

CHAPTER 634

SPECIAL RULES, EVIDENCE; PRIVILEGES,
WITNESSES

634.01	Evidence in prosecutions for forgery of treasury notes.	634.16	Admission into evidence of results of approved breath tests.
634.02	Bank notes.	634.20	Evidence of conduct.
634.03	Confession, inadmissible when.		DNA EVIDENCE
634.031	Evidence of accomplice.	634.25	Admissibility of results of DNA analysis.
634.04	Uncorroborated evidence of accomplice.	634.26	Statistical probability evidence.
634.051	Proof of death, and of killing by defendant.		OUT-OF-STATE EVIDENCE
634.06	Residents required to testify in another state.	634.30	Evidence obtained in foreign jurisdictions.
634.07	Nonresidents required to testify in this state.		VIDEOTAPES OF CHILD VICTIMS
634.08	Exemptions; arrest, service of process.	634.35	Videotapes of child victims; conditions of disclosure.
634.09	Uniformity.		
634.15	Admission into evidence of certain certificates of analysis and blood sample reports.		

634.01 EVIDENCE IN PROSECUTIONS FOR FORGERY OF TREASURY NOTES.

In prosecutions for forging or counterfeiting any note, certificate, bill of credit, or security issued on behalf of the United States or of any state, or for uttering, publishing, or tendering in payment as true any such forged or counterfeit note, certificate, bill of credit, or security, or for being possessed thereof with intent to utter and pass the same as true, the certificate, under oath, of the secretary of the Treasury or of the treasurer of the United States, or of the secretary or treasurer of any state in whose behalf such note, certificate, bill of credit, or security purports to have been issued, shall be admitted as evidence for the purpose of proving the same to be forged or counterfeit.

History: (9900) *RL s 4741*

634.02 BANK NOTES.

In prosecutions for forging or counterfeiting any notes or bills of a banking company or corporation, or for uttering, publishing, or tendering in payment as true any such forged or counterfeit bills or notes, or for being possessed thereof with the intent to utter and pass them as true, the testimony of any person acquainted with the signature of the president or cashier of such bank, or who has knowledge of the difference in appearance of the true and counterfeit bills or notes thereof shall be competent to prove that any such bill or note is counterfeit, without calling such president or cashier.

History: (9901) *RL s 4742*

634.03 CONFESSION, INADMISSIBLE WHEN.

A confession of the defendant shall not be sufficient to warrant conviction without evidence that the offense charged has been committed; nor can it be given in evidence against the defendant whether made in the course of judicial proceedings or to a private person, when made under the influence of fear produced by threats.

History: (9902) *RL s 4743; 1986 c 444*

634.031 EVIDENCE OF ACCOMPLICE.

Any person may be convicted for violation of sections 609.75 to 609.76 on the person's own confession out of court, or upon the testimony of an accomplice.

History: (10223) *RL s 4973; 1963 c 753 art 2 s 10; 1986 c 444*

634.04 UNCORROBORATED EVIDENCE OF ACCOMPLICE.

A conviction cannot be had upon the testimony of an accomplice, unless it is corroborated by such other evidence as tends to convict the defendant of the commission of the offense, and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof.

History: (9903) RL s 4744

634.05 [Repealed, 1963 c 753 art 2 s 17]**634.051 PROOF OF DEATH, AND OF KILLING BY DEFENDANT.**

No person shall be convicted of murder or manslaughter unless the death of the person alleged to have been killed, and the fact of killing by the defendant, as alleged, are each established as independent facts beyond a reasonable doubt.

History: (10066) RL s 4875; 1981 c 147 s 1

634.06 RESIDENTS REQUIRED TO TESTIFY IN ANOTHER STATE.

(a) Upon presentation of a certificate from a judge of a court of record in any state that may require persons within that state to attend and testify in criminal actions or grand jury investigations in this state stating that (1) there is a criminal action pending in the court or a grand jury investigation has commenced or is about to be commenced; (2) a person within this state is a material witness in the action or grand jury investigation; and (3) the person's presence will be required for a specified number of days at the trial or grand jury investigation; a judge of the district court of the county where the person resides, or where the person is found if not a resident of this state, shall set a time and place for a hearing and notify the person of the time and place.

(b) If at the hearing the judge determines that (1) the person is a material and necessary witness; (2) it will not cause undue hardship to the person to be compelled to attend and testify in the other state; and (3) the laws of the state where the person will testify and of any other state that the person may be required to pass through by ordinary course of travel will provide protection from arrest and the service of civil and criminal process; the judge shall make an order, with a copy of the certificate attached, directing the person to attend and testify at the time and place specified in the certificate.

(c) If the person, after being paid by an authorized person reasonable travel and lodging expenses and \$25 for each day the person is required to travel and attend as a witness, fails without good cause to attend and testify as directed by the order, the person is guilty of constructive contempt of court.

History: (9819-1) 1935 c 140 s 1; 1953 c 34 s 1; 1955 c 812 s 1; 1985 c 151 s 1

634.07 NONRESIDENTS REQUIRED TO TESTIFY IN THIS STATE.

If a person, in any state which by its laws has made provision for commanding persons within that state to attend and testify either for the prosecution or the defense in criminal actions, or for the purpose of a grand jury investigation which has commenced or is about to be commenced, in this state, is a material witness in an action pending in a district court, or a grand jury investigation which has commenced or is about to be commenced, in this state, a judge of such court may issue a certificate, under the seal of the court, stating these facts and specifying the number of days the witness will be required. This certificate shall be presented to a judge of a court of record in the county in which the witness resides, or the county in which the witness is found if not a resident of that state.

If the witness is ordered by the court to attend and testify in a criminal action or a grand jury investigation in this state the witness shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending, or the place where the grand jury investigation has commenced or is about to be commenced, and \$5 for each day that the witness is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of

the order of the court shall not be required to remain within this state a longer period of time than the period mentioned in the certificate.

History: (9819-2) 1935 c 140 s 2; 1955 c 812 s 2; 1986 c 444

634.08 EXEMPTIONS; ARREST, SERVICE OF PROCESS.

If a person comes into this state in obedience to a court order directing the person's attendance and testimony in a criminal action or grand jury investigation in this state the person shall not, while in this state, pursuant to such court order, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before entrance into this state under such order.

If a person passes through this state while going to another state in obedience to a court order requiring the person's attendance and testimony in a criminal action or grand jury investigation in that state or while returning therefrom, the person shall not, while so passing through this state, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before entrance into this state pursuant to such court order.

History: (9819-3) 1935 c 140 s 3; 1955 c 812 s 3; 1986 c 444

634.09 UNIFORMITY.

Sections 634.06 to 634.09 shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of the states which enact them.

History: (9819-4) 1935 c 140 s 4

634.15 ADMISSION INTO EVIDENCE OF CERTAIN CERTIFICATES OF ANALYSIS AND BLOOD SAMPLE REPORTS.

Subdivision 1. **Certificates of analysis; blood sample reports; chain of custody.** In any hearing or trial of a criminal offense or petty misdemeanor or proceeding pursuant to section 169A.53, subdivision 3, the following documents shall be admissible in evidence:

(a) a report of the facts and results of any laboratory analysis or examination if it is prepared and attested by the person performing the laboratory analysis or examination in any laboratory operated by the Bureau of Criminal Apprehension or authorized by the bureau to conduct an analysis or examination, or in any laboratory of the Federal Bureau of Investigation, the federal Postal Inspection Service, the federal Bureau of Alcohol, Tobacco and Firearms, or the federal Drug Enforcement Administration;

(b) a report of a blood sample withdrawn under the implied consent law if:

(i) The report was prepared by the person who administered the test;

(ii) The person who withdrew the blood sample was competent to administer the test under section 169A.51, subdivision 7; and

(iii) The report was prepared consistent with any applicable rules promulgated by the commissioner of public safety; and

(c) a verified chain of custody of a specimen while under the control of a laboratory described in clause (a).

A report described in clause (a) purported to be signed by the person performing the analysis or examination in a laboratory named in that clause, or a blood sample report described in clause (b) purported to be signed by the person who withdrew the blood sample shall be admissible as evidence without proof of the seal, signature or official character of the person whose name is signed to it. The signature in clause (a) or (b) can be written or in electronic format.

Subd. 2. **Testimony at trial.** Except in civil proceedings, including proceedings under section 169A.53, an accused person or the accused person's attorney may request, by notifying the prosecuting attorney at least ten days before the trial, that the following persons testify in person at the trial on behalf of the state:

(a) A person who performed the laboratory analysis or examination for the report described in subdivision 1, clause (a); or

(b) A person who prepared the blood sample report described in subdivision 1, clause (b).

If a petitioner in a proceeding under section 169A.53 subpoenas a person described in paragraph (a) or (b) to testify at the proceeding, the petitioner is not required to pay the person witness fees under section 357.22 in excess of \$100.

History: 1980 c 553 s 3; 1982 c 423 s 14; 1986 c 444; 1Sp1997 c 2 s 65; 2000 c 478 art 2 s 7; 2002 c 301 s 1; 2003 c 29 s 1

634.16 ADMISSION INTO EVIDENCE OF RESULTS OF APPROVED BREATH TESTS.

In any civil or criminal hearing or trial, the results of a breath test, when performed by a person who has been fully trained in the use of an infrared or other approved breath-testing instrument, as defined in section 169A.03, subdivision 11, pursuant to training given or approved by the commissioner of public safety or the commissioner's acting agent, are admissible in evidence without antecedent expert testimony that an infrared or other approved breath-testing instrument provides a trustworthy and reliable measure of the alcohol in the breath.

History: 1984 c 430 s 9; 1986 c 444; 2000 c 478 art 2 s 7; 2003 c 96 s 6

634.20 EVIDENCE OF CONDUCT.

Evidence of similar conduct by the accused against the victim of domestic abuse, or against other family or household members, is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. "Similar conduct" includes, but is not limited to, evidence of domestic abuse, violation of an order for protection under section 518B.01; violation of a harassment restraining order under section 609.748; or violation of section 609.749 or 609.79, subdivision 1. "Domestic abuse" and "family or household members" have the meanings given under section 518B.01, subdivision 2.

History: 1985 c 159 s 3; 1998 c 367 art 5 s 10; 2000 c 437 s 19; 2002 c 314 s 9

DNA EVIDENCE

634.25 ADMISSIBILITY OF RESULTS OF DNA ANALYSIS.

In a civil or criminal trial or hearing, the results of DNA analysis, as defined in section 299C.155, are admissible in evidence without antecedent expert testimony that DNA analysis provides a trustworthy and reliable method of identifying characteristics in an individual's genetic material upon a showing that the offered testimony meets the standards for admissibility set forth in the Rules of Evidence.

History: 1989 c 290 art 4 s 18; 1989 c 356 s 55

634.26 STATISTICAL PROBABILITY EVIDENCE.

In a civil or criminal trial or hearing, statistical population frequency evidence, based on genetic or blood test results, is admissible to demonstrate the fraction of the population that would have the same combination of genetic markers as was found in a specific human biological specimen. "Genetic marker" means the various blood types or DNA types that an individual may possess.

History: 1989 c 290 art 4 s 19

OUT-OF-STATE EVIDENCE

634.30 EVIDENCE OBTAINED IN FOREIGN JURISDICTIONS.

Relevant evidence shall not be excluded in any criminal trial or hearing or in any proceeding arising under section 169A.53 on the ground that it existed or was obtained outside of this state.

History: 1990 c 449 s 4; 2000 c 478 art 2 s 7

VIDEOTAPES OF CHILD VICTIMS

634.35 VIDEOTAPES OF CHILD VICTIMS; CONDITIONS OF DISCLOSURE.

(a) If a videotaped interview of a child victim of physical or sexual abuse is disclosed by a prosecuting attorney to a defendant or the defendant's attorney, the following applies:

(1) no more than two copies of the tape or any portion of the tape may be made by the defendant or the defendant's attorney, investigator, expert, or any other representative or agent of the defendant;

(2) the tapes may not be used for any purpose other than to prepare for the defense in the criminal action against the defendant;

(3) the tapes may not be publicly exhibited, shown, displayed, used for educational, research, or demonstrative purposes, or used in any other fashion, except in judicial proceedings in the criminal action against the defendant;

(4) the tapes may be viewed only by the defendant, the defendant's attorney, and the attorney's employees, investigators, and experts;

(5) no transcript of the tapes, nor the substance of any portion of the tapes, may be divulged to any person not authorized to view the tapes;

(6) no person may be granted access to the tapes, any transcription of the tapes, or the substance of any portion of the tapes unless the person has first signed a written agreement that the person is aware of this statute and acknowledges that the person is subject to the court's contempt powers for any violation of it; and

(7) upon final disposition of the criminal case against the defendant, the tapes and any transcripts of the tapes must be returned to the prosecuting attorney.

(b) The court may hold a person who violates this section in contempt.

History: 2003 c 116 s 6