

## CHAPTER 629

## EXTRADITION, DETAINERS, ARREST, BAIL

629.341	Allowing probable cause arrests for domestic violence; immunity from liability.	629.72	Bail in cases of domestic assault or harassment.
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**629.341 ALLOWING PROBABLE CAUSE ARRESTS FOR DOMESTIC VIOLENCE; IMMUNITY FROM LIABILITY.**

Subdivision 1. **Arrest.** Notwithstanding section 629.34 or any other law or rule, a peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that within the preceding 12 hours the person has committed domestic abuse, as defined in section 518B.01, subdivision 2. The arrest may be made even though the assault did not take place in the presence of the peace officer.

*[For text of subs 2 to 5, see M.S.1994]*

**History:** 1995 c 226 art 7 s 18

**629.343 ALLOWING PROBABLE CAUSE ARRESTS FOR OFFENSES ON SCHOOL PROPERTY.**

Notwithstanding section 629.34, a peace officer, as defined in section 626.84, subdivision 1, paragraph (c), who is on or off duty within the jurisdiction of the appointing authority or on duty outside the jurisdiction of the appointing authority pursuant to section 629.40, may arrest a person without a warrant if the peace officer has probable cause to believe that the person within the preceding four hours has committed a fifth-degree assault, as defined in section 609.224, on school property, as defined in section 609.66, subdivision 1d. The arrest may be made even though the crimes were not committed in the presence of the peace officer.

**History:** 1995 c 55 s 1

**629.471 MAXIMUM BAIL ON MISDEMEANORS; GROSS MISDEMEANORS.**

*[For text of subs 1 and 2, see M.S.1994]*

Subd. 3. **Six times the fine.** For offenses under sections 518B.01, 609.224, and 609.2242, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is six times the highest cash fine that may be imposed for the offense.

**History:** 1995 c 259 art 3 s 23

**629.715 RELEASE IN CASES INVOLVING CRIMES AGAINST PERSONS; SURRENDER OF FIREARMS.**

Subdivision 1. **Judicial review; release.** (a) When a person is arrested for a crime against the person, the judge before whom the arrested person is taken shall review the facts surrounding the arrest and detention. If the person was arrested or detained for committing a crime of violence, as defined in section 629.725, the prosecutor or other appropriate person shall present relevant information involving the victim or the victim's family's account of the alleged crime to the judge to be considered in determining the arrested person's release. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a speci-

fied amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged crime, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings.

(b) If the judge determines release under paragraph (a) is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged crime, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release.

*[For text of subs 2 to 4, see M.S.1994]*

**History:** 1995 c 226 art 7 s 19; 1995 c 244 s 39

## **629.72 BAIL IN CASES OF DOMESTIC ASSAULT OR HARASSMENT.**

**Subdivision 1. Definition; allowing detention in lieu of citation; release.** (a) For purposes of this section, "domestic abuse" has the meaning given in section 518B.01, subdivision 2.

(b) Notwithstanding any other law or rule, an arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with harassment or charged with domestic abuse.

(c) Notwithstanding any other law or rule, an individual who is arrested on a charge of harassing any person or of domestic abuse must be brought to the police station or county jail. The officer in charge of the police station or the county sheriff in charge of the jail shall issue a citation in lieu of continued detention unless it reasonably appears to the officer or sheriff that detention is necessary to prevent bodily harm to the arrested person or another, or there is a substantial likelihood the arrested person will fail to respond to a citation.

(d) If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff, the arrested person must be brought before the nearest available judge of the district court in the county in which the alleged harassment or domestic abuse took place without unnecessary delay as provided by court rule.

**Subd. 2. Judicial review; release; bail.** (a) The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged harassment or domestic abuse, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings.

(b) If the judge determines release is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged harassment or domestic abuse, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release. If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

(c) If the judge imposes as a condition of release a requirement that the person have no contact with the victim of the alleged harassment or domestic abuse, the judge may also, on its own motion or that of the prosecutor or on request of the victim, issue an ex parte temporary restraining order under section 609.748, subdivision 4, or an ex parte temporary order for protection under section 518B.01, subdivision 7. Notwithstanding section 518B.01, subdivision 7, paragraph (b), or 609.748, subdivision 4, paragraph (c), the temporary order is effective until the defendant is convicted or acquitted, or the charge is dismissed, provided

that upon request the defendant is entitled to a full hearing on the restraining order under section 609.748, subdivision 5, or on the order for protection under section 518B.01. The hearing must be held within seven days of the defendant's request.

*[For text of subs 2a to 5, see M.S.1994]*

**Subd. 6. Notice to victim regarding release of arrested person.** (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally the alleged victim of:

- (1) the conditions of release, if any;
- (2) the time of release;
- (3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and
- (4) if the arrested person is charged with domestic abuse, the location and telephone number of the area battered women's shelter as designated by the department of corrections.

(b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in paragraph (a), clauses (2) and (3).

**History:** 1995 c 226 art 7 s 20-22

#### **629.725 NOTICE TO CRIME VICTIM REGARDING BAIL HEARING OF ARRESTED OR DETAINED PERSON.**

When a person arrested or a juvenile detained for a crime of violence or an attempted crime of violence is scheduled to be reviewed under section 629.715 for release from pretrial detention, the court shall make a reasonable and good faith effort to notify the victim of the alleged crime. If the victim is incapacitated or deceased, notice must be given to the victim's family. If the victim is a minor, notice must be given to the victim's parent or guardian. The notification must include:

- (1) the date and approximate time of the review;
- (2) the location where the review will occur;
- (3) the name and telephone number of a person that can be contacted for additional information; and
- (4) a statement that the victim and the victim's family may attend the review.

As used in this section, "crime of violence" has the meaning given it in section 624.712, subdivision 5, and also includes gross misdemeanor violations of section 609.224, and non-felony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

**History:** 1995 c 226 art 7 s 23; 1995 c 244 s 40

#### **629.735 NOTICE TO LOCAL LAW ENFORCEMENT AGENCY REGARDING RELEASE OF ARRESTED OR DETAINED PERSON.**

When a person arrested or a juvenile detained for a crime of violence or an attempted crime of violence is about to be released from pretrial detention, the agency having custody of the arrested or detained person or its designee shall make a reasonable and good faith effort before release to inform any local law enforcement agencies known to be involved in the case, if different from the agency having custody, of the following matters:

- (1) the conditions of release, if any;
- (2) the time of release; and
- (3) the time, date, and place of the next scheduled court appearance of the arrested or detained person.

**History:** 1995 c 226 art 7 s 24; 1995 c 244 s 41

#### **629.74 PRETRIAL BAIL EVALUATION.**

The local corrections department or its designee shall conduct a pretrial bail evaluation of each defendant arrested and detained for committing a crime of violence as defined in sec-

tion 624.712, subdivision 5, a gross misdemeanor violation of section 609.224 or 609.2242, or a nonfelony violation of section 518B.01, 609.2231, 609.3451, 609.748, or 609.749. In cases where the defendant requests appointed counsel, the evaluation shall include completion of the financial statement required by section 611.17. The local corrections department shall be reimbursed \$25 by the department of corrections for each evaluation performed. The conference of chief judges, in consultation with the department of corrections, shall approve the pretrial evaluation form to be used in each county.

**History:** 1995 c 259 art 3 s 24