

CHAPTER 631

TRIAL, JUDGMENT, SENTENCE

631.07 Order of final argument.

631.52 Effect of certain convictions on custody and visitation rights.

631.07 ORDER OF FINAL ARGUMENT.

When the giving of evidence is concluded in a criminal trial, unless the case is submitted on both sides without argument, the prosecution may make a closing argument to the jury. The defense may then make its closing argument to the jury. The court shall permit the prosecution to reply in rebuttal, which shall be limited to a response to any misstatement of law or fact or a statement that is inflammatory or prejudicial made by the defense in its closing argument.

History: 1997 c 239 art 3 s 21

631.52 EFFECT OF CERTAIN CONVICTIONS ON CUSTODY AND VISITATION RIGHTS.

Subdivision 1. **Suspension of visitation rights; transfer of custody.** (a) If a person who has court-ordered custody of a child or visitation rights is convicted of a crime listed in subdivision 2 and if no action is pending regarding custody or visitation, the sentencing court shall refer the matter to the appropriate family court for action under this section. The family court shall:

- (1) grant temporary custody to the noncustodial parent, unless it finds that another custody arrangement is in the best interests of the child; or
- (2) suspend visitation rights, unless it finds that visitation with the convicted person is in the best interests of the child.

The family court shall expedite proceedings under this section. The defendant has the burden of proving that continued custody or visitation with the defendant is in the best interests of the child. If the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2, the standard of proof is clear and convincing evidence. A guardian ad litem must be appointed in any case to which this section applies.

(b) If a person who has child custody or visitation rights was convicted of a crime listed in subdivision 2 before July 1, 1990, then any interested party may petition the sentencing court for relief under paragraph (a) if:

- (1) the defendant is currently incarcerated, on probation, or under supervised release for the offense; or
- (2) the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2.

Subd. 2. **Application.** Subdivision 1 applies to the following crimes or similar crimes under the laws of the United States or any other state:

- (1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- (2) manslaughter in the first degree under section 609.20;
- (3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- (4) kidnapping under section 609.25;
- (5) depriving another of custodial or parental rights under section 609.26;
- (6) soliciting, inducing, or promoting prostitution involving a minor under section 609.322;
- (7) receiving profit from prostitution involving a minor under section 609.323;
- (8) criminal sexual conduct in the first degree under section 609.342;
- (9) criminal sexual conduct in the second degree under section 609.343;

(10) criminal sexual conduct in the third degree under section 609.344, subdivision 1, paragraph (c), (f), or (g);

(11) solicitation of a child to engage in sexual conduct under section 609.352;

(12) incest under section 609.365;

(13) malicious punishment of a child under section 609.377;

(14) neglect of a child under section 609.378;

(15) terroristic threats under section 609.713; or

(16) felony harassment or stalking under section 609.749.

History: 1997 c 239 art 7 s 39; 1997 c 245 art 2 s 9