified from serving as a juror.

Subd. 2. **Summoning.** Petit jurors shall be drawn from such list and summoned as the judges direct. The administrator shall issue venirees for the jurors drawn which shall be returnable on such dates and hours as the judges direct, and such venirees shall be served by the sheriff of Ramsey county as jurors are served in the district court of Ramsey county.

Subd. 3. **Failure to attend.** Failure to attend as a juror when duly drawn and summoned is punishable as contempt of court.

Subd. 4. **Special venire.** When necessary, the court may issue a special venire.

Subd. 5. **Compensation.** Any juror so summoned, attending as aforesaid and accepted as a juror in this court, shall be entitled to receive as compensation the same amount as jurors in the district court, which shall be paid out of the county treasury of the county of Ramsey. The administrator of this court shall deliver to each juror a certificate showing the number of days in attendance and the mileage for which the juror is entitled to receive compensation. This certificate of the administrator shall be

filed with the county auditor, who shall issue a warrant on the treasurer of the county for the amount due, which certificate shall be a proper and sufficient voucher for the issuance of such warrant.

Subd. 6. **Court rule on selection.** (a) If a court rule so providing is adopted by a majority of the judges of said district court and also by a majority of the judges of the municipal court, all petit jurors to serve in the municipal court of the county of Ramsey may be selected from the petit jurors summoned for jury service by the district court of Ramsey county.

(b) The rule may provide the manner in which jurors for the municipal court shall be selected from the jurors summoned by the district court and the period of time during which they shall serve in municipal court.

(c) The rule may be amended by a majority of the judges of the district court and a majority of the judges of the municipal court. It may be rescinded entirely at any time by a majority of the judges of either court.

(d) The rule may be made effective on any date and shall then supersede any jury list for municipal court theretofore in effect. If the rule be rescinded, the judges of the municipal court may reinstate any jury list drawn for that year by the judges of municipal court or prepare a new jury list.

(e) The petit jurors summoned for service in both courts shall have the same qualifications and shall be selected by the district court under the same procedure as is now provided by law for selecting jurors for service in the district court.

(f) Jurors shall report to and be excused, governed, instructed, and controlled by a judge of either the district court or the municipal court as provided in the court rule.

History: 1961 c 436 s 7; 1967 c 471 s 1,2; 1973 c 708 s 16,36; 1986 c 444

488A.25 MISDEMEANOR VIOLATIONS BUREAUS.

Subdivision 1. **Establishment.** Misdemeanor violations bureaus shall be established within those municipalities in which court sessions are conducted and at such additional places as a majority of the judges of the court establish consistent with rule 23 of the rules of criminal procedure.

Subd. 2. **Supervision.** The court shall supervise and the administrator shall operate the misdemeanor violations bureaus in accordance with rule 23 of the rules of criminal procedure. The administrator shall assign a sufficient number of employees to staff and operate the bureaus.

Subd. 3. **Administrator.** The administrator shall perform the duties relating to misdemeanor violations bureaus authorized to be performed by the court administrator pursuant to rule 23 of the rules of criminal procedure.

History: 1961 c 436 s 8; 1973 c 708 s 17,18,36; 1979 c 233 s 20; 1Sp1986 c 3 art 1 s 82

488A.26 PLEADING, PRACTICE, PROCEDURE AND FORMS IN CIVIL ACTIONS.

Subdivision 1. **General.** Pleading, practice, procedure and forms in civil actions shall be governed by municipal court rules of civil procedure promulgated from time to time by the supreme court of this state or by statutes applicable to the district court in situations where said rules are inapplicable. All process issued by the court shall be tested in the name of the chief judge.

Subd. 2. **Court rules.** A majority of the judges may adopt rules governing pleading, practice, procedure and forms for civil actions which are consistent with the provisions of sections 488A.18 to 488A.287, the municipal court rules of civil procedure promulgated from time to time by the supreme court of this state, or governing statutes.

Subd. 3. **Costs allowable.** Costs shall be allowed in civil actions as follows:

(a) To the plaintiff upon a judgment in the plaintiff's favor when an issue of fact or law has been joined:

MINNESOTA STATUTES 1994

371

MUNICIPAL COURTS; HENNEPIN AND RAMSEY COUNTIES 488A.27

(1) \$10 when the amount of the judgment or the value of the property recovered in a replevin action, exclusive of costs and disbursements, exceeds \$500;

(2) \$5 in all other cases.

(b) \$5 to the plaintiff upon a judgment in the plaintiff's favor when no issue of fact or law has been joined and the amount of the judgment or the value of the property recovered, exclusive of costs and disbursements, exceeds \$500.

(c) To the defendant upon a judgment in the defendant's favor:

(1) \$10 when on the merits;

(2) \$5 in all other cases.

(d) \$5 to the defendant upon a dismissal or discontinuance other than on the merits, regardless of the amount claimed or the value of the property involved.

Subd. 4. Lien of judgment; filing of transcript. (a) No judgment of this court shall attach as a lien upon real estate unless and until a transcript thereof is filed and docketed in district court.

(b) Any person who holds a judgment for an amount exceeding \$10, exclusive of interest and costs, may obtain from the administrator a certified transcript of such judgment and may file the transcript in the office of the court administrator of the district court of Ramsey county, who shall file and docket it.

(c) Upon the filing and docketing of the certified transcript, the judgment becomes a lien upon the real estate of the debtor to the same extent as a judgment of the district court and the judgment thereafter is exclusively under the control of the district court and may be enforced by its process as though originally rendered by the district court.

(d) The administrator of this court shall not issue such a certified transcript while a writ of execution is outstanding on the judgment. The administrator shall note on the record of such judgment the fact that such transcript has been given and shall not thereafter issue any writ of execution on the same judgment.

Subd. 5. Writs of replevin, attachment and execution. Writs of replevin, attachment and execution may be issued in accordance with the practice and procedure for such writs in district court, but a judge rather than a sheriff or police officer shall approve all bonds requiring approval.

Subd. 6. Satisfaction of execution. When a writ of execution has been delivered to an officer for enforcement, any person indebted to the judgment debtor may pay the amount of such debt, or so much thereof as may satisfy the execution, to the officer holding the writ and the receipt of that officer reciting the facts is a sufficient discharge and satisfaction of so much of said debt as is so paid.

Subd. 7. Garnishment. Proceedings against garnishees may be instituted in the same manner as in the district court.

History: 1961 c 436 s 9; 1965 c 695 s 3; 1969 c 1142 s 21; 1973 c 708 s 36; 1974 c 397 s 24-27; 1986 c 444; 1Sp1986 c 3 art 1 s 82

488A.27 PLEADING, PRACTICE, PROCEDURE, AND FORMS IN CRIMINAL PROCEEDINGS.

Subdivision 1. General. Except as otherwise provided in this chapter but subject to the provisions of section 480.059, pleading, practice, procedure and forms in actions or proceedings charging violation of a statute, ordinance, charter provision or rule shall be governed by the rules of criminal procedure.

Subd. 2. Court rules. A majority of the judges may adopt rules governing pleading, practice, procedure and forms in actions or proceedings charging violation of a statute, ordinance, charter provision or rule. The rules shall be consistent with the rules of criminal procedure, the provisions of this chapter and any other statute of this state.

Subd. 3. Complaints. Complaints charging violation of a statute, ordinance, charter provision, or rule shall be governed by rule 2 of the rules of criminal procedure. The administrator or other employees of the court shall perform the duties relating to complaints authorized to be performed by the court administrator or deputy court administrator pursuant to rule 2 of the rules of criminal procedure.

Subd. 4. **Tab charges.** Tab charges are governed by rule 4 of the rules of criminal procedure. The administrator shall perform the duties relating to tab charges authorized to be performed by the court administrator pursuant to rule 4 of the rules of criminal procedure.

Subd. 5. **Pleas.** Pleas are governed by rule 14 of the rules of criminal procedure. The administrator shall perform the duties relating to pleas authorized to be performed by the court administrator pursuant to rule 14.03 of the rules of criminal procedure.

Subd. 6. **Right to jury trial.** In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.

Subd. 7. **Process.** All warrants and other criminal process may be issued by any judge of the court. Provided, however, the administrator or other employees of the court may also perform such duties when the offense alleged to have been committed is a violation of a petty misdemeanor law of this state or of a municipal ordinance which is punishable, upon conviction, by a sentence to the payment of a fine only.

Subd. 8. **Suspension, alteration or modification of sentences.** At the time of imposing sentence, or at any time thereafter, the sentencing judge, or any other judge if the sentencing judge is not available, may suspend, alter or modify the sentence imposed, upon such terms and conditions as such judge deems appropriate.

Subd. 9. [Repealed, 1979 c 233 s 42]

Subd. 10. **Minutes of preliminary hearings.** The administrator shall keep minutes of preliminary hearings on indictable offenses and make proper return to the court before which the person charged with the offense may be bound to appear.

Subd. 11. **Prosecuting attorneys.** Except where the county attorney is specifically designated by law as the prosecutor for the particular violation charged, the attorney of the municipality in which the violation is alleged to have occurred shall have charge of the prosecution of all violations of statutes, including gross misdemeanor violations, ordinances, charter provisions or rules triable in this court and shall prepare complaints for the violations.

Subd. 12. **Peace officers.** The sheriff, with the approval of a majority of the judges, shall assign to the court a sufficient number of deputy sheriffs, who shall act as bailiffs of the court. A bailiff shall be in attendance at all sessions of the court involving traffic or criminal matters and at such other times and places as the court may direct. The county board may, with the approval of a majority of the judges, contract with any municipality upon such terms as may be agreed upon for the services of police officers of the municipality to act as bailiffs at all sessions of the court in the municipality. Said officers shall obey the mandates of the court and preserve order during said proceedings.

Subd. 13. **Service of process.** All process in criminal matters and in matters where a charge is brought of violation of an ordinance shall be served by the police or peace officers of the municipality in which the violation is alleged to have occurred or by the sheriff of Ramsey county as the court designates.

History: 1961 c 436 s 10; 1967 c 747 s 8; 1969 c 729 s 10; Ex1971 c 27 s 37-39; Ex1971 c 30 s 2; 1973 c 708 s 19-22,36; 1974 c 397 s 28,29; 1976 c 166 s 7; 1977 c 432 s 39,40; 1979 c 233 s 9-13; 1982 c 592 s 1; 1985 c 248 s 70; 1986 c 444; 1Sp1986 c 3 art 1 s 82

488A.28 FORCIBLE ENTRY AND UNLAWFUL DETAINER ACTIONS.

Subdivision 1. **Procedure.** The general laws applicable to forcible entry and unlawful detainer actions shall apply to this court, and the forms as prescribed in the general laws may be used with such appropriate modifications as may be necessary for this court.

Subd. 2. **Return days.** Return days for forcible entry and unlawful detainer actions may be fixed by rules promulgated by a majority of the judges.

Subd. 3. Default judgments. Whenever a duly verified complaint in a forcible entry and unlawful detainer action shows one of the causes of action as set forth by general statute, and on the return day of the summons the defendant does not appear, the judge, upon proof of the due service of the summons, shall enter an order adjudging the defendant to be in default, and thereafter the administrator shall enter judgment for the plaintiff without the introduction of evidence.

Subd. 4. Trials. Forcible entry and unlawful detainer actions, which are contested, shall be given precedence over all other civil matters in trial settings.

History: 1961 c 436 s 11; 1973 c 708 s 23,36

488A.281 [Repealed, 1989 c 335 art 3 s 57 subd 3]

488A.282 COURTS ABOLISHED.

All courts in Ramsey county, except the supreme, district and probate courts, are abolished as of the effective date of Laws 1973, chapter 708. The municipal court of the city of Saint Paul is merged into the municipal court of the county of Ramsey as hereinafter provided, as of the effective date of Laws 1973, chapter 708.

History: 1973 c 708 s 31; 1979 c 41 s 6

488A.283 [Repealed, 1983 c 359 s 151]

488A.284 [Repealed, 1983 c 359 s 151]

488A.285 TRANSFER OF EMPLOYEES.

Subdivision 1. Notwithstanding any other provision of law to the contrary, and except as may otherwise be provided in Laws 1973, chapter 708, all employees of the municipal courts in the cities of New Brighton, Roseville, Maplewood, North Saint Paul, White Bear Lake and Saint Paul on January 1, 1975 shall become the employees of the municipal court of Ramsey county, and the salary of any employees shall not be reduced by virtue of Laws 1974, chapter 397.

Subd. 2. Any person employed by the municipal courts in the cities of New Brighton, Roseville, Maplewood, North Saint Paul, White Bear Lake and Saint Paul on January 1, 1975 shall be entitled to and be given credit for all benefits heretofore accrued to the person as an employee of a municipal court.

History: 1973 c 708 s 34; 1974 c 397 s 9,10; 1981 c 224 s 218

488A.286 INITIAL JUDGES OF THE COURT.

The judges of the municipal courts in the cities of New Brighton, Roseville, Maplewood, North Saint Paul, White Bear Lake and Saint Paul as of January 1, 1975, shall continue as judges of the municipal court of the county of Ramsey. In the event a vacancy exists in the office of judge in any such municipalities or that any such judges are unable or unwilling on said date to serve as a judge of the municipal court of Ramsey county, the governor shall appoint, in the manner provided by law, a qualified person to fill such vacancy or replace such judges. The original term of office of each of such judges as a judge of the municipal court of the county of Ramsey shall expire on the day before the first Monday in January of the odd-numbered year following the year in which the term of each of such judges of municipal courts of the aforementioned municipalities would otherwise have expired.

History: 1973 c 708 s 35; 1974 c 397 s 11

488A.287 POWERS TO EFFECTUATE.

The judges of the municipal courts in the cities of New Brighton, Roseville, Maplewood, North Saint Paul, White Bear Lake, and Saint Paul shall be empowered to do all things necessary to effectuate the provisions of Laws 1973, chapter 708.

History: 1974 c 397 s 39

MINNESOTA STATUTES 1994

- 488A.29 [Repealed, 1993 c 321 s 7]
- 488A.30 [Repealed, 1993 c 321 s 7]
- 488A.31 [Repealed, 1993 c 321 s 7]
- 488A.32 [Repealed, 1993 c 321 s 7]
- 488A.33 [Repealed, 1993 c 321 s 7]
- 488A.34 [Repealed, 1993 c 321 s 7]
- 488A.35 [Repealed, 1973 c 679 s 38]
- 488A.36 [Repealed, 1973 c 679 s 38]
- 488A.37 [Repealed, 1973 c 679 s 38]
- 488A.38 [Repealed, 1973 c 679 s 38]
- 488A.39 [Repealed, 1973 c 679 s 38]
- 488A.40 [Repealed, 1973 c 679 s 38]
- 488A.41 [Repealed, 1973 c 679 s 38]
- 488A.42 [Repealed, 1973 c 679 s 38]
- 488A.43 [Repealed, 1973 c 679 s 38]
- 488A.44 [Repealed, 1973 c 679 s 38]
- 488A.45 [Repealed, 1973 c 679 s 38]
- 488A.46 [Repealed, 1973 c 679 s 38]
- 488A.47 [Repealed, 1973 c 679 s 38]
- 488A.48 [Repealed, 1973 c 679 s 38]
- 488A.49 [Repealed, 1973 c 679 s 38]
- 488A.50 [Repealed, 1973 c 679 s 38]
- 488A.51 [Repealed, 1973 c 679 s 38]
- 488A.52 [Repealed, 1973 c 679 s 38]
- 488A.53 [Repealed, 1973 c 679 s 38]
- 488A.54 [Repealed, 1973 c 679 s 38]
- 488A.55 [Repealed, 1973 c 679 s 38]
- 488A.56 [Repealed, 1973 c 679 s 38]
- 488A.57 [Repealed, 1973 c 679 s 38]
- 488A.58 [Repealed, 1973 c 679 s 38]
- 488A.59 [Repealed, 1973 c 679 s 38]
- 488A.60 [Repealed, 1973 c 679 s 38]
- 488A.61 [Repealed, 1973 c 679 s 38]
- 488A.62 [Repealed, 1973 c 679 s 38]
- 488A.63 [Repealed, 1973 c 679 s 38]
- 488A.64 [Repealed, 1973 c 679 s 38]
- 488A.65 [Repealed, 1973 c 679 s 38]
- 488A.66 [Repealed, 1973 c 679 s 38]
- 488A.67 [Repealed, 1973 c 679 s 38]
- 488A.68 [Repealed, 1973 c 679 s 38]
- 488A.69 [Repealed, 1973 c 679 s 38]
- 488A.70 [Repealed, 1973 c 679 s 38]
- 488A.71 [Repealed, 1973 c 679 s 38]
- 488A.72 [Repealed, 1973 c 679 s 38]
- 488A.73 [Repealed, 1973 c 679 s 38]
- 488A.74 [Repealed, 1973 c 679 s 38]
- 488A.75 [Repealed, 1973 c 679 s 38]
- 488A.76 [Repealed, 1973 c 679 s 38]

MINNESOTA STATUTES 1994

375

MUNICIPAL COURTS; HENNEPIN AND RAMSEY COUNTIES

488A.77 [Repealed, 1973 c 679 s 38]

488A.78 [Repealed, 1973 c 679 s 38]

488A.79 [Repealed, 1973 c 679 s 38]

488A.80 [Repealed, 1973 c 679 s 38]

488A.81 [Repealed, 1973 c 679 s 38]