Title: chapters-609-624/chapter-609

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.015 — Scope And Effect.

Subdivision 1.Common law crimes abolished.Common law crimes are abolished and no act or omission is a crime unless made so by this chapter or by other applicable statute, but this does not prevent the use of common law rules in the construction or interpretation of the provisions of this chapter or other statute. Crimes committed prior to September 1, 1963, are not affected thereby. Subd. 2.Applicability.Unless expressly stated otherwise, or the context otherwise requires, the provisions of this chapter also apply to crimes created by statute other than in this chapter. 1963 c 753 art 1 s 609.015

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.025 — Jurisdiction Of State.

A person may be convicted and sentenced under the law of this state if the person: (1) commits an offense in whole or in part within this state; or (2) being without the state, causes, aids or abets another to commit a crime within the state; or (3) being without the state, intentionally causes a result within the state prohibited by the criminal laws of this state. It is not a defense that the defendant's conduct is also a criminal offense under the laws of another state or of the United States or of another country. 1963 c 753 art 1 s 609.025; Ex1971 c 27 s 44; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.03 — Punishment When Not Otherwise Fixed.

If a person is convicted of a crime for which no punishment is otherwise provided the person may be sentenced as follows: (1) If the crime is a felony, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both; or (2) If the crime is a gross misdemeanor, to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both; or (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both; or (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than $1,000, or to imprisonment for a specified term of not more than six months if the fine is not paid. 1963 c 753 art 1 s 609.03; 1969 c 735 s 4; 1977 c 355 s 3; 1983 c 331 s 6; 1986 c 444; 2000 c 488 art 5 s 4; 2023 c 52 art 6 s 5

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.033 — Maximum Penalties; Misdemeanors.

Any law of this state which provides for a maximum fine of $700 as a penalty for a misdemeanor shall, on or after August 1, 2000, be deemed to provide for a maximum fine of $1,000. 1983 c 331 s 7; 2000 c 488 art 5 s 5

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.0331 — Maximum Penalties; Petty Misdemeanors.

A law of this state that provides, on or after August 1, 2000, for a maximum penalty of $200 for a petty misdemeanor is considered to provide for a maximum fine of $300. 1987 c 329 s 4; 1992 c 464 art 1 s 49; 1994 c 636 art 2 s 13; 2000 c 488 art 5 s 6

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.034 — Maximum Penalty; Ordinance Violations.

Any law of this state or municipal charter which limits the power of any statutory or home rule charter city, town, county, or other political subdivision to prescribe a maximum fine of $700 or less for an ordinance shall on or after August 1, 2000, be deemed to provide that the statutory or home rule charter city, town, county, or other political subdivision has the power to prescribe a maximum fine of $1,000. 1983 c 331 s 8; 2000 c 488 art 5 s 8

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.0342 — Maximum Punishment For Gross Misdemeanors.

(a) Any law of this state that provides for a maximum sentence of imprisonment of one year or is defined as a gross misdemeanor shall be deemed to provide for a maximum fine of $3,000 and a maximum sentence of imprisonment of 364 days. (b) Any sentence of imprisonment for one year or 365 days imposed or executed before July 1, 2023, shall be deemed to be a sentence of imprisonment for 364 days. A court may at any time correct or reduce such a sentence pursuant to rule 27.03, subdivision 9, of the Rules of Criminal Procedure and shall issue a corrected sentencing order upon motion of any eligible defendant. 2023 c 52 art 6 s 6

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.035 — Crime Punishable Under Different Provisions.

Subdivision 1.Conduct; multiple crimes; chargeable for one offense.Except as provided in subdivisions 2, 3, 4, and 5, and in sections 609.2114, subdivision 3, 609.251, 609.2691, 609.486, 609.494, 609.585, and 609.856, and Minnesota Statutes 2012, section 609.21, subdivision 1b, if a person's conduct constitutes more than one offense under the laws of this state, the person may be punished for

only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts. Subd. 2.Consecutive sentences.(a) When a person is being sentenced for a violation of a provision listed in paragraph (e), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (e), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b), (c), and (f). (b) When a person is being sentenced for a violation of section 171.09, 171.20, 171.24, or 171.30, the court may not impose a consecutive sentence for another violation of a provision in chapter 171. (c) When a person is being sentenced for a violation of section 169.791 or 169.797, the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995. (d) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135. (e) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions as defined in section 169A.03 within the past ten years: (1) section 169A.20, subdivision 1, driving while impaired; (2) section 169A.20, subdivision 2, test refusal; (3) section 169.791, failure to provide proof of insurance; (4) section 169.797, failure to provide vehicle insurance; (5) section 171.09, violation of condition of restricted license; (6) section 171.20, subdivision 2, operation after revocation, suspension, cancellation, or disqualification; (7) section 171.24, driving without valid license; and (8) section 171.30, violation of condition of limited license. (f) When a court is sentencing an offender for a violation of section 169A.20 and a violation of an offense listed in paragraph (e), and the offender has five or more qualified prior impaired driving incidents, as defined in section 169A.03, within the past ten years, the court shall sentence the offender to serve consecutive sentences for the offenses, notwithstanding the fact that the offenses arose out of the same course of conduct. [See Note.] Subd. 3.Exception; firearms offenses.Notwithstanding section 609.04, a prosecution for or conviction of a violation of section 609.165 or 624.713, subdivision 1, clause (2), is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. Subd. 4.Exception; arson offenses.Notwithstanding section 609.04, a prosecution for or conviction of a violation of sections 609.561 to 609.563 or 609.5641 is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct when the defendant is shown to have violated sections 609.561 to 609.563 or 609.5641 for the purpose of concealing any other crime. For purposes of the Sentencing Guidelines, a violation of sections 609.561 to 609.563 or 609.5641 is a crime against the person. Subd. 5.Exception; fleeing a peace officer.Notwithstanding subdivision 1, a prosecution or conviction for violating section 609.487 is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. If an offender is punished for more than one crime as authorized by this subdivision and the court imposes consecutive sentences for the crimes, the consecutive sentences are not a departure from the Sentencing Guidelines. Subd. 6.Exception; criminal sexual conduct offenses.Notwithstanding subdivision 1, a prosecution or conviction for committing a violation of sections 609.342 to 609.345 with force or violence is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. If an offender is punished for more than one crime as authorized by this subdivision and the court imposes consecutive sentences for the crimes, the consecutive sentences are not a departure from the Sentencing Guidelines. History:1963 c 753 art 1 s 609.035; 1983 c 139 s 1; 1986 c 388 s 1; 1986 c 444; 1987 c 111 s 1; 1993 c 326 art 4 s 13; 1994 c 615 s 23; 1996 c 408 art 4 s 2,3; 1997 c 239 art 8 s 28,29; 1999 c 194 s 6; 1999 c 216 art 3 s 4-6; 2000 c 311 art 4 s 1; 2000 c 478 art 2 s 4; 1Sp2001 c 8 art 12 s 16; 2007 c 54 art 3 s 14; 2009 c 83 art 2 s 37; 2014 c 180 s 9; 2023 c 25 s 187 NOTE:Subdivision 2, paragraph (f), was found unconstitutional inState v. Blooflat, 671 N.W.2d 591 (Minn. Ct. App. 2003).

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.04 — Conviction Of Lesser Offense.

Subdivision 1.Lesser offense prosecution.Upon prosecution for a crime, the actor may be convicted of either the crime charged or an included offense, but not both. An included offense may be any of the following: (1) a lesser degree of the same crime; or (2) an attempt to commit the crime charged; or (3) an attempt to commit a lesser degree of the same crime; or (4) a crime necessarily proved if the crime charged were proved; or (5) a petty misdemeanor necessarily proved if the misdemeanor charge were proved. Subd. 2.Conviction; bar to prosecution.A conviction or acquittal of a crime is a bar to further prosecution of any included offense, or other degree of the same crime. 1963 c 753 art 1 s 609.04; Ex1971 c 27 s 45

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.041 — Proof Of Prior Convictions.

In a criminal prosecution in which the degree of the crime or the penalty for the crime depends, in whole or in part, on proof of the existence of a prior conviction, if the defendant contests the existence of or factual basis for a prior conviction, proof of it is established by competent and reliable evidence, including a certified court record of the conviction. 1988 c 520 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.045 — Foreign Conviction Or Acquittal.

If an act or omission in this state constitutes a crime under both the laws of this state and the laws of another jurisdiction, a conviction or acquittal of the crime in the other jurisdiction shall not bar prosecution for the crime in this state unless the elements of

both law and fact are identical. 1963 c 753 art 1 s 609.045; 1983 c 152 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.05 — Liability For Crimes Of Another.

Subdivision 1.Aiding, abetting; liability.A person is criminally liable for a crime committed by another if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime. Subd. 2.Expansive liability.A person liable under subdivision 1 is also liable for any other crime committed in pursuance of the intended crime if reasonably foreseeable by the person as a probable consequence of committing or attempting to commit the crime intended. Subd. 2a.Exception.(a) A person may not be held criminally liable for a violation of section 609.185, paragraph (a), clause (3), for a death caused by another unless the person intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the other with the intent to cause the death of a human being. (b) A person may not be held criminally liable for a violation of section 609.19, subdivision 2, clause (1), for a death caused by another unless the person was a major participant in the underlying felony and acted with extreme indifference to human life. (c) As used in this subdivision, "major participant" means a person who: (1) used a deadly weapon during the commission of the underlying felony or provided a deadly weapon to another participant where it was reasonably foreseeable that the weapon would be used in the underlying felony; (2) caused substantial bodily harm to another during the commission of the underlying felony; (3) coerced or hired a participant to undertake actions in furtherance of the underlying felony that proximately caused the death, and where it was reasonably foreseeable that such actions would cause death or great bodily harm; or (4) impeded another person from preventing the death either by physical action or by threat of physical action where it was reasonably foreseeable that death or great bodily harm would result. Subd. 3.Abandonment of criminal purpose.A person who intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit a crime and thereafter abandons that purpose and makes a reasonable effort to prevent the commission of the crime prior to its commission is not liable if the crime is thereafter committed. Subd. 4.Circumstances of conviction.A person liable under this section may be charged with and convicted of the crime although the person who directly committed it has not been convicted, or has been convicted of some other degree of the crime or of some other crime based on the same act, or if the person is a juvenile who has not been found delinquent for the act. Subd. 5.Definition.For purposes of this section, a crime also includes an act committed by a juvenile that would be a crime if committed by an adult. 1963 c 753 art 1 s 609.05; 1986 c 444; 1991 c 279 s 22,23; 2023 c 52 art 4 s 3

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.055 — Capability Of Children To Commit Crime.

Subdivision 1.General rule.Children under the age of 14 years are incapable of committing crime. Subd. 2.Adult prosecution.(a) Except as otherwise provided in paragraph (b), children of the age of 14 years or over but under 18 years may be prosecuted for a felony offense if the alleged violation is duly certified for prosecution under the laws and court procedures controlling adult criminal violations or may be designated an extended jurisdiction juvenile in accordance with the provisions of chapter 260B. A child who is 16 years of age or older but under 18 years of age is capable of committing a crime and may be prosecuted for a felony if: (1) the child has been previously certified on a felony charge pursuant to a hearing under section 260B.125, subdivision 2, or pursuant to the waiver of the right to such a hearing, or prosecuted pursuant to this subdivision; and (2) the child was convicted of the felony offense or offenses for which the child was prosecuted or of a lesser included felony offense. (b) A child who is alleged to have committed murder in the first degree after becoming 16 years of age is capable of committing a crime and may be prosecuted for the felony. This paragraph does not apply to a child alleged to have committed attempted murder in the first degree after becoming 16 years of age. 1963 c 753 art 1 s 609.055; 1992 c 571 art 7 s 12; 1994 c 576 s 45; 1995 c 226 art 3 s 47; 1999 c 139 art 4 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.06 — Authorized Use Of Force.

Subdivision 1.When authorized.Except as otherwise provided in subdivisions 2 to 4, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist: (1) when used by a public officer or one assisting a public officer under the public officer's direction: (i) in effecting a lawful arrest; or (ii) in the execution of legal process; or (iii) in enforcing an order of the court; or (iv) in executing any other duty imposed upon the public officer by law; or (2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or (3) when used by any person in resisting or aiding another to resist an offense against the person; or (4) when used by any person in lawful possession of real or personal property, or by another assisting the person in lawful possession, in resisting a trespass upon or other unlawful interference with such property; or (5) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or (6) when used by a parent, guardian, or other lawful custodian of a child, in the exercise of lawful authority, to restrain or correct such child; or (7) when used by a teacher, school principal, school employee, school bus driver, or other agent of a district in the exercise of lawful authority, to restrain a child or pupil to prevent bodily harm or death to the child, pupil, or another; or (8) when used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to the passenger's personal safety; or (9) when used to restrain a person with a mental illness or a person with a developmental disability from self-injury or injury to another or when used by one with authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or

treatment; or (10) when used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, conduct, or treatment of the committed person. Subd. 2.Deadly force used against peace officers.Deadly force may not be used against peace officers who have announced their presence and are performing official duties at a location where a person is committing a crime or an act that would be a crime if committed by an adult. Subd. 3.Limitations on the use of certain restraints.(a) A peace officer may not use any of the following restraints unless section 609.066 authorizes the use of deadly force to protect the peace officer or another from death or great bodily harm: (1) a choke hold; (2) tying all of a person's limbs together behind the person's back to render the person immobile; or (3) securing a person in any way that results in transporting the person face down in a vehicle. (b) For the purposes of this subdivision, "choke hold" means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries. Subd. 4.Use of force not authorized; reaction to victim's sexual orientation or gender identity.Force may not be used against another based on the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived sexual orientation, gender identity, or gender expression. 1963 c 753 art 1 s 609.06; 1986 c 444; 1993 c 326 art 1 s 4; 1996 c 408 art 3 s 12; 2002 c 221 s 46; 2013 c 59 art 3 s 16; 2013 c 62 s 28; 2Sp2020 c 1 s 7,8; 2024 c 78 s 7; 2024 c 123 art 6 s 4,5

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.065 — Justifiable Taking Of Life.

The intentional taking of the life of another is not authorized by section 609.06, except when necessary in resisting or preventing an offense which the actor reasonably believes exposes the actor or another to great bodily harm or death, or preventing the commission of a felony in the actor's place of abode. 1963 c 753 art 1 s 609.065; 1978 c 736 s 1; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.066 — Authorized Use Of Deadly Force By Peace Officers.

Subdivision 1.Deadly force defined.For the purposes of this section, "deadly force" means force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm, other than a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force. "Less lethal munitions" means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person. "Peace officer" has the meaning given in section 626.84, subdivision 1. Subd. 1a.Legislative intent.The legislature hereby finds and declares the following: (1) that the authority to use deadly force, conferred on peace officers by this section, is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law; (2) as set forth below, it is the intent of the legislature that peace officers use deadly force only when necessary in defense of human life or to prevent great bodily harm. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case; (3) that the decision by a peace officer to use deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using deadly force; and (4) that peace officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers. Subd. 2.Use of deadly force.(a) Notwithstanding the provisions of section 609.06 or 609.065, the use of deadly force by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary: (1) to protect the peace officer or another from death or great bodily harm, provided that the threat: (i) can be articulated with specificity; (ii) is reasonably likely to occur absent action by the law enforcement officer; and (iii) must be addressed through the use of deadly force without unreasonable delay; or (2) to effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause (1), items (i) to (iii), unless immediately apprehended. (b) A peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (a), clause (1), items (i) to (iii). Subd. 3.No defense.This section and sections 609.06, 609.065 and 629.33 may not be used as a defense in a civil action brought by an innocent third party. 1978 c 736 s 2; 1986 c 444; 2001 c 127 s 1; 2Sp2020 c 1 s 9,10; 2023 c 52 art 10 s 8

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.075 — Defenses; Intoxication, Reaction To Victim's Sexual Orientation Or Gender Identity.

Subdivision 1.Intoxication as defense.An act committed while in a state of voluntary intoxication is not less criminal by reason thereof, but when a particular intent or other state of mind is a necessary element to constitute a particular crime, the fact of intoxication may be taken into consideration in determining such intent or state of mind. Subd. 2.Reaction to victim's sexual orientation or gender identity.It is not a defense to a crime that the defendant acted based on the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived sexual orientation, gender identity, or gender expression. 1963 c 753 art 1 s 609.075; 2024 c 123 art 6 s 6

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.08 — Duress.

Except as provided in section 609.20, clause (3), when any crime is committed or participated in by two or more persons, any one of whom participates only under compulsion by another engaged therein, who by threats creates a reasonable apprehension in the mind of such participator that in case of refusal that participator is liable to instant death, such threats and apprehension constitute duress which will excuse such participator from criminal liability. 1963 c 753 art 1 s 609.08; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.085 — Sending Written Communication.

Subdivision 1.Definition of offense.When the sending of a letter or other written communication is made an offense, the offense is complete upon deposit of the letter or communication in any official depository of mail or given to another for the purpose of delivery to the receiver. Subd. 2.Venue.The offense is committed in both the county in which the letter is so deposited or given and the county in which it is received by the person for whom it is intended. 1963 c 753 art 1 s 609.085

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.09 — Compelling Testimony; Immunity From Prosecution.

Subdivision 1.Conditions of immunity.In any criminal proceeding, including a grand jury proceeding, paternity proceeding, or proceeding in juvenile court, if it appears a person may be entitled to refuse to answer a question or produce evidence of any other kind on the ground that the person may be incriminated thereby, and if the prosecuting attorney, in writing, requests the chief judge of the district or a judge of the court in which the proceeding is pending to order that person to answer the question or produce the evidence, the judge, after notice to the witness and hearing, shall so order if the judge finds that to do so would not be contrary to the public interest and would not be likely to expose the witness to prosecution in another state or in the federal courts. After complying, and if, but for this section, the witness would have been privileged to withhold the answer given or the evidence produced by the witness, no testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony or other information may be used against the witness in any criminal case, but the witness may be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or in failing to answer, or in producing, or failing to produce, evidence in accordance with the order. Subd. 2.Testimony required; no use of testimony for prosecution.In every case not provided for in subdivision 1 and in which it is provided by law that a witness shall not be excused from giving testimony tending to be self-incriminating, no person shall be excused from testifying or producing any papers or documents on the ground that doing so may tend to criminate the person or subject the person to a penalty or forfeiture; but no testimony or other information directly or indirectly derived from such testimony or other information may be used against the witness in any criminal case, except for perjury committed in such testimony. 1963 c 753 art 1 s 609.09; 1969 c 661 s 1; 1981 c 293 s 1; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.092 — Juvenile Petty Offenders; Use Of Restorative Justice.

Subdivision 1.First-time juvenile petty offenders; applicability; procedure.(a) This subdivision applies to a child alleged to be a juvenile petty offender who: (1) has not been previously adjudicated delinquent or as a petty offender; (2) has not previously participated in or completed a diversion program for an offense; (3) has not previously been placed on probation without an adjudication for an offense or received a continuance under section 260B.198, subdivision 7; and (4) agrees to successfully complete a restorative justice program under this section. (b) Subject to subdivision 6, the prosecutor shall refer a child described in paragraph (a) to a restorative justice program or provider that has been included on the approved provider list described in subdivision 4. The program or provider shall arrange an appropriate outcome for the matter using restorative justice concepts. The program or provider shall involve the victim of the offense in the proceedings. If the victim is unwilling or unable to proceed, or if there is no identifiable victim, the program or provider shall ensure that someone serves as a proxy for the victim. The program or provider and child, along with other participants, shall agree in writing to an appropriate sanction for the child. The sanction may include any of the dispositions authorized in section 260B.235, if appropriate, along with any other sanctions agreed to. Subd. 2.Failure to comply.If a person fails to comply with the settlement agreement, the person shall be referred back to the court for further proceedings. Subd. 3.Dismissal of charge.Upon the successful completion by a person of the sanctions agreed to in the settlement agreement, the program or provider shall notify the court and the court shall dismiss the charge against the person. Subd. 4.Approved list.The prosecutor shall maintain a list of approved restorative justice programs and providers to which persons may be referred under this section. Subd. 5.Preference for culturally specific programs.If a restorative justice program or provider that is tailored in a more

culturally specific manner to the person is on the list of approved providers under subdivision 4, and the prosecutor is referring the person to a restorative justice program or provider under this section, the prosecutor shall refer the person to the more appropriate program or provider. Subd. 6.Exceptions; availability of programs; diversion alternatives; domestic abuse.This section applies only in jurisdictions where suitable restorative justice programs and providers are available and are able to accept the referral. This section does not apply if a prosecutor has determined that a nonrestorative justice diversion program is more appropriate for the person. In addition, this section does not apply to cases involving domestic violence or domestic assault. Subd. 7.Definition.As used in this section, "restorative justice" has the meaning given in section 611A.775. The term also includes Native American sentencing circles. 2009 c 83 art 2 s 38

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.095 — Limits Of Sentences.

(a) The legislature has the exclusive authority to define crimes and offenses and the range of the sentences or punishments for their violation. No other or different sentence or punishment shall be imposed for the commission of a crime than is authorized by this chapter or other applicable law. (b) Except as provided in section 152.18, 609.1056, 609.375, or upon agreement of the parties, a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial. A decision by the court to issue a stay of adjudication under this paragraph for a charge of violating section 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, must be justified in writing and on the record. (c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04. 1963 c 753 art 1 s 609.095; 1998 c 367 art 6 s 1; 2001 c 158 s 6; 1Sp2019 c 5 art 4 s 1; 1Sp2021 c 12 art 3 s 12

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.10 — Sentences Available.

Subdivision 1.Sentences available.(a) Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows: (1) to life imprisonment; or (2) to imprisonment for a fixed term of years set by the court; or (3) to both imprisonment for a fixed term of years and payment of a fine; or (4) to payment of a fine without imprisonment or as an intermediate sanction on a stayed sentence; or (5) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or (6) to payment of a local correctional fee as authorized under section 609.102 in addition to any other sentence imposed by the court. (b) If the court imposes a fine or orders restitution under paragraph (a), payment is due on the date imposed unless the court otherwise establishes a due date or a payment plan. Subd. 2.Restitution.(a) As used in this section, "restitution" includes: (1) payment of compensation to the victim or the victim's family; and (2) if the victim is deceased or already has been fully compensated, payment of money to a victim assistance program or other program directed by the court. "Restitution" includes payment of compensation to a government entity that incurs loss as a direct result of a crime. (b) When the defendant does not pay the entire amount of court-ordered restitution and the fine at the same time, the court may order that all restitution shall be paid before the fine is paid. 1963 c 753 art 1 s 609.10; 1978 c 723 art 1 s 13; 1984 c 610 s 1; 1992 c 571 art 11 s 12; 1995 c 244 s 10; 1996 c 408 art 7 s 2; 1997 c 239 art 7 s 16; 2009 c 83 art 2 s 39

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.104 — Fine And Surcharge Collection.

Subdivision 1.Failure to pay restitution or fine.(a) Any portion of a fine, surcharge, court cost, restitution, or fee that the defendant fails to pay by the due date may be referred for collection under section 480.15, subdivision 10c. If the defendant has agreed to a payment plan but fails to pay an installment when due, the entire amount remaining becomes due and payable and may be referred for collection under section 480.15, subdivision 10c. (b) The defendant may contest the referral for collection based on inability to pay by requesting a hearing no later than the due date. The defendant shall be notified in writing at sentencing that under section 480.15, subdivision 10c, the court may refer the case for collection for nonpayment, and collection costs may be added to the amount due. The defendant shall also be notified in writing of the right to contest a referral for collection. The state court administrator shall develop the notice language. Subd. 2.Fine and surcharge collection.(a) A defendant's obligation to pay court-ordered fines, surcharges, court costs, restitution, and fees shall survive after the due date for a period set by the Judicial Council. (b) Any change in the collection period established by the Judicial Council shall be effective on court-ordered fines, surcharges, court costs, restitution, and fees imposed on or after July 1, 2009. (c) The period relating to a defendant's obligation to pay restitution under paragraph (a) does not limit the victim's right to collect restitution through other means such as a civil judgment. (d) Nothing in this subdivision extends the period of a defendant's stay of sentence imposition or execution. 2009 c 83 art 2 s 42

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.1055 — Offenders With Serious And Persistent Mental Illness; Alternative Placement.

When a court intends to commit an offender with a serious and persistent mental illness, as defined in section 245.462, subdivision 20, paragraph (c), to the custody of the commissioner of corrections for imprisonment at a state correctional facility, either when

initially pronouncing a sentence or when revoking an offender's probation, the court, when consistent with public safety, may instead place the offender on probation or continue the offender's probation and require as a condition of the probation that the offender successfully complete an appropriate supervised alternative living program having a mental health treatment component. This section applies only to offenders who would have a remaining term of imprisonment after adjusting for credit for prior imprisonment, if any, of one year or more. 1Sp2003 c 2 art 5 s 10; 2023 c 52 art 6 s 9

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.1056 — Military Veterans; Crimes Committed Because Of Conditions Resulting From Service; Discharge And Dismissal.

Subdivision 1.Definitions.As used in this section, the following terms have the meanings given: (1) "applicable condition" means sexual trauma, traumatic brain injury, posttraumatic stress disorder, substance abuse, or a mental health condition; (2) "eligible offense" means any misdemeanor or gross misdemeanor, and any felony that is ranked at severity level 7 or lower or D7 or lower on the Sentencing Guidelines grid; and (3) "veterans treatment court program" means a program that has the following essential characteristics: (i) the integration of services in the processing of cases in the judicial system; (ii) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants; (iii) early identification and prompt placement of eligible participants in the program; (iv) access to a continuum of alcohol, controlled substance, mental health, and other related treatment and rehabilitative services; (v) careful monitoring of treatment and services provided to program participants; (vi) a coordinated strategy to govern program responses to participants' compliance; (vii) ongoing judicial interaction with program participants; (viii) monitoring and evaluation of program goals and effectiveness; (ix) continuing interdisciplinary education to promote effective program planning, implementation, and operations; (x) development of partnerships with public agencies and community organizations, including the United States Department of Veterans Affairs; and (xi) inclusion of a participant's family members who agree to be involved in the treatment and services provided to the participant under the program. Subd. 1a.Eligibility assessment.(a) At any time before sentencing, a defendant who was, or currently is, a member of the United States military and who is charged with an eligible offense may request that the court determine whether the defendant is eligible for deferred prosecution under this section. (b) Upon making a request for an eligibility assessment, the defendant shall release or authorize access to military service reports and records relating to an alleged applicable condition stemming from service in the United States military. The court must file the records as confidential, and the records must remain sealed, except as provided in this paragraph. The defendant, through existing records or licensed professional evaluation, shall establish the diagnosis of the applicable condition and the condition's connection to military service. The court, on its motion or the prosecutor's motion with notice to defense counsel, may order the defendant to furnish to the court for in-camera review or to the prosecutor copies of all medical and military service reports and records previously or subsequently made concerning the defendant's condition and its connection to service. (c) The defendant is eligible for deferred prosecution under this section if the court determines by clear and convincing evidence that: (1) the defendant suffers from an applicable condition; (2) the condition stems from service in the United States military; and (3) the offense was committed as a result of the applicable condition. (d) If the defendant requests an eligibility assessment before a finding of guilty after trial or entry of a guilty plea, the court may make the finding required under paragraph (c), clause (3), based on the information in a citation or complaint and any accompanying police reports. (e) Within 15 days of the court's findings, either party may file a challenge and demand a hearing on the defendant's eligibility for deferred prosecution. Subd. 2.Deferred prosecution.(a) If the court finds a defendant eligible for deferred prosecution pursuant to subdivision 1a and the defendant is found guilty, after trial or upon a plea of guilty, the court shall defer prosecution as provided in this subdivision. (b) Except as provided in paragraph (c), the court shall, without entering a judgment of guilty, defer further proceedings and place a defendant who is eligible for deferred prosecution on probation upon such reasonable conditions as it may require and for a period not to exceed the maximum period provided by law. A court may extend a defendant's term of probation pursuant to section 609.135, subdivision 2, paragraphs (g) and (h). Conditions ordered by the court must include treatment, services, rehabilitation, and education sufficient so that if completed, the defendant would be eligible for discharge and dismissal under subdivision 3. If the court determines that a defendant suffers from a substance use disorder, the court shall order a Rule 25 assessment under Minnesota Rules, part 9530.6615, and order the defendant to follow the recommendations contained in the assessment. If the court determines that a defendant suffers from posttraumatic stress disorder, sexual trauma, traumatic brain injury, or other mental health conditions, the court shall order a mental health assessment conducted by a licensed mental health professional and follow the recommendations contained in the examiner's report. (c) If the court determines that the defendant is eligible for a deferred sentence but the defendant has previously received a deferred sentence for a felony offense under this subdivision, the court may, but is not required to, impose a deferred sentence. If the court does not impose a deferred sentence, the court may sentence the defendant as otherwise provided in law, including as provided in subdivision 4. (d) Upon violation of a condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided in law, including as provided in subdivision 4. (e) As a condition of probation, the court may order the defendant to attend a local, state, federal, or private nonprofit treatment program for a period not to exceed the maximum period for which the defendant could have been incarcerated. (f) The court, when issuing an order under this subdivision that a defendant attend an established treatment program, shall give preference to a treatment program that has a history of successfully treating veterans who suffer from applicable conditions caused by military service, including but not limited to programs operated by the United States Department of Defense or Veterans Affairs. (g) The court and any assigned treatment program shall collaborate with, when available, the county veterans service officer and the

United States Department of Veterans Affairs to maximize benefits and services provided to the defendant. If an appropriate treatment provider is not available in the defendant's county of residence or public funding is not available, the Minnesota Department of Veterans Affairs shall coordinate with the United States Department of Veterans Affairs to locate an appropriate treatment program and sources to fund the cost of the defendant's participation in the program. (h) If available in the county or judicial district having jurisdiction over the case, the defendant may be supervised by a veterans treatment court program under subdivision 5. If there is a veterans treatment court that meets the requirements of subdivision 5 in the county in which the defendant resides or works, supervision of the defendant may be transferred to that county or judicial district veterans treatment court program. Upon the defendant's successful or unsuccessful completion of the program, the veterans treatment court program shall communicate this information to the court of original jurisdiction for further action. (i) Sentencing pursuant to this subdivision waives any right to administrative review pursuant to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53, subdivision 2, for a license revocation or cancellation imposed pursuant to section 169A.52, and also waives any right to administrative review pursuant to section 171.177, subdivision 10, or judicial review pursuant to section 171.177, subdivision 11, for a license revocation or cancellation imposed pursuant to section 171.177, if that license revocation or cancellation is the result of the same incident for which the defendant is being sentenced. Subd. 3.Discharge and dismissal.(a) Upon the expiration of the period of the defendant's probation, the court shall hold a hearing to discharge the defendant from probation and determine whether to dismiss the proceedings against a defendant who received a deferred sentence under subdivision 2. The hearing shall be scheduled so that the parties have adequate time to prepare and present arguments regarding the issue of dismissal. The parties may submit written arguments to the court prior to the date of the hearing and may make oral arguments before the court at the hearing. The defendant must be present at the hearing unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3). (b) The court shall provide notice to any identifiable victim of the offense at least 15 days before the hearing is held. Notice to victims of the offense under this subdivision must specifically inform the victim of the right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim as a result of the crime and the victim's recommendation on whether dismissal should be granted or denied. The judge shall consider the victim's statement when making a decision. If a victim notifies the prosecutor of an objection to dismissal and is not present at the hearing, the prosecutor shall make the objections known to the court. (c) The court shall dismiss proceedings against a defendant if the court finds by clear and convincing evidence that the defendant: (1) is in compliance with the conditions of probation; (2) has successfully completed court-ordered treatment and services to address the applicable condition caused by military service; (3) does not represent a danger to the health or safety of victims or others; and (4) has demonstrated significant benefit from court-ordered education, treatment, or rehabilitation to clearly show that a discharge and dismissal under this subdivision is in the interests of justice. (d) In determining the interests of justice, the court shall consider, among other factors, all of the following: (1) the defendant's completion and degree of participation in education, treatment, and rehabilitation as ordered by the court; (2) the defendant's progress in formal education; (3) the defendant's development of career potential; (4) the defendant's leadership and personal responsibility efforts; (5) the defendant's contribution of service in support of the community; (6) the level of harm to the community from the offense; (7) the level of harm to the victim from the offense with the court's determination of harm guided by the factors for evaluating injury and loss contained in the applicable victim's rights provisions of chapter 611A; and (8) the statement of the victim, if any. (e) If the court finds that the defendant does not qualify for discharge and dismissal under paragraph (c), the court shall enter an adjudication of guilt and proceed as otherwise provided in law, including as provided in subdivision 4. (f) Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of the discharge and dismissal shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the defendant. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open the not public record under this paragraph. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau, which shall make and maintain the not public record of the discharge and dismissal. The discharge and dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose. For purposes of this paragraph, "not public" has the meaning given in section 13.02, subdivision 8a. Subd. 3a.Reporting.(a) If the court imposes a deferred sentence under subdivision 2, paragraph (b), the court shall prepare a deferred sentence report containing the following information: (1) the name of the defendant; (2) the case number; (3) the underlying charge or charges; (4) the fact that proceedings have been deferred pursuant to this section; (5) the length of the term of probation ordered by the court; (6) the conditions of probation; and (7) a copy of the sentencing worksheet prepared pursuant to section 609.115, if a worksheet was prepared. (b) If the defendant violates a condition of probation and the court enters an adjudication of guilt as described in subdivision 2, paragraph (d), the court shall prepare a violation report containing the following information: (1) the name of the defendant; (2) the case number; (3) whether the violation was a technical violation as defined in section 244.195, subdivision 15, or involved allegation of a subsequent criminal act; and (4) the sentence announced by the court. (c) The deferred sentence report prepared under paragraph (a), any violation report prepared under paragraph (b), and a record of any discharge and dismissal prepared pursuant to subdivision 3 must be forwarded to the Sentencing Guidelines Commission. By January 15 of each year, the Sentencing Guidelines Commission shall provide a report to the committees and divisions with jurisdiction over public safety finance and policy and veterans and military affairs finance and policy that consists solely of summary data and includes: (1) the number of individuals who received a deferred sentence pursuant to subdivision 2, paragraph (b), in the previous year, disaggregated by county; (2) the number of

individuals who received an adjudication of guilt as described in subdivision 2, paragraph (d), in the previous year, disaggregated by county; (3) for the individuals identified in clause (2), the number who committed a technical violation of probation and the number alleged to have committed a subsequent criminal act; and (4) the number of proceedings dismissed pursuant to subdivision 3 in the previous year, disaggregated by county. (d) The report required under paragraph (c) may be submitted as a section of any other annual report required to be submitted by the Sentencing Guidelines Commission. Subd. 4.Sentencing departure; waiver of mandatory sentence.(a) This subdivision applies to defendants who plead or are found guilty of any criminal offense except one for which registration is required under section 243.166, subdivision 1b. (b) Prior to sentencing, a defendant described in paragraph (a) may present proof to the court that the defendant has, since the commission of the offense, engaged in rehabilitative efforts consistent with those described in this section. If the court determines that the defendant has engaged in substantial rehabilitative efforts and the defendant establishes by clear and convincing evidence that: (1) the defendant suffered from an applicable condition at the time of the offense; (2) the applicable condition was caused by service in the United States military; and (3) the offense was committed as a result of the applicable condition; the court may determine that the defendant is particularly amenable to probation and order a mitigated durational or dispositional sentencing departure or a waiver of any statutory mandatory minimum sentence applicable to the defendant. Subd. 5.Optional veterans treatment court program; procedures for eligible defendants.A county or judicial district may supervise probation under this section through a veterans treatment court using county veterans service officers appointed under sections 197.60 to 197.606, United States Department of Veterans Affairs veterans justice outreach specialists, probation agents, and any other rehabilitative resources available to the court. Subd. 6.Creation of county and city diversion programs; authorization.Any county or city may establish and operate a veterans pretrial diversion program for defendants eligible under subdivision 1 without penalty under section 477A.0175. "Pretrial diversion" means the decision of a prosecutor to refer a defendant to a diversion program on the condition that the criminal charges against the defendant shall be dismissed after a specified period of time or the case shall not be charged, if the defendant successfully completes the program of treatment recommended by the United States Department of Veterans Affairs or a local, state, federal, or private nonprofit treatment program. Subd. 7.Exception.This section does not apply to a person charged with an offense for which registration is required under section 243.166, subdivision 1b. 1Sp2021 c 12 art 3 s 13; 2023 c 19 s 1,2; 2024 c 123 art 6 s 7

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.106 — Heinous Crimes.

Subdivision 1.Terms.(a) As used in this section, "heinous crime" means: (1) a violation or attempted violation of section 609.185 or 609.19; (2) a violation of section 609.195 or 609.221; or (3) a violation of section 609.342, 609.343, or 609.344, if the offense was committed with force or violence. (b) "Previous conviction" means a conviction in Minnesota for a heinous crime or a conviction elsewhere for conduct that would have been a heinous crime under this chapter if committed in Minnesota. The term includes any conviction that occurred before the commission of the present offense of conviction, but does not include a conviction if 15 years have elapsed since the person was discharged from the sentence imposed for the offense. Subd. 2.Life without release.Except as provided in subdivision 3, the court shall sentence a person to life imprisonment without possibility of release under the following circumstances: (1) the person is convicted of first-degree murder under section 609.185, paragraph (a), clause (1), (2), (4), or (7), or murder of unborn child in the first degree under section 609.2661, clause (1) or (2); (2) the person is convicted of committing first-degree murder in the course of a kidnapping under section 609.185, paragraph (a), clause (3), or murder of unborn child in the first degree in the course of a kidnapping under section 609.2661, clause (3); or (3) the person is convicted of first-degree murder under section 609.185, paragraph (a), clause (3), (5), or (6), or murder of unborn child in the first degree under section 609.2661, clause (3), and the court determines on the record at the time of sentencing that the person has one or more previous convictions for a heinous crime. Subd. 3.Offender under age 18; life imprisonment.The court shall sentence a person who was under 18 years of age at the time of the commission of an offense under the circumstances described in subdivision 2 to imprisonment for life. 1998 c 367 art 2 s 6; art 6 s 3,15; 2002 c 401 art 1 s 13; 2005 c 136 art 2 s 5; art 17 s 9; 2015 c 21 art 1 s 98; 2023 c 52 art 18 s 8,9

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.107 — Mandatory Penalty For Certain Murderers.

When a person is convicted of violating section 609.19 or 609.195, the court shall sentence the person to the statutory maximum sentence for the offense if the person was previously convicted of a heinous crime as defined in section 609.106 and 15 years have not elapsed since the person was discharged from the sentence imposed for that conviction. The court may not stay the imposition or execution of the sentence, notwithstanding section 609.135. 1998 c 367 art 6 s 4

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.1095 — Increased Sentences For Certain Dangerous And Repeat Felony Offenders.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given. (b) "Conviction" means any of the following accepted and recorded by the court: a plea of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes a conviction by any court in Minnesota or another jurisdiction. (c) "Prior conviction" means a conviction that occurred before the offender committed the next felony resulting in a conviction and before the offense for which the offender is being sentenced under this section. (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of the following laws of this state or any similar laws of the United States or any other state: sections 152.137; 609.165; 609.185; 609.19;

609.195; 609.20; 609.205; 609.2112; 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1 or 1b; 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21. Subd. 2.Increased sentences for dangerous offender who commits third violent crime.Whenever a person is convicted of a violent crime that is a felony, and the judge is imposing an executed sentence based on a Sentencing Guidelines presumptive imprisonment sentence, the judge may impose an aggravated durational departure from the presumptive imprisonment sentence up to the statutory maximum sentence if the offender was at least 18 years old at the time the felony was committed, and: (1) the court determines on the record at the time of sentencing that the offender has two or more prior convictions for violent crimes; and (2) the fact finder determines that the offender is a danger to public safety. The fact finder may base its determination that the offender is a danger to public safety on the following factors: (i) the offender's past criminal behavior, such as the offender's high frequency rate of criminal activity or juvenile adjudications, or long involvement in criminal activity including juvenile adjudications; or (ii) the fact that the present offense of conviction involved an aggravating factor that would justify a durational departure under the Sentencing Guidelines. Subd. 3.Mandatory sentence for dangerous offender who commits third violent felony.(a) Unless a longer mandatory minimum sentence is otherwise required by law or the court imposes a longer aggravated durational departure under subdivision 2, a person who is convicted of a violent crime that is a felony must be committed to the commissioner of corrections for a mandatory sentence of at least the length of the presumptive sentence under the Sentencing Guidelines if the court determines on the record at the time of sentencing that the person has two or more prior felony convictions for violent crimes. The court shall impose and execute the prison sentence regardless of whether the guidelines presume an executed prison sentence. Any person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or work release, until that person has served the full term of imprisonment imposed by the court, notwithstanding sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. (b) For purposes of this subdivision, "violent crime" does not include a violation of section 152.023 or 152.024. Subd. 4.Increased sentence for offender who commits sixth felony.Whenever a person is convicted of a felony, and the judge is imposing an executed sentence based on a Sentencing Guidelines presumptive imprisonment sentence, the judge may impose an aggravated durational departure from the presumptive sentence up to the statutory maximum sentence if the factfinder determines that the offender has five or more prior felony convictions and that the present offense is a felony that was committed as part of a pattern of criminal conduct. 1998 c 367 art 6 s 7; 2005 c 136 art 7 s 16; art 16 s 11,12; 2014 c 180 s 9; 1Sp2021 c 11 art 2 s 29; 2023 c 52 art 20 s 16; 2024 c 123 art 6 s 8

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.117 — Dna Analysis Of Certain Offenders Required.

Subdivision 1.Upon sentencing.If an offender has not already done so, the court shall order an offender to provide a biological specimen for the purpose of DNA analysis as defined in section 299C.155 when: (1) the court sentences a person charged with committing or attempting to commit a felony offense and the person is convicted of that offense or of any offense arising out of the same set of circumstances; or (2) the juvenile court adjudicates a person a delinquent child who is petitioned for committing or attempting to commit a felony offense and is adjudicated delinquent for that offense or any offense arising out of the same set of circumstances. The biological specimen or the results of the analysis shall be maintained by the Bureau of Criminal Apprehension as provided in section 299C.155. Subd. 2.Before release.The commissioner of corrections or local corrections authority shall order a person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment when the person has not provided a biological specimen for the purpose of DNA analysis and the person: (1) was initially charged with committing or attempting to commit a felony offense and was convicted of that offense or of any offense arising out of the same set of circumstances, or the person has a past felony conviction in this or any other state; or (2) is serving a term of imprisonment in this state under a reciprocal agreement although convicted in another state of committing or attempting to commit a felony offense or of any offense arising out of the same set of circumstances if the person was initially charged with committing or attempting to commit a felony offense. The commissioner of corrections or local corrections authority shall forward the sample to the Bureau of Criminal Apprehension. Subd. 3.Offenders from other states.When the state accepts an offender from another state under the interstate compact authorized by section 243.1605, the acceptance is conditional on the offender providing a biological specimen for the purposes of DNA analysis as defined in section 299C.155, if the offender was initially charged with committing or attempting to commit a felony offense and was convicted of that offense or of any offense arising out of the same set of circumstances. The specimen must be provided under supervision of staff from the Department of Corrections or a Community Corrections Act county within 15 business days after the offender reports to the supervising agent. The cost of obtaining the biological specimen is the responsibility of the agency providing supervision. Subd. 4.After supervision expires.(a) Upon motion of a prosecuting authority, a court shall issue an order to show cause why an offender who should have been ordered or required to provide a biological specimen under this section but did not, should not now be ordered to provide one for the purposes of DNA analysis. This subdivision applies if the offender's sentence or supervision has expired. The prosecuting authority shall provide the court with an affidavit that: (1) identifies the offender by name and date of birth; (2) identifies the offender's last known address; (3) identifies the offender's charged offense, offense of conviction, and date of conviction; and (4) indicates that the Bureau of Criminal Apprehension database of biological specimens has been searched and the offender has not previously provided a biological

specimen for DNA analysis under this chapter. (b) The order to show cause shall direct the offender to appear before the court within 30 days after the order is served. The prosecutor shall serve the order to show cause upon the offender in the same manner as a civil summons. The offender may avoid appearing before the court by appearing at a place and time designated in the order and voluntarily providing the specimen. (c) Upon the offender's appearance before the court, and after an opportunity to be heard, the court may issue an order directing the offender to provide the specimen. (d) If the offender has failed to provide the specimen or appear before the court and the prosecuting authority makes a sufficient showing that the offender was properly served with the order to show cause, the court may issue an order: (1) requiring the offender to submit the specimen within 30 days from the date of the order at a designated location; (2) including the designated location's address, telephone number, and regular hours of operation; and (3) authorizing, if the offender fails or refuses to comply with the order to provide a specimen, a peace officer to detain and bring the offender before the court as soon as practicable to show cause why the specimen should not be obtained. (e) The local corrections authority shall mail the order in paragraph (d) to the offender's last known address. 1989 c 290 art 4 s 16; 1991 c 232 s 2; 1991 c 285 s 11; 1993 c 326 art 10 s 15; art 13 s 32; 1998 c 367 art 3 s 12,13; art 6 s 15; 1999 c 216 art 3 s 7-9; 1Sp2001 c 8 art 9 s 6; 2005 c 136 art 12 s 9; 2008 c 299 s 19; 2010 c 256 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.118 — Fingerprinting Required.

(a) When a person is convicted of a felony, gross misdemeanor, or targeted misdemeanor, as defined in section 299C.10, subdivision 1, or is adjudicated delinquent for a felony or gross misdemeanor, the court shall order the offender to immediately report to the law enforcement agency responsible for the collection of fingerprint and other identification data required under section 299C.10, regardless of the sentence imposed or executed. (b) Paragraph (a) does not apply if the person is remanded to the custody of a law enforcement agency or if the identification data was collected prior to the conviction or adjudication for the offense. (c) A person who fails to obey a court order under paragraph (a) is subject to probation revocation, contempt of court, or any other appropriate remedy. (d) This section does not limit or restrict any other statutory requirements or local policies regarding the collection of identification data. 1Sp2001 c 8 art 6 s 7

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.12 — Parole Or Discharge.

Subdivision 1.Authority; conditions.A person sentenced to the commissioner of corrections for imprisonment for a period less than life may be paroled or discharged at any time without regard to length of the term of imprisonment which the sentence imposes when in the judgment of the Supervised Release Board, and under the conditions the board imposes, the granting of parole or discharge would be most conducive to rehabilitation and would be in the public interest. Subd. 2.Parole required after certain term.If a sentence of more than five years has been imposed on a defendant for a crime authorizing a sentence of not more than ten years, the Supervised Release Board shall grant the defendant parole no later than the expiration of five years of imprisonment, less time granted for good behavior, unless the board determines with or without hearing that the defendant's parole would not be conducive to rehabilitation or would not be in the public interest. Subd. 3.Parole; board powers.All sentences to the Supervised Release Board for the imprisonment of the defendant are subject to the laws relating to parole and the powers of the Supervised Release Board, except as modified in subdivisions 1 and 2, and to all other laws relating to persons in said institutions and their imprisonment. 1963 c 753 art 1 s 609.12; 1973 c 654 s 15; 1975 c 271 s 6; 1983 c 274 s 18; 1986 c 444; 2023 c 52 art 18 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.125 — Sentence For Misdemeanor Or Gross Misdemeanor.

Subdivision 1.Sentences available.(a) Upon conviction of a misdemeanor or gross misdemeanor the court, if sentence is imposed, may, to the extent authorized by law, sentence the defendant: (1) to imprisonment for a definite term; or (2) to payment of a fine without imprisonment or as an intermediate sanction on a stayed sentence; or (3) to both imprisonment for a definite term and payment of a fine; or (4) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or (5) to payment of a local correctional fee as authorized under section 609.102 in addition to any other sentence imposed by the court; or (6) to perform work service in a restorative justice program in addition to any other sentence imposed by the court. (b) If the court imposes a fine or orders restitution under paragraph (a), payment is due on the date imposed unless the court otherwise establishes a due date or a payment plan. Subd. 2.Restitution.(a) As used in this section, "restitution" includes: (1) payment of compensation to the victim or the victim's family; and (2) if the victim is deceased or already has been fully compensated, payment of money to a victim assistance program or other program directed by the court. "Restitution" includes payment of compensation to a government entity that incurs loss as a direct result of a crime. (b) When the defendant does not pay the entire amount of court-ordered restitution and the fine at the same time, the court may order that all restitution shall be paid before the fine is paid. 1963 c 753 art 1 s 609.125; 1971 c 25 s 91; 1984 c 610 s 2; 1992 c 571 art 11 s 14; 1995 c 244 s 11; 1996 c 408 art 7 s 3; 1997 c 239 art 3 s 6; art 7 s 17; 2009 c 83 art 2 s 43

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.13 — Convictions Of Felony Or Gross Misdemeanor; When Deemed Misdemeanor Or Gross Misdemeanor.

Subdivision 1.Felony.Notwithstanding a conviction is for a felony: (1) the conviction is deemed to be for a misdemeanor or a gross misdemeanor if the sentence imposed is within the limits provided by law for a misdemeanor or gross misdemeanor as defined in section 609.02; or (2) the conviction is deemed to be for a misdemeanor if the imposition of the prison sentence is stayed, the defendant is placed on probation, and the defendant is thereafter discharged without a prison sentence. Subd. 2.Gross misdemeanor.Notwithstanding that a conviction is for a gross misdemeanor, the conviction is deemed to be for a misdemeanor if: (1) the sentence imposed is within the limits provided by law for a misdemeanor as defined in section 609.02; or (2) if the imposition of the sentence is stayed, the defendant is placed on probation, and the defendant is thereafter discharged without sentence. Subd. 3.Misdemeanors.If a defendant is convicted of a misdemeanor and is sentenced, or if the imposition of sentence is stayed, and the defendant is thereafter discharged without sentence, the conviction is deemed to be for a misdemeanor for purposes of determining the penalty for a subsequent offense. 1963 c 753 art 1 s 609.13; 1971 c 937 s 21; 1986 c 435 s 6; 1986 c 444; 1993 c 326 art 2 s 10

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.132 — Continuance For Dismissal.

The decision to offer or agree to a continuance of a criminal prosecution is an exercise of prosecutorial discretion resting solely with the prosecuting attorney. 1994 c 636 art 2 s 15

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.133 — Sentence Adjustment.

Subdivision 1.Definitions.As used in this section: (1) "prosecutor" means the attorney general, county attorney, or city attorney responsible for the prosecution of individuals charged with a crime; and (2) "victim" has the meaning given in section 611A.01. Subd. 2.Prosecutor-initiated sentence adjustment.The prosecutor for the jurisdiction responsible for the prosecution of an individual convicted of a crime may commence a proceeding to adjust the sentence of that individual at any time after the initial sentencing provided the prosecutor does not seek to increase the period of confinement or, if the individual is serving a stayed sentence, increase the period of supervision. Subd. 3.Review by prosecutor.(a) A prosecutor may review individual cases at the prosecutor's discretion. (b) Prior to filing a petition under this section, a prosecutor shall make a reasonable and good faith effort to seek input from any identifiable victim and shall consider the impact an adjusted sentence would have on the victim. (c) The commissioner of corrections, a supervising agent, or an offender may request that a prosecutor review an individual case. A prosecutor is not required to respond to a request. Inaction by a prosecutor shall not be considered by any court as grounds for an offender, a supervising agent, or the commissioner of corrections to petition for a sentence adjustment under this section or for a court to adjust a sentence without a petition. Subd. 4.Petition; contents; fee.(a) A prosecutor's petition for sentence adjustment shall be filed in the district court where the individual was convicted and include the following: (1) the full name of the individual on whose behalf the petition is being brought and, to the extent possible, all other legal names or aliases by which the individual has been known at any time; (2) the individual's date of birth; (3) the individual's address; (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for the individual; (5) the details of the offense for which an adjustment is sought, including: (i) the date and jurisdiction of the occurrence; (ii) either the names of any victims or that there were no identifiable victims; (iii) whether there is a current order for protection, restraining order, or other no contact order prohibiting the individual from contacting the victims or whether there has ever been a prior order for protection or restraining order prohibiting the individual from contacting the victims; (iv) the court file number; and (v) the date of conviction; (6) what steps the individual has taken since the time of the offense toward personal rehabilitation, including treatment, work, good conduct within correctional facilities, or other personal history that demonstrates rehabilitation; (7) the individual's criminal conviction record indicating all convictions for misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable convictions in any other state, federal court, or foreign country, whether the convictions occurred before or after the conviction for which an adjustment is sought; (8) the individual's criminal charges record indicating all prior and pending criminal charges against the individual in this state or another jurisdiction, including all criminal charges that have been continued for dismissal, stayed for adjudication, or were the subject of pretrial diversion; and (9) to the extent known, all prior requests by the individual, whether for the present offense or for any other offenses in this state or any other state or federal court, for pardon, return of arrest records, or expungement or sealing of a criminal record, whether granted or not, and all stays of adjudication or imposition of sentence involving the petitioner. (b) The filing fee for a petition brought under this section shall be waived. (c) Notwithstanding chapter 13 or any other statute related to the classification of government data, a supervising agent or the commissioner of corrections may provide private or confidential data to a prosecutor for purposes of a petition for sentence adjustment. Subd. 5.Service of petition.(a) The prosecutor shall serve the petition for sentence adjustment on the individual on whose behalf the petition is being brought. (b) The prosecutor shall make a good faith and reasonable effort to notify any person determined to be a victim of the offense for which adjustment is sought of the existence of a petition. Notification under this paragraph does not constitute a violation of an existing order for protection, restraining order, or other no contact order. (c) Notice to victims of the offense under this subdivision must: (1) specifically inform the victim of the right to object, orally or in writing, to the proposed adjustment of sentence; and (2) inform the victims of the right to be present and to submit an oral or written statement at the hearing described in subdivision 6. (d) If a victim notifies the prosecutor of an objection to the proposed adjustment of sentence and is not present when the court considers the sentence adjustment, the prosecutor shall make these objections known to the court. Subd. 6.Hearing.(a) The court shall hold a hearing on the petition no sooner than 60 days after service of the petition. The hearing

shall be scheduled so that the parties have adequate time to prepare and present arguments regarding the issue of sentence adjustment. The parties may submit written arguments to the court prior to the date of the hearing and may make oral arguments before the court at the hearing. The individual on whose behalf the petition has been brought must be present at the hearing, unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3). (b) A victim of the offense for which sentence adjustment is sought has a right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim as a result of the crime and the victim's recommendation on whether adjustment should be granted or denied. The judge shall consider the victim's statement when making a decision. (c) Representatives of the Department of Corrections, supervising agents, community treatment providers, and any other individual with relevant information may submit an oral or written statement to the court at the time of the hearing. Subd. 7.Nature of remedy; standard.(a) The court shall determine whether there are substantial and compelling reasons to adjust the individual's sentence. In making this determination, the court shall consider what impact, if any, a sentence adjustment would have on public safety, including whether an adjustment would promote the rehabilitation of the individual, properly reflect the severity of the underlying offense, or reduce sentencing disparities. In making this determination, the court may consider factors relating to both the offender and the offense, including but not limited to: (1) the presentence investigation report used at sentencing, if available; (2) the individual's performance on probation or supervision; (3) the individual's disciplinary record during any period of incarceration; (4) records of any rehabilitation efforts made by the individual since the date of offense and any plan to continue those efforts in the community; (5) evidence that remorse, age, diminished physical condition, or any other factor has significantly reduced the likelihood that the individual will commit a future offense; (6) the amount of time the individual has served in custody or under supervision; and (7) significant changes in law or sentencing practice since the date of offense. (b) Notwithstanding any law to the contrary, if the court determines by a preponderance of the evidence that there are substantial and compelling reasons to adjust the individual's sentence, the court may modify the sentence in any way provided the adjustment does not: (1) increase the period of confinement or, if the individual is serving a stayed sentence, increase the period of supervision; (2) reduce or eliminate the amount of court-ordered restitution; or (3) reduce or eliminate a term of conditional release required by law when a court commits an offender to the custody of the commissioner of corrections. The court may stay imposition or execution of sentence pursuant to section 609.135. (c) A sentence adjustment is not a valid basis to vacate the judgment of conviction, enter a judgment of conviction for a different offense, or impose sentence for any other offense. (d) The court shall state in writing or on the record the reasons for its decision on the petition. If the court grants a sentence adjustment, the court shall provide the information in section 244.09, subdivision 15, to the Sentencing Guidelines Commission. Subd. 8.Appeals.An order issued under this section shall not be considered a final judgment, but shall be treated as an order imposing or staying a sentence. 2023 c 52 art 6 s 10; 2023 c 69 s 8; 2024 c 123 art 8 s 22

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.1351 — Petition For Civil Commitment.

When a court sentences a person under section 609.342, 609.343, 609.344, 609.345, 609.3453, or 609.3455, subdivision 3a, the court shall make a preliminary determination whether in the court's opinion a petition under chapter 253D may be appropriate and include the determination as part of the sentencing order. If the court determines that a petition may be appropriate, the court shall forward its preliminary determination along with supporting documentation to the county attorney. 1989 c 290 art 4 s 9; 1992 c 571 art 3 s 7; 1Sp1994 c 1 art 2 s 32; 1998 c 367 art 6 s 15; 2005 c 136 art 4 s 5; 2006 c 260 art 1 s 47; 2013 c 49 s 22

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.14 — Revocation Of Stay.

Subdivision 1.Grounds.(a) When it appears that the defendant has violated any of the conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct that warrants the adjudication of guilt, or imposition or execution of sentence, the court may without notice revoke the stay and direct that the defendant be taken into immediate custody. Revocation shall only be used as a last resort when rehabilitation has failed. (b) When it appears that the defendant violated any of the conditions of probation during the term of the stay, but the term of the stay has since expired, the defendant's probation officer or the prosecutor may ask the court to initiate probation revocation proceedings under the Rules of Criminal Procedure at any time within six months after the expiration of the stay. The court also may initiate proceedings under these circumstances on its own motion. If proceedings are initiated within this six-month period, the court may conduct a revocation hearing and take any action authorized under rule 27.04 at any time during or after the six-month period. (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after proceedings to revoke the stay have been initiated by a court order revoking the stay and directing either that the defendant be taken into custody or that a summons be issued in accordance with paragraph (a), the proceedings to revoke the stay may be concluded and the summary hearing provided by subdivision 2 may be conducted after the expiration of the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke the stay shall not be dismissed on the basis that the summary hearing is conducted after the term of the stay or after the six-month period. The ability or inability to locate or apprehend the defendant prior to the expiration of the stay or during or after the six-month period shall not preclude the court from conducting the summary hearing unless the defendant demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage. Subd. 1a.Violations where policies favor continued rehabilitation.(a) Correctional treatment is better provided through a community resource than through confinement and would not unduly depreciate the seriousness of the violation if probation was not revoked. Policies favoring probation outweigh the need for confinement if a person has not previously violated a condition of probation or

intermediate sanction in an open criminal case and does any of the following in violation of a condition imposed by the court: (1) fails to abstain from the use of controlled substances without a valid prescription, unless the person is under supervision for a violation of section: (i) 169A.20; (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or (iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); (2) fails to abstain from the use of alcohol, unless the person is under supervision for a violation of section: (i) 169A.20; (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or (iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); (3) possesses drug paraphernalia in violation of section 152.092; (4) fails to obtain or maintain employment; (5) fails to pursue a course of study or vocational training; (6) fails to report a change in employment, unless the person is prohibited from having contact with minors and the employment would involve such contact; (7) violates a curfew; (8) fails to report contact with a law enforcement agency, unless the person was charged with a misdemeanor, gross misdemeanor, or felony; or (9) commits any offense for which the penalty is a petty misdemeanor. (b) A violation by a person described in paragraph (a) does not warrant the imposition or execution of sentence and the court may not direct that the person be taken into immediate custody unless the court receives a written report, signed under penalty of perjury pursuant to section 358.116, showing probable cause to believe the person violated probation and establishing by a preponderance of the evidence that the continued presence of the person in the community would present a risk to public safety. If the court does not direct that the person be taken into custody, the court may request a supplemental report from the supervising agent containing: (1) the specific nature of the violation; (2) the response of the person under supervision to the violation, if any; and (3) the actions the supervising agent has taken or will take to address the violation. Subd. 2.Notification of grounds for revocation.The defendant shall thereupon be notified in writing and in such manner as the court directs of the grounds alleged to exist for revocation of the stay. If such grounds are brought in issue by the defendant, a summary hearing shall be held thereon at which the defendant is entitled to be heard and to be represented by counsel. Subd. 2a.Alternatives to incarceration.(a) A probation agent must present the court with local options to address and correct the violation including, but not limited to, inpatient chemical dependency treatment when the defendant at a summary hearing provided by subdivision 2 is: (1) a nonviolent controlled substance offender; (2) subject to supervised probation; (3) appearing based on a technical violation; and (4) admitting or found to have violated any of the conditions of probation. (b) For purposes of this subdivision, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" has the meaning given in section 244.195, subdivision 15. Subd. 3.Sentence.If any of such grounds are found to exist the court may: (1) if imposition of sentence was previously stayed, again stay sentence or impose sentence and stay the execution thereof, and in either event place the defendant on probation or order intermediate sanctions pursuant to section 609.135, or impose sentence and order execution thereof; (2) if sentence was previously imposed and execution thereof stayed, continue such stay and place the defendant on probation or order intermediate sanctions in accordance with the provisions of section 609.135, or order execution of the sentence previously imposed; or (3) if adjudication was stayed or prosecution was deferred, continue the stay without intermediate sanctions, continue it with intermediate sanctions, or adjudicate guilt and proceed as otherwise provided, including, in the event of a felony conviction, as provided in section 244.10. Subd. 4.Restoration to liberty.If none of such grounds are found to exist, the defendant shall be restored to liberty under the previous order of the court. Subd. 5.Definition.For the purposes of this section, "stay" means a stay of adjudication, a stay of imposition, a stay of execution, or a deferred prosecution. 1963 c 753 art 1 s 609.14; 1984 c 610 s 5,6; 1986 c 444; 1990 c 579 s 5; 1993 c 326 art 10 s 14; 1994 c 636 art 2 s 17; 2017 c 95 art 3 s 12; 2023 c 52 art 17 s 32-34; 2024 c 123 art 6 s 10-13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.145 — Credit For Prior Imprisonment.

Subdivision 1.Prior imprisonment reduction.When a person has been imprisoned pursuant to a conviction which is set aside and is thereafter convicted of a crime growing out of the same act or omission, the period of imprisonment to which the person is sentenced is reduced by the period of the prior imprisonment and the time earned thereby in diminution of sentence. Subd. 2.Reduction for time served before commitment to commissioner.A sentence of imprisonment upon conviction of a felony is reduced by the period of confinement of the defendant following the conviction and before the defendant's commitment to the commissioner of corrections for execution of sentence unless the court otherwise directs. Subd. 3.Credit.When a person is to be committed to the commissioner, the person's probation officer must provide to the court, prior to the sentencing hearing, the amount of time the person has in credit for prior imprisonment. The court must pronounce credit for prior imprisonment at the time of sentencing. 1963 c 753 art 1 s 609.145; 1978 c 723 art 1 s 14; 1986 c 444; 1Sp2003 c 2 art 5 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.15 — Multiple Sentences.

Subdivision 1.Concurrent, consecutive sentences; specification requirement.(a) Except as provided in paragraph (c), when separate sentences of imprisonment are imposed on a defendant for two or more crimes, whether charged in a single indictment or information or separately, or when a person who is under sentence of imprisonment in this state is being sentenced to imprisonment for another crime committed prior to or while subject to such former sentence, the court in the later sentences shall specify whether the sentences shall run concurrently or consecutively. If the court does not so specify, the sentences shall run concurrently. (b) When a court imposes sentence for a misdemeanor or gross misdemeanor offense and specifies that the sentence shall run consecutively to any other sentence, the court may order the defendant to serve time in custody for the consecutive sentence in addition to any time in

custody the defendant may be serving for any other offense, including probationary jail time or imprisonment for any felony offense. (c) An inmate of a state prison who is convicted of committing an assault within the correctional facility is subject to the consecutive sentencing provisions of section 609.2232. Subd. 2.Limit on sentences; misdemeanor and gross misdemeanor.If the court specifies that the sentence shall run consecutively and all of the sentences are for misdemeanors, the total of the sentences shall not exceed one year. If the sentences are for a gross misdemeanor and one or more misdemeanors, the total of the sentences shall not exceed two years. If all of the sentences are for gross misdemeanors, the total of the sentences shall not exceed four years. 1963 c 753 art 1 s 609.15; 1992 c 571 art 2 s 8; 1993 c 326 art 13 s 26; 1994 c 615 s 25; 1997 c 239 art 3 s 8; art 9 s 35; 1Sp1997 c 2 s 63; 1999 c 194 s 10

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.153 — Increased Penalties For Certain Misdemeanors.

Subdivision 1.Application.This section applies to the following misdemeanor-level crimes: sections 152.093 (manufacture or delivery of drug paraphernalia prohibited); 152.095 (advertisement of drug paraphernalia prohibited); 609.324 (prostitution); 609.3243 (loitering with intent to participate in prostitution); 609.546 (motor vehicle tampering); 609.595 (damage to property); and 609.66 (dangerous weapons); misdemeanor-level violations of section 609.605 (trespass); and violations of local ordinances prohibiting the unlawful sale or possession of controlled substances. Subd. 2.Custodial arrest.Notwithstanding rule 6.01 of the Rules of Criminal Procedure, a peace officer acting without a warrant who has decided to proceed with the prosecution of a person for committing a crime described in subdivision 1 may arrest and take the person into custody if the officer has reason to believe the person has a prior conviction for any crime described in subdivision 1. Subd. 3.Increased penalty.Notwithstanding the statutory maximum penalty otherwise applicable to the offense, a person who commits a misdemeanor-level crime described in subdivision 1 is guilty of a gross misdemeanor if the court determines at the time of sentencing that the person has two or more prior convictions in this or any other state for any of the crimes described in subdivision 1. Subd. 4.Notice to complaining witness.A prosecuting authority who is responsible for filing charges against or prosecuting a person arrested under the circumstances described in subdivision 2 shall make reasonable efforts to notify the complaining witness of the final outcome of the criminal proceeding that resulted from the arrest including, where appropriate, the decision to dismiss or not file charges against the arrested person. 1997 c 239 art 3 s 9; 2006 c 260 art 1 s 14

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.17 — Attempts.

Subdivision 1.Crime defined.Whoever, with intent to commit a crime, does an act which is a substantial step toward, and more than preparation for, the commission of the crime is guilty of an attempt to commit that crime, and may be punished as provided in subdivision 4. Subd. 2.Act defined.An act may be an attempt notwithstanding the circumstances under which it was performed or the means employed to commit the crime intended or the act itself were such that the commission of the crime was not possible, unless such impossibility would have been clearly evident to a person of normal understanding. Subd. 3.Defense.It is a defense to a charge of attempt that the crime was not committed because the accused desisted voluntarily and in good faith and abandoned the intention to commit the crime. Subd. 4.Penalties.Whoever attempts to commit a crime may be sentenced as follows: (1) if the maximum sentence provided for the crime is life imprisonment, to not more than 20 years; or (2) for any other attempt, to not more than one-half of the maximum imprisonment or fine or both provided for the crime attempted, but such maximum in any case shall not be less than imprisonment for 90 days or a fine of $100. 1963 c 753 art 1 s 609.17; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.175 — Conspiracy.

Subdivision 1.To cause arrest or prosecution.Whoever conspires with another to cause a third person to be arrested or prosecuted on a criminal charge knowing the charge to be false is guilty of a misdemeanor. Subd. 2.To commit crime.Whoever conspires with another to commit a crime and in furtherance of the conspiracy one or more of the parties does some overt act in furtherance of such conspiracy may be sentenced as follows: (1) if the crime intended is a misdemeanor, by a sentence to imprisonment for not more than 90 days or to payment of a fine of not more than $300, or both; or (2) if the crime intended is murder in the first degree or treason, to imprisonment for not more than 20 years; or (3) if the crime intended is any other felony or a gross misdemeanor, to imprisonment or to payment of a fine of not more than one-half the imprisonment or fine provided for that felony or gross misdemeanor or both. Subd. 3.Application of section jurisdiction.This section applies if: (1) the defendant in this state conspires with another outside of this state; or (2) the defendant outside of this state conspires with another in this state; or (3) the defendant outside of this state conspires with another outside of this state and an overt act in furtherance of the conspiracy is committed within this state by either of them; or (4) the defendant in this state conspires with another in this state. 1963 c 753 art 1 s 609.175; 1971 c 23 s 37,38; 1975 c 279 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.18 — Definition.

For the purposes of sections 609.185, 609.19, 609.2661, and 609.2662, "premeditation" means to consider, plan or prepare for, or

determine to commit, the act referred to prior to its commission. 1963 c 753 art 1 s 609.18; 1986 c 388 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.185 — Murder In The First Degree.

(a) Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life: (1) causes the death of a human being with premeditation and with intent to effect the death of the person or of another; (2) causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another; (3) causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, carjacking in the first or second degree, kidnapping, arson in the first or second degree, a drive-by shooting, tampering with a witness in the first degree, escape from custody, or any felony violation of chapter 152 involving the unlawful sale of a controlled substance; (4) causes the death of a peace officer, prosecuting attorney, judge, or a guard employed at a Minnesota state or local correctional facility, with intent to effect the death of that person or another, while the person is engaged in the performance of official duties; (5) causes the death of a minor while committing child abuse, when the perpetrator has engaged in a past pattern of child abuse upon a child and the death occurs under circumstances manifesting an extreme indifference to human life; (6) causes the death of a human being while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life; or (7) causes the death of a human being while committing, conspiring to commit, or attempting to commit a felony crime to further terrorism and the death occurs under circumstances manifesting an extreme indifference to human life. (b) For the purposes of paragraph (a), clause (4), "prosecuting attorney" has the meaning given in section 609.221, subdivision 6, clause (4). (c) For the purposes of paragraph (a), clause (4), "judge" has the meaning given in section 609.221, subdivision 6, clause (5). (d) For purposes of paragraph (a), clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of the following laws of this state or any similar laws of the United States or any other state: section 609.221; 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713. (e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that: (1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or any other state; and (2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b). (f) For purposes of paragraph (a), clause (7), "further terrorism" has the meaning given in section 609.714, subdivision 1. 1963 c 753 art 1 s 609.185; 1975 c 374 s 1; 1981 c 227 s 9; 1986 c 444; 1988 c 662 s 2; 1989 c 290 art 2 s 11; 1990 c 583 s 4; 1992 c 571 art 4 s 5; 1994 c 636 art 2 s 19; 1995 c 244 s 12; 1995 c 259 art 3 s 12; 1998 c 367 art 2 s 7; 2000 c 437 s 5; 2002 c 401 art 1 s 15; 2005 c 136 art 17 s 10; 2014 c 302 s 1; 2023 c 52 art 20 s 18; 2024 c 85 s 106

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.19 — Murder In The Second Degree.

Subdivision 1.Intentional murder; drive-by shootings.Whoever does either of the following is guilty of murder in the second degree and may be sentenced to imprisonment for not more than 40 years: (1) causes the death of a human being with intent to effect the death of that person or another, but without premeditation; or (2) causes the death of a human being while committing or attempting to commit a drive-by shooting in violation of section 609.66, subdivision 1e, under circumstances other than those described in section 609.185, paragraph (a), clause (3). Subd. 2.Unintentional murders.Whoever does either of the following is guilty of unintentional murder in the second degree and may be sentenced to imprisonment for not more than 40 years: (1) causes the death of a human being, without intent to effect the death of any person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence or a drive-by shooting; or (2) causes the death of a human being without intent to effect the death of any person, while intentionally inflicting or attempting to inflict bodily harm upon the victim, when the perpetrator is restrained under an order for protection and the victim is a person designated to receive protection under the order. As used in this clause, "order for protection" includes an order for protection issued under chapter 518B; a harassment restraining order issued under section 609.748; a court order setting conditions of pretrial release or conditions of a criminal sentence or juvenile court disposition; a restraining order issued in a marriage dissolution action; and any order issued by a court of another state or of the United States that is similar to any of these orders. 1963 c 753 art 1 s 609.19; 1981 c 227 s 10; 1992 c 571 art 4 s 6; 1995 c 226 art 2 s 16; 1996 c 408 art 4 s 8; 1998 c 367 art 2 s 8; 2015 c 21 art 1 s 99

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.195 — Murder In The Third Degree.

(a) Whoever, without intent to effect the death of any person, causes the death of another by perpetrating an act eminently dangerous to others and evincing a depraved mind, without regard for human life, is guilty of murder in the third degree and may be sentenced to imprisonment for not more than 25 years. (b) Whoever, without intent to cause death, proximately causes the death of a human being by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in Schedule I or II, is guilty of murder in the third degree and may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than $40,000, or both. 1963 c 753 art 1 s 609.195; 1977 c 130 s 3; 1981 c 227 s 11; 1987 c 176 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.20 — Manslaughter In The First Degree.

Whoever does any of the following is guilty of manslaughter in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both: (1) intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances, provided that the crying of a child does not constitute provocation; (2) violates section 609.224 and causes the death of another or causes the death of another in committing or attempting to commit a misdemeanor or gross misdemeanor offense with such force and violence that death of or great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby; (3) intentionally causes the death of another person because the actor is coerced by threats made by someone other than the actor's coconspirator and which cause the actor reasonably to believe that the act performed by the actor is the only means of preventing imminent death to the actor or another; (4) proximately causes the death of another, without intent to cause death by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in Schedule III, IV, or V; or (5) causes the death of another in committing or attempting to commit a violation of section 609.377 (malicious punishment of a child), and murder in the first, second, or third degree is not committed thereby. As used in this section, a "person of ordinary self-control" does not include a person under the influence of intoxicants or a controlled substance. 1963 c 753 art 1 s 609.20; 1981 c 227 s 12; 1984 c 628 art 3 s 3; 1986 c 444; 1987 c 176 s 2; 1988 c 604 s 1; 1995 c 244 s 13; 1996 c 408 art 3 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.205 — Manslaughter In The Second Degree.

A person who causes the death of another by any of the following means is guilty of manslaughter in the second degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both: (1) by the person's culpable negligence whereby the person creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or (2) by shooting another with a firearm or other dangerous weapon as a result of negligently believing the other to be a deer or other animal; or (3) by setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or (4) by negligently or intentionally permitting any animal, known by the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined; or (5) by committing or attempting to commit a violation of section 609.378 (neglect or endangerment of a child), and murder in the first, second, or third degree is not committed thereby. If proven by a preponderance of the evidence, it shall be an affirmative defense to criminal liability under clause (4) that the victim provoked the animal to cause the victim's death. 1963 c 753 art 1 s 609.205; 1984 c 628 art 3 s 11; 1985 c 294 s 6; 1986 c 444; 1989 c 290 art 6 s 5; 1995 c 244 s 14

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2111 — Definitions.

(a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision have the meanings given them. (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes attached trailers. (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4. (d) "Intoxicating substance" has the meaning given in section 169A.03, subdivision 11a. (e) "Qualified prior driving offense" includes a prior conviction: (1) for a violation of section 169A.20 under the circumstances described in section 169A.24 or 169A.25; (2) under section 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114, subdivision 1, paragraph (a), clauses (2) to (6); or 2, clauses (2) to (6); (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4, clauses (2) to (6). (f) "Artificially derived cannabinoid" has the meaning given in section 342.01, subdivision 6. (g) "Cannabis flower" has the meaning given in section 342.01, subdivision 16. (h) "Cannabis product" has the meaning given in section 342.01, subdivision 20. (i) "Hemp-derived consumer product" has the meaning given in section 342.01, subdivision 37. (j) "Lower-potency hemp edible" has the meaning given in section 342.01, subdivision 50. 1990 c 602 art 4 s 1; 1996 c 442 s 33; 2007 c 54 art 3 s 11; 2014 c 180 s 6,9; 2016 c 109 s 1; 2018 c 195 art 3 s 18; 2020 c 83 art 1 s 90; 2023 c 63 art 4 s 38

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2112 — Criminal Vehicular Homicide.

Subdivision 1.Criminal vehicular homicide.(a) Except as provided in paragraph (b), a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the person causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle: (1) in a grossly negligent manner; (2) in a negligent manner while under the influence of: (i) alcohol; (ii) a controlled substance; (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or (iv) any combination of those elements; (3) while having an alcohol concentration of 0.08 or more; (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time

of driving; (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment; (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's body; (7) where the driver who causes the collision leaves the scene of the collision in violation of section 169.09, subdivision 1 or 6; or (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the death was caused by the defective maintenance. (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is 15 years. Subd. 2.Affirmative defense.It shall be an affirmative defense to a charge under subdivision 1, clause (6), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12. 1963 c 753 art 1 s 609.21; 1983 c 12 s 1; 1984 c 622 s 24; 1984 c 628 art 3 s 4,11; 1989 c 290 art 6 s 6; art 10 s 7; 1990 c 602 art 4 s 1; 1996 c 408 art 3 s 14; 1996 c 442 s 33; 2004 c 283 s 13; 2007 c 54 art 3 s 7,8,10; 2014 c 180 s 4,9; 2014 c 186 s 2; 2016 c 109 s 2; 2018 c 195 art 3 s 19; 2023 c 63 art 4 s 39

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2113 — Criminal Vehicular Operation; Bodily Harm.

Subdivision 1.Great bodily harm.A person is guilty of criminal vehicular operation resulting in great bodily harm and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the person causes great bodily harm to another not constituting attempted murder or assault as a result of operating a motor vehicle: (1) in a grossly negligent manner; (2) in a negligent manner while under the influence of: (i) alcohol; (ii) a controlled substance; (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or (iv) any combination of those elements; (3) while having an alcohol concentration of 0.08 or more; (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving; (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment; (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's body; (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance. Subd. 2.Substantial bodily harm.A person is guilty of criminal vehicular operation resulting in substantial bodily harm and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $10,000, or both, if the person causes substantial bodily harm to another as a result of operating a motor vehicle: (1) in a grossly negligent manner; (2) in a negligent manner while under the influence of: (i) alcohol; (ii) a controlled substance; (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or (iv) any combination of those elements; (3) while having an alcohol concentration of 0.08 or more; (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving; (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment; (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's body; (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance. Subd. 3.Bodily harm.A person is guilty of criminal vehicular operation resulting in bodily harm and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both, if the person causes bodily harm to another as a result of operating a motor vehicle: (1) in a grossly negligent manner; (2) in a negligent manner while under the influence of: (i) alcohol; (ii) a controlled substance; (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or (iv) any combination of those elements; (3) while having an alcohol concentration of 0.08 or more; (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving; (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment; (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's body; (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had

reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance. Subd. 4.Affirmative defense.It shall be an affirmative defense to a charge under subdivisions 1, clause (6); 2, clause (6); and 3, clause (6), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12. 1983 c 12 s 1; 1984 c 622 s 25; 1984 c 628 art 3 s 4,11; 1989 c 290 art 6 s 7; art 10 s 7; 1990 c 602 art 4 s 1; 1996 c 408 art 3 s 15,16; 1996 c 442 s 33; 2004 c 283 s 13; 2007 c 54 art 3 s 7,8,10; 2014 c 180 s 5,7,9; 2018 c 195 art 3 s 20-22; 2023 c 52 art 6 s 16; 2023 c 63 art 4 s 40-42

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2114 — Criminal Vehicular Operation; Unborn Child.

Subdivision 1.Death to an unborn child.(a) Except as provided in paragraph (b), a person is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the person causes the death of an unborn child as a result of operating a motor vehicle: (1) in a grossly negligent manner; (2) in a negligent manner while under the influence of: (i) alcohol; (ii) a controlled substance; (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or (iv) any combination of those elements; (3) while having an alcohol concentration of 0.08 or more; (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving; (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment; (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's body; (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance. (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is 15 years. Subd. 2.Injury to an unborn child.A person is guilty of criminal vehicular operation resulting in injury to an unborn child and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the person causes the great bodily harm to an unborn child subsequently born alive as a result of operating a motor vehicle: (1) in a grossly negligent manner; (2) in a negligent manner while under the influence of: (i) alcohol; (ii) a controlled substance; (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or (iv) any combination of those elements; (3) while having an alcohol concentration of 0.08 or more; (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving; (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment; (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's body; (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance. Subd. 3.Conviction not bar to punishment for other crimes.A prosecution for or a conviction of a crime under this section relating to causing death or injury to an unborn child is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. Subd. 4.Affirmative defense.It shall be an affirmative defense to a charge under subdivisions 1, clause (6), and 2, clause (6), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12. 1986 c 388 s 3,4; 1989 c 290 art 10 s 7; 1990 c 602 art 4 s 1; 1996 c 408 art 3 s 17,18; 1996 c 442 s 33; 2004 c 283 s 13; 2007 c 54 art 3 s 8,9,10; 2014 c 180 s 8,9; 2016 c 109 s 3; 2018 c 195 art 3 s 23,24; 2023 c 63 art 4 s 43,44

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.215 — Suicide.

Subdivision 1.Aiding suicide.Whoever intentionally advises, encourages, or assists another in taking the other's own life may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both. [See Note.] Subd. 2.Aiding attempted suicide.Whoever intentionally advises, encourages, or assists another who attempts but fails to take the other's own life may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than $14,000, or both. Subd. 3.Acts or omissions not considered aiding suicide or aiding attempted suicide.(a) A health care provider, as defined in section 145B.02, subdivision 6, who administers, prescribes, or dispenses medications or procedures to relieve another person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, does not violate this section unless the medications or procedures are knowingly administered, prescribed, or dispensed to cause death. (b) A health care provider, as defined in section 145B.02, subdivision 6, who withholds or withdraws a life-sustaining procedure in compliance with chapter 145B or 145C or in accordance with reasonable medical practice does not violate this section. Subd. 4.Injunctive relief.A cause of action

for injunctive relief may be maintained against any person who is reasonably believed to be about to violate or who is in the course of violating this section by any person who is: (1) the spouse, parent, child, or sibling of the person who would commit suicide; (2) an heir or a beneficiary under a life insurance policy of the person who would commit suicide; (3) a health care provider of the person who would commit suicide; (4) a person authorized to prosecute or enforce the laws of this state; or (5) a legally appointed guardian or conservator of the person who would have committed suicide. Subd. 5.Civil damages.A person given standing by subdivision 4, clause (1), (2), or (5), or the person who would have committed suicide, in the case of an attempt, may maintain a cause of action against any person who violates or who attempts to violate subdivision 1 or 2 for compensatory damages and punitive damages as provided in section 549.20. A person described in subdivision 4, clause (4), may maintain a cause of action against a person who violates or attempts to violate subdivision 1 or 2 for a civil penalty of up to $50,000 on behalf of the state. An action under this subdivision may be brought whether or not the plaintiff had prior knowledge of the violation or attempt. Subd. 6.Attorney fees.Reasonable attorney fees shall be awarded to the prevailing plaintiff in a civil action brought under subdivision 4 or 5. History:1963 c 753 art 1 s 609.215; 1984 c 628 art 3 s 11; 1986 c 444; 1992 c 577 s 6-9; 1998 c 399 s 37 NOTE:The words "advises" and "encourages" were severed from subdivision 1 as unconstitutional inState v. Melchert-Dinkel, 844 N.W.2d 13 (Minn. 2014).

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.221 — Assault In The First Degree.

Subdivision 1.Great bodily harm.Whoever assaults another and inflicts great bodily harm may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $30,000, or both. Subd. 2.Use of deadly force against peace officer, prosecuting attorney, judge, or correctional employee.Whoever assaults a peace officer, prosecuting attorney, judge, or correctional employee by using or attempting to use deadly force against the officer, attorney, judge, or employee while the person is engaged in the performance of a duty imposed by law, policy, or rule may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $30,000, or both. Subd. 3.Great bodily harm; peace officer, prosecuting attorney, judge, or correctional employee.Whoever assaults a peace officer, prosecuting attorney, judge, or correctional employee and inflicts great bodily harm on the officer, attorney, judge, or employee while the person is engaged in the performance of a duty imposed by law, policy, or rule may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than $35,000, or both. Subd. 4.Use of dangerous weapon or deadly force resulting in great bodily harm against peace officer, prosecuting attorney, judge, or correctional employee.Whoever assaults and inflicts great bodily harm upon a peace officer, prosecuting attorney, judge, or correctional employee with a dangerous weapon or by using or attempting to use deadly force against the officer, attorney, judge, or employee while the person is engaged in the performance of a duty imposed by law, policy, or rule may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than $40,000, or both. Subd. 5.Mandatory sentences for assaults against a peace officer, prosecuting attorney, judge, or correctional employee.(a) A person convicted of assaulting a peace officer, prosecuting attorney, judge, or correctional employee shall be committed to the custody of the commissioner of corrections for not less than: (1) ten years, nor more than 20 years, for a violation of subdivision 2; (2) 15 years, nor more than 25 years, for a violation of subdivision 3; or (3) 25 years, nor more than 30 years, for a violation of subdivision 4. (b) A defendant convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, work release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. Notwithstanding section 609.135, the court may not stay the imposition or execution of this sentence. Subd. 6.Definitions.As used in this section: (1) "correctional employee" means an employee of a public or private prison, jail, or workhouse; (2) "deadly force" has the meaning given in section 609.066, subdivision 1; (3) "peace officer" has the meaning given in section 626.84, subdivision 1; (4) "prosecuting attorney" means an attorney, with criminal prosecution or civil responsibilities, who is the attorney general, a political subdivision's elected or appointed county or city attorney, or a deputy, assistant, or special assistant of any of these; and (5) "judge" means a judge or justice of any court of this state that is established by the Minnesota Constitution. 1979 c 258 s 4; 1984 c 628 art 3 s 11; 1989 c 290 art 6 s 8; 1997 c 239 art 3 s 10; 2014 c 302 s 2; 1Sp2021 c 11 art 2 s 31

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.222 — Assault In The Second Degree.

Subdivision 1.Dangerous weapon.Whoever assaults another with a dangerous weapon may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than $14,000, or both. Subd. 2.Dangerous weapon; substantial bodily harm.Whoever assaults another with a dangerous weapon and inflicts substantial bodily harm may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. 1979 c 258 s 5; 1984 c 628 art 3 s 11; 1985 c 53 s 1; 1989 c 290 art 6 s 9; 1992 c 571 art 4 s 7

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.223 — Assault In The Third Degree.

Subdivision 1.Substantial bodily harm.Whoever assaults another and inflicts substantial bodily harm may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 2.Past pattern of child abuse.Whoever assaults a minor may be sentenced to imprisonment for not more than five years or to payment of a fine of not more

than $10,000, or both, if the perpetrator has engaged in a past pattern of child abuse against the minor. As used in this subdivision, "child abuse" has the meaning given it in section 609.185, paragraph (a), clause (5). Subd. 3.Felony; victim under four.Whoever assaults a victim under the age of four, and causes bodily harm to the child's head, eyes, or neck, or otherwise causes multiple bruises to the body, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1979 c 258 s 6; 1984 c 628 art 3 s 11; 1989 c 290 art 6 s 10; 1990 c 542 s 17; 1994 c 636 art 2 s 20; 2015 c 21 art 1 s 100

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2231 — Assault In The Fourth Degree.

Subdivision 1.Peace officers.(a) As used in this subdivision, "peace officer" means a person who is licensed under section 626.845, subdivision 1, and effecting a lawful arrest or executing any other duty imposed by law. (b) Whoever physically assaults a peace officer is guilty of a gross misdemeanor. (c) Whoever commits either of the following acts against a peace officer is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $6,000, or both: (1) physically assaults the officer if the assault inflicts demonstrable bodily harm; or (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the officer. Subd. 2.Firefighters and emergency medical personnel.Whoever assaults any of the following persons and inflicts demonstrable bodily harm is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both: (1) a member of a municipal or volunteer fire department or emergency medical services personnel unit in the performance of the member's duties; or (2) a physician, nurse, or other person providing health care services in a hospital emergency department. Subd. 2a.Certain Department of Natural Resources employees.Whoever assaults and inflicts demonstrable bodily harm on an employee of the Department of Natural Resources who is engaged in forest fire activities is guilty of a gross misdemeanor. Subd. 3.Correctional employees; prosecuting attorneys; judges; probation officers.Whoever commits either of the following acts against an employee of a correctional facility as defined in section 241.021, subdivision 1i, against a prosecuting attorney as defined in section 609.221, subdivision 6, clause (4), against a judge as defined in section 609.221, subdivision 6, clause (5), or against a probation officer or other qualified person employed in supervising offenders while the person is engaged in the performance of a duty imposed by law, policy, or rule is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both: (1) assaults the person and inflicts demonstrable bodily harm; or (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person. Subd. 3a.Secure treatment facility personnel.(a) As used in this subdivision, "secure treatment facility" includes facilities listed in sections 253B.02, subdivision 18a, and 253D.02, subdivision 13. (b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012, section 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the following acts against an employee or other individual who provides care or treatment at a secure treatment facility while the person is engaged in the performance of a duty imposed by law, policy, or rule is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both: (1) assaults the person and inflicts demonstrable bodily harm; or (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person. (c) Whoever, while committed under section 253B.18, or admitted under the provision of section 253B.10, subdivision 1, commits either of the following acts against an employee or other individual who supervises and works directly with patients at a secure treatment facility while the person is engaged in the performance of a duty imposed by law, policy, or rule, is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both: (1) assaults the person and inflicts demonstrable bodily harm; or (2) intentionally throws or otherwise transfers urine, blood, semen, or feces onto the person. (d) The court shall commit a person convicted of violating paragraph (b) to the custody of the commissioner of corrections for not less than one year and one day. The court may not, on its own motion or the prosecutor's motion, sentence a person without regard to this paragraph. A person convicted and sentenced as required by this paragraph is not eligible for probation, parole, discharge, work release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. (e) Notwithstanding the statutory maximum sentence provided in paragraph (b), when a court sentences a person to the custody of the commissioner of corrections for a violation of paragraph (b), the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for five years. The terms of conditional release are governed by sections 244.05 and 609.3455, subdivision 6, 7, or 8; and Minnesota Statutes 2004, section 609.109. Subd. 4.Assaults motivated by bias.(a) Whoever assaults another in whole or in substantial part because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. (b) Whoever violates the provisions of paragraph (a) within five years of a previous conviction under paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than one year and a day or to payment of a fine of not more than $3,000, or both. Subd. 5.School official.Whoever assaults a school official while the official is engaged in the performance of the official's duties, and inflicts demonstrable bodily harm, is guilty of a gross misdemeanor. As used in this subdivision, "school official" includes teachers, school administrators, and other employees of a public or private school. Subd. 6.Public employees with mandated duties.A person is guilty of a gross misdemeanor who: (1) assaults an agricultural inspector, occupational safety and

health investigator, child protection worker, public health nurse, animal control officer, or probation or parole officer while the employee is engaged in the performance of a duty mandated by law, court order, or ordinance; (2) knows that the victim is a public employee engaged in the performance of the official public duties of the office; and (3) inflicts demonstrable bodily harm. Subd. 7.Community crime prevention group members.(a) A person is guilty of a gross misdemeanor who: (1) assaults a community crime prevention group member while the member is engaged in neighborhood patrol; (2) should reasonably know that the victim is a community crime prevention group member engaged in neighborhood patrol; and (3) inflicts demonstrable bodily harm. (b) As used in this subdivision, "community crime prevention group" means a community group focused on community safety and crime prevention that: (1) is organized for the purpose of discussing community safety and patrolling community neighborhoods for criminal activity; (2) is designated and trained by the local law enforcement agency as a community crime prevention group; or (3) interacts with local law enforcement regarding community safety issues. Subd. 8.Vulnerable adults.(a) As used in this subdivision, "vulnerable adult" has the meaning given in section 609.232, subdivision 11. (b) Whoever assaults and inflicts demonstrable bodily harm on a vulnerable adult, knowing or having reason to know that the person is a vulnerable adult, is guilty of a gross misdemeanor. Subd. 9.Reserve officer.A person is guilty of a gross misdemeanor who: (1) assaults a reserve officer as defined in section 626.84, subdivision 1, paragraph (e), who is engaged in the performance of official public duties at the direction of, under the control of, or on behalf of a peace officer or supervising law enforcement officer or agency; and (2) should reasonably know that the victim is a reserve officer engaged in the performance of official public duties of the peace officer, or supervising law enforcement officer or agency. Subd. 10.Utility and postal service employees and contractors.(a) A person is guilty of a gross misdemeanor who: (1) assaults an employee or contractor of a utility or the United States Postal Service while the employee or contractor is engaged in the performance of the employee's or contractor's duties; (2) should reasonably know that the victim is an employee or contractor of a utility or the postal service who is: (i) performing duties of the victim's employment; or (ii) fulfilling the victim's contractual obligations; and (3) inflicts demonstrable bodily harm. (b) As used in this subdivision, "utility" has the meaning given it in section 609.594, subdivision 1, clause (3). Subd. 11.Transit operators.(a) A person is guilty of a gross misdemeanor if (1) the person assaults a transit operator, or intentionally throws or otherwise transfers bodily fluids onto a transit operator; and (2) the transit operator is acting in the course of the operator's duties and is operating a transit vehicle, aboard a transit vehicle, or otherwise responsible for a transit vehicle. A person convicted under this paragraph may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. (b) For the purposes of this subdivision, "transit operator" means a driver or operator of a transit vehicle that is used to provide any of the following services: (1) public transportation, as defined in section 174.22, subdivision 7; (2) light rail transit service; (3) special transportation service under section 473.386, whether provided by the Metropolitan Council or by other providers under contract with the council; or (4) commuter rail service. 1983 c 169 s 1; 1984 c 628 art 3 s 11; 1985 c 185 s 1; 1986 c 444; 1987 c 252 s 9; 1989 c 261 s 1; 1989 c 290 art 6 s 11; 1991 c 121 s 1; 1991 c 279 s 29; 1992 c 571 art 4 s 8; 1994 c 636 art 2 s 21; 1996 c 408 art 3 s 19,20; 1997 c 180 s 5; 1997 c 239 art 9 s 36; 2000 c 441 s 1; 1Sp2003 c 2 art 8 s 8; 2004 c 184 s 1,2; 2005 c 136 art 17 s 11; 2006 c 260 art 1 s 15; 2007 c 13 art 3 s 37; 2011 c 28 s 7; 2011 c 85 s 1,2; 2013 c 49 s 22; 2013 c 96 s 2; 2013 c 133 s 1; 2014 c 302 s 3; 2015 c 23 s 1; 2016 c 93 s 1; 2023 c 52 art 4 s 4; art 6 s 16; 2024 c 85 s 107; 2024 c 104 art 2 s 15

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2232 — Consecutive Sentences For Assaults Committed By State Prison Inmates.

If an inmate of a state correctional facility is convicted of violating section 609.221, 609.222, 609.223, 609.2231, or 609.224, while confined in the facility, the sentence imposed for the assault shall be executed and run consecutively to any unexpired portion of the offender's earlier sentence. The inmate is not entitled to credit against the sentence imposed for the assault for time served in confinement for the earlier sentence. The inmate shall serve the sentence for the assault in a state correctional facility even if the assault conviction was for a misdemeanor or gross misdemeanor. 1997 c 239 art 9 s 37

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2233 — Felony Assault Motivated By Bias; Increased Statutory Maximum Sentence.

A person who violates section 609.221, 609.222, or 609.223 in whole or in substantial part because of the victim's or another person's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, is subject to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise applicable. 2016 c 189 art 4 s 14; 2023 c 52 art 4 s 5

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.224 — Assault In The Fifth Degree.

Subdivision 1.Misdemeanor.Whoever does any of the following commits an assault and is guilty of a misdemeanor: (1) commits an act with intent to cause fear in another of immediate bodily harm or death; or (2) intentionally inflicts or attempts to inflict bodily harm upon another. Subd. 2.Gross misdemeanor.(a) Whoever violates the provisions of subdivision 1 against the same victim within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or

both. (b) Whoever violates the provisions of subdivision 1 within three years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. Subd. 3.Firearms.(a) When a person is convicted of a violation of this section or section 609.221, 609.222, or 609.223, the court shall determine and make written findings on the record as to whether: (1) the defendant owns or possesses a firearm; and (2) the firearm was used in any way during the commission of the assault. (b) Except as otherwise provided in section 609.2242, subdivision 3, paragraph (c), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1992, of assault in the fifth degree if the offense was committed within three years of a previous conviction under sections 609.221 to 609.224, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor. Subd. 4.Felony.(a) Whoever violates the provisions of subdivision 1 against the same victim within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than $10,000, or both. (b) Whoever violates the provisions of subdivision 1 within three years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1979 c 258 s 7; 1983 c 169 s 2; 1985 c 159 s 1; 1987 c 329 s 7; 1992 c 537 s 1,2; 1992 c 571 art 6 s 13; 1993 c 326 art 2 s 11,12; 1Sp1993 c 5 s 2,3; 1994 c 636 art 3 s 10; 1995 c 229 art 2 s 1; 1995 c 259 art 3 s 13,14; 1996 c 408 art 3 s 21,22; 2000 c 437 s 6,7; 1Sp2001 c 8 art 10 s 8,9; 2006 c 260 art 1 s 16,17; 2011 c 28 s 8; 2020 c 83 art 1 s 91; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2241 — Knowing Transfer Of Communicable Disease.

Subdivision 1.Definitions.As used in this section, the following terms have the meanings given: (a) "Communicable disease" means a disease or condition that causes serious illness, serious disability, or death; the infectious agent of which may pass or be carried from the body of one person to the body of another through direct transmission. (b) "Direct transmission" means predominately sexual or blood-borne transmission. (c) "A person who knowingly harbors an infectious agent" refers to a person who receives from a physician or other health professional: (1) advice that the person harbors an infectious agent for a communicable disease; (2) educational information about behavior which might transmit the infectious agent; and (3) instruction of practical means of preventing such transmission. (d) "Transfer" means to engage in behavior that has been demonstrated epidemiologically to be a mode of direct transmission of an infectious agent which causes the communicable disease. (e) "Sexual penetration" means any of the acts listed in section 609.341, subdivision 12, when the acts described are committed without the use of a latex or other effective barrier. Subd. 2.Crime.It is a crime, which may be prosecuted under section 609.17, 609.185, 609.19, 609.221, 609.222, 609.223, 609.2231, or 609.224, for a person who knowingly harbors an infectious agent to transfer, if the crime involved: (1) sexual penetration with another person without having first informed the other person that the person has a communicable disease; (2) transfer of blood, sperm, organs, or tissue, except as deemed necessary for medical research or if disclosed on donor screening forms; or (3) sharing of nonsterile syringes or needles for the purpose of injecting drugs. Subd. 3.Affirmative defense.It is an affirmative defense to prosecution, if it is proven by a preponderance of the evidence, that: (1) the person who knowingly harbors an infectious agent for a communicable disease took practical means to prevent transmission as advised by a physician or other health professional; or (2) the person who knowingly harbors an infectious agent for a communicable disease is a health care provider who was following professionally accepted infection control procedures. Nothing in this section shall be construed to be a defense to a criminal prosecution that does not allege a violation of subdivision 2. Subd. 4.Health Department data.Data protected by section 13.3805, subdivision 1, and information collected as part of a Health Department investigation under sections 144.4171 to 144.4186 may not be accessed or subpoenaed by law enforcement authorities or prosecutors without the consent of the subject of the data. 1995 c 226 art 2 s 17; 1999 c 227 s 22

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2242 — Domestic Assault.

Subdivision 1.Misdemeanor.Whoever does any of the following against a family or household member as defined in section 518B.01, subdivision 2, commits an assault and is guilty of a misdemeanor: (1) commits an act with intent to cause fear in another of immediate bodily harm or death; or (2) intentionally inflicts or attempts to inflict bodily harm upon another. Subd. 2.Gross misdemeanor.Whoever violates subdivision 1 within ten years of a previous qualified domestic violence-related offense conviction or an adjudication of delinquency is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. Subd. 3.Domestic assaults; firearms.(a) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, the court shall determine and make written findings on the record as to whether: (1) the assault was committed against a family or household member, as defined in section 518B.01, subdivision 2; (2) the defendant owns or possesses a firearm; and (3) the firearm was used in any way during the commission of the assault. (b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3. (c) When a person is convicted of assaulting a family or household member and is

determined by the court to have used a firearm in any way during commission of the assault, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant. (d) Except as otherwise provided in paragraph (c), when a person is convicted of a violation of this section or section 609.224 and the court determines that the victim was a family or household member, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant. (e) Except as otherwise provided in paragraph (c), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1992, or a firearm if a person has been convicted on or after August 1, 2014, of domestic assault under this section or assault in the fifth degree under section 609.224 and the assault victim was a family or household member as defined in section 518B.01, subdivision 2, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section or section 609.224. Property rights may not be abated but access may be restricted by the courts. A person who possesses a firearm in violation of this paragraph is guilty of a gross misdemeanor. (f) Except as otherwise provided in paragraphs (b) and (h), when a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247 and the court determines that the assault was against a family or household member, the court shall order the defendant to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary, unless the court prohibits the person from possessing a firearm for the remainder of the person's life under paragraph (c). A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. A defendant may not transfer firearms to a third party who resides with the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the defendant a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified by certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period imposed under this subdivision, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to a person shall comply with state and federal law. If a defendant permanently transfers the defendant's firearms to a law enforcement agency, the agency is not required to compensate the defendant and may charge the defendant a reasonable processing fee. A law enforcement agency is not required to accept a person's firearm under this paragraph. The court shall order that the person surrender all permits to carry and purchase firearms to the sheriff. (g) A defendant who is ordered to transfer firearms under paragraph (f) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the defendant permanently transferred the defendant's firearms to the third party or agreeing to temporarily store the defendant's firearms until such time as the defendant is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the defendant to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the defendant gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the defendant, date of transfer, and the serial number, make, and model of all transferred firearms. The defendant shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph. (h) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, and the court determines that the assault was against a family or household member, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (g). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (f) and (g) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant

within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. Subd. 4.Felony.Whoever violates the provisions of this section or section 609.224, subdivision 1, within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than $10,000, or both. 1995 c 259 art 3 s 15; 2000 c 437 s 8,9; 1Sp2001 c 8 art 10 s 10,11; 2005 c 136 art 17 s 12; 2006 c 260 art 1 s 18,19; 2013 c 47 s 3; 2014 c 213 s 3; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2243 — Sentencing; Repeat Domestic Assault.

Subdivision 1.Gross misdemeanor.A person convicted of gross misdemeanor domestic assault under section 609.2242, subdivision 2, shall be sentenced to a minimum of 20 days imprisonment, at least 96 hours of which must be served consecutively. The court may stay execution of the minimum sentence required under this subdivision on the condition that the person sentenced complete anger therapy or counseling and fulfill any other condition, as ordered by the court; provided, however, that the court shall revoke the stay of execution and direct the person to be taken into immediate custody if it appears that the person failed to attend or complete the ordered therapy or counseling, or violated any other condition of the stay of execution. If the court finds at the revocation hearing required under section 609.14, subdivision 2, that the person failed to attend or complete the ordered therapy, or violated any other condition of the stay of execution, the court shall order execution of the sentence previously imposed. Subd. 2.Felony.(a) Except as otherwise provided in paragraph (b), in determining an appropriate disposition for felony domestic assault under section 609.2242, subdivision 4, the court shall presume that a stay of execution with at least a 45-day period of incarceration as a condition of probation shall be imposed. If the court imposes a stay of execution with a period of incarceration as a condition of probation, at least 15 days must be served consecutively. (b) If the defendant's criminal history score, determined according to the Sentencing Guidelines, indicates a presumptive executed sentence, that sentence shall be imposed unless the court departs from the Sentencing Guidelines pursuant to section 244.10. A stay of imposition of sentence under this paragraph may be granted only if accompanied by a statement on the record of the reasons for it. 1996 c 408 art 3 s 23

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2245 — Female Genital Mutilation; Penalties.

Subdivision 1.Crime.Except as otherwise permitted in subdivision 2, whoever knowingly circumcises, excises, or infibulates, in whole or in part, the labia majora, labia minora, or clitoris of another is guilty of a felony. Consent to the procedure by a minor on whom it is performed or by the minor's parent is not a defense to a violation of this subdivision. Subd. 2.Permitted activities.A surgical procedure is not a violation of subdivision 1 if the procedure: (1) is necessary to the health of the person on whom it is performed and is performed by: (i) a physician licensed under chapter 147; (ii) a physician in training under the supervision of a licensed physician; or (iii) a certified nurse midwife practicing within the nurse midwife's legal scope of practice; or (2) is performed on a person who is in labor or who has just given birth and is performed for medical purposes connected with that labor or birth: (i) by a physician licensed under chapter 147; (ii) a physician in training under the supervision of a licensed physician; or (iii) a certified nurse midwife practicing within the nurse midwife's legal scope of practice. 1994 c 636 art 2 s 22; 1997 c 239 art 3 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2247 — Domestic Assault By Strangulation.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given. (b) "Family or household members" has the meaning given in section 518B.01, subdivision 2. (c) "Strangulation" means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person. Subd. 2.Crime.Unless a greater penalty is provided elsewhere, whoever assaults a family or household member by strangulation is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both. 2005 c 136 art 17 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.226 — Harm Caused By Dog.

Subdivision 1.Great or substantial bodily harm.A person who causes great or substantial bodily harm to another by negligently or intentionally permitting any dog to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined is guilty of a misdemeanor. A person who is convicted of a second or subsequent violation of this section involving the same dog is guilty of a gross misdemeanor. Subd. 2.Dangerous dogs.If the owner of a dangerous dog, as defined under section 347.50, subdivision 2, has been convicted of a misdemeanor under section 347.55, and the same dog causes bodily injury to a person other than the owner, the owner is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. Subd. 3.Defense.If proven by a preponderance of the evidence, it shall be an affirmative defense to liability under subdivision 1 or 2 that the victim provoked the dog to cause the victim's bodily harm. Subd. 4.Harm to service animal caused by dog; crime, mandatory restitution.(a) As used in this subdivision, "service animal" means an

animal individually trained or being trained to do work or perform tasks for the benefit of an individual with a disability. (b) A person who negligently or intentionally (1) permits the person's dog to run uncontrolled off the person's premises, or (2) fails to keep the person's dog properly confined or controlled; and as a result the dog causes bodily harm to a service animal or otherwise renders a service animal unable to perform its duties, is guilty of a misdemeanor. (c) The court shall order a person convicted of violating this subdivision to pay restitution for the costs and expenses resulting from the crime. Costs and expenses include, but are not limited to, the service animal user's loss of income, veterinary expenses, transportation costs, and other expenses of temporary replacement assistance services, and service animal replacement or retraining costs incurred by a school, agency, or individual. If the court finds that the convicted person is indigent, the court may reduce the amount of restitution to a reasonable level or order it paid in installments. (d) This subdivision does not preclude a person from seeking any available civil remedies for an act that violates this subdivision. 1985 c 294 s 7; 1988 c 711 s 8; 1989 c 37 s 13; 2004 c 159 s 1,2; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.227 — Dangerous Animals Destroyed.

When a person has been charged with a violation of section 609.205, clause (4), or 609.226, subdivision 2 or 3, or a gross misdemeanor violation of section 609.226, subdivision 1, the court shall order that the animal which caused the death or injury be seized by the appropriate local law enforcement agency. The animal shall be killed in a proper and humane manner if the person has been convicted of the crime for which the animal was seized. The owner of the animal shall pay the cost of confining and killing the animal. This section shall not preempt local ordinances with more restrictive provisions. 1985 c 294 s 8; 1988 c 711 s 9

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.228 — Great Bodily Harm Caused By Distribution Of Drugs.

Whoever proximately causes great bodily harm by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in Schedule I or II may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. 1987 c 176 s 3

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.229 — Crime Committed For Benefit Of Gang.

Subdivision 1.Definition.As used in this section, "criminal gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, that: (1) has, as one of its primary activities, the commission of one or more of the offenses listed in section 609.11, subdivision 9; (2) has a common name or common identifying sign or symbol; and (3) includes members who individually or collectively engage in or have engaged in a pattern of criminal activity. Subd. 2.Crimes.A person who commits a crime for the benefit of, at the direction of, in association with, or motivated by involvement with a criminal gang, with the intent to promote, further, or assist in criminal conduct by gang members is guilty of a crime and may be sentenced as provided in subdivision 3. Subd. 3.Penalty.(a) If the crime committed in violation of subdivision 2 is a felony, the statutory maximum for the crime is five years longer than the statutory maximum for the underlying crime. If the crime committed in violation of subdivision 2 is a felony, and the victim of the crime is a child under the age of 18 years, the statutory maximum for the crime is ten years longer than the statutory maximum for the underlying crime. (b) If the crime committed in violation of subdivision 2 is a misdemeanor, the person is guilty of a gross misdemeanor. (c) If the crime committed in violation of subdivision 2 is a gross misdemeanor, the person is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $15,000, or both. Subd. 4.Mandatory minimum sentence.(a) Unless a longer mandatory minimum sentence is otherwise required by law, or the court imposes a longer aggravated durational departure, or a longer prison sentence is presumed under the Sentencing Guidelines and imposed by the court, a person convicted of a crime described in subdivision 3, paragraph (a), shall be committed to the custody of the commissioner of corrections for not less than one year plus one day. (b) Any person convicted and sentenced as required by paragraph (a) is not eligible for probation, parole, discharge, work release, or supervised release until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 242.19, 243.05, 244.04, 609.12, and 609.135. 1991 c 279 s 30; 1993 c 326 art 13 s 29; 1998 c 367 art 2 s 9-11; 2005 c 136 art 17 s 14

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.23 — Mistreatment Of Persons Confined.

Whoever, being in charge of or employed in any institution, whether public or private, intentionally abuses or ill-treats any person confined therein who is mentally or physically disabled or who is involuntarily confined therein by order of court or other duly constituted authority may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. 1963 c 753 art 1 s 609.23; 1984 c 628 art 3 s 11; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.231 — Mistreatment Of Residents Or Patients.

Whoever, being in charge of or employed in any facility required to be licensed under the provisions of sections 144.50 to 144.58, or 144A.02, intentionally abuses, ill-treats, or culpably neglects any patient or resident therein to the patient's or resident's physical

detriment may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. 1973 c 688 s 9; 1976 c 173 s 60; 1984 c 628 art 3 s 11; 1986 c 444; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.232 — Crimes Against Vulnerable Adults; Definitions.

Subdivision 1.Scope.As used in sections 609.2325, 609.233, 609.2335, and 609.234, the terms defined in this section have the meanings given. Subd. 2.Caregiver."Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement. Subd. 3.Facility.(a) "Facility" means a hospital or other entity required to be licensed under sections 144.50 to 144.58; a nursing home required to be licensed to serve adults under section 144A.02; a home care provider licensed or required to be licensed under sections 144A.43 to 144A.482; a residential or nonresidential facility required to be licensed to serve adults under sections 245A.01 to 245A.16; or a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651, 256B.0653, and 256B.0654. (b) For home care providers and personal care attendants, the term "facility" refers to the provider or person or organization that exclusively offers, provides, or arranges for personal care services, and does not refer to the client's home or other location at which services are rendered. Subd. 4.Immediately."Immediately" means as soon as possible, but no longer than 24 hours from the time of initial knowledge that the incident occurred has been received. Subd. 5.Legal authority."Legal authority" includes, but is not limited to: (1) a fiduciary obligation recognized elsewhere in law, including pertinent regulations; (2) a contractual obligation; or (3) documented consent by a competent person. Subd. 6.Maltreatment."Maltreatment" means any of the following: (1) abuse under section 609.2325; (2) neglect under section 609.233; or (3) financial exploitation under section 609.2335. Subd. 7.Operator."Operator" means any person whose duties and responsibilities evidence actual control of administrative activities or authority for the decision making of or by a facility. Subd. 8.Person."Person" means any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal, professional, or commercial entity. Subd. 9.Report."Report" means a statement concerning all the circumstances surrounding the alleged or suspected maltreatment, as defined in this section, of a vulnerable adult which are known to the reporter at the time the statement is made. Subd. 10.Therapeutic conduct."Therapeutic conduct" means the provision of program services, health care, or other personal care services done in good faith in the interests of the vulnerable adult by: (1) an individual, facility or employee, or person providing services in a facility under the rights, privileges, and responsibilities conferred by state license, certification, or registration; or (2) a caregiver. Subd. 11.Vulnerable adult."Vulnerable adult" means any person 18 years of age or older who: (1) is a resident inpatient of a facility; (2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4); (3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction: (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment. 1995 c 229 art 2 s 2; 2009 c 79 art 6 s 19; 2014 c 262 art 4 s 9; art 5 s 6; 2016 c 158 art 1 s 202,203

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2325 — Criminal Abuse.

Subdivision 1.Crimes.A caregiver who, with intent to produce physical or mental pain or injury to a vulnerable adult, subjects a vulnerable adult to any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, is guilty of criminal abuse and may be sentenced as provided in subdivision 3. This subdivision does not apply to therapeutic conduct. Subd. 2.Exemptions.For the purposes of this section, a vulnerable adult is not abused for the sole reason that: (1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition and hydration parenterally or through intubation; this paragraph does not enlarge or diminish rights otherwise held under law by: (i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or (ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or (2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult. Subd. 3.Penalties.A person who violates subdivision 1 may be sentenced as follows: (1) if the act results in the death of a vulnerable adult, imprisonment for not more than 15 years or payment of a fine of not more than $30,000, or both; (2)

if the act results in great bodily harm, imprisonment for not more than ten years or payment of a fine of not more than $20,000, or both; (3) if the act results in substantial bodily harm or the risk of death, imprisonment for not more than five years or payment of a fine of not more than $10,000, or both; or (4) in other cases, imprisonment for not more than 364 days or payment of a fine of not more than $3,000, or both. 1995 c 229 art 2 s 3; 1996 c 408 art 10 s 11; 2004 c 146 art 3 s 43; 1Sp2021 c 11 art 4 s 4; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.233 — Criminal Neglect.

Subdivision 1.Gross misdemeanor crime.A caregiver or operator who intentionally neglects a vulnerable adult or knowingly permits conditions to exist that result in the abuse or neglect of a vulnerable adult is guilty of a gross misdemeanor. For purposes of this section, "abuse" has the meaning given in section 626.5572, subdivision 2, and "neglect" means a failure to provide a vulnerable adult with necessary food, clothing, shelter, health care, or supervision. Subd. 1a.Felony deprivation.A caregiver or operator who intentionally deprives a vulnerable adult of necessary food, clothing, shelter, health care, or supervision, when the caregiver or operator is reasonably able to make the necessary provisions, is guilty of a felony and may be sentenced as provided in subdivision 3 if: (1) the caregiver or operator knows or has reason to know the deprivation could likely result in substantial bodily harm or great bodily harm to the vulnerable adult; or (2) the deprivation occurred over an extended period of time. Subd. 2.Exemptions.A vulnerable adult is not neglected or deprived under subdivision 1 or 1a for the sole reason that: (1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, 253B.03, or 524.5-101 to 524.5-502, or chapter 145B, 145C, or 252A, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition and hydration parenterally or through intubation; this paragraph does not enlarge or diminish rights otherwise held under law by: (i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or (ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; (2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult; or (3) the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with: (i) a person including a facility staff person when a consensual sexual personal relationship existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship. Subd. 3.Penalties.A person who violates subdivision 1a may be sentenced as follows: (1) if the conduct results in great bodily harm to the vulnerable adult, imprisonment for not more than ten years or payment of a fine of not more than $10,000, or both; or (2) if the conduct results in substantial bodily harm to the vulnerable adult, imprisonment for not more than five years or payment of a fine of not more than $5,000, or both. Subd. 4.Affirmative defenses.It shall be an affirmative defense to a prosecution under subdivision 1 or 1a, if proven by a preponderance of evidence, that: (1) the defendant is an individual employed by a facility or operator and does not have managerial or supervisory authority, and was unable to reasonably make the necessary provisions because of inadequate staffing levels, inadequate supervision, or institutional policies; (2) the defendant is a facility, an operator, or an employee of a facility or operator in a position of managerial or supervisory authority, and did not knowingly, intentionally, or recklessly permit criminal acts by its employees or agents that resulted in the harm to the vulnerable adult; or (3) the defendant is a caregiver and failed to perform acts necessary to prevent the applicable level of harm, if any, to the vulnerable adult because the caregiver was acting reasonably and necessarily to provide care to another identified vulnerable adult. For these affirmative defenses, a defendant bears only the burden of production. A defendant's failure to meet the burden of production does not relieve the state of its burden of persuasion as to all elements of the offense. 1995 c 229 art 2 s 4; 2004 c 146 art 3 s 44; 2012 c 175 s 1; 2013 c 125 art 1 s 85

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2335 — Financial Exploitation Of Vulnerable Adult.

Subdivision 1.Crime.Whoever does any of the following acts commits the crime of financial exploitation: (1) in breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501 intentionally: (i) fails to use the real or personal property or other financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct, or supervision for the vulnerable adult; (ii) uses, manages, or takes either temporarily or permanently the real or personal property or other financial resources of the vulnerable adult, whether held in the name of the vulnerable adult or a third party, for the benefit of someone other than the vulnerable adult; or (iii) deprives either temporarily or permanently a vulnerable adult of the vulnerable adult's real or personal property or other financial resources, whether held in the name of the vulnerable adult or a third party, for the benefit of someone other than the vulnerable adult; or (2) in the absence of legal authority: (i) acquires possession or control of an interest in real or personal property or other financial resources of a vulnerable adult, whether held in the name of the vulnerable adult or a third party, through the use of undue influence, harassment, or duress; (ii) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another; or (iii) establishes a relationship

with a fiduciary obligation to a vulnerable adult by use of undue influence, harassment, duress, force, compulsion, coercion, or other enticement. Subd. 2.Defenses.(a) Nothing in this section requires a facility or caregiver to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law. (b) If the actor knew or had reason to know that the vulnerable adult lacked capacity to consent, consent is not a defense to a violation of this section. Subd. 3.Criminal penalties.A person who violates subdivision 1, clause (1) or (2), item (i), may be sentenced as provided in section 609.52, subdivision 3. A person who violates subdivision 1, clause (2), item (ii) or (iii), may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. Subd. 4.Aggregation.In any prosecution under this section, the value of the money or property or services received by the defendant within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of subdivision 3; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision. Subd. 5.Venue.Notwithstanding anything to the contrary in section 627.01, an offense committed under this section may be prosecuted in: (1) the county where any part of the offense occurred; or (2) the county of residence of the victim or one of the victims. 1995 c 229 art 2 s 5; 2009 c 119 s 8; 2013 c 5 s 1,2; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2336 — Deceptive Or Unfair Trade Practices; Elderly Or Disabled Victims.

Subdivision 1.Definitions.As used in this section: (1) "charitable solicitation law violation" means a violation of sections 309.50 to 309.61; (2) "consumer fraud law violation" means a violation of sections 325F.68 to 325F.70; (3) "deceptive trade practices law violation" means a violation of sections 325D.43 to 325D.48; (4) "false advertising law violation" means a violation of section 325F.67; (5) "disabled person" means a person who has an impairment of physical or mental function or emotional status that substantially limits one or more major life activities; (6) "major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; and (7) "senior citizen" means a person who is 65 years of age or older. Subd. 2.Crime.It is a gross misdemeanor for any person to commit a charitable solicitation law violation, a consumer fraud law violation, a deceptive trade practices law violation, or a false advertising law violation if the person knows or has reason to know that the person's conduct: (1) is directed at one or more disabled persons or senior citizens; and (2) will cause or is likely to cause a disabled person or a senior citizen to suffer loss or encumbrance of a primary residence, principal employment or other major source of income, substantial loss of property set aside for retirement or for personal or family care and maintenance, substantial loss of pension, retirement plan, or government benefits, or substantial loss of other assets essential to the victim's health or welfare. Subd. 3.Prosecutorial jurisdiction.The attorney general has statewide jurisdiction to prosecute violations of this section. This jurisdiction is concurrent with that of the local prosecuting authority responsible for prosecuting gross misdemeanors in the place where the violation was committed. 1997 c 239 art 3 s 12; 2005 c 56 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.234 — Failure To Report.

Subdivision 1.Crime.Any mandated reporter who is required to report under section 626.557, who knows or has reason to believe that a vulnerable adult is being or has been maltreated, as defined in section 626.5572, subdivision 15, and who does any of the following is guilty of a misdemeanor: (1) intentionally fails to make a report; (2) knowingly provides information which is false, deceptive, or misleading; or (3) intentionally fails to provide all of the material circumstances surrounding the incident which are known to the reporter when the report is made. Subd. 2.Increased penalty.It is a gross misdemeanor for a person who is mandated to report under section 626.557, who knows or has reason to believe that a vulnerable adult is being or has been maltreated, as defined in section 626.5572, subdivision 15, to intentionally fail to make a report if: (1) the person knows the maltreatment caused or contributed to the death or great bodily harm of a vulnerable adult; and (2) the failure to report causes or contributes to the death or great bodily harm of a vulnerable adult or protects the mandated reporter's interests. 1995 c 229 art 2 s 6

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.235 — Use Of Drugs To Injure Or Facilitate Crime.

Whoever administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic or anesthetic substance with intent thereby to injure or to facilitate the commission of a crime may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1963 c 753 art 1 s 609.235; 1984 c 628 art 3 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.24 — Simple Robbery.

Whoever, having knowledge of not being entitled thereto, takes personal property from the person or in the presence of another and uses or threatens the imminent use of force against any person to overcome the person's resistance or powers of resistance to, or to compel acquiescence in, the taking or carrying away of the property is guilty of robbery and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. 1963 c 753 art 1 s 609.24; 1984 c 628 art 3 s 11; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.245 — Aggravated Robbery.

Subdivision 1.First degree.Whoever, while committing a robbery, is armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is guilty of aggravated robbery in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $35,000, or both. Subd. 2.Second degree.Whoever, while committing a robbery, implies, by word or act, possession of a dangerous weapon, is guilty of aggravated robbery in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both. 1963 c 753 art 1 s 609.245; 1984 c 628 art 3 s 11; 1988 c 712 s 5; 1994 c 636 art 2 s 23

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.247 — Carjacking.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given. (b) "Carjacking" means taking a motor vehicle from the person or in the presence of another while having knowledge of not being entitled to the motor vehicle and using or threatening the imminent use of force against any person to overcome the person's resistance or powers of resistance to, or to compel acquiescence in, the taking of the motor vehicle. (c) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, clause (10). Subd. 2.First degree.Whoever, while committing a carjacking, is armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is guilty of carjacking in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $35,000, or both. Subd. 3.Second degree.Whoever, while committing a carjacking, implies, by word or act, possession of a dangerous weapon, is guilty of carjacking in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both. Subd. 4.Third degree.Whoever commits carjacking under any other circumstances is guilty of carjacking in the third degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. 2023 c 52 art 4 s 6

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.25 — Kidnapping.

Subdivision 1.Acts constituting.Whoever, for any of the following purposes, confines or removes from one place to another, any person without the person's consent or, if the person is under the age of 16 years, without the consent of the person's parents or other legal custodian, is guilty of kidnapping and may be sentenced as provided in subdivision 2: (1) to hold for ransom or reward for release, or as shield or hostage; or (2) to facilitate commission of any felony or flight thereafter; or (3) to commit great bodily harm or to terrorize the victim or another; or (4) to hold in involuntary servitude. Subd. 2.Sentence.Whoever violates subdivision 1 may be sentenced as follows: (1) if the victim is released in a safe place without great bodily harm, to imprisonment for not more than 20 years or to payment of a fine of not more than $35,000, or both; or (2) to imprisonment for not more than 40 years or to payment of a fine of not more than $50,000, or both if: (i) the victim is not released in a safe place; (ii) the victim suffers great bodily harm during the course of the kidnapping; or (iii) the person kidnapped is under the age of 16. 1963 c 753 art 1 s 609.25; 1979 c 258 s 8; 1984 c 628 art 3 s 11; 1986 c 444; 1994 c 636 art 2 s 24; 2023 c 52 art 4 s 7

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.251 — Double Jeopardy; Kidnapping.

Notwithstanding section 609.04, a prosecution for or conviction of the crime of kidnapping is not a bar to conviction of or punishment for any other crime committed during the time of the kidnapping. 1983 c 139 s 2; 1993 c 326 art 4 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.255 — False Imprisonment.

Subdivision 1.Definition.As used in this section, the following term has the meaning given it unless specific content indicates otherwise. "Caretaker" means an individual who has responsibility for the care of a child as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a child. Subd. 2.Intentional restraint.Whoever, knowingly lacking lawful authority to do so, intentionally confines or restrains someone else's child under the age of 18 years without consent of the child's parent or legal custodian, or any other person without the person's consent, is guilty of false imprisonment and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both. Subd. 3.Unreasonable restraint of children.(a) A parent, legal guardian, or caretaker who intentionally subjects a child under the age of 18 years to unreasonable physical confinement or restraint by means including but not limited to, tying, locking, caging, or chaining for a prolonged period of time and in a cruel manner which is excessive under the circumstances, is guilty of unreasonable restraint of a child and, except as provided in paragraph (b) or (c), may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. (b) If the confinement or restraint results in demonstrable bodily harm, the person may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both. (c) If the confinement or restraint results in substantial bodily harm, the person may be sentenced to imprisonment for not more than five years or to payment

of a fine of not more than $10,000, or both. 1963 c 753 art 1 s 609.255; 1983 c 217 s 2; 1984 c 628 art 3 s 11; 1986 c 444; 1988 c 655 s 1; 1989 c 290 art 6 s 12; 2012 c 175 s 2; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.26 — Depriving Another Of Custodial Or Parental Rights.

Subdivision 1.Prohibited acts.Whoever intentionally does any of the following acts may be charged with a felony and, upon conviction, may be sentenced as provided in subdivision 6: (1) conceals a minor child from the child's parent where the action manifests an intent substantially to deprive that parent of parental rights or conceals a minor child from another person having the right to parenting time or custody where the action manifests an intent to substantially deprive that person of rights to parenting time or custody; (2) takes, obtains, retains, or fails to return a minor child in violation of a court order which has transferred legal custody under chapter 260, 260B, or 260C to the commissioner of human services, a child-placing agency, or the local social services agency; (3) takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, where the action manifests an intent substantially to deprive that parent of rights to parenting time or custody; (4) takes, obtains, retains, or fails to return a minor child from or to a parent after commencement of an action relating to child parenting time or custody but prior to the issuance of an order determining custody or parenting time rights, where the action manifests an intent substantially to deprive that parent of parental rights; (5) retains a child in this state with the knowledge that the child was removed from another state in violation of any of the above provisions; (6) refuses to return a minor child to a parent or lawful custodian and is at least 18 years old and more than 24 months older than the child; (7) causes or contributes to a child being a habitual truant as defined in section 260C.007, subdivision 19, and is at least 18 years old and more than 24 months older than the child; (8) causes or contributes to a child being a runaway as defined in section 260C.007, subdivision 28, and is at least 18 years old and more than 24 months older than the child; or (9) is at least 18 years old and resides with a minor under the age of 16 without the consent of the minor's parent or lawful custodian. Subd. 2.Defenses.It is an affirmative defense if a person charged under subdivision 1 proves that: (1) the person reasonably believed the action taken was necessary to protect the child from physical or sexual assault or substantial emotional harm; (2) the person reasonably believed the action taken was necessary to protect the person taking the action from physical or sexual assault; (3) the action taken is consented to by the parent, stepparent, or legal custodian seeking prosecution, but consent to custody or specific parenting time is not consent to the action of failing to return or concealing a minor child; or (4) the action taken is otherwise authorized by a court order issued prior to the violation of subdivision 1. The defenses provided in this subdivision are in addition to and do not limit other defenses available under this chapter or chapter 611. Subd. 2a.Original intent clarified.To the extent that it states that subdivision 2 creates affirmative defenses to a charge under this section, subdivision 2 clarifies the original intent of the legislature in enacting Laws 1984, chapter 484, section 2, and does not change the substance of this section. Subdivision 2 does not modify or alter any convictions entered under this section before August 1, 1988. Subd. 3.Venue.A person who violates this section may be prosecuted and tried either in the county in which the child was taken, concealed, or detained or in the county of lawful residence of the child. Subd. 4.Return of child; costs.A child who has been concealed, obtained, or retained in violation of this section shall be returned to the person having lawful custody of the child or shall be taken into custody pursuant to section 260C.175, subdivision 1, clause (2), item (ii). In addition to any sentence imposed, the court may assess any expense incurred in returning the child against any person convicted of violating this section. The court may direct the appropriate county welfare agency to provide counseling services to a child who has been returned pursuant to this subdivision. Subd. 5.Dismissal of charge.A felony charge brought under this section shall be dismissed if: (a) the person voluntarily returns the child within 48 hours after taking, detaining, or failing to return the child in violation of this section; or (b)(1) the person taking the action and the child have not left the state of Minnesota; and (2) within a period of seven days after taking the action, (i) a motion or proceeding under chapter 518, 518A, 518B, 518C, or 518D is commenced by the person taking the action, or (ii) the attorney representing the person taking the action has consented to service of process by the party whose rights are being deprived, for any motion or action pursuant to chapter 518, 518A, 518B, 518C, or 518D. Clause (a) does not apply if the person returns the child as a result of being located by law enforcement authorities. This subdivision does not prohibit the filing of felony charges or an offense report before the expiration of the 48 hours. Subd. 6.Penalty.(a) Except as otherwise provided in paragraph (b) and subdivision 5, whoever violates this section may be sentenced as follows: (1) to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both; or (2) to imprisonment for not more than four years or to payment of a fine of not more than $8,000, or both, if the court finds that: (i) the defendant committed the violation while possessing a dangerous weapon or caused substantial bodily harm to effect the taking; (ii) the defendant abused or neglected the child during the concealment, detention, or removal of the child; (iii) the defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child with intent to cause the parent or lawful custodian to discontinue criminal prosecution; (iv) the defendant demanded payment in exchange for return of the child or demanded to be relieved of the financial or legal obligation to support the child in exchange for return of the child; or (v) the defendant has previously been convicted under this section or a similar statute of another jurisdiction. (b) A violation of subdivision 1, clause (7), is a gross misdemeanor. The county attorney shall prosecute violations of subdivision 1, clause (7). Subd. 7.Reporting of deprivation of parental rights.Any violation of this section shall be reported pursuant to section 260E.11, subdivision 2. 1963 c 753 art 1 s 609.26; 1967 c 570 s 1; 1979 c 263 s 1; 1984 c 484 s 2; 1984 c 654 art 5 s 58; 1985 c 227 s 1,2; 1986 c 444; 1986 c 445 s 1,2; 1986 c 463 s 4,5; 1987 c 246 s 1-3; 1988 c 523 s 1; 1989 c 290 art 7 s 3,4; 1991 c 285 s 10; 1994 c 631 s 31; 1994 c 636 art 2 s 25,26; 1999 c 86 art 1 s 78; 1999 c 139 art 4 s 2; 2000 c 444 art 2 s 45,46; 2001 c 178 art 1 s 44; 2002 c 379 art 1 s 105; 2005 c 164 s 29; 1Sp2005 c 7 s 28; 1Sp2020 c 2 art 8 s 137

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.265 — Abduction.

Whoever, for the purpose of marriage, takes a person under the age of 18 years, without the consent of the parents, guardian, or other person having legal custody of such person is guilty of abduction and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. 1963 c 753 art 1 s 609.265; 1984 c 628 art 3 s 11; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.266 — Definitions.

The definitions in this section apply to sections 609.2114, subdivisions 1 and 2, and 609.2661 to 609.2691: (a) "Unborn child" means the unborn offspring of a human being conceived, but not yet born. (b) "Whoever" does not include the pregnant woman. 1986 c 388 s 5; 2007 c 54 art 3 s 14; 2014 c 180 s 9; 2015 c 21 art 1 s 101

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2661 — Murder Of Unborn Child In The First Degree.

Whoever does any of the following is guilty of murder of an unborn child in the first degree and must be sentenced to imprisonment for life: (1) causes the death of an unborn child with premeditation and with intent to effect the death of the unborn child or of another; (2) causes the death of an unborn child while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the mother of the unborn child or another; or (3) causes the death of an unborn child with intent to effect the death of the unborn child or another while committing or attempting to commit burglary, aggravated robbery, carjacking in the first or second degree, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, or escape from custody. 1986 c 388 s 6; 2023 c 52 art 20 s 19

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2662 — Murder Of Unborn Child In The Second Degree.

Whoever does either of the following is guilty of murder of an unborn child in the second degree and may be sentenced to imprisonment for not more than 40 years: (1) causes the death of an unborn child with intent to effect the death of that unborn child or another, but without premeditation; or (2) causes the death of an unborn child, without intent to effect the death of any unborn child or person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence. 1986 c 388 s 7

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2663 — Murder Of Unborn Child In The Third Degree.

Whoever, without intent to effect the death of any unborn child or person, causes the death of an unborn child by perpetrating an act eminently dangerous to others and evincing a depraved mind, without regard for human or fetal life, is guilty of murder of an unborn child in the third degree and may be sentenced to imprisonment for not more than 25 years. 1986 c 388 s 8

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2664 — Manslaughter Of Unborn Child In The First Degree.

Whoever does any of the following is guilty of manslaughter of an unborn child in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both: (1) intentionally causes the death of an unborn child in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances; (2) causes the death of an unborn child in committing or attempting to commit a misdemeanor or gross misdemeanor offense with such force or violence that death of or great bodily harm to any person or unborn child was reasonably foreseeable, and murder of an unborn child in the first or second degree was not committed thereby; or (3) intentionally causes the death of an unborn child because the actor is coerced by threats made by someone other than the actor's coconspirator and which cause the actor to reasonably believe that the act performed by the actor is the only means of preventing imminent death to the actor or another. 1986 c 388 s 9; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2665 — Manslaughter Of Unborn Child In The Second Degree.

A person who causes the death of an unborn child by any of the following means is guilty of manslaughter of an unborn child in the second degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both: (1) by the actor's culpable negligence whereby the actor creates an unreasonable risk and consciously takes chances of causing death or great bodily harm to an unborn child or a person; (2) by shooting the mother of the unborn child with a firearm or other dangerous weapon as a result of negligently believing her to be a deer or other animal; (3) by setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or (4) by negligently or intentionally permitting any animal, known by the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to run uncontrolled off the owner's

premises, or negligently failing to keep it properly confined. If proven by a preponderance of the evidence, it shall be an affirmative defense to criminal liability under clause (4) that the mother of the unborn child provoked the animal to cause the unborn child's death. 1986 c 388 s 10; 1989 c 290 art 6 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.267 — Assault Of Unborn Child In The First Degree.

Whoever assaults a pregnant woman and inflicts great bodily harm on an unborn child who is subsequently born alive may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both. 1986 c 388 s 11; 1989 c 290 art 6 s 14

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2671 — Assault Of Unborn Child In The Second Degree.

Whoever assaults a pregnant woman and inflicts substantial bodily harm on an unborn child who is subsequently born alive may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. As used in this section, "substantial bodily harm" includes the birth of the unborn child prior to 37 weeks gestation if the child weighs 2,500 grams or less at the time of birth. "Substantial bodily harm" does not include the inducement of the unborn child's birth when done for bona fide medical purposes. 1986 c 388 s 12; 1989 c 20 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2672 — Assault Of Unborn Child In The Third Degree.

Whoever does any of the following commits an assault of an unborn child in the third degree and is guilty of a misdemeanor: (1) commits an act with intent to cause fear in a pregnant woman of immediate bodily harm or death to the unborn child; or (2) intentionally inflicts or attempts to inflict bodily harm on an unborn child who is subsequently born alive. 1986 c 388 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.268 — Injury Or Death Of Unborn Child In Commission Of Crime.

Subdivision 1.Death of unborn child.Whoever, in the commission of a felony or in a violation of section 609.224, 609.2242, 609.23, 609.231, 609.2325, or 609.233, causes the death of an unborn child is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine not more than $30,000, or both. As used in this subdivision, "felony" does not include a violation of sections 609.185 to 609.2114, 609.221 to 609.2231, or 609.2661 to 609.2665. Subd. 2.Injury to unborn child.Whoever, in the commission of a felony or in a violation of section 609.23, 609.231, 609.2325 or 609.233, causes great or substantial bodily harm to an unborn child who is subsequently born alive, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. As used in this subdivision, "felony" does not include a violation of sections 609.2112 to 609.2114, 609.221 to 609.2231, or 609.267 to 609.2672. 1986 c 388 s 14; 1995 c 229 art 4 s 17,18; 1995 c 259 art 3 s 16; 2014 c 180 s 9

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.269 — Exception.

Sections 609.2661 to 609.268 do not apply to a person providing reproductive health care offered, arranged, or furnished: (1) for the purpose of terminating a pregnancy; and (2) with the consent of the pregnant individual or the pregnant individual's representative, except in a medical emergency in which consent cannot be obtained. 1986 c 388 s 15; 2023 c 52 art 4 s 8

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.2691 — Other Convictions Not Barred.

Notwithstanding section 609.04, a prosecution for or conviction under sections 609.2661 to 609.268 is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. 1986 c 388 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.27 — Coercion.

Subdivision 1.Acts constituting.Whoever orally or in writing makes any of the following threats and thereby causes another against the other's will to do any act or forbear doing a lawful act is guilty of coercion and may be sentenced as provided in subdivision 2: (1) a threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another, when robbery or attempt to rob is not committed thereby; or (2) a threat to unlawfully inflict damage to the property of the person threatened or another; or (3) a threat to unlawfully injure a trade, business, profession, or calling; or (4) a threat to expose a secret or deformity, publish a defamatory statement, or otherwise to expose any person to disgrace or ridicule; or (5) a threat to make or cause to be made a criminal charge, whether true or false; provided, that a warning of the consequences of a future violation of law given in good faith by a peace officer or prosecuting attorney to any person shall not be deemed a threat for the purposes of this section; or (6) a threat to commit a violation under section 617.261. [See Note.] Subd. 2.Sentence.Whoever violates subdivision 1 may be

sentenced as follows: (1) to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both if neither the pecuniary gain received by the violator nor the loss suffered by the person threatened or another as a result of the threat exceeds $300, or the benefits received or harm sustained are not susceptible of pecuniary measurement; or (2) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if such pecuniary gain or loss is more than $300 but less than $2,500; or (3) to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if such pecuniary gain or loss is $2,500, or more. History:1963 c 753 art 1 s 609.27; 1971 c 23 s 40; 1977 c 355 s 7; 1983 c 359 s 87; 1984 c 628 art 3 s 11; 1986 c 444; 2004 c 228 art 1 s 72; 2016 c 126 s 4 NOTE:Subdivision 1, clause (4), was found to violate the First Amendment to the United States Constitution as facially overbroad inState v. Jorgenson, 946 N.W.2d 596 (Minn. 2020).

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.275 — Attempt To Coerce.

Whoever makes a threat within the meaning of section 609.27, subdivision 1, clauses (1) to (6), but fails to cause the intended act or forbearance, commits an attempt to coerce and may be punished as provided in section 609.17. 1963 c 753 art 1 s 609.275; 2016 c 126 s 5

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.28 — Interfering With Religious Observance.

Subdivision 1.Interference.Whoever, by threats or violence, intentionally prevents another person from performing any lawful act enjoined upon or recommended to the person by the religion which the person professes is guilty of a misdemeanor. Subd. 2.Physical interference prohibited.A person is guilty of a gross misdemeanor who intentionally and physically obstructs any individual's access to or egress from a religious establishment. This subdivision does not apply to the exclusion of a person from the establishment at the request of an official of the religious organization. Subd. 3.Definition.For purposes of subdivision 2, a "religious establishment" is a building used for worship services by a religious organization and clearly identified as such by a posted sign or other means. 1963 c 753 art 1 s 609.28; 1971 c 23 s 41; 1986 c 444; 1994 c 636 art 2 s 27

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.282 — Labor Trafficking.

Subdivision 1.Labor trafficking resulting in death.Whoever knowingly engages in the labor trafficking of an individual is guilty of a crime and may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than $40,000, or both if the labor trafficking victim dies and the death was proximately caused by the labor trafficking conduct of the offender and murder in the first or second degree was not committed thereby. Subd. 1a.Individuals under age 18; extended period of time; great bodily harm.Whoever knowingly engages in the labor trafficking of an individual is guilty of a crime and may be sentenced to imprisonment for not more than 20 years or to a payment of a fine of not more than $40,000, or both if any of the following circumstances exist: (1) the labor trafficking victim is under the age of 18; (2) the labor trafficking occurs over an extended period of time; or (3) the labor trafficking victim suffers great bodily harm and the harm was proximately caused by the labor trafficking conduct of the offender. Subd. 2.Other offenses.Whoever knowingly engages in the labor trafficking of another is guilty of a crime and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both. Subd. 3.Consent or age of victim not a defense.In a prosecution under this section the consent or age of the victim is not a defense. 2005 c 136 art 17 s 16; 2006 c 260 art 1 s 20; 2023 c 27 s 7,8

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.283 — Unlawful Conduct With Respect To Documents In Furtherance Of Labor Or Sex Trafficking.

Subdivision 1.Crime defined.Unless the person's conduct constitutes a violation of section 609.282, a person who knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person: (1) in the course of a violation of section 609.282 or 609.322; (2) with intent to violate section 609.282 or 609.322; or (3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, a person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a violation of section 609.282 or 609.322; is guilty of a crime and may be sentenced as provided in subdivision 2. Subd. 2.Penalties.A person who violates subdivision 1 may be sentenced as follows: (1) if the crime involves a victim under the age of 18, to imprisonment for not more than ten years or to payment of a fine of $20,000, or both; or (2) in other cases, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 3.Consent or age of victim not a defense.In a prosecution under this section the consent or age of the victim is not a defense. 2005 c 136 art 17 s 17; 2006 c 260 art 1 s 21

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.284 — Labor Or Sex Trafficking Crimes; Defenses; Civil Liability; Corporate Liability.

Subdivision 1.Consent or age of victim not a defense.In an action under this section the consent or age of the victim is not a defense. Subd. 2.Civil liability.A labor trafficking victim may bring a cause of action against a person who violates section 609.282 or

609.283. The court may award damages, including punitive damages, reasonable attorney fees, and other litigation costs reasonably incurred by the victim. This remedy is in addition to potential criminal liability. Subd. 3.Corporate liability.If a corporation or other business enterprise is convicted of violating section 609.282, 609.283, or 609.322, in addition to the criminal penalties described in those sections and other remedies provided elsewhere in law, the court may, when appropriate: (1) order its dissolution or reorganization; (2) order the suspension or revocation of any license, permit, or prior approval granted to it by a state agency; or (3) order the surrender of its charter if it is organized under Minnesota law or the revocation of its certificate to conduct business in Minnesota if it is not organized under Minnesota law. 2005 c 136 art 17 s 18

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.294 — Bestiality.

Whoever carnally knows a dead body or an animal or bird is guilty of bestiality, which is a misdemeanor. If knowingly done in the presence of another the person may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000 or both. 1967 c 507 s 5; 1971 c 23 s 42; 1984 c 628 art 3 s 11; 1986 c 444; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.31 — Leaving State To Evade Establishment Of Paternity.

Whoever with intent to evade proceedings to establish his paternity leaves the state knowing that a woman with whom he has had sexual intercourse is pregnant or has given birth within the previous 60 days to a living child may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both. 1967 c 507 s 8; 1984 c 628 art 3 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3232 — Protective Order Authorized; Procedures; Penalties.

Subdivision 1.Order for protection.Any parent or guardian who knows or has reason to believe that a person, while acting as other than a prostitute or patron, is inducing, coercing, soliciting, or promoting the prostitution of the parent or guardian's minor child, or is offering or providing food, shelter, or other subsistence for the purpose of enabling the parent or guardian's minor child to engage in prostitution, may seek an order for protection in the manner provided in this section. Subd. 2.Court jurisdiction.An application for relief under this section shall be filed in the juvenile court. Actions under this section shall be given docket priority by the court. Subd. 3.Contents of petition.A petition for relief shall allege the existence of a circumstance or circumstances described in subdivision 1, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section. Subd. 4.Hearing on application; notice.(a) Upon receipt of the petition, the court shall order a hearing which shall be held no later than 14 days from the date of the order. Personal service shall be made upon the respondent not less than five days before the hearing. In the event that personal service cannot be completed in time to give the respondent the minimum notice required under this paragraph, the court may set a new hearing date. (b) Notwithstanding the provisions of paragraph (a), service may be made by one week published notice, as provided under section 645.11, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the respondent at the respondent's residence or that the residence is not known to the petitioner. Service under this paragraph is complete seven days after publication. The court shall set a new hearing date if necessary to allow the respondent the five-day minimum notice required under paragraph (a). Subd. 5.Relief by the court.Upon notice and hearing, the court may order the respondent to return the minor child to the residence of the child's parents or guardian, and may order that the respondent cease and desist from committing further acts described in subdivision 1 and cease to have further contact with the minor child. Any relief granted by the court in the order for protection shall be for a fixed period of time determined by the court. Subd. 6.Service of order.Any order issued under this section shall be served personally on the respondent. Upon the request of the petitioner, the court shall order the sheriff to assist in the execution or service of the order for protection. Subd. 7.Violation of order for protection.(a) A violation of an order for protection shall constitute contempt of court and be subject to the penalties provided under chapter 588. (b) Any person who willfully fails to return a minor child as required by an order for protection issued under this section commits an act which manifests an intent substantially to deprive the parent or guardian of custodial rights within the meaning of section 609.26, clause (3). 1986 c 448 s 4

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3241 — Penalty Assessment Authorized.

(a) When a court sentences an adult convicted of violating section 609.27, 609.282, 609.283, 609.322, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting other than as a prostitute, the court shall impose an assessment of not less than $500 and not more than $750 for a misdemeanor violation of section 609.27, a violation of section 609.324, subdivision 2, a violation of section 609.33, or a violation of section 617.293; otherwise the court shall impose an assessment of not less than $750 and not more than $1,000. The assessment shall be distributed as provided in paragraph (c) and is in addition to the surcharge required by section 357.021, subdivision 6. (b) The court may not waive payment of the minimum assessment required by this section. If the defendant qualifies for the services of a public defender or the court finds on the record that the convicted person is indigent or that immediate

payment of the assessment would create undue hardship for the convicted person or that person's immediate family, the court may reduce the amount of the minimum assessment to not less than $100. The court also may authorize payment of the assessment in installments. (c) The assessment collected under paragraph (a) must be distributed as follows: (1) 40 percent of the assessment shall be forwarded to the political subdivision that employs the arresting officer for use in enforcement, training, and education activities related to combating sexual exploitation of youth, or if the arresting officer is an employee of the state, this portion shall be forwarded to the commissioner of public safety for those purposes identified in clause (3); (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled the case for use in training and education activities relating to combating sexual exploitation activities of youth; and (3) 40 percent of the assessment must be forwarded to the commissioner of health to be deposited in the safe harbor for youth account in the special revenue fund and are appropriated to the commissioner for distribution to crime victims services organizations that provide services to sexually exploited youth, as defined in section 260C.007, subdivision 31. (d) A safe harbor for youth account is established as a special account in the state treasury. 1986 c 448 s 7; 1990 c 463 s 5; 1994 c 636 art 2 s 28; 1998 c 367 art 2 s 32; art 8 s 11; 1Sp2003 c 2 art 10 s 2; 1Sp2010 c 1 art 14 s 17; 1Sp2011 c 1 art 4 s 7; 2016 c 189 art 15 s 23; 2018 c 144 s 2; 1Sp2021 c 11 art 2 s 36

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3242 — Prostitution Crimes Committed In School Or Park Zones; Increased Penalties.

Subdivision 1.Definitions.As used in this section: (1) "park zone" has the meaning given in section 152.01, subdivision 12a; and (2) "school zone" has the meaning given in section 152.01, subdivision 14a, and also includes school bus stops established by a school board under section 123B.88, while school children are waiting for the bus. Subd. 2.Increased penalties.Any person who commits a violation of section 609.324 while acting other than as a prostitute while in a school or park zone may be sentenced as follows: (1) if the crime committed is a felony, the statutory maximum for the crime is three years longer than the statutory maximum for the underlying crime; (2) if the crime committed is a gross misdemeanor, the person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both; and (3) if the crime committed is a misdemeanor, the person is guilty of a gross misdemeanor. 1998 c 367 art 2 s 15; 1998 c 397 art 11 s 3

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3243 — Loitering With Intent To Participate In Prostitution.

A person who loiters in a public place with intent to participate in prostitution is guilty of a misdemeanor. 2005 c 136 art 17 s 24

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.325 — Defenses.

Subdivision 1.No defense; solicited; not engaged.It shall be no defense to a prosecution under section 609.322 that an individual solicited or induced to practice prostitution or whose prostitution was promoted, did not actually engage in prostitution. Subd. 2.Consent no defense.Consent or mistake as to age shall be no defense to prosecutions under section 609.322 or 609.324. Subd. 3.No defense; prior prostitution.It shall be no defense to actions under section 609.322 that the individual solicited or induced to practice prostitution, or whose prostitution was promoted, had engaged in prostitution prior to that solicitation, inducement, or promotion. Subd. 3a.No defense; undercover operative.The fact that an undercover operative or law enforcement officer was involved in the detection or investigation of an offense shall not be a defense to a prosecution under section 609.324. Subd. 4.Affirmative defense.It is an affirmative defense to a charge under section 609.324, subdivision 6 or 7, if the defendant proves by a preponderance of the evidence that the defendant is a labor trafficking victim or a sex trafficking victim and that the defendant committed the acts underlying the charge as a result of being a labor trafficking or sex trafficking victim. 1979 c 255 s 5; 1994 c 636 art 2 s 29; 1998 c 367 art 2 s 32; 2005 c 136 art 17 s 25; 2015 c 65 art 6 s 12,13; 2023 c 27 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.326 — Evidence.

The marital privilege provided for in section 595.02 shall not apply in any proceeding under section 609.322. 1979 c 255 s 6; 1998 c 367 art 2 s 32

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.33 — Disorderly House.

Subdivision 1.Definition.For the purpose of this section, "disorderly house" means a building, dwelling, place, establishment, or premises in which actions or conduct habitually occur in violation of laws relating to: (1) the sale of intoxicating liquor or 3.2 percent malt liquor; (2) gambling; (3) prostitution as defined in section 609.321, subdivision 9, or acts relating to prostitution; or (4) the sale or possession of controlled substances as defined in section 152.01, subdivision 4. Subd. 2.Prohibiting owning or operating disorderly house.No person may own, lease, operate, manage, maintain, or conduct a disorderly house, or invite or attempt to invite others to visit or remain in the disorderly house. A violation of this subdivision is a gross misdemeanor. Subd. 3.Mandatory minimum penalties.(a) If a person is convicted of a first violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than $300 nor more than $3,000.

(b) If a person is convicted of a second violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than $500 nor more than $3,000. (c) If a person is convicted of a third or subsequent violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than $1,000 nor more than $3,000. Subd. 4.Evidence.Evidence of unlawful sales of intoxicating liquor or 3.2 percent malt liquor, of unlawful possession or sale of controlled substances, of prostitution or acts relating to prostitution, or of gambling or acts relating to gambling, is prima facie evidence of the existence of a disorderly house. Evidence of sales of intoxicating liquor or 3.2 percent malt liquor between the hours of 1:00 a.m. and 8:00 a.m., while a person is within a disorderly house, is prima facie evidence that the person knew it to be a disorderly house. Subd. 5.Local regulation.Subdivisions 1 to 4 do not prohibit or restrict a local governmental unit from imposing more restrictive provisions. Subd. 6.Pretrial release.When a person is charged under this section with owning or leasing a disorderly house, the court may require as a condition of pretrial release that the defendant bring an eviction action against a lessee who has violated the covenant not to allow drugs established by section 504B.171. 1967 c 507 s 10; 1984 c 628 art 3 s 11; 1985 c 277 s 1; 1989 c 77 s 1; 1991 c 193 s 3; 1991 c 249 s 31; 1999 c 199 art 2 s 33; 2003 c 2 art 2 s 18

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.341 — Definitions.

Subdivision 1.Scope.For the purposes of sections 609.341 to 609.351, the terms in this section have the meanings given them. Subd. 2.Actor."Actor" means a person accused of criminal sexual conduct. Subd. 3.Force."Force" means either: (1) the infliction by the actor of bodily harm; or (2) the attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which causes the complainant to reasonably believe that the actor has the present ability to execute the threat. Subd. 4.Consent.(a) "Consent" means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act. (b) A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act. (c) Corroboration of the victim's testimony is not required to show lack of consent. Subd. 5.Intimate parts."Intimate parts" includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being. Subd. 6.Mentally impaired."Mentally impaired" means that a person, as a result of inadequately developed or impaired intelligence or a substantial psychiatric disorder of thought or mood, lacks the judgment to give a reasoned consent to sexual contact or to sexual penetration. Subd. 7.Mentally incapacitated."Mentally incapacitated" means: (1) that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration; or (2) that a person is under the influence of any substance or substances to a degree that renders them incapable of consenting or incapable of appreciating, understanding, or controlling the person's conduct. Subd. 8.Personal injury."Personal injury" means bodily harm as defined in section 609.02, subdivision 7, or severe mental anguish or pregnancy. Subd. 9.Physically helpless."Physically helpless" means that a person is (a) asleep or not conscious, (b) unable to withhold consent or to withdraw consent because of a physical condition, or (c) unable to communicate nonconsent and the condition is known or reasonably should have been known to the actor. Subd. 10.Current or recent position of authority."Current or recent position of authority" includes but is not limited to any person who is a parent or acting in the place of a parent and charged with or assumes any of a parent's rights, duties or responsibilities to a child, or a person who is charged with or assumes any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of or within 120 days immediately preceding the act. For the purposes of subdivision 11, "current or recent position of authority" includes a psychotherapist. Subd. 11.Sexual contact.(a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to (e), and subdivision 1a, clauses (a) to (f) and (i), and 609.345, subdivision 1, clauses (a) to (d) and (i), and subdivision 1a, clauses (a) to (e), (h), and (i), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent: (i) the intentional touching by the actor of the complainant's intimate parts, or (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by a person in a current or recent position of authority, or by coercion, or by inducement if the complainant is under 14 years of age or mentally impaired, or (iii) the touching by another of the complainant's intimate parts effected by coercion or by a person in a current or recent position of authority, or (iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts, or (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body. (b) "Sexual contact," for the purposes of sections 609.343, subdivision 1a, clauses (g) and (h), 609.345, subdivision 1a, clauses (f) and (g), and 609.3458, includes any of the following acts committed with sexual or aggressive intent: (i) the intentional touching by the actor of the complainant's intimate parts; (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts; (iii) the touching by another of the complainant's intimate parts; (iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts; or (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body. (c) "Sexual contact with a person under 14" means the intentional touching of the complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening of the actor's or another's bare genitals or anal opening with sexual or aggressive intent. Subd. 12.Sexual penetration."Sexual penetration" means any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not

emission of semen occurs: (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or (2) any intrusion however slight into the genital or anal openings: (i) of the complainant's body by any part of the actor's body or any object used by the actor for this purpose; (ii) of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under 14 years of age or mentally impaired; or (iii) of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under 14 years of age or mentally impaired. Subd. 13.Complainant."Complainant" means a person alleged to have been subjected to criminal sexual conduct, but need not be the person who signs the complaint. Subd. 14.Coercion."Coercion" means the use by the actor of words or circumstances that cause the complainant reasonably to fear the infliction of bodily harm upon the complainant or another, or the use by the actor of confinement, or superior size or strength, against the complainant to accomplish the act. Proof of coercion does not require proof of a specific act or threat. Subd. 15.Significant relationship."Significant relationship" means a situation in which the actor is: (1) the complainant's parent, stepparent, or guardian; (2) any of the following persons related to the complainant by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; (3) an adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse; or (4) an adult who is or was involved in a significant romantic or sexual relationship with the parent of a complainant. Subd. 16.Patient."Patient" means a person who seeks or obtains psychotherapeutic services. Subd. 17.Psychotherapist."Psychotherapist" means a person who is or purports to be a physician, psychologist, nurse, physician assistant, chemical dependency counselor, social worker, marriage and family therapist, licensed professional counselor, or other mental health service provider; or any other person, whether or not licensed by the state, who performs or purports to perform psychotherapy. Subd. 18.Psychotherapy."Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition. Subd. 19.Emotionally dependent."Emotionally dependent" means that the nature of the former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the former patient is unable to withhold consent to sexual contact or sexual penetration by the psychotherapist. Subd. 20.Therapeutic deception."Therapeutic deception" means a representation by a psychotherapist that sexual contact or sexual penetration by the psychotherapist is consistent with or part of the patient's treatment. Subd. 21.Special transportation."Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private entity or person that is intended exclusively or primarily to serve individuals who are vulnerable adults or disabled. Special transportation service includes, but is not limited to, service provided by buses, vans, taxis, and volunteers driving private automobiles. Subd. 22.Predatory crime."Predatory crime" means a felony violation of section 609.185 (first-degree murder), 609.19 (second-degree murder), 609.195 (third-degree murder), 609.20 (first-degree manslaughter), 609.205 (second-degree manslaughter), 609.221 (first-degree assault), 609.222 (second-degree assault), 609.223 (third-degree assault), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.247 (carjacking), 609.25 (kidnapping), 609.255 (false imprisonment), 609.498 (tampering with a witness), 609.561 (first-degree arson), or 609.582, subdivision 1 (first-degree burglary). Subd. 23.Secure treatment facility."Secure treatment facility" has the meaning given in sections 253B.02, subdivision 18a, and 253D.02, subdivision 13. Subd. 24.Prohibited occupational relationship.A "prohibited occupational relationship" exists when the actor is in one of the following occupations and the act takes place under the specified circumstances: (1) the actor performed massage or other bodywork for hire, the sexual penetration or sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant, and the sexual penetration or sexual contact was nonconsensual; or (2) the actor and the complainant were in one of the following occupational relationships at the time of the act. Consent by the complainant is not a defense: (i) the actor was a psychotherapist, the complainant was the actor's patient, and the sexual penetration or sexual contact occurred during a psychotherapy session or during a period of time when the psychotherapist-patient relationship was ongoing; (ii) the actor was a psychotherapist and the complainant was the actor's former patient who was emotionally dependent on the actor; (iii) the actor was or falsely impersonated a psychotherapist, the complainant was the actor's patient or former patient, and the sexual penetration or sexual contact occurred by means of therapeutic deception; (iv) the actor was or falsely impersonated a provider of medical services to the complainant and the sexual penetration or sexual contact occurred by means of deception or false representation that the sexual penetration or sexual contact was for a bona fide medical purpose; (v) the actor was or falsely impersonated a member of the clergy, the complainant was not married to the actor, the complainant met with the actor in private seeking or receiving religious or spiritual advice, aid, or comfort from the actor, and the sexual penetration or sexual contact occurred during the course of the meeting or during a period of time when the meetings were ongoing; (vi) the actor provided special transportation service to the complainant and the sexual penetration or sexual contact occurred during or immediately before or after the actor transported the complainant; (vii) the actor was or falsely impersonated a peace officer, as defined in section 626.84, the actor physically or constructively restrained the complainant or the complainant did not reasonably feel free to leave the actor's presence, and the sexual penetration or sexual contact was not pursuant to a lawful search or lawful use of force; (viii) the actor was an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including but not limited to jails, prisons, detention centers, or work release facilities, and the complainant was a resident of a facility or under supervision of the correctional system; (ix) the complainant was enrolled in a secondary school and: (A) the actor was a licensed educator employed or contracted

to provide service for the school at which the complainant was a student; (B) the actor was age 18 or older and at least 48 months older than the complainant and was employed or contracted to provide service for the secondary school at which the complainant was a student; or (C) the actor was age 18 or older and at least 48 months older than the complainant, and was a licensed educator employed or contracted to provide services for an elementary, middle, or secondary school; (x) the actor was a caregiver, facility staff person, or person providing services in a facility, and the complainant was a vulnerable adult who was a resident, patient, or client of the facility who was impaired in judgment or capacity by mental or emotional dysfunction or undue influence; or (xi) the actor was a caregiver, facility staff person, or person providing services in a facility, and the complainant was a resident, patient, or client of the facility. This clause does not apply if a consensual sexual personal relationship existed prior to the caregiving relationship or if the actor was a personal care attendant. Subd. 25.Caregiver."Caregiver" has the meaning given in section 609.232, subdivision 2. Subd. 26.Facility."Facility" has the meaning given in section 609.232, subdivision 3. Subd. 27.Vulnerable adult."Vulnerable adult" has the meaning given in section 609.232, subdivision 11. 1975 c 374 s 2; 1977 c 130 s 8; 1979 c 258 s 9-11; 1981 c 51 s 1; 1982 c 385 s 1; 1982 c 469 s 9; 1984 c 525 s 3; 1984 c 588 s 5,6; 1985 c 24 s 3,4; 1985 c 286 s 14; 1985 c 297 s 1-5; 1986 c 351 s 6,7; 1986 c 444; 1987 c 198 s 1-3; 1987 c 347 art 1 s 22; 1988 c 413 s 1; 1989 c 290 art 4 s 11; 1993 c 326 art 4 s 17-19; 1994 c 636 art 2 s 30-33; 1995 c 226 art 2 s 18; 1998 c 367 art 3 s 5,6; 2001 c 210 s 21; 2002 c 379 art 1 s 106; 2002 c 381 s 1; 2003 c 118 s 22; 2005 c 56 s 1; 2005 c 136 art 2 s 10,11; 2007 c 54 art 2 s 3; 2009 c 59 art 1 s 5; 2010 c 270 s 1; 2013 c 49 s 22; 1Sp2019 c 5 art 4 s 2-4; 1Sp2021 c 11 art 4 s 6-15; 2022 c 58 s 169; 2023 c 52 art 20 s 20

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.342 — Criminal Sexual Conduct In The First Degree.

Subdivision 1.Adult victim; crime defined.A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists: (a) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; (b) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; (c) the actor causes personal injury to the complainant, and any of the following circumstances exist: (i) the actor uses coercion to accomplish the act; (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (iii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless; (d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or (e) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists: (i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit. Subd. 1a.Victim under the age of 18; crime defined.A person who engages in penetration with anyone under 18 years of age or sexual contact with a person under 14 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists: (a) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; (b) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; (c) the actor causes personal injury to the complainant, and any of the following circumstances exist: (i) the actor uses coercion to accomplish the act; (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (iii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless; (d) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists: (i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; (e) the complainant is under 14 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (f) the complainant is at least 14 years of age but less than 16 years of age and: (i) the actor is more than 36 months older than the complainant; and (ii) the actor is in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (g) the complainant was under 16 years of age at the time of the act and the actor has a significant relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (h) the complainant was under 16 years of age at the time of the act, and the actor has a significant relationship to the complainant and any of the following circumstances exist: (i) the actor or an accomplice used force or coercion to accomplish the act; (ii) the complainant suffered personal injury; or (iii) the sexual abuse involved multiple acts committed over an extended period of time. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1). Subd. 2.Penalty.(a) Except as otherwise provided in section 609.3455; or Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a may be sentenced to imprisonment for not more than 30 years or to a payment of a fine of not more than $40,000, or both. (b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 144 months must be imposed on an offender convicted of violating this section. Sentencing a person in a manner other than that described in this

paragraph is a departure from the Sentencing Guidelines. (c) A person convicted under this section is also subject to conditional release under section 609.3455. Subd. 3.Stay.Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1a, clause (g), the court may stay imposition or execution of the sentence if it finds that: (a) a stay is in the best interest of the complainant or the family unit; and (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program. If the court stays imposition or execution of sentence, it shall include the following as conditions of probation: (1) incarceration in a local jail or workhouse; (2) a requirement that the offender complete a treatment program; and (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent. 1975 c 374 s 3; 1981 c 51 s 2; 1983 c 204 s 1; 1984 c 628 art 3 s 11; 1985 c 24 s 5; 1985 c 286 s 15; 1986 c 444; 1989 c 290 art 4 s 12; 1992 c 571 art 1 s 14; 1994 c 636 art 2 s 34; 1995 c 186 s 99; 1998 c 367 art 3 s 7; art 6 s 15; 2000 c 311 art 4 s 2; 2000 c 437 s 10; 2005 c 136 art 2 s 12,13; 2007 c 13 art 3 s 37; 1Sp2019 c 5 art 4 s 5; 1Sp2021 c 11 art 4 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.343 — Criminal Sexual Conduct In The Second Degree.

Subdivision 1.Adult victim; crime defined.A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists: (a) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; (b) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit; (c) the actor causes personal injury to the complainant, and any of the following circumstances exist: (i) the actor uses coercion to accomplish the sexual contact; (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (iii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless; (d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or (e) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists: (i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit. Subd. 1a.Victim under the age of 18; crime defined.A person who engages in sexual contact with anyone under 18 years of age is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists: (a) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; (b) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit; (c) the actor causes personal injury to the complainant, and any of the following circumstances exist: (i) the actor uses coercion to accomplish the sexual contact; (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (iii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless; (d) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists: (i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; (e) the complainant is under 14 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; (f) the complainant is at least 14 but less than 16 years of age and the actor is more than 36 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (g) the complainant was under 16 years of age at the time of the sexual contact and the actor has a significant relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and: (i) the actor or an accomplice used force or coercion to accomplish the contact; (ii) the complainant suffered personal injury; or (iii) the sexual abuse involved multiple acts committed over an extended period of time. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1). Subd. 2.Penalty.(a) Except as otherwise provided in section 609.3455; or Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of not more than $35,000, or both. (b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 90 months must be imposed on an offender convicted of violating subdivision 1, clause (a), (b), (c), (d), or (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i). Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines. (c) A person convicted under this section is also subject to conditional release under section 609.3455. Subd. 3.Stay.Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1a, clause (g), the court may stay imposition or execution of the sentence if it finds that: (a) a stay is in the best interest of the complainant or the family unit; and (b) a professional assessment indicates that the offender has been accepted by and can

respond to a treatment program. If the court stays imposition or execution of sentence, it shall include the following as conditions of probation: (1) incarceration in a local jail or workhouse; (2) a requirement that the offender complete a treatment program; and (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent. 1975 c 374 s 4; 1979 c 258 s 12; 1981 c 51 s 3; 1983 c 204 s 2; 1984 c 628 art 3 s 11; 1985 c 24 s 6; 1985 c 286 s 16; 1986 c 444; 1989 c 290 art 4 s 13; 1992 c 571 art 1 s 15; 1998 c 367 art 3 s 8; art 6 s 15; 2000 c 437 s 11; 2002 c 381 s 2; 2005 c 136 art 2 s 14,15; 2007 c 13 art 3 s 37; 1Sp2019 c 5 art 4 s 6; 1Sp2021 c 11 art 4 s 17

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.344 — Criminal Sexual Conduct In The Third Degree.

Subdivision 1.Adult victim; crime defined.A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists: (a) the actor uses coercion to accomplish the penetration; (b) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless; (c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (d) at the time of the act, the actor is in a prohibited occupational relationship with the complainant. Subd. 1a.Victim under the age of 18; crime defined.A person who engages in sexual penetration with anyone under 18 years of age is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists: (a) the complainant is under 14 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; (b) the complainant is at least 14 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than 60 months older than the complainant, it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. Consent by the complainant is not a defense; (c) the actor uses coercion to accomplish the penetration; (d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless; (e) the complainant is at least 16 but less than 18 years of age and the actor is more than 36 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and: (i) the actor or an accomplice used force or coercion to accomplish the penetration; (ii) the complainant suffered personal injury; or (iii) the sexual abuse involved multiple acts committed over an extended period of time. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (h) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (i) at the time of the act, the actor is in a prohibited occupational relationship with the complainant. Subd. 2.Penalty.Except as otherwise provided in section 609.3455, a person convicted under subdivision 1 or subdivision 1a may be sentenced: (1) to imprisonment for not more than 15 years or to a payment of a fine of not more than $30,000, or both; or (2) if the person was convicted under subdivision 1a, paragraph (b), and if the actor was no more than 36 months but more than 24 months older than the complainant, to imprisonment for not more than five years or a fine of not more than $30,000, or both. A person convicted under this section is also subject to conditional release under section 609.3455. Subd. 3.Stay.Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1a, clause (f), the court may stay imposition or execution of the sentence if it finds that: (a) a stay is in the best interest of the complainant or the family unit; and (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program. If the court stays imposition or execution of sentence, it shall include the following as conditions of probation: (1) incarceration in a local jail or workhouse; (2) a requirement that the offender complete a treatment program; and (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent. 1975 c 374 s 5; 1979 c 258 s 13; 1983 c 204 s 3; 1984 c 588 s 7; 1984 c 628 art 3 s 11; 1985 c 24 s 7; 1985 c 286 s 17; 1985 c 297 s 6; 1986 c 351 s 8; 1986 c 444; 1Sp1986 c 3 art 1 s 80; 1987 c 94 s 1; 1989 c 290 art 4 s 14; 1992 c 571 art 1 s 16,17; 1993 c 326 art 4 s 20; 1994 c 636 art 2 s 35; 1998 c 367 art 3 s 9; art 6 s 15; 2000 c 437 s 12; 2001 c 210 s 22; 2002 c 381 s 3; 2005 c 136 art 2 s 16,17; 2007 c 13 art 3 s 37; 2007 c 54 art 2 s 4; 2010 c 270 s 2; 2014 c 259 s 5,6; 1Sp2019 c 5 art 4 s 7; 1Sp2021 c 11 art 4 s 18

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.345 — Criminal Sexual Conduct In The Fourth Degree.

Subdivision 1.Adult victim; crime defined.A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists: (a) the actor uses coercion to accomplish the sexual contact; (b) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless; (c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (d) at the time of the act, the actor is in a prohibited occupational relationship with the complainant. Subd. 1a.Victim under the age of 18; crime defined.A person who engages in sexual contact with anyone under 18 years of age is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists: (a) the complainant is under 14 years of age and the actor is no more than 36 months older than the

complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; (b) the complainant is at least 14 but less than 16 years of age and the actor is more than 36 months older than the complainant or in a current or recent position of authority over the complainant. Consent by the complainant to the act is not a defense. Mistake of age is not a defense unless actor is less than 60 months older. In any such case, if the actor is no more than 60 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense; (c) the actor uses coercion to accomplish the sexual contact; (d) The actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless; (e) the complainant is at least 16 but less than 18 years of age and the actor is more than 36 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and: (i) the actor or an accomplice used force or coercion to accomplish the contact; (ii) the complainant suffered personal injury; or (iii) the sexual abuse involved multiple acts committed over an extended period of time. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (h) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (i) at the time of the act, the actor is in a prohibited occupational relationship with the complainant. Subd. 2.Penalty.Except as otherwise provided in section 609.3455, a person convicted under subdivision 1 or subdivision 1a may be sentenced to imprisonment for not more than ten years or to a payment of a fine of not more than $20,000, or both. A person convicted under this section is also subject to conditional release under section 609.3455. Subd. 3.Stay.Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1a, clause (f), the court may stay imposition or execution of the sentence if it finds that: (a) a stay is in the best interest of the complainant or the family unit; and (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program. If the court stays imposition or execution of sentence, it shall include the following as conditions of probation: (1) incarceration in a local jail or workhouse; (2) a requirement that the offender complete a treatment program; and (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent. 1975 c 374 s 6; 1976 c 124 s 9; 1979 c 258 s 14; 1981 c 51 s 4; 1983 c 204 s 4; 1984 c 588 s 8; 1984 c 628 art 3 s 11; 1985 c 24 s 8; 1985 c 286 s 18; 1985 c 297 s 7; 1986 c 351 s 9; 1986 c 444; 1Sp1986 c 3 art 1 s 81; 1987 c 94 s 2; 1989 c 290 art 4 s 15; 1992 c 571 art 1 s 18,19; 1993 c 326 art 4 s 21; 1994 c 636 art 2 s 36; 1998 c 367 art 3 s 10; art 6 s 15; 2000 c 437 s 13; 2001 c 210 s 23; 2002 c 381 s 4; 2005 c 136 art 2 s 18,19; 2007 c 13 art 3 s 37; 2007 c 54 art 2 s 5; 2010 c 270 s 3; 1Sp2019 c 5 art 4 s 8; 1Sp2021 c 11 art 4 s 19

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3451 — Criminal Sexual Conduct In The Fifth Degree.

Subdivision 1.Sexual penetration; crime defined.A person is guilty of criminal sexual conduct in the fifth degree if the person engages in nonconsensual sexual penetration. Subd. 1a.Sexual contact; child present; crime defined.A person is guilty of criminal sexual conduct in the fifth degree if: (1) the person engages in nonconsensual sexual contact; or (2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present. For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i), (iv), and (v). Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent. Subd. 2.Gross misdemeanor.A person convicted under subdivision 1a may be sentenced to imprisonment for not more than 364 days or to a payment of a fine of not more than $3,000, or both. Subd. 3.Felony.(a) A person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $10,000, or both, if the person violates subdivision 1. (b) A person is guilty of a felony and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than $14,000, or both, if the person violates subdivision 1 or 1a within ten years of: (1) a conviction under subdivision 1; (2) a previous conviction for violating subdivision 1a, clause (2), a crime described in paragraph (c), or a statute from another state in conformity with any of these offenses; or (3) the first of two or more previous convictions for violating subdivision 1a, clause (1), or a statute from another state in conformity with this offense. (c) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345; 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to enhance a criminal penalty as provided in paragraph (b). 1988 c 529 s 2; 1990 c 492 s 1; 1995 c 226 art 2 s 19; 1996 c 408 art 3 s 26,27; 1998 c 367 art 3 s 11; 2014 c 270 s 2; 2015 c 65 art 6 s 14; 1Sp2019 c 5 art 4 s 9; 1Sp2021 c 11 art 4 s 20; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3453 — Criminal Sexual Predatory Conduct.

Subdivision 1.Crime defined.A person is guilty of criminal sexual predatory conduct if the person commits a predatory crime that was motivated by the offender's sexual impulses or was part of a predatory pattern of behavior that had criminal sexual conduct as

its goal. Subd. 2.Penalty.(a) Except as provided in section 609.3455, the statutory maximum sentence for a violation of subdivision 1 is: (1) 25 percent longer than for the underlying predatory crime; or (2) 50 percent longer than for the underlying predatory crime, if the violation is committed by a person with a previous sex offense conviction, as defined in section 609.3455, subdivision 1. (b) In addition to the sentence imposed under paragraph (a), the person may also be sentenced to the payment of a fine of not more than $20,000. (c) A person convicted under this section is also subject to conditional release under section 609.3455. 2005 c 136 art 2 s 20

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3455 — Dangerous Sex Offenders; Life Sentences; Conditional Release.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given. (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, 609.3453, or 609.3458, if the adult sentence has been executed. (c) "Extreme inhumane conditions" mean situations where, either before or after the sexual penetration or sexual contact, the offender knowingly causes or permits the complainant to be placed in a situation likely to cause the complainant severe ongoing mental, emotional, or psychological harm, or causes the complainant's death. (d) A "heinous element" includes: (1) the offender tortured the complainant; (2) the offender intentionally inflicted great bodily harm upon the complainant; (3) the offender intentionally mutilated the complainant; (4) the offender exposed the complainant to extreme inhumane conditions; (5) the offender was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and used or threatened to use the weapon or article to cause the complainant to submit; (6) the offense involved sexual penetration or sexual contact with more than one victim; (7) the offense involved more than one perpetrator engaging in sexual penetration or sexual contact with the complainant; or (8) the offender, without the complainant's consent, removed the complainant from one place to another and did not release the complainant in a safe place. (e) "Mutilation" means the intentional infliction of physical abuse designed to cause serious permanent disfigurement or permanent or protracted loss or impairment of the functions of any bodily member or organ, where the offender relishes the infliction of the abuse, evidencing debasement or perversion. (f) A conviction is considered a "previous sex offense conviction" if the offender was convicted and sentenced for a sex offense before the commission of the present offense. (g) A conviction is considered a "prior sex offense conviction" if the offender was convicted of committing a sex offense before the offender has been convicted of the present offense, regardless of whether the offender was convicted for the first offense before the commission of the present offense, and the convictions involved separate behavioral incidents. (h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, 609.3458, or any similar statute of the United States, this state, or any other state. (i) "Torture" means the intentional infliction of extreme mental anguish, or extreme psychological or physical abuse, when committed in an especially depraved manner. (j) An offender has "two previous sex offense convictions" only if the offender was convicted and sentenced for a sex offense committed after the offender was earlier convicted and sentenced for a sex offense and both convictions preceded the commission of the present offense of conviction. Subd. 2.Mandatory life sentence without release; egregious first-time and repeat offenders.(a) Except as provided in paragraph (c), notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person convicted under section 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i); or 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of release if: (1) the fact finder determines that two or more heinous elements exist; or (2) the person has a previous sex offense conviction for a violation of section 609.342, 609.343, 609.344, or 609.3458, subdivision 1, paragraph (b), and the fact finder determines that a heinous element exists for the present offense. (b) A fact finder may not consider a heinous element if it is an element of the underlying specified violation of section 609.342 or 609.343. In addition, when determining whether two or more heinous elements exist, the fact finder may not use the same underlying facts to support a determination that more than one element exists. (c) The court shall sentence a person who was under 18 years of age at the time of the commission of an offense described in paragraph (a) to imprisonment for life. Subd. 3.Mandatory life sentence for egregious first-time offenders.(a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person to imprisonment for life if the person is convicted under section 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i); or 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i); and the fact finder determines that a heinous element exists. (b) The fact finder may not consider a heinous element if it is an element of the underlying specified violation of section 609.342 or 609.343. Subd. 3a.Mandatory sentence for certain engrained offenders.(a) A court shall commit a person to the commissioner of corrections for a period of time that is not less than double the presumptive sentence under the sentencing guidelines and not more than the statutory maximum, or if the statutory maximum is less than double the presumptive sentence, for a period of time that is equal to the statutory maximum, if: (1) the court is imposing an executed sentence on a person convicted of committing or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, 609.3453, or 609.3458; (2) the fact finder determines that the offender is a danger to public safety; and (3) the fact finder determines that the offender's criminal sexual behavior is so engrained that the risk of reoffending is great without intensive psychotherapeutic intervention or other long-term treatment or supervision extending beyond the presumptive term of imprisonment and supervised release. (b) The fact finder shall base its determination that the offender is a danger to public safety on any of the following factors: (1) the crime involved an aggravating factor that would justify a durational departure from the presumptive sentence under the sentencing guidelines; (2) the offender previously committed or attempted to commit a predatory crime or a violation of section

609.224 or 609.2242, including: (i) an offense committed as a juvenile that would have been a predatory crime or a violation of section 609.224 or 609.2242 if committed by an adult; or (ii) a violation or attempted violation of a similar law of any other state or the United States; or (3) the offender planned or prepared for the crime prior to its commission. (c) As used in this section, "predatory crime" has the meaning given in section 609.341, subdivision 22. Subd. 4.Mandatory life sentence; repeat offenders.(a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person to imprisonment for life if the person is convicted of violating section 609.342, 609.343, 609.344, 609.345, 609.3453, or 609.3458 and: (1) the person has two previous sex offense convictions; (2) the person has a previous sex offense conviction and: (i) the fact finder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions; (ii) the person received an upward durational departure from the sentencing guidelines for the previous sex offense conviction; or (iii) the person was sentenced under this section or Minnesota Statutes 2004, section 609.108, for the previous sex offense conviction; or (3) the person has two prior sex offense convictions, and the fact finder determines that the prior convictions and present offense involved at least three separate victims, and: (i) the fact finder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions; (ii) the person received an upward durational departure from the sentencing guidelines for one of the prior sex offense convictions; or (iii) the person was sentenced under this section or Minnesota Statutes 2004, section 609.108, for one of the prior sex offense convictions. (b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment for life for a violation of section 609.345, unless the person's previous or prior sex offense convictions that are being used as the basis for the sentence are for violations of section 609.342, 609.343, 609.344, 609.3453, or 609.3458, or any similar statute of the United States, this state, or any other state. Subd. 5.Life sentences; minimum term of imprisonment.At the time of sentencing under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based on the sentencing guidelines or any applicable mandatory minimum sentence, that must be served before the offender may be considered for supervised release. If the offender was under 18 years of age at the time of the commission of the offense, the minimum term of imprisonment specified by the court shall not exceed the applicable minimum term of imprisonment described in section 244.05, subdivision 4b. Subd. 6.Mandatory ten-year conditional release term.Notwithstanding the statutory maximum sentence otherwise applicable to the offense and unless a longer conditional release term is required in subdivision 7, when a court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3453, or 609.3458, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for ten years. Subd. 7.Mandatory lifetime conditional release term.(a) When a court sentences an offender under subdivision 3 or 4, the court shall provide that, if the offender is released from prison, the commissioner of corrections shall place the offender on conditional release for the remainder of the offender's life. (b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense, when the court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3453, or 609.3458, and the offender has a previous or prior sex offense conviction, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for the remainder of the offender's life. (c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional release for a violation of section 609.345, unless the offender's previous or prior sex offense conviction is for a violation of section 609.342, 609.343, 609.344, 609.3453, or 609.3458, subdivision 1, paragraph (b), or any similar statute of the United States, this state, or any other state. Subd. 8.Terms of conditional release; applicable to all sex offenders.(a) The provisions of this subdivision relating to conditional release apply to all sex offenders sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3453, or 609.3458. Except as provided in this subdivision, conditional release of sex offenders is governed by provisions relating to supervised release. The commissioner of corrections may not dismiss an offender on conditional release from supervision until the offender's conditional release term expires. (b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person released under this subdivision. The plan may include co-payments from offenders, third-party payers, local agencies, or other funding sources as they are identified. This section does not require the commissioner to accept or retain an offender in a treatment program. Before the offender is placed on conditional release, the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced of the terms of the offender's conditional release. The commissioner also shall make reasonable efforts to notify the victim of the offender's crime of the terms of the offender's conditional release. (c) If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve all or a part of the remaining portion of the conditional release term in prison. An offender, while on supervised release, is not entitled to credit against the offender's conditional release term for time served in confinement for a violation of release. Subd. 9.Applicability.The provisions of this section do not affect the applicability of Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005, or the validity of sentences imposed under Minnesota Statutes 2004, section 609.108. Subd. 10.Presumptive executed sentence for repeat sex offenders.Except as provided in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the defendant to the commissioner of corrections for not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the

execution of the sentence imposed under this subdivision only if it finds that a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation: (1) incarceration in a local jail or workhouse; and (2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court. 2005 c 136 art 2 s 21; 2006 c 260 art 1 s 22,23; art 4 s 14; 2007 c 54 art 2 s 6; 2013 c 86 art 3 s 10; 2013 c 96 s 3-5; 1Sp2021 c 11 art 4 s 21; 2023 c 52 art 18 s 10,11; 2024 c 123 art 4 s 12

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3456 — Use Of Polygraphs For Sex Offenders On Probation Or Conditional Release.

(a) A court may order as an intermediate sanction under section 609.135 and the commissioner of corrections may order as a condition of release under section 244.05 or 609.3455 that an offender under supervision for a sex offense submit to polygraphic examinations to ensure compliance with the terms of probation or conditions of release. (b) The court or commissioner may order the offender to pay all or a portion of the costs of the examinations. The fee may be waived if the offender is indigent or if payment would result in an economic hardship to the offender's immediate family. 2005 c 136 art 3 s 24

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3457 — Sex Offender Assessment.

Subdivision 1.Assessment required.When a person is convicted of a sex offense, the court shall order an independent professional assessment of the offender's need for sex offender treatment to be completed before sentencing. The court may waive the assessment if: (1) the Sentencing Guidelines provide a presumptive prison sentence for the offender, or (2) an adequate assessment was conducted prior to the conviction. An assessor providing an assessment for the court must be experienced in the evaluation and treatment of sex offenders. Subd. 1a.Repeat offenders; mandatory assessment.When a person is convicted of a felony-level sex offense, and the person has previously been convicted of a sex offense regardless of the penalty level, the court shall order a sex offender assessment to be completed by the Minnesota security hospital. The assessment must contain the facts upon which the assessment conclusion is based, with reference to the offense history of the offender or the severity of the current offense, the social history of the offender, and the results of an examination of the offender's mental status unless the offender refuses to be examined. The assessment conclusion may not be based on testing alone. Upon completion, the assessment must be forwarded to the court and the commissioner of corrections. The court shall consider the assessment when sentencing the offender and, if applicable, when making the preliminary determination regarding the appropriateness of a civil commitment petition under section 609.1351. Subd. 2.Access to data.Notwithstanding section 13.384, 13.85, 144.291 to 144.298, 260B.171, or 260C.171, or chapter 260E, the assessor has access to the following private or confidential data on the person if access is relevant and necessary for the assessment: (1) medical data under section 13.384; (2) corrections and detention data under section 13.85; (3) health records under sections 144.291 to 144.298; (4) juvenile court records under sections 260B.171 and 260C.171; and (5) local welfare agency records under chapter 260E. Data disclosed under this section may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law. Subd. 3.Treatment order.If the assessment indicates that the offender is in need of and amenable to sex offender treatment, the court shall include in the sentence a requirement that the offender undergo treatment, unless the court sentences the offender to prison. Subd. 4.Definition.As used in this section, "sex offense" means a violation of section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3458; 609.746, subdivision 1; 609.79; or 617.23; or another offense arising out of a charge based on one or more of those sections. 1992 c 571 art 1 s 20; 1999 c 139 art 4 s 2; 1999 c 227 s 22; 2001 c 210 s 24-26; 2004 c 228 art 1 s 66; 2005 c 136 art 3 s 23; art 4 s 11; 2007 c 147 art 10 s 15; 1Sp2020 c 2 art 8 s 138; 1Sp2021 c 11 art 4 s 31

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3458 — Sexual Extortion.

Subdivision 1.Crime defined.(a) A person who engages in sexual contact with another person and compels the other person to submit to the contact by making any of the following threats, directly or indirectly, is guilty of sexual extortion: (1) a threat to withhold or harm the complainant's trade, business, profession, position, employment, or calling; (2) a threat to make or cause to be made a criminal charge against the complainant, whether true or false; (3) a threat to report the complainant's immigration status to immigration or law enforcement authorities; (4) a threat to disseminate private sexual images of the complainant as specified in section 617.261, nonconsensual dissemination of private sexual images; (5) a threat to expose information that the actor knows the complainant wishes to keep confidential; or (6) a threat to withhold complainant's housing, or to cause complainant a loss or disadvantage in the complainant's housing, or a change in the cost of complainant's housing. (b) A person who engages in sexual penetration with another person and compels the other person to submit to such penetration by making any of the following threats, directly or indirectly, is guilty of sexual extortion: (1) a threat to withhold or harm the complainant's trade, business, profession, position, employment, or calling; (2) a threat to make or cause to be made a criminal charge against the complainant, whether true or false; (3) a threat to report the complainant's immigration status to immigration or law enforcement authorities; (4) a threat to disseminate private sexual images of the complainant as specified in section 617.261, nonconsensual dissemination of private sexual images; (5) a threat to expose information that the actor knows the complainant wishes to keep confidential; or (6) a threat to withhold complainant's housing, or to cause complainant a loss or disadvantage in the complainant's housing, or a change in the cost of complainant's housing. Subd. 2.Penalty.(a) A person is guilty of a felony and may be sentenced to imprisonment for not more

than ten years or to payment of a fine of not more than $20,000, or both, if the person violates subdivision 1, paragraph (a). (b) A person is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both, if the person violates subdivision 1, paragraph (b). (c) A person convicted under this section is also subject to conditional release under section 609.3455. Subd. 3.No attempt charge.Notwithstanding section 609.17, no person may be charged with or convicted of an attempt to commit a violation of this section. 1Sp2021 c 11 art 4 s 22

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3459 — Law Enforcement; Reports Of Sexual Assaults.

(a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law enforcement investigation by contacting any law enforcement agency, regardless of where the crime may have occurred. The agency must prepare a summary of the allegation and provide the person with a copy of it. The agency must begin an investigation of the facts, or, if the suspected crime was committed in a different jurisdiction, refer the matter along with the summary to the law enforcement agency where the suspected crime was committed for an investigation of the facts. If the agency learns that both the victim and the accused are members of the Minnesota National Guard, the agency receiving the report must refer the matter along with the summary to the Bureau of Criminal Apprehension for investigation pursuant to section 299C.80. (b) If a law enforcement agency refers the matter to the law enforcement agency where the crime was committed, it need not include the allegation as a crime committed in its jurisdiction for purposes of information that the agency is required to provide to the commissioner of public safety pursuant to section 299C.06, but must confirm that the other law enforcement agency has received the referral. 1Sp2019 c 5 art 4 s 10; 1Sp2021 c 11 art 2 s 37

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3469 — Voluntary Intoxication Defense.

(a) The "knows or has reason to know" mental state requirement for violations of sections 609.342 to 609.345 involving a complainant who is mentally incapacitated, as defined in section 609.341, subdivision 7, clause (2), involves specific intent for purposes of determining the applicability of the voluntary intoxication defense described in section 609.075. This defense may be raised by a defendant if the defense is otherwise applicable under section 609.075 and related case law. (b) Nothing in paragraph (a) may be interpreted to change the application of the defense to other crimes. (c) Nothing in paragraph (a) is intended to change the scope or limitations of the defense or case law interpreting it beyond clarifying that the defense is available to a defendant described in paragraph (a). 1Sp2021 c 11 art 4 s 23

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.347 — Evidence In Criminal Sexual Conduct Cases.

Subdivision 1.Victim testimony; corroboration unnecessary.In a prosecution under sections 609.342 to 609.3451; 609.3453; 609.3458; or Minnesota Statutes 2004, section 609.109, the testimony of a victim need not be corroborated. Subd. 2.Showing of resistance unnecessary.In a prosecution under sections 609.342 to 609.3451; 609.3453; 609.3458; or Minnesota Statutes 2004, section 609.109, there is no need to show that the victim resisted the accused. Subd. 3.Previous sexual conduct.In a prosecution under sections 609.342 to 609.3451; 609.3453; 609.3458; 609.365; or Minnesota Statutes 2004, section 609.109, evidence of the victim's previous sexual conduct shall not be admitted nor shall any reference to such conduct be made in the presence of the jury, except by court order under the procedure provided in subdivision 4. The evidence can be admitted only if the probative value of the evidence is not substantially outweighed by its inflammatory or prejudicial nature and only in the circumstances set out in paragraphs (a) and (b). For the evidence to be admissible under paragraph (a), subsection (i), the judge must find by a preponderance of the evidence that the facts set out in the accused's offer of proof are true. For the evidence to be admissible under paragraph (a), subsection (ii) or paragraph (b), the judge must find that the evidence is sufficient to support a finding that the facts set out in the accused's offer of proof are true, as provided under Rule 901 of the Rules of Evidence. (a) When consent of the victim is a defense in the case, the following evidence is admissible: (i) evidence of the victim's previous sexual conduct tending to establish a common scheme or plan of similar sexual conduct under circumstances similar to the case at issue. In order to find a common scheme or plan, the judge must find that the victim made prior allegations of sexual assault which were fabricated; and (ii) evidence of the victim's previous sexual conduct with the accused. (b) When the prosecution's case includes evidence of semen, pregnancy, or disease at the time of the incident or, in the case of pregnancy, between the time of the incident and trial, evidence of specific instances of the victim's previous sexual conduct is admissible solely to show the source of the semen, pregnancy, or disease. Subd. 4.Accused offer of evidence.The accused may not offer evidence described in subdivision 3 except pursuant to the following procedure: (a) A motion shall be made by the accused at least three business days prior to trial, unless later for good cause shown, setting out with particularity the offer of proof of the evidence that the accused intends to offer, relative to the previous sexual conduct of the victim; (b) If the court deems the offer of proof sufficient, the court shall order a hearing out of the presence of the jury, if any, and in such hearing shall allow the accused to make a full presentation of the offer of proof; (c) At the conclusion of the hearing, if the court finds that the evidence proposed to be offered by the accused regarding the previous sexual conduct of the victim is admissible under subdivision 3 and that its probative value is not substantially outweighed by its inflammatory or prejudicial nature, the court shall make an order stating the extent to which evidence is admissible. The accused may then offer evidence pursuant to the order of the court; (d) If new information is discovered after the date of the hearing or during the course of trial, which may make evidence described in subdivision 3 admissible, the accused may make an offer of proof pursuant to clause (a) and the court shall order an in

camera hearing to determine whether the proposed evidence is admissible by the standards herein. Subd. 5.Prohibiting instructing jury on certain points.In a prosecution under sections 609.342 to 609.3451; 609.3453; 609.3458; or Minnesota Statutes 2004, section 609.109, the court shall not instruct the jury to the effect that: (a) it may be inferred that a victim who has previously consented to sexual intercourse with persons other than the accused would be therefore more likely to consent to sexual intercourse again; or (b) the victim's previous or subsequent sexual conduct in and of itself may be considered in determining the credibility of the victim; or (c) criminal sexual conduct is a crime easily charged by a victim but very difficult to disprove by an accused because of the heinous nature of the crime; or (d) the jury should scrutinize the testimony of the victim any more closely than it should scrutinize the testimony of any witness in any felony prosecution. Subd. 6.Psychotherapy evidence.(a) In a prosecution under sections 609.342 to 609.3451; 609.3453; 609.3458; or Minnesota Statutes 2004, section 609.109, involving a psychotherapist and patient, evidence of the patient's personal or medical history is not admissible except when: (1) the accused requests a hearing at least three business days prior to trial and makes an offer of proof of the relevancy of the history; and (2) the court finds that the history is relevant and that the probative value of the history outweighs its prejudicial value. (b) The court shall allow the admission only of specific information or examples of conduct of the victim that are determined by the court to be relevant. The court's order shall detail the information or conduct that is admissible and no other evidence of the history may be introduced. (c) Violation of the terms of the order is grounds for mistrial but does not prevent the retrial of the accused. Subd. 7.Effect of statute on rules.Rule 412 of the Rules of Evidence is superseded to the extent of its conflict with this section. 1975 c 374 s 8; 1984 c 588 s 10; 1985 c 297 s 8; 1986 c 351 s 12; 1986 c 444; 1Sp1986 c 3 art 1 s 72; 1987 c 114 s 1; 1997 c 239 art 5 s 10; 1998 c 367 art 6 s 8-12; 2005 c 136 art 4 s 6; 2007 c 13 art 3 s 37; 1Sp2021 c 11 art 4 s 31

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3471 — Records Pertaining To Victim Identity Confidential.

Notwithstanding any provision of law to the contrary, no data contained in records or reports relating to petitions, complaints, or indictments issued pursuant to section 609.322, 609.342, 609.343, 609.344, 609.345, 609.3453, or 609.3458, which specifically identifies a victim who is a minor shall be accessible to the public, except by order of the court. Nothing in this section authorizes denial of access to any other data contained in the records or reports, including the identity of the defendant. 1984 c 573 s 9; 1985 c 119 s 1; 1986 c 351 s 13; 1Sp1986 c 3 art 1 s 73; 1987 c 331 s 9; 1992 c 571 art 1 s 26; 1993 c 13 art 1 s 49; 2005 c 136 art 4 s 7; 2015 c 65 art 6 s 15; 1Sp2021 c 11 art 4 s 31

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.348 — Medical Purposes; Exclusion.

Sections 609.342 to 609.3451; 609.3453; and Minnesota Statutes 2004, section 609.109, do not apply to sexual penetration or sexual contact when done for a bona fide medical purpose. 1975 c 374 s 9; 1981 c 273 s 5; 1986 c 351 s 14; 1998 c 367 art 6 s 13; 2005 c 136 art 4 s 8; 2007 c 13 art 3 s 37

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.35 — Costs Of Medical Examination.

(a) Costs incurred by a hospital or other emergency medical facility or by a physician, sexual assault nurse examiner, forensic nurse, or other licensed health care provider for the examination of a victim of criminal sexual conduct that occurred in the state shall be paid by the state. These costs include, but are not limited to, the cost of the medical forensic examination, associated tests and treatments relating to sexually transmitted infection, and pregnancy status, including emergency contraception. A hospital, emergency medical facility, or health care provider shall submit the costs for examination and any associated tests and treatment to the Office of Justice Programs for payment. Upon receipt of the costs, the commissioner shall provide payment to the facility or health care provider. Reimbursement for an examination and any associated test and treatments shall not exceed $1,400. Beginning on January 1, 2024, the maximum amount of an award shall be adjusted annually by the inflation rate. (b) Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private. The hospital or other licensed health care provider performing the examination may seek insurance reimbursement from the victim's insurer only if authorized by the victim. This authorization may only be sought after the examination is performed. When seeking this authorization, the hospital or other licensed health care provider shall inform the victim that if the victim does not authorize this, the state is required by law to pay for the examination and that the victim is in no way liable for these costs or obligated to authorize the reimbursement. (c) The applicability of this section does not depend upon whether the victim reports the offense to law enforcement or the existence or status of any investigation or prosecution. (d) Requests for reimbursement and supporting documents are private data on individuals as defined in section 13.02, subdivision 12. 1975 c 374 s 11; 1981 c 273 s 6; 1986 c 351 s 16; 1Sp1986 c 3 art 1 s 75; 2002 c 381 s 6; 2003 c 116 s 3; 2023 c 52 art 5 s 46; 2024 c 123 art 2 s 5

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.351 — Applicability To Past And Present Prosecutions.

Except for section 609.347, crimes committed prior to August 1, 1975, are not affected by its provisions. 1975 c 374 s 12

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection

609.352 — Solicitation Of Children To Engage In Sexual Conduct; Communication Of Sexually Explicit Materials To Children.

Subdivision 1.Definitions.As used in this section: (a) "child" means a person 15 years of age or younger; (b) "sexual conduct" means sexual contact of the individual's primary genital area, sexual penetration as defined in section 609.341, or sexual performance as defined in section 617.246; and (c) "solicit" means commanding, entreating, or attempting to persuade a specific person in person, by telephone, by letter, or by computerized or other electronic means. Subd. 2.Prohibited act.A person 18 years of age or older who solicits a child or someone the person reasonably believes is a child to engage in sexual conduct with intent to engage in sexual conduct is guilty of a felony and may be sentenced as provided in subdivision 4. Subd. 2a.Electronic solicitation of children.A person 18 years of age or older who uses the Internet, a computer, computer program, computer network, computer system, an electronic communications system, or a telecommunications, wire, or radio communications system, or other electronic device capable of electronic data storage or transmission to commit any of the following acts, with the intent to arouse the sexual desire of any person, is guilty of a felony and may be sentenced as provided in subdivision 4: (1) soliciting a child or someone the person reasonably believes is a child to engage in sexual conduct; (2) engaging in communication with a child or someone the person reasonably believes is a child, relating to or describing sexual conduct; or (3) distributing any material, language, or communication, including a photographic or video image, that relates to or describes sexual conduct to a child or someone the person reasonably believes is a child. Subd. 2b.Jurisdiction.A person may be convicted of an offense under subdivision 2a if the transmission that constitutes the offense either originates within this state or is received within this state. Subd. 3.Defenses.(a) Mistake as to age is not a defense to a prosecution under this section. (b) The fact that an undercover operative or law enforcement officer was involved in the detection or investigation of an offense under this section does not constitute a defense to a prosecution under this section. Subd. 4.Penalty.A person convicted under subdivision 2 or 2a is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than $10,000, or both. 1986 c 445 s 3; 2000 c 311 art 4 s 3,4; 2007 c 54 art 2 s 7; 2009 c 59 art 1 s 6; 1Sp2021 c 11 art 2 s 38

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.353 — Jurisdiction.

A violation or attempted violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, 609.3458, or 609.352 may be prosecuted in any jurisdiction in which the violation originates or terminates. 2000 c 311 art 4 s 5; 2005 c 136 art 4 s 9; 1Sp2021 c 11 art 4 s 31

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.355 — Bigamy.

Subdivision 1.Definition.In this section "cohabit" means to live together under the representation or appearance of being married. Subd. 2.Acts constituting.Whoever does any of the following is guilty of bigamy and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both: (1) knowingly having a prior marriage that is not dissolved, contracts a marriage in this state; or (2) contracts a marriage with another in this state with knowledge that the prior marriage of the other is not dissolved; or (3) marries another outside this state with knowledge that either of them has a prior marriage that has not been dissolved, and then cohabits with the other in this state. 1963 c 753 art 1 s 609.355; 1984 c 628 art 3 s 11; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.365 — Incest.

Whoever has sexual intercourse with another nearer of kin to the actor than first cousin, computed by rules of the civil law, whether of the half or the whole blood, with knowledge of the relationship, is guilty of incest and may be sentenced to imprisonment for not more than ten years. 1963 c 753 art 1 s 609.365; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3751 — Discharge And Dismissal.

Subdivision 1.Applicability.A person is eligible for a discharge and dismissal under this section, if the person: (1) has not been previously convicted of a felony under the laws of this state or elsewhere; (2) has not been previously convicted of a violation of section 609.375 or of a similar offense in this state or elsewhere; (3) has not previously participated in or completed a diversion program relating to a charge of violating section 609.375; and (4) has not previously been placed on probation without a judgment of guilty for violation of section 609.375. Subd. 2.Procedure.For a person eligible under subdivision 1 who is charged with violating section 609.375, the court may after trial or upon a plea of guilty, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period not to exceed the maximum sentence provided for the violation. At a minimum, the conditions must require the defendant to: (1) provide the public authority responsible for child support enforcement with an affidavit attesting to the defendant's present address, occupation, employer, current income, assets, and account information, as defined in section 13B.06; and (2) execute a written payment agreement regarding both current support and arrearages that is approved by the court. In determining whether to

approve a payment agreement under clause (2), the court shall apply the provisions of chapter 518A consistent with the obligor's ability to pay. Subd. 3.Violation.Upon violation of a condition of the probation, including a failure to comply with the written payment agreement approved by the court under subdivision 2, clause (2), the court may enter an adjudication of guilt and proceed as otherwise provided in law. Subd. 4.Early dismissal.The court may, in its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation but may do so only if the full amount of any arrearages has been brought current. Subd. 5.Dismissal; record.(a) For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a. (b) If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this section to the bureau which shall make and maintain the not public record of it as provided under this section. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose. 2001 c 158 s 12; 2005 c 164 s 29; 1Sp2005 c 7 s 28

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.376 — Definitions.

Subdivision 1.Terms defined.For the purposes of sections 609.255 and 609.376 to 609.38, the following terms have the meanings given unless specific content indicates otherwise. Subd. 2.Child."Child" means any person under the age of 18 years. Subd. 3.Caretaker."Caretaker" means an individual who has responsibility for the care of a child as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a child. Subd. 4.Complainant."Complainant" means a person alleged to have been a victim of a violation of section 609.255, subdivision 3, 609.377, or 609.378, but need not be the person who signs the complaint. 1983 c 217 s 3

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.377 — Malicious Punishment Of Child.

Subdivision 1.Malicious punishment.A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced as provided in subdivisions 2 to 6. Subd. 2.Gross misdemeanor.If the punishment results in less than substantial bodily harm, the person may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. Subd. 3.Enhancement to a felony.Whoever violates the provisions of subdivision 2 during the time period between a previous conviction or adjudication for delinquency under this section or sections 609.221 to 609.2231, 609.224, 609.2242, 609.342 to 609.345, or 609.713, and the end of five years following discharge from sentence or disposition for that conviction or adjudication may be sentenced to imprisonment for not more than five years or a fine of $10,000, or both. Subd. 4.Felony; child under age four.If the punishment is to a child under the age of four and causes bodily harm to the head, eyes, neck, or otherwise causes multiple bruises to the body, the person may be sentenced to imprisonment for not more than five years or a fine of $10,000, or both. Subd. 5.Felony; substantial bodily harm.If the punishment results in substantial bodily harm, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 6.Felony; great bodily harm.If the punishment results in great bodily harm, the person may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. 1983 c 217 s 4; 1984 c 628 art 3 s 11; 1988 c 655 s 2; 1989 c 290 art 6 s 16; 1990 c 542 s 18; 1994 c 636 art 2 s 37; 2000 c 437 s 14; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3775 — Child Torture.

Subdivision 1.Definition.As used in this section, "torture" means the intentional infliction of extreme mental anguish, or extreme psychological or physical abuse, when committed in an especially depraved manner. Subd. 2.Crime.A person who tortures a child is guilty of a felony and may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than $35,000, or both. Subd. 3.Proof; evidence.(a) Expert testimony as to the existence or extent of mental anguish or psychological abuse is not a requirement for a conviction under this section. (b) A child's special susceptibility to mental anguish or psychological abuse does not constitute an independent cause of the condition so that a defendant is exonerated from criminal liability. (c) Proof that a victim suffered pain is not an element of a violation of this section. 1Sp2021 c 11 art 2 s 39

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.378 — Neglect Or Endangerment Of Child.

Subdivision 1.Persons guilty of neglect or endangerment.(a)(1) A parent, legal guardian, or caretaker who willfully deprives a child

of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and the deprivation harms or is likely to substantially harm the child's physical, mental, or emotional health is guilty of neglect of a child and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. If the deprivation results in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment or care is "health care," for purposes of this clause. (2) A parent, legal guardian, or caretaker who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. (b) A parent, legal guardian, or caretaker who endangers the child's person or health by: (1) intentionally or recklessly causing or permitting a child to be placed in a situation likely to substantially harm the child's physical, mental, or emotional health or cause the child's death; or (2) knowingly causing or permitting the child to be present where any person is selling, manufacturing, possessing immediate precursors or chemical substances with intent to manufacture, or possessing a controlled substance, as defined in section 152.01, subdivision 4, in violation of section 152.021, 152.022, 152.023, 152.024, or 152.0262; is guilty of child endangerment and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. If the endangerment results in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. This paragraph does not prevent a parent, legal guardian, or caretaker from causing or permitting a child to engage in activities that are appropriate to the child's age, stage of development, and experience, or from selecting health care as defined in subdivision 1, paragraph (a). (c) A person who intentionally or recklessly causes a child under 14 years of age to be placed in a situation likely to substantially harm the child's physical health or cause the child's death as a result of the child's access to a loaded firearm is guilty of child endangerment and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. If the endangerment results in substantial harm to the child's physical health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 2.Defenses.It is a defense to a prosecution under subdivision 1, paragraph (a), clause (2), or paragraph (b), that at the time of the neglect or endangerment there was a reasonable apprehension in the mind of the defendant that acting to stop or prevent the neglect or endangerment would result in substantial bodily harm to the defendant or the child in retaliation. 1983 c 217 s 5; 1984 c 628 art 3 s 11; 1989 c 282 art 2 s 199; 1992 c 571 art 4 s 11; 1993 c 326 art 4 s 22; 2002 c 314 s 6; 2005 c 136 art 7 s 21; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.3785 — Unharmed Newborns Left At A Safe Place; Avoidance Of Prosecution.

A person may leave a newborn with an employee at a safe place, as defined in section 145.902, in this state pursuant to section 260C.139, subdivision 4, without being subjected to prosecution for that act, provided that: (1) the newborn was born within seven days of being left at the safe place, as determined within a reasonable degree of medical certainty; (2) the newborn is left in an unharmed condition; and (3) in cases where the person leaving the newborn is not the newborn's mother, the person has the mother's approval to do so. 2000 c 421 s 3; 2012 c 216 art 2 s 3; art 6 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.379 — Permitted Actions.

Subdivision 1.Reasonable force.(a) Reasonable force may be used upon or toward the person of a child without the child's consent when the following circumstance exists or the actor reasonably believes it to exist: (1) when used by a parent, legal guardian, or other caretaker of a child, in the exercise of lawful authority, to restrain or correct the child; or (2) when used by a teacher, school principal, school employee, school bus driver, other agent of a district, or other member of the instructional, support, or supervisory staff of a public or nonpublic school upon or toward a child or pupil when necessary to restrain the child or pupil to prevent bodily harm or death to the child, pupil, or another. (b) Nothing in this section limits any other authorization to use reasonable force including but not limited to authorizations under sections 121A.582, subdivision 1, and 609.06, subdivision 1. Subd. 2.Applicability.This section applies to sections 260B.425, 260C.425, 609.255, 609.376, and 609.378 and chapter 260E. 1983 c 217 s 6; 1985 c 266 s 4; 1986 c 444; 1990 c 542 s 19; 1999 c 139 art 4 s 2; 1Sp2020 c 2 art 8 s 139; 2024 c 78 s 8

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.38 — Stayed Sentence.

For any violation of section 609.255, subdivision 3, 609.377, or 609.378 for which the Sentencing Guidelines establish a presumptive executed sentence, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is willing to participate in any necessary or appropriate treatment. In determining an appropriate sentence when there is a family relationship between the complainant and the defendant, the court shall be guided by the policy of preserving and strengthening the family unit whenever possible. 1983 c 217 s 7

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.385 — Treason.

Subdivision 1.Definition."Levying war" includes an act of war or an insurrection of several persons with intent to prevent, by force and intimidation, the execution of a statute of the state, or to force its repeal. It does not include either a conspiracy to commit an act of war or a single instance of resistance for a private purpose to the execution of a law. Subd. 2.Acts constituting.Any person owing allegiance to this state who does either of the following is guilty of treason against this state and shall be sentenced to life imprisonment: (1) levies war against this state; or (2) adheres to the enemies of this state, giving them aid and comfort. Subd. 3.Testimony required.No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on the person's confession in open court. 1963 c 753 art 1 s 609.385; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.39 — Misprision Of Treason.

Whoever, owing allegiance to this state and having knowledge of the commission of treason against this state, does not, as soon as may be, disclose and make it known to the governor or a judge of the supreme court, court of appeals, or district court, is guilty of misprision of treason against this state and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1963 c 753 art 1 s 609.39; 1983 c 247 s 208; 1984 c 628 art 3 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.395 — State Military Forces; Interfering With, Obstructing, Or Other.

Whoever, when the United States is at war, does either of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $35,000, or both: (1) intentionally makes or conveys false reports or statements with intent to interfere with the operation or success of the military or naval forces of this state; or (2) intentionally causes or incites insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of this state, or obstructs the recruiting or enlistment service of this state. 1963 c 753 art 1 s 609.395; 1984 c 628 art 3 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.396 — Unauthorized Presence On Military Installations.

Subdivision 1.Misdemeanor.A person is guilty of a misdemeanor if the person intentionally and without the authorization of the adjutant general or a duly appointed commander in accordance with federal regulations enters or is present on or in any campground, any military reservation, any armory, any installation, or any facility owned or controlled by the state or federal government for military purposes. Subd. 2.Felony.A person is guilty of a felony and may be sentenced to not more than five years imprisonment or to payment of a fine of not more than $10,000, or both, if: (1) the person intentionally enters or is present in an area that is posted by order of the adjutant general as restricted for weapon firing or other hazardous military activity; and (2) the person knows that doing so creates a risk of death, bodily harm, or serious property damage. 1989 c 5 s 3; 1989 c 290 art 7 s 12; 2024 c 100 s 21

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.40 — Flags.

Subdivision 1.Definition.In this section "flag" means anything which is or purports to be the Stars and Stripes, the United States shield, the United States coat of arms, the Minnesota state flag, or a copy, picture, or representation of any of them. Subd. 2.Acts prohibited.Whoever does any of the following is guilty of a misdemeanor: (1) intentionally and publicly mutilates, defiles, or casts contempt upon the flag; or (2) places on or attaches to the flag any word, mark, design, or advertisement not properly a part of such flag or exposes to public view a flag so altered; or (3) manufactures or exposes to public view an article of merchandise or a wrapper or receptacle for merchandise upon which the flag is depicted; or (4) uses the flag for commercial advertising purposes. Subd. 3.Exceptions.This section does not apply to flags depicted on written or printed documents or periodicals or on stationery, ornaments, pictures, or jewelry, provided there are not unauthorized words or designs on such flags and provided the flag is not connected with any advertisement. 1963 c 753 art 1 s 609.40; 1971 c 23 s 45

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.41 — False Tax Statement.

Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of the statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. 1963 c 753 art 1 s 609.41; 1984 c 628 art 3 s 11; 1986 c 444; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.415 — Definitions.

Subdivision 1.Definitions.As used in sections 609.415 to 609.465, and 609.515, (1) "Public officer" means: (a) an executive or administrative officer of the state or of a county, municipality or other subdivision or agency of the state; (b) a member of the

legislature or of a governing board of a county, municipality, or other subdivision of the state, or other governmental instrumentality within the state; (c) a judicial officer; (d) a hearing officer; (e) a law enforcement officer; or (f) any other person exercising the functions of a public officer. (2) "Public employee" means a person employed by or acting for the state or a county, municipality, or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a public officer. Public employee includes a member of a charter commission. (3) "Judicial officer" means a judge, court commissioner, referee, or any other person appointed by a judge or court to hear or determine a cause or controversy. (4) "Hearing officer" means any person authorized by law or private agreement to hear or determine a cause or controversy who is not a judicial officer. (5) "Political subdivision" means a county, town, statutory or home rule charter city, school district, special service district, or other municipal corporation of the state of Minnesota. Subd. 2.Deemed officer or employee.A person who has been elected, appointed, or otherwise designated as a public officer or public employee is deemed such officer or employee although the person has not yet qualified therefor or entered upon the duties thereof. 1963 c 753 art 1 s 609.415; 1983 c 359 s 88; 1986 c 444; 1992 c 592 s 16; 2002 c 352 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.42 — Bribery.

Subdivision 1.Acts constituting.Whoever does any of the following is guilty of bribery and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both: (1) offers, gives, or promises to give, directly or indirectly, to any person who is a public officer or employee any benefit, reward or consideration to which the person is not legally entitled with intent thereby to influence the person's performance of the powers or duties as such officer or employee; or (2) being a public officer or employee, requests, receives or agrees to receive, directly or indirectly, any such benefit, reward or consideration upon the understanding that it will have such an influence; or (3) offers, gives, or promises to give, directly or indirectly any such benefit, reward, or consideration to a person who is a witness or about to become a witness in a proceeding before a judicial or hearing officer, with intent that the person's testimony be influenced thereby, or that the person will not appear at the proceeding; or (4) as a person who is, or is about to become such witness requests, receives, or agrees to receive, directly or indirectly, any such benefit, reward, or consideration upon the understanding that the person's testimony will be so influenced, or that the person will not appear at the proceeding; or (5) accepts directly or indirectly a benefit, reward or consideration upon an agreement or understanding, express or implied, that the acceptor will refrain from giving information that may lead to the prosecution of a crime or purported crime or that the acceptor will abstain from, discontinue, or delay prosecution therefor, except in a case where a compromise is allowed by law. Subd. 2.Forfeiture of office.Any public officer who is convicted of violating or attempting to violate subdivision 1 shall forfeit the public officer's office and be forever disqualified from holding public office under the state. 1963 c 753 art 1 s 609.42; 1976 c 178 s 2; 1984 c 628 art 3 s 11; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.425 — Corruptly Influencing Legislator.

Whoever by menace, deception, concealment of facts, or other corrupt means, attempts to influence the vote or other performance of duty of any member of the legislature or person elected thereto may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1963 c 753 art 1 s 609.425; 1984 c 628 art 3 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.43 — Misconduct Of Public Officer Or Employee.

A public officer or employee who does any of the following, for which no other sentence is specifically provided by law, may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both: (1) intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the office or employment within the time or in the manner required by law; or (2) in the capacity of such officer or employee, does an act knowing it is in excess of lawful authority or knowing it is forbidden by law to be done in that capacity; or (3) under pretense or color of official authority intentionally and unlawfully injures another in the other's person, property, or rights; or (4) in the capacity of such officer or employee, makes a return, certificate, official report, or other like document having knowledge it is false in any material respect. 1963 c 753 art 1 s 609.43; 1984 c 628 art 3 s 11; 1986 c 444; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.435 — Officer Not Filing Security.

Whoever intentionally performs the functions of a public officer without having executed and duly filed the required security is guilty of a misdemeanor. 1963 c 753 art 1 s 609.435; 1971 c 23 s 46

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.44 — Public Office; Illegally Assuming; Nonsurrender.

Whoever intentionally and without lawful right thereto, exercises a function of a public office or, having held such office and the right thereto having ceased, refuses to surrender the office or its seal, books, papers, or other incidents to a successor or other

authority entitled thereto may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. 1963 c 753 art 1 s 609.44; 1984 c 628 art 3 s 11; 1986 c 444; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.445 — Failure To Pay Over State Funds.

Whoever receives money on behalf of or for the account of the state or any of its agencies or subdivisions and intentionally refuses or omits to pay the same to the state or its agency or subdivision entitled thereto, or to an officer or agent authorized to receive the same, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1963 c 753 art 1 s 609.445; 1984 c 628 art 3 s 11; 1989 c 290 art 6 s 17

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.45 — Public Officer; Unauthorized Compensation.

Whoever is a public officer or public employee and under color of office or employment intentionally asks, receives, or agrees to receive a fee or other compensation in excess of that allowed by law or where no such fee or compensation is allowed, is guilty of a misdemeanor. 1963 c 753 art 1 s 609.45; 1971 c 23 s 47; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.455 — Permitting False Claims Against Government.

A public officer or employee who audits, allows, or pays any claim or demand made upon the state or subdivision thereof or other governmental instrumentality within the state which the public officer or employee knows is false or fraudulent in whole or in part, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1963 c 753 art 1 s 609.455; 1984 c 628 art 3 s 11; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.456 — Reporting To State Auditor And Legislative Auditor Required.

Subdivision 1.State auditor; police; firefighters; teachers.Whenever a public employee or public officer of a political subdivision, charter commission, or local public pension plan governed by sections 424A.091 to 424A.096 or chapter 354A, discovers evidence of theft, embezzlement, unlawful use of public funds or property, or misuse of public funds by a charter commission or any person authorized to expend public funds, the employee or officer shall promptly report to law enforcement and shall promptly report in writing to the state auditor a detailed description of the alleged incident or incidents. Notwithstanding chapter 13 or any other statute related to the classification of government data, the public employee or public officer shall provide data or information related to the alleged incident or incidents to the state auditor and law enforcement, including data classified as not public. Subd. 2.Legislative auditor.Whenever an employee or officer of the state, University of Minnesota, or other organization listed in section 3.971, subdivision 6, discovers evidence of theft, embezzlement, or unlawful use of public funds or property, the employee or officer shall, except when to do so would knowingly impede or otherwise interfere with an ongoing criminal investigation, promptly report in writing to the legislative auditor a detailed description of the alleged incident or incidents. 1992 c 592 s 17; 1999 c 99 s 21,23; 2002 c 352 s 14; 2013 c 35 s 1; 2013 c 111 art 5 s 80

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.465 — Presenting False Claims To Public Officer Or Body.

Whoever, with intent to defraud, presents a claim or demand, with knowledge that it is false in whole or in part, for audit, allowance or payment to a public officer or body authorized to make such audit, allowance or payment is guilty of an attempt to commit theft of public funds and may be sentenced accordingly. 1963 c 753 art 1 s 609.465; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.466 — Medical Assistance Fraud.

Any person who, with the intent to defraud, presents a claim for reimbursement, a cost report or a rate application, relating to the payment of medical assistance funds pursuant to chapter 256B, to the state agency, which is false in whole or in part, is guilty of an attempt to commit theft of public funds and may be sentenced accordingly. 1976 c 188 s 5

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.47 — Interference With Property In Official Custody.

Whoever intentionally takes, damages, or destroys any personal property held in custody by an officer or other person under process of law may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. 1963 c 753 art 1 s 609.47; 1984 c 628 art 3 s 11; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.475 — Impersonating A Military Service Member, Veteran, Or Public Official.

Whoever falsely impersonates an active or reserve component military service member, veteran, or public official with intent to wrongfully obtain money, property, or any other tangible benefit is guilty of a misdemeanor. 1963 c 753 art 1 s 609.475; 1971 c 23 s 49; 1986 c 444; 2017 c 95 art 3 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.4751 — Impersonating A Peace Officer.

Subdivision 1.Misdemeanor.Whoever falsely impersonates a peace officer with intent to mislead another into believing that the impersonator is actually an officer is guilty of a misdemeanor. Subd. 2.Gross misdemeanor.Whoever violates subdivision 1 while committing any of the following acts is guilty of a gross misdemeanor: (1) gaining access to a public building or government facility that is not open to the public; (2) without legal authority, directing or ordering another person to act or refrain from acting; (3) violating section 169.64, subdivision 2, 3, or 4, or the siren provisions of section 169.68; or (4) operating a motor vehicle marked: (i) with the word or words "police," "patrolman," "sheriff," "deputy," "trooper," "state patrol," "conservation officer," "agent," or "marshal"; or (ii) with any lettering, marking, or insignia, or colorable imitation thereof, including, but not limited to, stars, badges, or shields identifying the vehicle as a law enforcement vehicle, and which a reasonable person would believe is a law enforcement vehicle governed under section 169.98, subdivision 1. Subd. 3.Felony.Whoever violates this section within five years of a previous violation of this section is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both. 2017 c 95 art 3 s 14

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.476 — Publishing Personal Information Of Judicial Official.

Subdivision 1.Definitions.For the purposes of this section, the terms "personal information" and "judicial official" have the meanings given in section 480.40, subdivision 1. Subd. 2.Misdemeanor.It is unlawful to knowingly publish the personal information of any judicial official in any publicly available publication, website, or media with the intent to threaten, intimidate, harass, or physically injure. A person convicted of violating this subdivision is guilty of a misdemeanor. Subd. 3.Felony.If a person's violation of subdivision 2 also causes bodily harm as defined in section 609.02, subdivision 7, the person is guilty of a felony. 2024 c 123 art 12 s 4

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.48 — Perjury.

Subdivision 1.Acts constituting.Whoever makes a false material statement not believing it to be true in any of the following cases is guilty of perjury and may be sentenced as provided in subdivision 4: (1) in or for an action, hearing or proceeding of any kind in which the statement is required or authorized by law to be made under oath or affirmation; (2) in any writing which is required or authorized by law to be under oath or affirmation; (3) in any writing made according to section 358.115; (4) in any writing made according to section 358.116; or (5) in any other case in which the penalties for perjury are imposed by law and no specific sentence is otherwise provided. Subd. 2.Defenses not available.It is not a defense to a violation of this section that: (1) the oath or affirmation was taken or administered in an irregular manner; or (2) the declarant was not competent to give the statement; or (3) the declarant did not know that the statement was material or believed it to be immaterial; or (4) the statement was not used or, if used, did not affect the proceeding for which it was made; or (5) the statement was inadmissible under the law of evidence. Subd. 3.Inconsistent statements.When the declarant has made two inconsistent statements under such circumstances that one or the other must be false and not believed by the declarant when made, it shall be sufficient for conviction under this section to charge and the jury to find that, without determining which, one or the other of such statements was false and not believed by the declarant. The period of limitations for prosecution under this subdivision runs from the first such statement. Subd. 4.Sentence.Whoever violates this section may be sentenced as follows: (1) if the false statement was made upon the trial of a felony charge, or upon an application for an explosives license or use permit, to imprisonment for not more than seven years or to payment of a fine of not more than $14,000, or both; or (2) in all other cases, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 5.Venue.A violation of subdivision 1, clause (4), may be prosecuted in the county where the statement, under penalty of perjury, was signed, or the county of the district court in which the statement was filed. 1963 c 753 art 1 s 609.48; 1971 c 845 s 16; 1984 c 628 art 3 s 11; 1986 c 444; 1989 c 290 art 6 s 18; 2010 c 295 s 2; 2014 c 204 s 9; 2017 c 95 art 2 s 15

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.485 — Escape From Custody.

Subdivision 1.Definition."Escape" includes departure without lawful authority and failure to return to custody following temporary leave granted for a specific purpose or limited period. Subd. 2.Acts prohibited.Whoever does any of the following may be sentenced as provided in subdivision 4: (1) escapes while held pursuant to a lawful arrest, in lawful custody on a charge or conviction of a crime, or while held in lawful custody on an allegation or adjudication of a delinquent act; (2) transfers to another, who is in lawful custody on a charge or conviction of a crime, or introduces into an institution in which the latter is confined, anything usable in making such escape, with intent that it shall be so used; (3) having another in lawful custody on a charge or conviction of a crime, intentionally permits the other to escape; (4) escapes while in a facility designated under section 253B.18, subdivision 1, pursuant to

a court commitment order after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4e. Notwithstanding section 609.17, no person may be charged with or convicted of an attempt to commit a violation of this clause; (5) escapes while in or under the supervision of a facility designated under section 246B.01, subdivision 2a; 246C.13; 253B.18, subdivision 1; 253D.07, subdivision 3; or Minnesota Statutes 1992, section 526.10; (6) escapes while on pass status or provisional discharge according to section 253B.18 or chapter 253D; or (7) escapes while a civilly committed sex offender in the Minnesota Sex Offender Program as defined in section 246B.01, subdivision 1a, or subject to a court hold order under chapter 253D. For purposes of clauses (1) and (7), "escapes while held in lawful custody" or "escapes while a civilly committed sex offender in the Minnesota Sex Offender Program" includes absconding from electronic monitoring or removing an electronic monitoring device from the person's body. Subd. 3.Exceptions.This section does not apply to a person who is free on bail or who is on parole or probation, or subject to a stayed sentence or stayed execution of sentence, unless the person (1) has been taken into actual custody upon revocation of the parole, probation, or stay of the sentence or execution of sentence, (2) is in custody in a county jail or workhouse as a condition of a stayed sentence, or (3) is subject to electronic monitoring as a condition of parole, probation, or supervised release. Subd. 3a.Dismissal of charge.A felony charge brought under subdivision 2, clause (4) shall be dismissed if the person charged voluntarily returns to the facility within 30 days after a reasonable effort has been made to provide written notice to the person that failure to return within 30 days may result in felony charges being filed. Subd. 4.Sentence.(a) Except as otherwise provided in subdivision 3a, whoever violates this section may be sentenced as follows: (1) if the person who escapes is in lawful custody for a felony, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both; (2) if the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4e, to imprisonment for not more than one year and one day or to payment of a fine of not more than $3,000, or both; (3) if the person who escapes is in lawful custody for a gross misdemeanor or misdemeanor, or if the person who escapes is in lawful custody on an allegation or adjudication of a delinquent act, to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both; (4) if the person who escapes is under civil commitment under section 253B.18, to imprisonment for not more than one year and one day or to payment of a fine of not more than $3,000, or both; or (5) if the person who escapes is under a court hold, civil commitment, or supervision under chapter 253D, Minnesota Statutes 2012, section 253B.185, or Minnesota Statutes 1992, section 526.10, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. (b) If the escape was a violation of subdivision 2, clause (1), (2), or (3), and was effected by violence or threat of violence against a person, the sentence may be increased to not more than twice those permitted in paragraph (a), clauses (1) and (3). (c) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when the person escaped. (d) Notwithstanding paragraph (c), if a person who was committed to the commissioner of corrections under section 260B.198 escapes from the custody of the commissioner while 18 years of age, the person's sentence under this section shall commence on the person's 19th birthday or on the person's date of discharge by the commissioner of corrections, whichever occurs first. However, if the person described in this clause is convicted under this section after becoming 19 years old and after having been discharged by the commissioner, the person's sentence shall commence upon imposition by the sentencing court. (e) Notwithstanding paragraph (c), if a person who is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age escapes from a local juvenile correctional facility, the person's sentence under this section begins on the person's 19th birthday or on the person's date of discharge from the jurisdiction of the juvenile court, whichever occurs first. However, if the person described in this paragraph is convicted after becoming 19 years old and after discharge from the jurisdiction of the juvenile court, the person's sentence begins upon imposition by the sentencing court. (f) Notwithstanding paragraph (a), any person who escapes or absconds from electronic monitoring or removes an electric monitoring device from the person's body is guilty of a crime and shall be sentenced to imprisonment for not more than 364 days or to a payment of a fine of not more than $3,000, or both. A person in lawful custody for a violation of section 609.185, 609.19, 609.195, 609.20, 609.205, 609.2112, 609.2113, 609.2114, 609.221, 609.222, 609.223, 609.2231, 609.342, 609.343, 609.344, 609.345, 609.3451, or civil commitment under chapter 253D, or Minnesota Statutes 2012, section 609.21, and who escapes or absconds from electronic monitoring or removes an electronic monitoring device while under sentence may be sentenced to imprisonment for not more than five years or to a payment of a fine of not more than $10,000, or both. 1963 c 753 art 1 s 609.485; 1969 c 248 s 1; 1971 c 23 s 50; 1982 c 557 s 10; 1984 c 628 art 3 s 11; 1986 c 385 s 1-3; 1986 c 444; 1988 c 515 s 2,3; 1990 c 499 s 7,8; 1994 c 636 art 2 s 38,39; 1995 c 226 art 2 s 20,21; 1996 c 305 art 1 s 120,121; 1996 c 408 art 3 s 28,29; 1999 c 139 art 4 s 2; 2000 c 441 s 2,3; 2002 c 314 s 7,8; 2005 c 136 art 17 s 26,27; 2006 c 260 art 1 s 24,25; 2009 c 111 s 14,15; 2011 c 76 art 1 s 66; 2011 c 102 art 2 s 3; 2013 c 49 s 22; 2014 c 180 s 9; 1Sp2020 c 2 art 6 s 123; 2023 c 52 art 6 s 16; 2024 c 79 art 10 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.486 — Commission Of Crime While Wearing Or Possessing Bullet-resistant Vest.

A person who commits or attempts to commit a gross misdemeanor or felony while wearing or possessing a bullet-resistant vest is guilty of a felony and, upon conviction, shall be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Notwithstanding section 609.04, a prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. As used in this section, "bullet-resistant vest" means a bullet-resistant garment that provides ballistic and trauma protection. 1990 c 439 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.487 — Fleeing Peace Officer; Motor Vehicle; Other.

Subdivision 1.Flee; definition.For purposes of this section, the term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle. Subd. 2.Peace officer; definition.For purposes of this section, "peace officer" means: (1) an employee of a political subdivision or state law enforcement agency who is licensed by the Minnesota Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota State Patrol and Minnesota conservation officers; (2) an employee of a law enforcement agency of a federally recognized tribe, as defined in United States Code, title 25, section 450b(e), who is licensed by the Minnesota Board of Peace Officer Standards and Training; or (3) a member of a duly organized state, county, or municipal law enforcement unit of another state charged with the duty to prevent and detect crime and generally enforce criminal laws, and granted full powers of arrest. Subd. 2a.Motor vehicle; definition.For purposes of this section, "motor vehicle" has the meaning given it in section 169.011, subdivision 42, and includes a snowmobile, as defined in section 84.81, off-road recreational vehicles as defined in section 169A.03, subdivision 16, and motorboats as defined in section 169A.03, subdivision 13. Subd. 3.Fleeing officer; motor vehicle.Whoever by means of a motor vehicle flees or attempts to flee a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer, is guilty of a felony and may be sentenced to imprisonment for not more than three years and one day or to payment of a fine of not more than $5,000, or both. Subd. 4.Fleeing officer; death; bodily injury.Whoever flees or attempts to flee by means of a motor vehicle a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer, and who in the course of fleeing in a motor vehicle or subsequently by other means causes the death of a human being not constituting murder or manslaughter or any bodily injury to any person other than the perpetrator may be sentenced to imprisonment as follows: (a) if the course of fleeing results in death, to imprisonment for not more than 40 years or to payment of a fine of not more than $80,000, or both; or (b) if the course of fleeing results in great bodily harm, to imprisonment for not more than seven years or to payment of a fine of not more than $14,000, or both; or (c) if the course of fleeing results in substantial bodily harm, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 5.Revocation; fleeing peace officer offense.When a person is convicted of operating a motor vehicle in violation of subdivision 3 or 4, or an ordinance in conformity with those subdivisions, the court shall notify the commissioner of public safety and order the commissioner to revoke the driver's license of the person. Subd. 6.Fleeing, other than vehicle.Whoever, for the purpose of avoiding arrest, detention, or investigation, or in order to conceal or destroy potential evidence related to the commission of a crime, attempts to evade or elude a peace officer, who is acting in the lawful discharge of an official duty, by means of running, hiding, or by any other means except fleeing in a motor vehicle, is guilty of a misdemeanor. 1981 c 37 s 2; 1981 c 312 s 4; 1984 c 445 s 2,3; 1984 c 628 art 3 s 11; 1984 c 655 art 1 s 78; 1986 c 444; 1988 c 712 s 6; 1989 c 290 art 6 s 19; 1990 c 449 s 1; 1996 c 408 art 3 s 30; 1997 c 226 s 44; 1997 c 239 art 3 s 13; 1Sp1997 c 2 s 64; 2000 c 411 s 1,2; 2000 c 478 art 2 s 7; 1Sp2001 c 8 art 8 s 23; 2005 c 136 art 17 s 28; 2011 c 32 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.49 — Release, Failure To Appear.

Subdivision 1.Felony offenders.(a) A person charged with or convicted of a felony and released from custody, with or without bail or recognizance, who intentionally fails to appear when required after having been notified that a failure to appear for a court appearance is a criminal offense, or after having been released on an order or condition that the releasee personally appear when required with respect to the charge or conviction, is guilty of a crime for failure to appear and may be sentenced to not more than one-half of the maximum term of imprisonment or fine, or both, provided for the underlying crime for which the person failed to appear, but this maximum sentence shall, in no case, be less than a term of imprisonment of one year and one day or a fine of $1,500, or both. (b) A felony charge under this subdivision may be filed upon the person's nonappearance. However, the charge must be dismissed if the person who fails to appear voluntarily surrenders within 48 hours after the time required for appearance. This paragraph does not apply if the offender appears as a result of being apprehended by law enforcement authorities. Subd. 1a.Juvenile offenders.(a) A person who intentionally fails to appear for a juvenile court disposition is guilty of a felony if: (1) the person was prosecuted in juvenile court for an offense that would have been a felony if committed by an adult; (2) the juvenile court made findings pursuant to an admission in court or after trial; (3) the person was released from custody on condition that the person appear in the juvenile court for a disposition in connection with the offense; and (4) the person was notified that failure to appear is a criminal offense. (b) A person who violates the provisions of this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 2.Gross misdemeanor and misdemeanor offenders.A person charged with a gross misdemeanor or misdemeanor who intentionally fails to appear in court for trial on the charge after having been notified that a failure to appear for a court appearance is a criminal offense, or after having been released on an order or condition that the releasee personally appear for trial when required with respect to the charge, is guilty of a misdemeanor. Subd. 3.Affirmative defense.If proven by a preponderance of the evidence, it is an affirmative defense to a violation of subdivision 1, 1a, or 2 that the person's failure to appear in court as required was due to circumstances beyond the person's control. Subd. 4.Prosecution.A violation of this section is prosecuted by the prosecuting authority who was responsible for

prosecuting the offense in connection with which the person failed to appear in court. Subd. 5.Reimbursement for costs.Upon conviction of a defendant for a violation of subdivision 1 or 2, the court may order as part of the sentence that the defendant pay the costs incurred by the prosecuting authority or governmental agency due to the defendant's failure to appear. The court may order this payment in addition to any other penalty authorized by law which it may impose. A defendant shall pay the entire amount of any restitution ordered and fine imposed before paying costs ordered under this subdivision. The order for payment of these costs may be enforced in the same manner as the sentence, or by execution against property. When collected, the costs must be paid into the treasury of the county of conviction. 1963 c 753 art 1 s 609.49; 1984 c 628 art 3 s 11; 1986 c 444; 1989 c 333 s 4; 1994 c 576 s 47,48; 1998 c 367 art 2 s 16; 1999 c 28 s 1-3

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.491 — Failure To Appear; Petty Misdemeanor.

Subdivision 1.Considered guilty plea.If a person fails to appear in court on a charge that is a petty misdemeanor, the failure to appear is considered a plea of guilty and waiver of the right to trial, unless the person appears in court within ten days and shows that the person's failure to appear was due to circumstances beyond the person's control. Subd. 2.Notice.A complaint charging a person with a petty misdemeanor must include a conspicuous notice of the provisions of subdivision 1. 1989 c 333 s 5

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.493 — Solicitation Of Mentally Impaired Persons.

Subdivision 1.Crime.A person is guilty of a crime and may be sentenced as provided in subdivision 2 if the person solicits a mentally impaired person to commit a criminal act. Subd. 2.Sentence.(a) A person who violates subdivision 1 is guilty of a misdemeanor if the intended criminal act is a misdemeanor, and is guilty of a gross misdemeanor if the intended criminal act is a gross misdemeanor. (b) A person who violates subdivision 1 is guilty of a felony if the intended criminal act is a felony, and may be sentenced to imprisonment for not more than one-half the statutory maximum term for the intended criminal act or to payment of a fine of not more than one-half the maximum fine for the intended criminal act, or both. Subd. 3.Definitions.As used in this section: (1) "mentally impaired person" means a person who, as a result of inadequately developed or impaired intelligence or a substantial psychiatric disorder of thought or mood, lacks the judgment to give a reasoned consent to commit the criminal act; and (2) "solicit" means commanding, entreating, or attempting to persuade a specific person. 1993 c 326 art 4 s 23

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.494 — Solicitation Of Juveniles.

Subdivision 1.Crime.A person is guilty of a crime and may be sentenced as provided in subdivision 2 if the person is an adult and solicits or conspires with a minor to commit a crime or delinquent act or is an accomplice to a minor in the commission of a crime or delinquent act. Subd. 2.Sentence.(a) A person who violates subdivision 1 is guilty of a misdemeanor if the intended criminal act is a misdemeanor or would be a misdemeanor if committed by an adult, and is guilty of a gross misdemeanor if the intended criminal act is a gross misdemeanor or would be a gross misdemeanor if committed by an adult. (b) A person who violates subdivision 1 is guilty of a felony if the intended criminal act is a felony or would be a felony if committed by an adult, and may be sentenced to imprisonment for not more than one-half the statutory maximum term for the intended criminal act or to payment of a fine of not more than one-half the maximum fine for the intended criminal act, or both. Subd. 3.Multiple sentences.Notwithstanding section 609.04, a prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. Subd. 4.Consecutive sentences.Notwithstanding any provision of the Sentencing Guidelines, the court may provide that a sentence imposed for a violation of this section shall run consecutively to any sentence imposed for the intended criminal act. A decision by the court to impose consecutive sentences under this subdivision is not a departure from the Sentencing Guidelines. Subd. 5.Definition."Solicit" means commanding, entreating, or attempting to persuade a specific person. 1991 c 279 s 31; 1993 c 326 art 4 s 24

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.496 — Concealing Criminal Proceeds.

Subdivision 1.Crime.A person is guilty of a felony and may be sentenced under subdivision 2 if the person: (1) conducts a transaction involving a monetary instrument or instruments with a value exceeding $5,000; and (2) knows or has reason to know that the monetary instrument or instruments represent the proceeds of, or are derived from the proceeds of, the commission of a felony under this chapter or chapter 152 or an offense in another jurisdiction that would be a felony under this chapter or chapter 152 if committed in Minnesota. Subd. 2.Penalty.A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than $100,000, or both. Subd. 3.Monetary instrument.For purposes of this section, "monetary instrument" means United States currency and coin; the currency and coin of a foreign country; a bank check, cashier's check, traveler's check, money order, stock, investment security, or negotiable instrument in bearer form or otherwise in the form by which title to the instrument passes upon delivery; gold, silver, or platinum bullion or coins; and diamonds, emeralds, rubies, or sapphires. Subd. 4.Payment of reasonable attorney fees.Subdivision 1 does not preclude the payment or receipt of reasonable attorney fees. 1989 c 286 s 3

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.497 — Engaging In Business Of Concealing Criminal Proceeds.

Subdivision 1.Crime.A person is guilty of a felony and may be sentenced under subdivision 2 if the person knowingly initiates, organizes, plans, finances, directs, manages, supervises, or otherwise engages in a business that has as a primary or secondary purpose concealing money or property that was gained as a direct result of the commission of a felony under this chapter or chapter 152, or of an offense committed in another jurisdiction that would be a felony under this chapter or chapter 152 if committed in Minnesota. Subd. 2.Penalty.A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 20 years, or to payment of a fine of not more than $1,000,000, or both. 1989 c 286 s 4

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.4971 — Warning Subject Of Investigation.

Whoever, having knowledge that a subpoena has been issued under sections 8.16 and 388.23, and with intent to obstruct, impede, or prevent the investigation for which the subpoena was issued, gives notice or attempts to give notice of the issuance of the subpoena or the production of the documents to a person, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1989 c 336 art 2 s 4

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.4975 — Warning Subject Of Surveillance Or Search.

Subdivision 1.Electronic communication.Whoever, having knowledge that an investigative or law enforcement officer has been authorized or has applied for authorization under chapter 626A to intercept a wire, oral, or electronic communication, and with intent to obstruct, impede, or prevent interception, gives notice or attempts to give notice of the possible interception to a person, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 2.Pen register.Whoever, having knowledge that an investigative or law enforcement officer has been authorized or has applied for authorization under chapter 626A to install and use a pen register or a trap and trace device, and with intent to obstruct, impede, or prevent the purposes for which the installation and use is being made, gives notice or attempts to give notice of the installation or use to any person, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 3.Search warrant.Whoever, having knowledge that a peace officer has been issued or has applied for the issuance of a search warrant, and with intent to obstruct, impede, or prevent the search, gives notice or attempts to give notice of the search or search warrant to any person, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1989 c 336 art 2 s 3; 1990 c 426 art 2 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.498 — Tampering With Witness.

Subdivision 1.Tampering with witness in the first degree.Whoever does any of the following is guilty of tampering with a witness in the first degree and may be sentenced as provided in subdivision 1a: (a) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of force or threats of injury to any person or property, a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law; (b) by means of force or threats of injury to any person or property, intentionally coerces or attempts to coerce a person who is or may become a witness to testify falsely at any trial, proceeding, or inquiry authorized by law; (c) intentionally causes injury or threatens to cause injury to any person or property in retaliation against a person who was summoned as a witness at any trial, proceeding, or inquiry authorized by law, within a year following that trial, proceeding, or inquiry or within a year following the actor's release from incarceration, whichever is later; (d) intentionally prevents or dissuades or attempts to prevent or dissuade, by means of force or threats of injury to any person or property, a person from providing information to law enforcement authorities concerning a crime; (e) by means of force or threats of injury to any person or property, intentionally coerces or attempts to coerce a person to provide false information concerning a crime to law enforcement authorities; or (f) intentionally causes injury or threatens to cause injury to any person or property in retaliation against a person who has provided information to law enforcement authorities concerning a crime within a year of that person providing the information or within a year of the actor's release from incarceration, whichever is later. Subd. 1a.Penalty.Whoever violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine not to exceed $10,000. Subd. 1b.Aggravated first-degree witness tampering.(a) A person is guilty of aggravated first-degree witness tampering if the person causes or, by means of an implicit or explicit credible threat, threatens to cause great bodily harm or death to another in the course of committing any of the following acts intentionally: (1) preventing or dissuading or attempting to prevent or dissuade a person who is or may become a witness from attending or testifying at any criminal trial or proceeding; (2) coercing or attempting to coerce a person who is or may become a witness to testify falsely at any criminal trial or proceeding; (3) retaliating against a person who was summoned as a witness at any criminal trial or proceeding within a year following that trial or proceeding or within a year following the actor's release from incarceration, whichever is later; (4) preventing or dissuading or attempting to prevent or dissuade a person from providing information to law enforcement authorities concerning a crime; (5) coercing or attempting to coerce a person to provide false information concerning a crime to law enforcement authorities; or (6) retaliating against any person who has provided information to law enforcement authorities concerning a crime within a year of that person providing the information or within a

year of the actor's release from incarceration, whichever is later. (b) A person convicted of committing any act prohibited by paragraph (a) may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $30,000, or both. Subd. 2.Tampering with a witness in the second degree.Whoever does any of the following is guilty of tampering with a witness in the second degree and may be sentenced as provided in subdivision 3: (a) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clause (3), (4), or (5), a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law; (b) by means of any act described in section 609.27, subdivision 1, clause (3), (4), or (5), intentionally coerces or attempts to coerce a person who is or may become a witness to testify falsely at any trial, proceeding, or inquiry authorized by law; (c) intentionally prevents or dissuades or attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clause (3), (4), or (5), a person from providing information to law enforcement authorities concerning a crime; or (d) by means of any act described in section 609.27, subdivision 1, clause (3), (4), or (5), intentionally coerces or attempts to coerce a person to provide false information concerning a crime to law enforcement authorities. Subd. 2a.Tampering with a witness in the third degree.(a) Unless a greater penalty is applicable under subdivision 1, 1b, or 2, whoever does any of the following is guilty of tampering with a witness in the third degree and may be sentenced as provided in subdivision 3: (1) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of intimidation, a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law; (2) by means of intimidation, intentionally influences or attempts to influence a person who is or may become a witness to testify falsely at any trial, proceeding, or inquiry authorized by law; (3) intentionally prevents or dissuades or attempts to prevent or dissuade by means of intimidation, a person from providing information to law enforcement authorities concerning a crime; or (4) by means of intimidation, intentionally influences or attempts to influence a person to provide false information concerning a crime to law enforcement authorities. (b) In a prosecution under this subdivision, proof of intimidation may be based on a specific act or on the totality of the circumstances. Subd. 3.Sentence.(a) Whoever violates subdivision 2 is guilty of a gross misdemeanor. (b) Whoever violates subdivision 2a is guilty of a misdemeanor. Subd. 4.No bar to conviction.Notwithstanding section 609.035 or 609.04, a prosecution for or conviction of the crime of aggravated first-degree witness tampering is not a bar to conviction of or punishment for any other crime. 1976 c 178 s 1; 1983 c 262 art 2 s 6; 1984 c 628 art 3 s 11; 1987 c 194 s 1,2; 1995 c 244 s 18; 1997 c 239 art 3 s 15,16; 2010 c 299 s 6,7

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.50 — Obstructing Legal Process, Arrest, Or Firefighting.

Subdivision 1.Crime.Whoever intentionally does any of the following may be sentenced as provided in subdivision 2: (1) obstructs, hinders, or prevents the lawful execution of any legal process, civil or criminal, or apprehension of another on a charge or conviction of a criminal offense; (2) obstructs, resists, or interferes with a peace officer while the officer is engaged in the performance of official duties; (3) interferes with or obstructs a firefighter while the firefighter is engaged in the performance of official duties; (4) interferes with or obstructs a member of an ambulance service personnel crew, as defined in section 144E.001, subdivision 3a, who is providing, or attempting to provide, emergency care; or (5) by force or threat of force endeavors to obstruct any employee of the Department of Revenue, Department of Public Safety Driver and Vehicle Services Division, a driver's license agent appointed under section 171.061, or a deputy registrar appointed under section 168.33 while the employee is lawfully engaged in the performance of official duties for the purpose of deterring or interfering with the performance of those duties. Subd. 2.Penalty.A person convicted of violating subdivision 1 may be sentenced as follows: (1) if (i) the person knew or had reason to know that the act created a risk of death, substantial bodily harm, or serious property damage; or (ii) the act caused death, substantial bodily harm, or serious property damage; to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both; (2) if the act was accompanied by force or violence or the threat thereof, and is not otherwise covered by clause (1), to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both; or (3) in other cases, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both. 1963 c 753 art 1 s 609.50; 1969 c 1013 s 1; 1971 c 23 s 51; 1984 c 628 art 3 s 11; 1986 c 444; 1986 c 470 s 18; 1988 c 584 s 1; 1989 c 5 s 4; 1991 c 103 s 1; 1998 c 367 art 2 s 17; 2004 c 228 art 1 s 72; 2005 c 136 art 17 s 29; 2008 c 304 s 1; 2023 c 52 art 6 s 16; 2023 c 68 art 5 s 51

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.501 — Funeral Or Burial Service; Prohibited Acts.

Subdivision 1.Definitions.(a) For purposes of this section, the following terms have the meanings given. (b) "Family or household" has the meaning given to family or household member in section 518B.01, subdivision 2. (c) "Funeral ceremony" has the meaning given in section 149A.02, subdivision 18. (d) "Funeral procession" means two or more motor vehicles that identify themselves by using regular lights and by keeping themselves in close formation, one of which contains the body of a deceased person, enroute to or from a funeral ceremony or a graveside service. (e) "Graveside service" has the meaning given in section 149A.02, subdivision 24. (f) "Memorial service" has the meaning given in section 149A.02, subdivision 28. (g) "Targeted residential picketing" has the meaning given in section 609.748, subdivision 1, paragraph (c), but does not require more than one act or that acts be committed on more than one occasion. Subd. 2.Crime to disrupt.(a) Whoever does any of the following is guilty of a misdemeanor: (1) with intent to disrupt a funeral ceremony, graveside service, or memorial service, protests or pickets within 500 feet of the burial site or the entrance to a facility or location being used for the service or ceremony, within one hour prior to, during, or one hour following the service or ceremony; (2) with intent to disrupt a funeral procession, impedes or attempts to impede a vehicle that is part of the

procession; (3) intentionally blocks or attempts to block access to a funeral ceremony, graveside service, or memorial service; or (4) knowingly engages in targeted residential picketing at the home or domicile of any surviving member of the deceased person's family or household on the date of the funeral ceremony, graveside service, or memorial service. (b) Whoever is convicted of a violation of paragraph (a) following a previous conviction for a violation of paragraph (a) or a similar statute from another state or the United States is guilty of a gross misdemeanor. Subd. 3.Civil remedy.A person who violates subdivision 2 is liable to a surviving member of the deceased person's family or household for damages caused by the violation. A surviving member of the deceased person's family or household may also bring an action for injunctive relief and other appropriate relief or remedial compensation. In an action brought under this subdivision, a prevailing plaintiff may recover attorney fees. 2006 c 195 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.502 — Interference With Dead Body; Reporting.

Subdivision 1.Concealing evidence.A person is guilty of a crime and may be sentenced under subdivision 1a if the person interferes with the body or scene of death with intent to: (1) conceal the body; (2) conceal evidence; or (3) otherwise mislead the coroner or medical examiner. Subd. 1a.Penalty.A person convicted under subdivision 1, clause (2) or (3), is guilty of a gross misdemeanor. A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than three years or to a payment of a fine of not more than $5,000 or both. Subd. 2.Failure to report.(a) A person in charge of a cemetery who has knowledge that the body of a deceased person interred in the cemetery has been unlawfully removed shall: (1) immediately report the occurrence to local law enforcement authorities; and (2) inform the next of kin of the deceased person, if known, within three business days of the discovery of the body's removal unless the person making the report has been instructed in writing by law enforcement authorities that informing the next of kin would compromise an active law enforcement investigation. (b) A person who violates paragraph (a), clause (1) or (2), is guilty of a misdemeanor. 1976 c 257 s 2; 1990 c 402 s 2; 2016 c 175 s 1,2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.504 — Disarming Peace Officer.

Subdivision 1.Definition.As used in this section, "defensive device" includes a firearm; a dangerous weapon; an authorized tear gas compound, as defined in section 624.731, subdivision 1; an electronic incapacitation device, as defined in section 624.731, subdivision 1; a club or baton; and any item issued by a peace officer's employer to the officer to assist in the officer's protection. Subd. 2.Crime described.Whoever intentionally takes possession of a defensive device being carried by a peace officer or from the area within the officer's immediate control, without the officer's consent while the officer is engaged in the performance of official duties, is guilty of a crime and may be sentenced as provided in subdivision 3. Subd. 3.Penalty.A person who violates this section is guilty of a felony and may be sentenced to imprisonment for not more than five years, payment of a fine of not more than $10,000, or both. 2008 c 304 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.505 — Falsely Reporting Crime.

Subdivision 1.False reporting.Whoever informs a law enforcement officer that a crime has been committed or otherwise provides information to an on-duty peace officer, knowing that the person is a peace officer, regarding the conduct of others, knowing that it is false and intending that the officer shall act in reliance upon it, is guilty of a misdemeanor. A person who is convicted a second or subsequent time under this section is guilty of a gross misdemeanor. Subd. 2.Reporting police misconduct.(a) Whoever informs, or causes information to be communicated to, a peace officer, whose responsibilities include investigating or reporting police misconduct, that a peace officer, as defined in section 626.84, subdivision 1, paragraph (c), has committed an act of police misconduct, knowing that the information is false, is guilty of a crime and may be sentenced as follows: (1) up to the maximum provided for a misdemeanor if the false information does not allege a criminal act; or (2) up to the maximum provided for a gross misdemeanor if the false information alleges a criminal act. (b) The court shall order any person convicted of a violation of this subdivision to make full restitution of all reasonable expenses incurred in the investigation of the false allegation unless the court makes a specific written finding that restitution would be inappropriate under the circumstances. A restitution award may not exceed $3,000. 1963 c 753 art 1 s 609.505; 1971 c 23 s 52; 1993 c 326 art 4 s 26; 2005 c 136 art 17 s 30

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5051 — Criminal Alert Network; False Or Misleading Information Prohibited.

Whoever uses the criminal alert network under section 299A.61 to disseminate information regarding the commission of a crime knowing that it is false or misleading, is guilty of a misdemeanor. 1995 c 226 art 4 s 22; 1995 c 244 s 19

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.506 — Prohibiting Giving Peace Officer False Name.

Subdivision 1.Misdemeanor.Whoever with intent to obstruct justice gives a fictitious name other than a nickname, or gives a false date of birth, or false or fraudulently altered identification card to a peace officer, as defined in section 626.84, subdivision 1, paragraph (c), when that officer makes inquiries incident to a lawful investigatory stop or lawful arrest, or inquiries incident to

executing any other duty imposed by law, is guilty of a misdemeanor. Subd. 2.Name of another; gross misdemeanor.Whoever with intent to obstruct justice gives the name and date of birth of another person to a peace officer, as defined in subdivision 1, when the officer makes inquiries incident to a lawful investigatory stop or lawful arrest, or inquiries incident to executing any other duty imposed by law, is guilty of a gross misdemeanor. Subd. 3.Fictitious name; gross misdemeanor.Whoever in any criminal proceeding with intent to obstruct justice gives a fictitious name, other than a nickname, or gives a false date of birth to a court official is guilty of a misdemeanor. Whoever in any criminal proceeding with intent to obstruct justice gives the name and date of birth of another person to a court official is guilty of a gross misdemeanor. "Court official" includes a judge, referee, court administrator, or any employee of the court. 1987 c 127 s 1; 1988 c 681 s 17; 1989 c 209 art 1 s 45; 1994 c 636 art 2 s 40

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.507 — Falsely Reporting Child Abuse.

A person is guilty of a misdemeanor who: (1) informs another person that a person has committed sexual abuse, physical abuse, or neglect of a child, as defined in section 260E.03; (2) knows that the allegation is false or is without reason to believe that the alleged abuser committed the abuse or neglect; and (3) has the intent that the information influence a child custody hearing. 1988 c 662 s 3; 1Sp2020 c 2 art 8 s 140

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.508 — False Information To Financial Institution.

A person is guilty of a misdemeanor if the person informs a financial institution, orally or in writing, that one or more of the person's blank checks or debit cards have been lost or stolen, knowing or having reason to know that the information is false. 2000 c 354 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.51 — Simulating Legal Process.

Subdivision 1.Acts prohibited.Whoever does any of the following is guilty of a misdemeanor: (1) sends or delivers to another any document which simulates a summons, complaint, or court process with intent thereby to induce payment of a claim; or (2) prints, distributes, or offers for sale any such document knowing or intending that it shall be so used. Subd. 2.Exceptions.This section does not prohibit the printing, distribution or sale of blank forms of legal documents for use in judicial proceedings. 1963 c 753 art 1 s 609.51; 1971 c 23 s 53

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.515 — Misconduct Of Judicial Or Hearing Officer.

Whoever does any of the following, when the act is not in violation of section 609.42, is guilty of a misdemeanor: (1) being a judicial or hearing officer, does either of the following: (a) agrees with or promises another to determine a cause or controversy or issue pending or to be brought before the officer for or against any party; or (b) intentionally obtains or receives and uses information relating thereto contrary to the regular course of the proceeding; and (2) induces a judicial or hearing officer to act contrary to the provisions of this section. 1963 c 753 art 1 s 609.515; 1971 c 23 s 54; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5151 — Dissemination Of Personal Information About Law Enforcement Prohibited; Penalty.

Subdivision 1.Definitions.As used in this section: (1) "family or household member" has the meaning given in section 518B.01, subdivision 2; (2) "law enforcement official" means both peace officers as defined in section 626.84, subdivision 1, and persons employed by a law enforcement agency; and (3) "personal information" means a home telephone number, personal cell number, personal email address, name of the official's minor child, photographs of the official's minor child, home address, directions to a home, or photographs of a home. Subd. 2.Crime described.(a) It is a misdemeanor for a person to knowingly and without consent make publicly available, including but not limited to through the Internet, personal information about a law enforcement official or an official's family or household member, if: (1) the public availability of information poses an imminent and serious threat to the official's safety or the safety of an official's family or household member; and (2) the person making the information publicly available knows or reasonably should know of the imminent and serious threat. (b) A person is guilty of a gross misdemeanor if the person violates paragraph (a) and a law enforcement official or an official's family or household member suffers great bodily harm or death as a result of the violation. (c) A person who is convicted of a second or subsequent violation of this section is guilty of a gross misdemeanor. 1Sp2021 c 11 art 2 s 40; 2024 c 112 art 2 s 74,75

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.52 — Theft.

Subdivision 1.Definitions.In this section: (1) "Property" means all forms of tangible property, whether real or personal, without limitation including documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl, and heat supplied by pipe or conduit by municipalities or public utility companies and articles, as defined in clause (4), representing trade secrets, which articles shall be deemed for the purposes of Extra Session Laws 1967, chapter 15 to include any trade secret represented by the

article. (2) "Movable property" is property whose physical location can be changed, including without limitation things growing on, affixed to, or found in land. (3) "Value" means the retail market value at the time of the theft, or if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft, or in the case of a theft or the making of a copy of an article representing a trade secret, where the retail market value or replacement cost cannot be ascertained, any reasonable value representing the damage to the owner which the owner has suffered by reason of losing an advantage over those who do not know of or use the trade secret. For a check, draft, or other order for the payment of money, "value" means the amount of money promised or ordered to be paid under the terms of the check, draft, or other order. For a theft committed within the meaning of subdivision 2, paragraph (a), clause (5), items (i) and (ii), if the property has been restored to the owner, "value" means the value of the use of the property or the damage which it sustained, whichever is greater, while the owner was deprived of its possession, but not exceeding the value otherwise provided herein. For a theft committed within the meaning of subdivision 2, clause (9), if the property has been restored to the owner, "value" means the rental value of the property, determined at the rental rate contracted by the defendant or, if no rental rate was contracted, the rental rate customarily charged by the owner for use of the property, plus any damage that occurred to the property while the owner was deprived of its possession, but not exceeding the total retail value of the property at the time of rental. For a theft committed within the meaning of subdivision 2, clause (19), "value" means the difference between wages legally required to be reported or paid to an employee and the amount actually reported or paid to the employee. (4) "Article" means any object, material, device or substance, including any writing, record, recording, drawing, sample specimen, prototype, model, photograph, microorganism, blueprint or map, or any copy of any of the foregoing. (5) "Representing" means describing, depicting, containing, constituting, reflecting or recording. (6) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. (7) "Copy" means any facsimile, replica, photograph or other reproduction of an article, and any note, drawing, or sketch made of or from an article while in the presence of the article. (8) "Property of another" includes property in which the actor is co-owner or has a lien, pledge, bailment, or lease or other subordinate interest, property transferred by the actor in circumstances which are known to the actor and which make the transfer fraudulent as defined in section 513.44, property possessed pursuant to a short-term rental contract, and property of a partnership of which the actor is a member, unless the actor and the victim are spouses. It does not include property in which the actor asserts in good faith a claim as a collection fee or commission out of property or funds recovered, or by virtue of a lien, setoff, or counterclaim. (9) "Services" include but are not limited to labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment services, advertising services, telecommunication services, and the supplying of equipment for use including rental of personal property or equipment. (10) "Motor vehicle" means a self-propelled device for moving persons or property or pulling implements from one place to another, whether the device is operated on land, rails, water, or in the air. (11) "Motor fuel" has the meaning given in section 604.15, subdivision 1. (12) "Retailer" has the meaning given in section 604.15, subdivision 1. (13) "Wage theft" occurs when an employer with intent to defraud: (i) fails to pay an employee all wages, salary, gratuities, earnings, or commissions at the employee's rate or rates of pay or at the rate or rates required by law, including any applicable statute, regulation, rule, ordinance, government resolution or policy, contract, or other legal authority, whichever rate of pay is greater; (ii) directly or indirectly causes any employee to give a receipt for wages for a greater amount than that actually paid to the employee for services rendered; (iii) directly or indirectly demands or receives from any employee any rebate or refund from the wages owed the employee under contract of employment with the employer; or (iv) makes or attempts to make it appear in any manner that the wages paid to any employee were greater than the amount actually paid to the employee. (14) "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee. (15) "Employee" means any individual employed by an employer. Subd. 2.Acts constituting theft.(a) Whoever does any of the following commits theft and may be sentenced as provided in subdivision 3: (1) intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property; or (2) with or without having a legal interest in movable property, intentionally and without consent, takes the property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or (3) obtains for the actor or another the possession, custody, or title to property of or performance of services by a third person by intentionally deceiving the third person with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation: (i) the issuance of a check, draft, or order for the payment of money, except a forged check as defined in section 609.631, or the delivery of property knowing that the actor is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or (ii) a promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or (iii) the preparation or filing of a claim for reimbursement, a rate application, or a cost report used to establish a rate or claim for payment for medical care provided to a recipient of medical assistance under chapter 256B, which intentionally and falsely states the costs of or actual services provided by a vendor of medical care; or (iv) the preparation or filing of a claim for reimbursement for providing treatment or supplies required to be furnished to an employee under section 176.135 which intentionally and falsely states the costs of or actual treatment or supplies provided; or (v) the preparation or filing of a claim for reimbursement for providing treatment or supplies required to be furnished to an employee under section

176.135 for treatment or supplies that the provider knew were medically unnecessary, inappropriate, or excessive; or (4) by swindling, whether by artifice, trick, device, or any other means, obtains property or services from another person; or (5) intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and: (i) the control exercised manifests an indifference to the rights of the owner or the restoration of the property to the owner; or (ii) the actor pledges or otherwise attempts to subject the property to an adverse claim; or (iii) the actor intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or (6) finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to the finder's own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to the owner; or (7) intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or (8) intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to the actor's own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to the actor's own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known or available to the defendant from a source other than the owner of the trade secret; or (9) leases or rents personal property under a written instrument and who: (i) with intent to place the property beyond the control of the lessor conceals or aids or abets the concealment of the property or any part thereof; or (ii) sells, conveys, or encumbers the property or any part thereof without the written consent of the lessor, without informing the person to whom the lessee sells, conveys, or encumbers that the same is subject to such lease or rental contract with intent to deprive the lessor of possession thereof; or (iii) does not return the property to the lessor at the end of the lease or rental term, plus agreed-upon extensions, with intent to wrongfully deprive the lessor of possession of the property; or (iv) returns the property to the lessor at the end of the lease or rental term, plus agreed-upon extensions, but does not pay the lease or rental charges agreed upon in the written instrument, with intent to wrongfully deprive the lessor of the agreed-upon charges. For the purposes of items (iii) and (iv), the value of the property must be at least $100. Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or fails or refuses to return the property or pay the rental contract charges to lessor within five days after written demand for the return has been served personally in the manner provided for service of process of a civil action or sent by certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to the person at the address for the person set forth in the lease or rental agreement, or, in the absence of the address, to the person's last known place of residence; or (10) alters, removes, or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes, or obliterates the numbers or symbols is not the owner and does not have the permission of the owner to make the alteration, removal, or obliteration; or (11) with the intent to prevent the identification of property involved, so as to deprive the rightful owner of possession thereof, alters or removes any permanent serial number, permanent distinguishing number or manufacturer's identification number on personal property or possesses, sells or buys any personal property knowing or having reason to know that the permanent serial number, permanent distinguishing number or manufacturer's identification number has been removed or altered; or (12) intentionally deprives another of a lawful charge for cable television service by: (i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive, or other connection; or by (ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall be construed to prohibit the electronic video rerecording of program material transmitted on the cable communications system by a subscriber for fair use as defined by Public Law 94-553, section 107; or (13) except as provided in clauses (12) and (14), obtains the services of another with the intention of receiving those services without making the agreed or reasonably expected payment of money or other consideration; or (14) intentionally deprives another of a lawful charge for telecommunications service by: (i) making, using, or attempting to make or use an unauthorized connection whether physical, electrical, by wire, microwave, radio, or other means to a component of a local telecommunication system as provided in chapter 237; or (ii) attaching an unauthorized device to a cable, wire, microwave, radio, or other component of a local telecommunication system as provided in chapter 237. The existence of an unauthorized connection is prima facie evidence that the occupier of the premises: (A) made or was aware of the connection; and (B) was aware that the connection was unauthorized; (15) with intent to defraud, diverts corporate property other than in accordance with general business purposes or for purposes other than those specified in the corporation's articles of incorporation; or (16) with intent to defraud, authorizes or causes a corporation to make a distribution in violation of section 302A.551, or any other state law in conformity with it; or (17) takes or drives a motor vehicle without the consent of the owner or an authorized agent of the owner, knowing or having reason to know that the owner or an authorized agent of the owner did not give consent; or (18) intentionally, and without claim of right, takes motor fuel from a retailer without the retailer's consent and with intent to deprive the retailer permanently of possession of the fuel by driving a motor vehicle from the premises of the retailer without having paid for the fuel dispensed into the vehicle; or (19) commits wage theft under subdivision 1, clause (13). (b) Proof that the driver of a motor vehicle into which motor fuel was dispensed drove the vehicle from the premises of the retailer without having paid for the fuel permits the factfinder to infer that the driver acted intentionally and without claim of right, and that the driver intended to deprive the retailer permanently of possession of the fuel. This paragraph does not apply if: (1) payment has been made to the retailer within 30 days of the receipt of notice of nonpayment under section 604.15; or (2) a written notice as

described in section 604.15, subdivision 4, disputing the retailer's claim, has been sent. This paragraph does not apply to the owner of a motor vehicle if the vehicle or the vehicle's license plate has been reported stolen before the theft of the fuel. Subd. 3.Sentence.Whoever commits theft may be sentenced as follows: (1) to imprisonment for not more than 20 years or to payment of a fine of not more than $100,000, or both, if the property is a firearm, or the value of the property or services stolen is more than $35,000 and the conviction is for a violation of subdivision 2, clause (3), (4), (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or (2) to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the value of the property or services stolen exceeds $5,000, or if the property stolen was an article representing a trade secret, an explosive or incendiary device, or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the exception of marijuana; or (3) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if any of the following circumstances exist: (a) the value of the property or services stolen is more than $1,000 but not more than $5,000; or (b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant to section 152.02; or (c) the value of the property or services stolen is more than $500 but not more than $1,000 and the person has been convicted within the preceding five years for an offense under this section, section 256.98; 268.182; 609.24; 609.245; 609.247; 609.522; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or (d) the value of the property or services stolen is not more than $1,000, and any of the following circumstances exist: (i) the property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or (ii) the property is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or (iii) the property is taken from a burning, abandoned, or vacant building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or (iv) the property consists of public funds belonging to the state or to any political subdivision or agency thereof; or (v) the property stolen is a motor vehicle; or (4) to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both, if the value of the property or services stolen is more than $500 but not more than $1,000; or (5) in all other cases where the value of the property or services stolen is $500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3), (4), (13), and (19), the value of the money or property or services received by the defendant in violation of any one or more of the above provisions within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph. Subd. 3a.Enhanced penalty.If a violation of this section creates a reasonably foreseeable risk of bodily harm to another, the penalties described in subdivision 3 are enhanced as follows: (1) if the penalty is a misdemeanor or a gross misdemeanor, the person is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both; and (2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent longer than for the underlying crime. Subd. 4.Wrongfully obtained public assistance; consideration of disqualification.When determining the sentence for a person convicted of theft by wrongfully obtaining public assistance, as defined in section 256.98, subdivision 1, the court shall consider the fact that, under section 256.98, subdivision 8, the person will be disqualified from receiving public assistance as a result of the person's conviction. 1963 c 753 art 1 s 609.52; 1967 c 178 s 1; Ex1967 c 15 s 1-3; 1971 c 23 s 55; 1971 c 25 s 92; 1971 c 697 s 1; 1971 c 717 s 1; 1971 c 796 s 1; 1971 c 845 s 14; 1975 c 244 s 1; 1976 c 112 s 1; 1976 c 188 s 6; 1977 c 396 s 1; 1978 c 674 s 60; 1979 c 258 s 15; 1981 c 120 s 1; 1981 c 299 s 1; 1983 c 238 s 1; 1983 c 331 s 10; 1984 c 419 s 1; 1984 c 466 s 1; 1984 c 483 s 1; 1984 c 628 art 3 s 5; 1985 c 243 s 7,8; 1986 c 378 s 1; 1986 c 435 s 10; 1986 c 444; 1987 c 254 s 9; 1987 c 329 s 8-10; 1988 c 712 s 7; 1989 c 290 art 7 s 5; 1991 c 279 s 32; 1991 c 292 art 5 s 80; 1992 c 510 art 2 s 14; 1994 c 636 art 2 s 41; 1995 c 244 s 20; 1996 c 408 art 3 s 31,32; 1997 c 66 s 79; 1997 c 239 art 3 s 17; 1998 c 367 art 2 s 18; 1999 c 76 s 1,2; 1999 c 218 s 2; 2004 c 228 art 1 s 72; 2005 c 136 art 17 s 31; 2007 c 54 art 2 s 8,9; 2009 c 119 s 9; 2012 c 173 s 5,6; 1Sp2019 c 7 art 3 s 14-16; 2020 c 83 art 1 s 92; 2023 c 52 art 4 s 9; art 6 s 16; art 20 s 21; 2024 c 101 art 3 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.521 — Possession Of Shoplifting Gear.

(a) As used in this section, an "electronic article surveillance system" means any electronic device or devices that are designed to detect the unauthorized removal of marked merchandise from a store. (b) Whoever has in possession any device, gear, or instrument designed to assist in shoplifting or defeating an electronic article surveillance system with intent to use the same to shoplift and thereby commit theft may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both. 1975 c 314 s 1; 1984 c 628 art 3 s 11; 1986 c 444; 1Sp2001 c 8 art 8 s 26

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.522 — Organized Retail Theft.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given. (b) "Pattern of retail theft" means acts committed or directed by the defendant on at least two separate occasions in the preceding six months that would constitute a violation of: (1) section 609.52, subdivision 2, paragraph (a), clause (1), (3), or (4), involving retail merchandise; (2)

section 609.521; (3) section 609.53, subdivision 1, involving retail merchandise; (4) section 609.582 when the building was a retail establishment; or (5) section 609.59. (c) "Retail establishment" means the building where a retailer sells retail merchandise. (d) "Retail merchandise" means all forms of tangible property, without limitation, held out for sale by a retailer. (e) "Retail theft enterprise" means a group of two or more individuals with a shared goal involving the unauthorized removal of retail merchandise from a retailer. Retail theft enterprise does not require the membership of the enterprise to remain the same or that the same individuals participate in each offense committed by the enterprise. (f) "Retailer" means a person or entity that sells retail merchandise. (g) "Value" means the retail market value at the time of the theft or, if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft. Subd. 2.Organized retail theft.A person is guilty of organized retail theft if: (1) the person is employed by or associated with a retail theft enterprise; (2) the person has previously engaged in a pattern of retail theft and intentionally commits an act or directs another member of the retail theft enterprise to commit an act involving retail merchandise that would constitute a violation of: (i) section 609.52, subdivision 2, paragraph (a), clause (1), (3), or (4); or (ii) section 609.53, subdivision 1; and (3) the person or another member of the retail theft enterprise: (i) resells or intends to resell the stolen retail merchandise; (ii) advertises or displays any item of the stolen retail merchandise for sale; or (iii) returns any item of the stolen retail merchandise to a retailer for anything of value. Subd. 3.Sentence.Whoever commits organized retail theft may be sentenced as follows: (1) to imprisonment for not more than 15 years or to payment of a fine of not more than $35,000, or both, if the value of the property stolen exceeds $5,000; (2) to imprisonment for not more than seven years or to payment of a fine of not more than $14,000, or both, if either of the following circumstances exist: (i) the value of the property stolen is more than $1,000 but not more than $5,000; or (ii) the value of the property is more than $500 but not more than $1,000 and the person commits the offense within ten years of the first of two or more convictions under this section, section 256.98; 268.182; 609.24; 609.245; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; (3) to imprisonment for not more than two years or to payment of a fine of not more than $5,000, or both, if either of the following circumstances exist: (i) the value of the property stolen is more than $500 but not more than $1,000; or (ii) the value of the property is $500 or less and the person commits the offense within ten years of a previous conviction under this section, section 256.98; 268.182; 609.24; 609.245; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or (4) to imprisonment of not more than 364 days or to payment of a fine of not more than $3,000, or both, if the value of the property stolen is $500 or less. Subd. 4.Aggregation.The value of the retail merchandise received by the defendant in violation of this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision. Subd. 5.Enhanced penalty.If a violation of this section creates a reasonably foreseeable risk of bodily harm to another, the penalties described in subdivision 3 are enhanced as follows: (1) if the penalty is a gross misdemeanor, the person is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both; and (2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent longer than for the underlying crime. 2023 c 52 art 4 s 10; art 6 s 16; 2024 c 123 art 6 s 15,16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.523 — Return Of Stolen Property To Owners.

Subdivision 1.Photographic record.Photographs of property, as defined in section 609.52, subdivision 1, over which a person is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully, are competent evidence if the photographs are admissible into evidence under all rules of law governing the admissibility of photographs into evidence. The photographic record, when satisfactorily identified, is as admissible in evidence as the property itself. Subd. 2.Record of property.The photographs may bear a written description of the property alleged to have been wrongfully taken, the name of the owner of the property taken, the name of the accused, the name of the arresting law enforcement officer, the date of the photograph, and the signature of the photographer. Subd. 3.Return of property.A law enforcement agency which is holding property over which a person is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully may return that property to its owner if: (1) the appropriately identified photographs are filed and retained by the law enforcement agency; (2) satisfactory proof of ownership of the property is shown by the owner; (3) a declaration of ownership is signed under penalty of perjury; and (4) a receipt for the property is obtained from the owner upon delivery by the law enforcement agency. Subd. 4.Examination of property.If the recovered property has a value in excess of $150, then the owner shall retain possession for at least 14 days to allow the defense attorney to examine the property. 1982 c 539 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.525 — Bringing Stolen Goods Into State.

Subdivision 1.Crime.Whoever brings property into the state which the actor has stolen outside the state, or received outside of the

state knowing it to have been stolen, may be sentenced in accordance with the provisions of section 609.52, subdivision 3. The actor may be charged, indicted, and tried in any county, but not more than one county, into or through which the actor has brought such property. Subd. 2.Defining stolen property.Property is stolen within the meaning of this section if the act by which the owner was deprived of property was a criminal offense under the laws of the state in which the act was committed and would constitute a theft under this chapter if the act had been committed in this state. 1963 c 753 art 1 s 609.525; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.526 — Precious Metal And Scrap Metal Dealers; Receiving Stolen Property.

Subdivision 1.Definitions.As used in this section, the following terms have the meanings given: (1) "precious metal dealer" has the meaning given in section 325F.731, subdivision 2; and (2) "scrap metal dealer" has the meaning given in section 325E.21, subdivision 1. Subd. 2.Crime described.Any precious metal dealer or scrap metal dealer or any person employed by a dealer, who receives, possesses, transfers, buys, or conceals any stolen property or property obtained by robbery or carjacking, knowing or having reason to know the property was stolen or obtained by robbery or carjacking, may be sentenced as follows: (1) if the value of the property received, bought, or concealed is $1,000 or more, to imprisonment for not more than ten years or to payment of a fine of not more than $50,000, or both; (2) if the value of the property received, bought, or concealed is less than $1,000 but more than $500, to imprisonment for not more than three years or to payment of a fine of not more than $25,000, or both; (3) if the value of the property received, bought, or concealed is $500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both. Any person convicted of violating this section a second or subsequent time within a period of one year may be sentenced as provided in clause (1). 1989 c 290 art 7 s 6; 2004 c 228 art 1 s 72; 2007 c 54 art 2 s 10; 2023 c 52 art 20 s 22

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.527 — Identity Theft.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given them in this subdivision. (b) "Direct victim" means any person or entity described in section 611A.01, paragraph (b), whose identity has been transferred, used, or possessed in violation of this section. (c) "False pretense" means any false, fictitious, misleading, or fraudulent information or pretense or pretext depicting or including or deceptively similar to the name, logo, website address, email address, postal address, telephone number, or any other identifying information of a for-profit or not-for-profit business or organization or of a government agency, to which the user has no legitimate claim of right. (d) "Financial institution" has the meaning given in section 13A.01, subdivision 2. (e) "Identity" means any name, number, or data transmission that may be used, alone or in conjunction with any other information, to identify a specific individual or entity, including any of the following: (1) a name, Social Security number, date of birth, official government-issued driver's license or identification number, government passport number, or employer or taxpayer identification number; (2) unique electronic identification number, address, account number, or routing code; or (3) telecommunication identification information or access device. (f) "Indirect victim" means any person or entity described in section 611A.01, paragraph (b), other than a direct victim. (g) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause (3), and expenses incurred by a direct or indirect victim as a result of a violation of this section. (h) "Unlawful activity" means: (1) any felony violation of the laws of this state or any felony violation of a similar law of another state or the United States; and (2) any nonfelony violation of the laws of this state involving theft, theft by swindle, forgery, fraud, or giving false information to a public official, or any nonfelony violation of a similar law of another state or the United States. (i) "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on a computer chip or magnetic strip or stripe of a payment card, driver's license, or state-issued identification card. (j) "Reencoder" means an electronic device that places encoded information from the computer chip or magnetic strip or stripe of a payment card, driver's license, or state-issued identification card, onto the computer chip or magnetic strip or stripe of a different payment card, driver's license, or state-issued identification card, or any electronic medium that allows an authorized transaction to occur. (k) "Payment card" means a credit card, charge card, debit card, or any other card that: (1) is issued to an authorized card user; and (2) allows the user to obtain, purchase, or receive credit, money, a good, a service, or anything of value. Subd. 2.Crime.A person who transfers, possesses, or uses an identity that is not the person's own, with the intent to commit, aid, or abet any unlawful activity is guilty of identity theft and may be punished as provided in subdivision 3. Subd. 3.Penalties.A person who violates subdivision 2 may be sentenced as follows: (1) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is $250 or less, the person may be sentenced as provided in section 609.52, subdivision 3, clause (5); (2) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is more than $250 but not more than $500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (4); (3) if the offense involves two or three direct victims or the total, combined loss to the direct and indirect victims is more than $500 but not more than $2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (3); (4) if the offense involves more than three but not more than seven direct victims, or if the total combined loss to the direct and indirect victims is more than $2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (2); (5) if the offense involves eight or more direct victims, or if the total, combined loss to the direct and indirect victims is more than $35,000, the person may be sentenced as provided in section 609.52, subdivision 3, clause (1); and (6) if the offense is related to possession or distribution of pornographic work in violation of section 617.246 or 617.247, the person may be sentenced as provided in section 609.52, subdivision 3, clause (1). Subd. 4.Restitution; items provided to victim.(a) A direct or indirect victim of

an identity theft crime shall be considered a victim for all purposes, including any rights that accrue under chapter 611A and rights to court-ordered restitution. (b) The court shall order a person convicted of violating subdivision 2 to pay restitution of not less than $1,000 to each direct victim of the offense. (c) Upon the written request of a direct victim or the prosecutor setting forth with specificity the facts and circumstances of the offense in a proposed order, the court shall provide to the victim, without cost, a certified copy of the complaint filed in the matter, the judgment of conviction, and an order setting forth the facts and circumstances of the offense. Subd. 5.Reporting.(a) A person who has learned or reasonably suspects that a person is a direct victim of a crime under subdivision 2 may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction where the person resides, regardless of where the crime may have occurred. The agency must prepare a police report of the matter, provide the complainant with a copy of that report, and may begin an investigation of the facts, or, if the suspected crime was committed in a different jurisdiction, refer the matter to the law enforcement agency where the suspected crime was committed for an investigation of the facts. (b) If a law enforcement agency refers a report to the law enforcement agency where the crime was committed, it need not include the report as a crime committed in its jurisdiction for purposes of information that the agency is required to provide to the commissioner of public safety pursuant to section 299C.06. Subd. 5a.Crime of electronic use of false pretense to obtain identity.(a) A person who, with intent to obtain the identity of another, uses a false pretense in an email to another person or in a web page, electronic communication, advertisement, or any other communication on the Internet, is guilty of a crime. (b) Whoever commits such offense may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. (c) In a prosecution under this subdivision, it is not a defense that: (1) the person committing the offense did not obtain the identity of another; (2) the person committing the offense did not use the identity; or (3) the offense did not result in financial loss or any other loss to any person. Subd. 5b.Unlawful possession or use of scanning device or reencoder.(a) A person who uses a scanning device or reencoder without permission of the cardholder of the card from which the information is being scanned or reencoded, with the intent to commit, aid, or abet any unlawful activity, is guilty of a crime. (b) A person who possesses, with the intent to commit, aid, or abet any unlawful activity, any device, apparatus, equipment, software, material, good, property, or supply that is designed or adapted for use as a scanning device or a reencoder is guilty of a crime. (c) Whoever commits an offense under paragraph (a) or (b) may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 6.Venue.Notwithstanding anything to the contrary in section 627.01, an offense committed under subdivision 2, 5a, or 5b may be prosecuted in: (1) the county where the offense occurred; (2) the county of residence or place of business of the direct victim or indirect victim; or (3) in the case of a violation of subdivision 5a or 5b, the county of residence of the person whose identity was obtained or sought. Subd. 7.Aggregation.In any prosecution under subdivision 2, the value of the money or property or services the defendant receives or the number of direct or indirect victims within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of subdivision 3; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision. Subd. 8.Release of limited account information to law enforcement authorities.(a) A financial institution may release the information described in paragraph (b) to a law enforcement or prosecuting authority that certifies in writing that it is investigating or prosecuting a crime of identity theft under this section. The certification must describe with reasonable specificity the nature of the suspected identity theft that is being investigated or prosecuted, including the dates of the suspected criminal activity. (b) This subdivision applies to requests for the following information relating to a potential victim's account: (1) the name of the account holder or holders; and (2) the last known home address and telephone numbers of the account holder or holders. (c) A financial institution may release the information requested under this subdivision that it possesses within a reasonable time after the request. The financial institution may not impose a fee for furnishing the information. (d) A financial institution is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision. (e) Release of limited account information to a law enforcement agency under this subdivision is criminal investigative data under section 13.82, subdivision 7, except that when the investigation becomes inactive the account information remains confidential data on individuals or protected nonpublic data. 1999 c 244 s 2; 2000 c 354 s 3; 2003 c 106 s 1-3; 1Sp2003 c 2 art 8 s 9; 2005 c 136 art 17 s 32-36; 2010 c 293 s 2-4; 2021 c 25 s 1; 2023 c 52 art 9 s 3,4

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.528 — Possession Or Sale Of Stolen Or Counterfeit Check; Penalties.

Subdivision 1.Definition.(a) As used in this section, the following terms have the meanings given them in this subdivision. (b) "Direct victim" means any person or entity described in section 611A.01, paragraph (b), from whom a check is stolen or whose name or other identifying information is contained in a counterfeit check. (c) "Indirect victim" means any person or entity described in section 611A.01, paragraph (b), other than a direct victim. (d) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause (3), and expenses incurred by a direct or indirect victim as a result of a violation of this section. Subd. 2.Crime.A person who sells, possesses, receives, or transfers a check that is stolen or counterfeit, knowing or having reason to know the check is stolen or counterfeit, is guilty of a crime and may be punished as provided in subdivision 3. Subd. 3.Penalties.A person who violates subdivision 2 may be sentenced as follows: (1) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is $250 or less, the person may be sentenced as provided in section 609.52, subdivision 3, clause (5); (2) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is more than $250 but not more than $500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (4); (3) if the offense involves two or three direct victims or the total, combined loss to the direct and indirect victims is

more than $500 but not more than $2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (3); and (4) if the offense involves four or more direct victims, or if the total, combined loss to the direct and indirect victims is more than $2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (2). 2000 c 354 s 4

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.529 — Mail Theft.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given them in this subdivision. (b) "Mail" means a letter, postal card, package, bag, or other sealed article addressed to another. (c) "Mail depository" means a mail box, letter box, or mail receptacle; a post office or station of a post office; a mail route; or a postal service vehicle. Subd. 2.Crime.Whoever does any of the following is guilty of mail theft and may be sentenced as provided in subdivision 3: (1) intentionally and without claim of right removes mail from a mail depository; (2) intentionally and without claim of right takes mail from a mail carrier; (3) obtains custody of mail by intentionally deceiving a mail carrier, or other person who rightfully possesses or controls the mail, with a false representation which is known to be false, made with intent to deceive and which does deceive a mail carrier or other person who possesses or controls the mail; (4) intentionally and without claim of right removes the contents of mail addressed to another; (5) intentionally and without claim of right takes mail, or the contents of mail, that has been left for collection on or near a mail depository; or (6) receives, possesses, transfers, buys, or conceals mail obtained by acts described in clauses (1) to (5), knowing or having reason to know the mail was obtained illegally. Subd. 3.Penalties.A person convicted under subdivision 2 may be sentenced to imprisonment for not more than three years or to a payment of a fine of not more than $5,000, or both. Subd. 4.Venue.Notwithstanding anything to the contrary in section 627.01, an offense committed under subdivision 2 may be prosecuted in: (1) the county where the offense occurred; or (2) the county of residence or place of business of the direct victim or indirect victim. 2003 c 106 s 4

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5311 — Forfeiture Of Property Associated With Controlled Substances.

Subdivision 1.Controlled substances.All controlled substances that were manufactured, distributed, dispensed, or acquired in violation of chapter 152 or 342 are subject to forfeiture under this section, except as provided in subdivision 3 and section 609.5316. Subd. 2.Associated property.(a) All personal property and real property, other than homestead property exempt from seizure under section 510.01, that is an instrument or represents the proceeds of a controlled substance offense is subject to forfeiture under this section, except as provided in subdivision 3. (b) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture under paragraph (a). (c) Money is the property of an appropriate agency and may be seized and recovered by the appropriate agency if: (1) the money is used by an appropriate agency, or furnished to a person operating on behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance; and (2) the appropriate agency records the serial number or otherwise marks the money for identification. As used in this paragraph, "money" means United States currency and coin; the currency and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid credit card; cryptocurrency; or a money order. Subd. 3.Limitations on forfeiture of certain property associated with controlled substances.(a) A conveyance device is subject to forfeiture under this section only if the retail value of the controlled substance is $100 or more and the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale. (b) Real property is subject to forfeiture under this section only if the retail value of the controlled substance or contraband is $2,000 or more. (c) Property used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section only if the owner of the property is a consenting party to, or is privy to, the use or intended use of the property as described in subdivision 2. (d) Property is subject to forfeiture under this section only if its owner was privy to the use or intended use described in subdivision 2, or the unlawful use or intended use of the property otherwise occurred with the owner's knowledge or consent. (e) Forfeiture under this section of a conveyance device or real property encumbered by a bona fide security interest is subject to the interest of the secured party unless the secured party had knowledge of or consented to the act or omission upon which the forfeiture is based. A person claiming a security interest bears the burden of establishing that interest by clear and convincing evidence. (f) Forfeiture under this section of real property is subject to the interests of a good faith purchaser for value unless the purchaser had knowledge of or consented to the act or omission upon which the forfeiture is based. (g) Notwithstanding paragraphs (d), (e), and (f), property is not subject to forfeiture based solely on the owner's or secured party's knowledge of the unlawful use or intended use of the property if: (1) the owner or secured party took reasonable steps to terminate use of the property by the offender; or (2) the property is real property owned by the parent of the offender, unless the parent actively participated in, or knowingly acquiesced to, a violation of chapter 152, or the real property constitutes proceeds derived from or traceable to a use described in subdivision 2. (h) Money is subject to forfeiture under this section only if it has a total value of $1,500 or more or there is probable cause to believe that the money was exchanged for the purchase of a controlled substance. As used in this paragraph, "money" means United States currency and coin; the currency and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid credit card; cryptocurrency; or a money order. (i) The Department of Corrections Fugitive Apprehension Unit shall not seize a conveyance device or real property, for the purposes of forfeiture under paragraphs (a) to (g). (j) Nothing in this subdivision prohibits the seizure, with or without warrant, of any property or thing for the purpose of being produced as evidence on any trial or for any other lawful purpose. Subd. 4.Records; proceeds.All books, records, and research products and materials, including formulas, microfilm, tapes, and data that are used, or intended for use in the manner described in subdivision 2 are subject

to forfeiture. 1988 c 665 s 11; 1989 c 290 art 3 s 30; 1989 c 305 s 5,6; 1992 c 533 s 2; 1993 c 6 s 5; 1993 c 326 art 1 s 6; 2005 c 136 art 13 s 9,10; 2010 c 391 s 12; 1Sp2021 c 11 art 5 s 11-13; 2023 c 63 art 4 s 45

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5312 — Forfeiture Of Property Associated With Designated Offenses.

Subdivision 1.Property subject to forfeiture.(a) All personal property is subject to forfeiture if it was used or intended for use to commit or facilitate the commission of a designated offense. All money and other property, real and personal, that represent proceeds of a designated offense, and all contraband property, are subject to forfeiture, except as provided in this section. (b) All money used or intended to be used to facilitate the commission of a violation of section 609.322 or 609.324 or a violation of a local ordinance substantially similar to section 609.322 or 609.324 is subject to forfeiture. (c) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture under paragraph (a). Subd. 1a.Computers and related property subject to forfeiture.(a) As used in this subdivision, "property" has the meaning given in section 609.87, subdivision 6. (b) When a computer or a component part of a computer is used or intended for use to commit or facilitate the commission of a designated offense, the computer and all software, data, and other property contained in the computer are subject to forfeiture unless prohibited by the Privacy Protection Act, United States Code, title 42, sections 2000aa to 2000aa-12, or other state or federal law. (c) Regardless of whether a forfeiture action is initiated following the lawful seizure of a computer and related property, if the appropriate agency returns hardware, software, data, or other property to the owner, the agency may charge the owner for the cost of separating contraband from the computer or other property returned, including salary and contract costs. The agency may not charge these costs to an owner of a computer or related property who was not privy to the act or omission upon which the seizure was based, or who did not have knowledge of or consent to the act or omission, if the owner: (1) requests from the agency copies of specified legitimate data files and provides sufficient storage media; or (2) requests the return of a computer or other property less data storage devices on which contraband resides. Subd. 2.Limitations on forfeiture of property associated with designated offenses.(a) Property used by a person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section only if the owner of the property is a consenting party to, or is privy to, the commission of a designated offense. (b) Property is subject to forfeiture under this section only if the owner was privy to the act or omission upon which the forfeiture is based, or the act or omission occurred with the owner's knowledge or consent. (c) Property encumbered by a bona fide security interest is subject to the interest of the secured party unless the party had knowledge of or consented to the act or omission upon which the forfeiture is based. A person claiming a security interest bears the burden of establishing that interest by clear and convincing evidence. (d) Notwithstanding paragraphs (b) and (c), property is not subject to forfeiture based solely on the owner's or secured party's knowledge of the act or omission upon which the forfeiture is based if the owner or secured party took reasonable steps to terminate use of the property by the offender. Subd. 3.Vehicle forfeiture for prostitution offenses.(a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit or facilitate, or used during the commission of, a violation of section 609.324 or a violation of a local ordinance substantially similar to section 609.324. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312, and 609.5313. (b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.324 or a local ordinance substantially similar to section 609.324. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if: (1) the prosecuting authority has failed to make the certification required by paragraph (b); (2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2; or (3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family. (c) If the defendant is acquitted or prostitution charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle. (d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision. (e) For purposes of this subdivision, seizure occurs either: (1) at the date at which personal service of process upon the registered owner is made; or (2) at the date when the registered owner has been notified by certified mail at the address listed in the Minnesota Department of Public Safety computerized motor vehicle registration records. (f) The Department of Corrections Fugitive Apprehension Unit shall not participate in paragraphs (a) to (e). Subd. 4.Vehicle forfeiture for fleeing peace officer.(a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit a violation of section 609.487 and endanger life or property. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312, 609.5313, and 609.5315, subdivision 6. (b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.487. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if: (1) the prosecuting authority has failed to make the certification required by this paragraph; (2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the

owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2; or (3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family. (c) If the defendant is acquitted or the charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle. (d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision. (e) A motor vehicle that is an off-road recreational vehicle as defined in section 169A.03, subdivision 16, or a motorboat as defined in section 169A.03, subdivision 13, is not subject to paragraph (b). (f) For purposes of this subdivision, seizure occurs either: (1) at the date at which personal service of process upon the registered owner is made; or (2) at the date when the registered owner has been notified by certified mail at the address listed in the Minnesota Department of Public Safety computerized motor vehicle registration records. (g) The Department of Corrections Fugitive Apprehension Unit shall not seize a motor vehicle for the purposes of forfeiture under paragraphs (a) to (f). 1988 c 665 s 12; 1993 c 326 art 1 s 7; art 4 s 29; 1994 c 465 art 1 s 59; 1995 c 244 s 21; 2000 c 466 s 5; 2000 c 478 art 2 s 7; 1Sp2003 c 2 art 4 s 25,26; 2005 c 136 art 13 s 11-13; art 17 s 38; 2012 c 128 s 26; 2013 c 80 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5313 — Forfeiture By Judicial Action; Procedure.

(a) The forfeiture of property under sections 609.5311 and 609.5312 is governed by this section. A separate complaint must be filed against the property stating the act, omission, or occurrence giving rise to the forfeiture and the date and place of the act or occurrence. Within 60 days from when the seizure occurs, the prosecuting authority shall notify the owner or possessor of the property of the action, if known or readily ascertainable. The action must be captioned in the name of the prosecuting authority or the prosecuting authority's designee as plaintiff and the property as defendant. Upon motion by the prosecuting authority, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown. (b) If notice is not sent in accordance with paragraph (a), and no time extension is granted or the extension period has expired, the appropriate agency shall return the property to the person from whom the property was seized, if known. An agency's return of property due to lack of proper notice does not restrict the right of the agency to commence a forfeiture proceeding at a later time. The agency shall not be required to return contraband or other property that the person from whom the property was seized may not legally possess. 1988 c 665 s 13; 2010 c 391 s 13; 2012 c 128 s 26

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5314 — Administrative Forfeiture Of Certain Property Seized In Connection With A Controlled Substances Seizure.

Subdivision 1.Property subject to administrative forfeiture.(a) The following are subject to administrative forfeiture under this section: (1) all money totaling $1,500 or more, precious metals, and precious stones that there is probable cause to believe represent the proceeds of a controlled substance offense; (2) all money found in proximity to controlled substances when there is probable cause to believe that the money was exchanged for the purchase of a controlled substance; (3) all conveyance devices containing controlled substances with a retail value of $100 or more if there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale; and (4) all firearms, ammunition, and firearm accessories found: (i) in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance; (ii) on or in proximity to a person from whom a felony amount of controlled substance is seized; or (iii) on the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under chapter 152. (b) The Department of Corrections Fugitive Apprehension Unit shall not seize items listed in paragraph (a), clauses (3) and (4), for the purposes of forfeiture. (c) Money is the property of an appropriate agency and may be seized and recovered by the appropriate agency if: (1) the money is used by an appropriate agency, or furnished to a person operating on behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance; and (2) the appropriate agency records the serial number or otherwise marks the money for identification. (d) As used in this section, "money" means United States currency and coin; the currency and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid credit card; cryptocurrency; or a money order. (e) As used in this section, "controlled substance" does not include cannabis flower as defined in section 342.01, subdivision 16, cannabis products as defined in section 342.01, subdivision 20, hemp-derived consumer products as defined in section 342.01, subdivision 37, or lower-potency hemp edibles as defined in section 342.01, subdivision 50. Subd. 1a.Innocent owner.(a) Any person, other than the defendant driver, alleged to have used a vehicle in the transportation or exchange of a controlled substance intended for distribution or sale, claiming an ownership interest in a vehicle that has been seized or restrained under this section may assert that right by notifying the prosecuting authority in writing and within 60 days of the service of the notice of seizure. (b) Upon receipt of notice pursuant to paragraph (a), the prosecuting authority may release the vehicle to the asserting person. If the prosecuting authority proceeds with the forfeiture, the prosecuting authority must, within 30 days, file a separate complaint in the name of the jurisdiction pursuing the forfeiture against the vehicle, describing the vehicle, specifying that the vehicle was used in the transportation or exchange of a controlled substance intended for distribution or sale, and specifying the time and place of the vehicle's unlawful use. The complaint may be filed in district court or conciliation court and the filing fee is waived. (c) A complaint filed by the prosecuting authority must be served on the asserting person and on any other registered owners. Service may be made by certified mail at the address listed in the Department of Public Safety's computerized motor vehicle registration records or by any means permitted by court rules. (d) The hearing on the complaint shall, to the extent practicable, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the complaint

with a hearing on any other complaint involving a claim of an ownership interest in the same vehicle. (e) At a hearing held pursuant to this subdivision, the state must prove by a preponderance of the evidence that: (1) the seizure was incident to a lawful arrest or a lawful search; and (2) the vehicle was used in the transportation or exchange of a controlled substance intended for distribution or sale. (f) At a hearing held pursuant to this subdivision, the asserting person must prove by a preponderance of the evidence that the asserting person: (1) has an actual ownership interest in the vehicle; and (2) did not have actual or constructive knowledge that the vehicle would be used or operated in any manner contrary to law or that the asserting person took reasonable steps to prevent use of the vehicle by the alleged offender. (g) If the court determines that the state met both burdens under paragraph (e) and the asserting person failed to meet any burden under paragraph (f), the court shall order that the vehicle remains subject to forfeiture under this section. (h) The court shall order that the vehicle is not subject to forfeiture under this section and shall order the vehicle returned to the asserting person if it determines that: (1) the state failed to meet any burden under paragraph (e); (2) the asserting person proved both elements under paragraph (f); or (3) clauses (1) and (2) apply. (i) If the court determines that the asserting person is an innocent owner and orders the vehicle returned to the innocent owner, an entity in possession of the vehicle is not required to release the vehicle until the innocent owner pays: (1) the reasonable costs of the towing, seizure, and storage of the vehicle incurred before the innocent owner provided the notice required under paragraph (a); and (2) any reasonable costs of storage of the vehicle incurred more than two weeks after an order issued under paragraph (h). Subd. 2.Administrative forfeiture procedure.(a) Forfeiture of property described in subdivision 1 that does not exceed $50,000 in value is governed by this subdivision. Within 60 days from when seizure occurs, all persons known to have an ownership, possessory, or security interest in seized property must be notified of the seizure and the intent to forfeit the property. In the case of a motor vehicle required to be registered under chapter 168, notice mailed by certified mail to the address shown in Department of Public Safety records is deemed sufficient notice to the registered owner. The notification to a person known to have a security interest in seized property required under this paragraph applies only to motor vehicles required to be registered under chapter 168 and only if the security interest is listed on the vehicle's title. Upon motion by the appropriate agency or the prosecuting authority, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown. (b) Notice may otherwise be given in the manner provided by law for service of a summons in a civil action. The notice must be in writing and contain: (1) a description of the property seized; (2) the date of seizure; and (3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English. This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English. Substantially the following language must appear conspicuously in the notice: "WARNING: If you were the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not file a lawsuit and serve the prosecuting authority within 60 days. You may file your lawsuit in conciliation court if the property is worth $15,000 or less; otherwise, you must file in district court. You do not have to pay a filing fee for your lawsuit. WARNING: If you have an ownership interest in the above-described property and were not the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not notify the prosecuting authority of your interest in writing within 60 days." (c) If notice is not sent in accordance with paragraph (a), and no time extension is granted or the extension period has expired, the appropriate agency shall return the property to the person from whom the property was seized, if known. An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time. The agency shall not be required to return contraband or other property that the person from whom the property was seized may not legally possess. Subd. 3.Judicial determination.(a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority for that county. The claimant may serve the complaint on the prosecuting authority by certified mail or any means permitted by court rules. If the value of the seized property is $15,000 or less, the claimant may file an action in conciliation court for recovery of the seized property. A copy of the conciliation court statement of claim may be served personally or as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority having jurisdiction over the forfeiture within 60 days following service of the notice of seizure and forfeiture under this subdivision. The claimant does not have to pay the court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The district court administrator shall schedule the hearing as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution. The proceedings are governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation Court Procedure. (b) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision. (c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination. (d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court may order sanctions under section 549.211. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5. 1988 c 665 s 14; 1989 c 290 art 3 s 31; 1991 c 323 s

2,3; 1993 c 326 art 1 s 8,9; 1997 c 213 art 2 s 5; 1999 c 225 s 3,4; 2005 c 136 art 13 s 14; 2010 c 391 s 14,15; 2011 c 76 art 1 s 67; 2012 c 128 s 18,19; 2014 c 201 s 2; 1Sp2021 c 11 art 5 s 14-17; 2023 c 52 art 19 s 40; 2023 c 63 art 4 s 46

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5315 — Disposition Of Forfeited Property.

Subdivision 1.Disposition.(a) Subject to paragraph (b), if the court finds under section 609.5313, 609.5314, or 609.5318 that the property is subject to forfeiture, it shall order the appropriate agency to do one of the following: (1) unless a different disposition is provided under clause (3) or (4), either destroy firearms, ammunition, and firearm accessories that the agency decides not to use for law enforcement purposes under clause (8), or sell them to federally licensed firearms dealers, as defined in section 624.7161, subdivision 1, and distribute the proceeds under subdivision 5 or 5b; (2) sell property that is not required to be destroyed by law and is not harmful to the public and distribute the proceeds under subdivision 5 or 5b; (3) sell antique firearms, as defined in section 624.712, subdivision 3, to the public and distribute the proceeds under subdivision 5 or 5b; (4) destroy or use for law enforcement purposes semiautomatic military-style assault weapons, as defined in section 624.712, subdivision 7; (5) take custody of the property and remove it for disposition in accordance with law; (6) forward the property to the federal drug enforcement administration; (7) disburse money as provided under subdivision 5, 5b, or 5c; or (8) keep property other than money for official use by the agency and the prosecuting agency. (b) Notwithstanding paragraph (a), the Hennepin or Ramsey County sheriff may not sell firearms, ammunition, or firearms accessories if the policy is disapproved by the applicable county board. (c) If property is sold under paragraph (a), the appropriate agency shall not sell property to: (1) an officer or employee of the agency that seized the property or to a person related to the officer or employee by blood or marriage; or (2) the prosecuting authority or any individual working in the same office or a person related to the authority or individual by blood or marriage. (d) Sales of forfeited property under this section must be conducted in a commercially reasonable manner. Subd. 2.Disposition of administratively forfeited property.If property is forfeited administratively under section 609.5314 or 609.5318 and no demand for judicial determination is made, the appropriate agency shall provide the prosecuting authority with a copy of the forfeiture or evidence receipt, the notice of seizure and intent to forfeit, a statement of probable cause for forfeiture of the property, and a description of the property and its estimated value. Upon review and certification by the prosecuting authority that (1) the appropriate agency provided a receipt in accordance with section 609.531, subdivision 4, or 626.16; (2) the appropriate agency served notice in accordance with section 609.5314, subdivision 2, or 609.5318, subdivision 2; and (3) probable cause for forfeiture exists based on the officer's statement, the appropriate agency may dispose of the property in any of the ways listed in subdivision 1. Subd. 3.Use by law enforcement.(a) Property kept under this section may be used only in the performance of official duties of the appropriate agency or prosecuting agency and may not be used for any other purpose. If an appropriate agency keeps a forfeited motor vehicle for official use, it shall make reasonable efforts to ensure that the motor vehicle is available for use and adaptation by the agency's officers who participate in the drug abuse resistance education program. (b) Proceeds from the sale of property kept under this subdivision must be disbursed as provided in subdivision 5. Subd. 4.Distribution of proceeds of the offense.Property that consists of proceeds derived from or traced to the commission of a designated offense or a violation of section 609.66, subdivision 1e, must be applied first to payment of seizure, storage, forfeiture, and sale expenses, and to satisfy valid liens against the property; and second, to any court-ordered restitution before being disbursed as provided under subdivision 5. Subd. 5.Distribution of money.The money or proceeds from the sale of forfeited property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be distributed as follows: (1) 70 percent of the money or proceeds must be forwarded to the appropriate agency for deposit as a supplement to the agency's operating fund or similar fund for use in law enforcement, training, education, crime prevention, equipment, or capital expenses; (2) 20 percent of the money or proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes, training, education, crime prevention, equipment, or capital expenses; and (3) the remaining ten percent of the money or proceeds must be forwarded within 60 days after resolution of the forfeiture to the state treasury and credited to the general fund. Any local police relief association organized under chapter 423 which received or was entitled to receive the proceeds of any sale made under this section before the effective date of Laws 1988, chapter 665, sections 1 to 17, shall continue to receive and retain the proceeds of these sales. Subd. 5a.Disposition of certain forfeited proceeds; prostitution.The proceeds from the sale of motor vehicles forfeited under section 609.5312, subdivision 3, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the vehicle, shall be distributed as follows: (1) 40 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the agency's operating fund or similar fund for use in law enforcement; (2) 20 percent of the proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes; and (3) the remaining 40 percent of the proceeds must be forwarded to the city treasury for distribution to neighborhood crime prevention programs. Subd. 5b.Disposition of certain forfeited proceeds; trafficking of persons.Except as provided in subdivision 5c, for forfeitures resulting from violations of section 609.282, 609.283, or 609.322, the money or proceeds from the sale of forfeited property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be distributed as follows: (1) 40 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the agency's operating fund or similar fund for use in law enforcement; (2) 20 percent of the proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes; and (3) the remaining 40 percent of the proceeds must be forwarded to the commissioner of health and are appropriated to the commissioner for distribution to crime victims services organizations that

provide services to victims of trafficking offenses. Subd. 5c.Disposition of money; prostitution.Money forfeited under section 609.5312, subdivision 1, paragraph (b), must be distributed as follows: (1) 40 percent must be forwarded to the appropriate agency for deposit as a supplement to the agency's operating fund or similar fund for use in law enforcement; (2) 20 percent must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes; and (3) the remaining 40 percent must be forwarded to the commissioner of health to be deposited in the safe harbor for youth account in the special revenue fund and is appropriated to the commissioner for distribution to crime victims services organizations that provide services to sexually exploited youth, as defined in section 260C.007, subdivision 31. Subd. 6.Reporting requirement.(a) For each forfeiture occurring in the state regardless of the authority for it and including forfeitures pursued under federal law, the appropriate agency and the prosecuting authority shall provide a written record of the forfeiture incident to the state auditor. The record shall include: (1) the amount forfeited; (2) the statutory authority for the forfeiture; (3) the date of the forfeiture; (4) a brief description of the circumstances involved; (5) whether the forfeiture was contested; (6) whether the defendant was convicted pursuant to a plea agreement or a trial; (7) whether there was a forfeiture settlement agreement; (8) whether the property was sold, destroyed, or retained by an appropriate agency; (9) the gross revenue from the disposition of the forfeited property; (10) an estimate of the total costs to the agency to store the property in an impound lot, evidence room, or other location; pay for the time and expenses of an appropriate agency and prosecuting authority to litigate forfeiture cases; and sell or dispose of the forfeited property; (11) the net revenue, determined by subtracting the costs identified under clause (10) from the gross revenue identified in clause (9), the appropriate agency received from the disposition of forfeited property; (12) if any property was retained by an appropriate agency, the purpose for which it is used; (13) for controlled substance and driving while impaired forfeitures, whether the forfeiture was initiated as an administrative or a judicial forfeiture; (14) the number of firearms forfeited and the make, model, and serial number of each firearm forfeited; and (15) how the property was or is to be disposed of. (b) An appropriate agency or the prosecuting authority shall report to the state auditor all instances in which property seized for forfeiture is returned to its owner either because forfeiture is not pursued or for any other reason. (c) Each appropriate agency and prosecuting authority shall provide a written record regarding the proceeds of forfeited property, including proceeds received through forfeiture under state and federal law. The record shall include: (1) the total amount of money or proceeds from the sale of forfeited property obtained or received by an appropriate agency or prosecuting authority in the previous reporting period; (2) the manner in which each appropriate agency and prosecuting authority expended money or proceeds from the sale of forfeited property in the previous reporting period, including the total amount expended in the following categories: (i) drug abuse, crime, and gang prevention programs; (ii) victim reparations; (iii) gifts or grants to crime victim service organizations that provide services to sexually exploited youth; (iv) gifts or grants to crime victim service organizations that provide services to victims of trafficking offenses; (v) investigation costs, including but not limited to witness protection, informant fees, and controlled buys; (vi) court costs and attorney fees; (vii) salaries, overtime, and benefits, as permitted by law; (viii) professional outside services, including but not limited to auditing, court reporting, expert witness fees, outside attorney fees, and membership fees paid to trade associations; (ix) travel, meals, and conferences; (x) training and continuing education; (xi) other operating expenses, including but not limited to office supplies, postage, and printing; (xii) capital expenditures, including but not limited to vehicles, firearms, equipment, computers, and furniture; (xiii) gifts or grants to nonprofit or other programs, indicating the recipient of the gift or grant; and (xiv) any other expenditure, indicating the type of expenditure and, if applicable, the recipient of any gift or grant; (3) the total value of seized and forfeited property held by an appropriate agency and not sold or otherwise disposed of; and (4) a statement from the end of each year showing the balance of any designated forfeiture accounts maintained by an appropriate agency or prosecuting authority. (d) Reports under paragraphs (a) and (b) shall be made on a quarterly basis in a manner prescribed by the state auditor and reports under paragraph (c) shall be made on an annual basis in a manner prescribed by the state auditor. The state auditor shall report annually to the legislature on the nature and extent of forfeitures, including the information provided by each appropriate agency or prosecuting authority under paragraphs (a) to (c). Summary data on seizures, forfeitures, and expenditures of forfeiture proceeds shall be disaggregated by each appropriate agency and prosecuting authority. The report shall be made public on the state auditor's website. (e) For forfeitures resulting from the activities of multijurisdictional law enforcement entities, the entity on its own behalf shall report the information required in this subdivision. (f) The prosecuting authority is not required to report information required by paragraph (a) or (b) unless the prosecuting authority has been notified by the state auditor that the appropriate agency has not reported it. Subd. 7.Firearms.The agency shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. 1988 c 665 s 15; 1989 c 290 art 3 s 32; 1989 c 335 art 4 s 100; 1990 c 499 s 9; 1992 c 513 art 4 s 49; 1993 c 326 art 1 s 10-12; art 4 s 30; 1994 c 636 art 3 s 12-15; art 4 s 29; 1999 c 148 s 1,2; 2005 c 136 art 17 s 39,40; 2010 c 391 s 16-18; 2012 c 128 s 20-23,26; 2013 c 80 s 2-4; 1Sp2017 c 6 art 10 s 137; 2018 c 144 s 3; 1Sp2021 c 11 art 5 s 18-20

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5316 — Summary Forfeitures.

Subdivision 1.Contraband.(a) Except as otherwise provided in this subdivision, if the property is contraband, the property must be summarily forfeited and either destroyed or used by the appropriate agency for law enforcement purposes. Upon summary forfeiture, weapons used must be destroyed by the appropriate agency unless the agency decides to use the weapons for law enforcement purposes or sell the weapons in a commercially reasonable manner to federally licensed firearms dealers, as defined in section 624.7161, subdivision 1. If a weapon is sold under this subdivision, the proceeds must be distributed under section 609.5315,

subdivision 5 or 5b. (b) If the contraband property is a catalytic converter, the appropriate agency shall sell it to a scrap metal dealer or other business that may lawfully possess it under section 325E.21. The agency shall make reasonable efforts to determine whether the person from whom it was stolen can be identified. If able to do this, the agency shall forward the proceeds to that person. If unable to do this, the agency may keep 70 percent of the proceeds from the sale and forward the remaining 30 percent to the prosecutorial office that prosecuted the case resulting in the forfeiture. If the catalytic converter is not marked as required in section 325E.21, the agency shall mark it in a permanent manner, including but not limited to an engraving or permanent ink, indicating that the converter is recovered contraband. Subd. 2.Controlled substances.(a) Controlled substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of chapter 152 or 342, are contraband and must be seized and summarily forfeited. Controlled substances listed in Schedule I that are seized or come into the possession of peace officers, the owners of which are unknown, are contraband and must be summarily forfeited. (b) Species of plants from which controlled substances in Schedules I and II may be derived that have been planted or cultivated in violation of chapter 152 or of which the owners or cultivators are unknown, or that are wild growths, may be seized and summarily forfeited to the state. The appropriate agency or its authorized agent may seize the plants if the person in occupancy or in control of land or premises where the plants are growing or being stored fails to produce an appropriate registration or proof that the person is the holder of appropriate registration. Subd. 3.Weapons, telephone cloning paraphernalia, automated sales suppression devices, catalytic converters, and bullet-resistant vests.Weapons used are contraband and must be summarily forfeited to the appropriate agency upon conviction of the weapon's owner or possessor for a controlled substance crime; for any offense of this chapter or chapter 624, or for a violation of an order for protection under section 518B.01, subdivision 14. Bullet-resistant vests, as defined in section 609.486, worn or possessed during the commission or attempted commission of a crime are contraband and must be summarily forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled substance crime or for any offense of this chapter. Telephone cloning paraphernalia used in a violation of section 609.894, and automated sales suppression devices, phantom-ware, and other devices containing an automated sales suppression or phantom-ware device or software used in violation of section 289A.63, subdivision 12, are contraband and must be summarily forfeited to the appropriate agency upon a conviction. A catalytic converter possessed in violation of section 325E.21 is contraband and must be summarily forfeited to the appropriate agency upon a conviction. 1988 c 665 s 16; 1990 c 439 s 2; 1994 c 636 art 3 s 16,17; 1996 c 331 s 1; 1996 c 408 art 4 s 9; 2012 c 127 s 1; 2014 c 201 s 3; 1Sp2017 c 1 art 12 s 4; 2023 c 15 s 13,14; 2023 c 63 art 4 s 47

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5318 — Forfeiture Of Vehicles Used In Drive-by Shootings.

Subdivision 1.Motor vehicles subject to forfeiture.(a) If the prosecuting authority establishes by clear and convincing evidence that a motor vehicle was used in a violation of section 609.66, subdivision 1e, the vehicle is subject to forfeiture under this section upon a conviction for the same offense. (b) The Department of Corrections Fugitive Apprehension Unit shall not seize a motor vehicle for the purposes of forfeiture under paragraph (a). Subd. 2.Notice.(a) The registered owner of the vehicle must be notified of the seizure and intent to forfeit the vehicle within seven days after the seizure. Notice by certified mail to the address shown in Department of Public Safety records is deemed to be sufficient notice to the registered owner. (b) The notice must be in writing and: (1) contain a description of the property seized; (2) contain the date of seizure; and (3) be printed in English. This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English. (c) Substantially, the following language must appear conspicuously in the notice: "WARNING: You will automatically lose the above-described property and the right to be heard in court if you do not file a lawsuit and serve the prosecuting authority within 60 days. You may file your lawsuit in conciliation court if the property is worth $15,000 or less; otherwise, you must file in district court. You may not have to pay a filing fee for your lawsuit if you are unable to afford the fee. You do not have to pay a conciliation court fee if your property is worth less than $500." Subd. 3.Hearing.(a) Within 60 days following service of a notice of seizure and forfeiture, a claimant may demand a judicial determination of the forfeiture. If a related criminal proceeding is pending, the 60-day period begins to run at the conclusion of those proceedings. (b) The demand must be in the form of a civil complaint as provided in section 609.5314, subdivision 3, except as otherwise provided in this section. (c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under subdivision 4. Subd. 4.Procedure.(a) If a judicial determination of the forfeiture is requested, a separate complaint must be filed against the vehicle, stating the specific act giving rise to the forfeiture and the date, time, and place of the act. The action must be captioned in the name of the prosecuting authority or the prosecuting authority's designee as plaintiff and the property as defendant. (b) If a demand for judicial determination of an administrative forfeiture is filed and the court orders the return of the seized property, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order the payment of reasonable costs, expenses, attorney fees, and towing and storage fees. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5. Subd. 5.Limitations.(a) A vehicle used by a person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section only if the owner is a consenting party to, or is privy to, the commission of the act giving rise to the forfeiture. (b) A vehicle is subject to forfeiture under this section only if the registered owner was privy to the act upon which the forfeiture is based, the act occurred with the owner's knowledge or consent, or the act occurred due to the owner's gross negligence in allowing another to use the vehicle. (c) A vehicle encumbered by a bona fide security interest is subject to the interest of the secured party unless the party had knowledge of or consented to the act

upon which the forfeiture is based. A person claiming a security interest bears the burden of establishing that interest by clear and convincing evidence. 1993 c 326 art 1 s 13; 1993 c 366 s 9; 2005 c 136 art 13 s 16; 2012 c 128 s 24-26; 2014 c 201 s 4

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5319 — Financial Institution Secured Interest.

Property that is subject to a bona fide security interest, based upon a loan or other financing arranged by a bank, credit union, or any other financial institution, is subject to the interest of the bank, credit union, or other financial institution in any forfeiture proceeding that is based upon a violation of any provision of this chapter or the commission of any other criminal act. The security interest must be established by clear and convincing evidence. 1996 c 408 art 11 s 7

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.532 — Attachment Of Deposited Funds.

Subdivision 1.Attachment.Upon application by the prosecuting authority, a court may issue an attachment order directing a financial institution to freeze some or all of the funds or assets deposited with or held by the financial institution by or on behalf of an account holder charged with the commission of a felony. Subd. 2.Application.The application of the prosecuting authority required by this section must contain: (1) a copy of a criminal complaint issued by a court of competent jurisdiction that alleges the commission of a felony by the account holder; (2) a statement of the actual financial loss caused by the account holder in the commission of the alleged felony, if not already stated in the complaint; and (3) identification of the account holder's name and financial institution account number. Subd. 3.Issuance of court order.If the court finds that (1) there is probable cause that the account holder was involved in the commission of a felony; (2) the accounts of the account holder are specifically identified; (3) there was a loss of $10,000 or more as a result of the commission of the alleged felony; and (4) it is necessary to freeze the account holder's funds or assets to ensure eventual restitution to victims of the alleged offense, the court may order the financial institution to freeze all or part of the account holder's deposited funds or assets so that the funds or assets may not be withdrawn or disposed of until further order of the court. Subd. 4.Duty of financial institutions.Upon receipt of the order authorized by this section, a financial institution must not permit any funds or assets that were frozen by the order to be withdrawn or disposed of until further order of the court. Subd. 5.Release of funds.(a) The account holder may, upon notice and motion, have a hearing to contest the freezing of funds or assets and to seek the release of all or part of them. (b) The account holder is entitled to an order releasing the freeze by showing: (1) that the account holder has posted a bond or other adequate surety, guaranteeing that, upon conviction, adequate funds or assets will be available to pay complete restitution to victims of the alleged offense; (2) that there is no probable cause to believe that the account holder was involved in the alleged offense; (3) that the amount of funds or assets frozen is more than is necessary to pay complete restitution to all victims of the alleged offense; (4) that a joint account holder who is not involved in the alleged criminal activity has deposited all or part of the funds or assets; or (5) that the funds or assets should be returned in the interests of justice. (c) It is not grounds for the release of funds or assets that the particular accounts frozen do not contain funds or assets that were proceeds from or used in the commission of the alleged offense. Subd. 6.Disposition of funds.(a) If the account holder is convicted of a felony or a lesser offense, the funds or assets may be used to pay complete restitution to victims of the offense. The court may order the financial institution to remit all or part of the frozen funds or assets to the court. (b) If the account holder is acquitted or the charges are dismissed, the court must issue an order releasing the freeze on the funds or assets. Subd. 7.Time limit.The freeze permitted by this section expires 24 months after the date of the court's initial attachment order unless the time limit is extended by the court in writing upon a showing of good cause by the prosecution. Subd. 8.Notice.Within ten days after a court issues an attachment order under this section, the prosecutor shall send a copy of the order to the account holder's last known address or to the account holder's attorney, if known. 1987 c 217 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.535 — Issuance Of Dishonored Checks.

Subdivision 1.Definitions.For the purpose of this section, the following terms have the meanings given them. (a) "Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument. (b) "Credit" means an arrangement or understanding with the drawee for the payment of a check. Subd. 2.Acts constituting.Whoever issues a check which, at the time of issuance, the issuer intends shall not be paid, is guilty of issuing a dishonored check and may be sentenced as provided in subdivision 2a. In addition, restitution may be ordered by the court. Subd. 2a.Penalties.(a) A person who is convicted of issuing a dishonored check under subdivision 2 may be sentenced as follows: (1) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than $500; (2) to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than $250 but not more than $500; or (3) to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is not more than $250. (b) In a prosecution under this subdivision, the value of dishonored checks issued by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the dishonored checks was issued for all of the offenses aggregated under this paragraph. Subd. 3.Proof of intent.Any of the following is evidence sufficient to sustain a finding that the person at the time the

person issued the check intended it should not be paid: (1) proof that, at the time of issuance, the issuer did not have an account with the drawee; (2) proof that, at the time of issuance, the issuer did not have sufficient funds or credit with the drawee and that the issuer failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or (3) proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that the issuer failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision. Notice of nonpayment or dishonor that includes a citation to and a description of the penalties in this section shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed on the check. Refusal by the maker or drawer of the check to accept certified mail notice or failure to claim certified or regular mail notice is not a defense that notice was not received. The notice may state that unless the check is paid in full within five business days after mailing of the notice of nonpayment or dishonor, the payee or holder of the check will or may refer the matter to proper authorities for prosecution under this section. An affidavit of service by mailing shall be retained by the payee or holder of the check. Subd. 4.Proof of lack of funds or credit.If the check has been protested, the notice of protest is admissible as proof of presentation, nonpayment, and protest, and is evidence sufficient to sustain a finding that there was a lack of funds or credit with the drawee. Subd. 5.Exceptions.This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check or a check issued to a fund for employee benefits. Subd. 6.Release of account information to law enforcement authorities.A drawee shall release the information specified below to any state, county, or local law enforcement or prosecuting authority which certifies in writing that it is investigating or prosecuting a complaint against the drawer under this section or section 609.52, subdivision 2, paragraph (a), clause (3), item (i), and that 15 days have elapsed since the mailing of the notice of dishonor required by subdivisions 3 and 8. This subdivision applies to the following information relating to the drawer's account: (1) documents relating to the opening of the account by the drawer and to the closing of the account; (2) notices regarding nonsufficient funds, overdrafts, and the dishonor of any check drawn on the account within a period of six months of the date of request; (3) periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check which is the subject of the investigation or prosecution; or (4) the last known home and business addresses and telephone numbers of the drawer. The drawee shall release all of the information described in clauses (1) to (4) that it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may not impose a fee for furnishing this information to law enforcement or prosecuting authorities. A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision. Subd. 7.Release of account information to payee or holder.(a) A drawee shall release the information specified in paragraph (b), clauses (1) to (3) to the payee or holder of a check that has been dishonored who makes a written request for this information and states in writing that the check has been dishonored and that 30 days have elapsed since the mailing of the notice described in subdivision 8 and who accompanies this request with a copy of the dishonored check and a copy of the notice of dishonor. The requesting payee or holder shall notify the drawee immediately to cancel this request if payment is made before the drawee has released this information. (b) This subdivision applies to the following information relating to the drawer's account: (1) whether at the time the check was issued or presented for payment the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed, or restricted for any reason and the date it was closed or restricted; (2) the last known home address and telephone number of the drawer. The drawee may not release the address or telephone number of the place of employment of the drawer unless the drawer is a business entity or the place of employment is the home; and (3) a statement as to whether the aggregated value of dishonored checks attributable to the drawer within six months before or after the date of the dishonored check exceeds $250; for purposes of this clause, a check is not dishonored if payment was not made pursuant to a stop payment order. The drawee shall release all of the information described in clauses (1) to (3) that it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may require the person requesting the information to pay the reasonable costs, not to exceed 15 cents per page, of reproducing and mailing the requested information. (c) A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision. Subd. 8.Notice.The provisions of subdivisions 6 and 7 are not applicable unless the notice to the maker or drawer required by subdivision 3 states that if the check is not paid in full within five business days after mailing of the notice, the drawee will be authorized to release information relating to the account to the payee or holder of the check and may also release this information to law enforcement or prosecuting authorities. 1963 c 753 art 1 s 609.535; 1967 c 466 s 1; 1971 c 23 s 56; 1974 c 106 s 1,2; 1981 c 202 s 1; 1981 c 247 s 1-3; 1983 c 225 s 10; 1984 c 436 s 34; 1985 c 140 s 3; 1986 c 444; 1988 c 527 s 2,3; 1991 c 256 s 11-13; 1992 c 569 s 26; 1999 c 218 s 3; 2004 c 228 art 1 s 72; 2020 c 83 art 1 s 93; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.54 — Embezzlement Of Public Funds.

Whoever does an act which constitutes embezzlement under the provisions of Minnesota Constitution, article XI, section 13 may be sentenced as follows: (1) if the value of the funds so embezzled is $2,500, or less, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both; or (2) if such value is more than $2,500, to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. 1963 c 753 art 1 s 609.54; 1976 c 2 s 172; 1984 c 628 art 3 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.541 — Protection Of Library Property.

Subdivision 1.Damage to library materials.A person who intentionally, and without permission from library personnel damages any books, maps, pictures, manuscripts, films, or other property of any public library or library belonging to the state or to any political subdivision is guilty of a petty misdemeanor. Subd. 2.Removal of library property.A person who intentionally, and without permission from library personnel removes any books, maps, pictures, manuscripts, films, or other property of any public library or library belonging to the state or to any political subdivision is guilty of a misdemeanor. Subd. 3.Detention of library materials.A person who detains a book, periodical, pamphlet, film, or other property belonging to any public library, or to a library belonging to the state or any political subdivision, for more than 60 days after notice in writing to return it, given after the expiration of the library's stated loan period for the material, is guilty of a petty misdemeanor. The written notice shall be sent by mail to the last known address of the person detaining the material. The notice shall state the type of material borrowed, the title of the material, the author's name, the library from which the material was borrowed, and the date by which the material was to have been returned to the library. The notice shall include a statement indicating that if the material is not returned within 60 days after the written notice the borrower will be in violation of this section. Subd. 4.Responsibility for prosecution for regional libraries.For regional libraries the county attorney for the county in which the offense occurred shall prosecute violations of subdivisions 1 to 3. 1983 c 280 s 3

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.545 — Misusing Credit Card To Secure Services.

Whoever obtains the services of another by the intentional unauthorized use of a credit card issued or purporting to be issued by an organization for use as identification in purchasing services is guilty of a misdemeanor. 1963 c 753 art 1 s 609.545; 1971 c 23 s 57

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.546 — Motor Vehicle Tampering.

A person is guilty of a misdemeanor who intentionally: (1) rides in or on a motor vehicle knowing that the vehicle was taken and is being driven by another without the owner's permission; or (2) tampers with or enters into or on a motor vehicle without the owner's permission. 1989 c 290 art 7 s 9

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.551 — Rustling And Livestock Theft; Penalties.

Subdivision 1.Crime defined; stealing cattle; penalties.Whoever intentionally and without claim of right shoots, kills, takes, uses, transfers, conceals or retains possession of live cattle, swine or sheep or the carcasses thereof belonging to another without the other's consent and with the intent to permanently deprive the owner thereof may be sentenced as follows: (a) if the value of the animals which are shot, killed, taken, used, transferred, concealed, or retained exceeds $2,500, the defendant may be sentenced to imprisonment for not more than ten years, and may be fined up to $20,000; (b) if the value of the animals which are shot, killed, taken, used, transferred, concealed, or retained exceeds $300 but is less than $2,500, the defendant may be sentenced to imprisonment for not more than five years, and may be fined up to $10,000; (c) if the value of the animals which are shot, killed, taken, used, transferred, concealed, or retained is $300 or less, the defendant may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $300 or both. Subd. 2.Crime defined; selling stolen cattle.Whoever knowingly buys, sells, transports, or otherwise handles cattle, swine, or sheep illegally acquired under subdivision 1 or knowingly aids or abets another in the violation of subdivision 1 shall be sentenced as in subdivision 1, clauses (a), (b), and (c). Subd. 3.Aggregation.In any prosecution under this section the value of the animals which are shot, killed, taken, used, transferred, concealed, or retained within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section. Subd. 4.Amount of action.Any person who has been injured by violation of this section may bring an action for three times the amount of actual damages sustained by the plaintiff, costs of suit and reasonable attorney's fees. 1975 c 314 s 2; 1977 c 355 s 8; 1984 c 628 art 3 s 11; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.552 — Unauthorized Release Of Animals.

A person who intentionally and without permission releases an animal lawfully confined for science, research, commerce, or education is guilty of a misdemeanor. A second or subsequent offense by the same person is a gross misdemeanor. 1989 c 55 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.556 — Definitions.

Subdivision 1.Scope.For the purposes of sections 609.556 to 609.576 and 609.611, the terms defined in this section have the meanings given them. Subd. 2.Property of another."Property of another" means a building or other property, whether real or personal, in which a person other than the accused has an interest which the accused has no authority to defeat or impair even though the accused may also have an interest in the building or property. Subd. 3.Building."Building" in addition to its ordinary meaning includes any tent, watercraft, structure or vehicle that is customarily used for overnight lodging of a person or persons. If a building consists of two or more units separately secured or occupied, each unit shall be deemed a separate building. 1976 c 124 s 3; 1977 c 347 s 63

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.561 — Arson In The First Degree.

Subdivision 1.First degree; dwelling.Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building that is used as a dwelling at the time the act is committed, whether the inhabitant is present therein at the time of the act or not, or any building appurtenant to or connected with a dwelling whether the property of the actor or of another, commits arson in the first degree and may be sentenced to imprisonment for not more than 20 years or to a fine of not more than $20,000, or both. Subd. 2.First degree; other buildings.Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not included in subdivision 1, whether the property of the actor or another commits arson in the first degree and may be sentenced to imprisonment for not more than 20 years or to a fine of not more than $35,000, or both if: (a) another person who is not a participant in the crime is present in the building at the time and the defendant knows that; or (b) the circumstances are such as to render the presence of such a person therein a reasonable possibility. Subd. 3.First degree; flammable material.(a) Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not included in subdivision 1, whether the property of the actor or another, commits arson in the first degree if a flammable material is used to start or accelerate the fire. A person who violates this paragraph may be sentenced to imprisonment for not more than 20 years or a fine of not more than $20,000, or both. (b) As used in this subdivision: (1) "combustible liquid" means a liquid having a flash point at or above 100 degrees Fahrenheit; (2) "flammable gas" means any material which is a gas at 68 degrees Fahrenheit or less and 14.7 psi of pressure and which: (i) is ignitable when in a mixture of 13 percent or less by volume with air at atmospheric pressure; or (ii) has a flammable range with air at atmospheric pressure of at least 12 percent, regardless of the lower flammable limit; (3) "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit, but does not include intoxicating liquor as defined in section 340A.101; (4) "flammable material" means a flammable or combustible liquid, a flammable gas, or a flammable solid; and (5) "flammable solid" means any of the following three types of materials: (i) wetted explosives; (ii) self-reactive materials that are liable to undergo heat-producing decomposition; or (iii) readily combustible solids that may cause a fire through friction or that have a rapid burning rate as determined by specific flammability tests. 1976 c 124 s 4; 1984 c 628 art 3 s 11; 1986 c 444; 1994 c 636 art 2 s 42; 1995 c 186 s 100; 1999 c 176 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.562 — Arson In The Second Degree.

Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not covered by section 609.561, no matter what its value, or any other real or personal property valued at more than $1,000, whether the property of the actor or another, may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. 1976 c 124 s 5; 1979 c 258 s 16; 1984 c 628 art 3 s 11; 1985 c 141 s 2; 1986 c 444; 1993 c 326 art 5 s 7

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5631 — Arson In The Fourth Degree.

Subdivision 1.Definitions.(a) For purposes of this section, the following terms have the meanings given. (b) "Multiple unit residential building" means a building containing two or more apartments. (c) "Public building" means a building such as a hotel, hospital, motel, dormitory, sanitarium, nursing home, theater, stadium, gymnasium, amusement park building, school or other building used for educational purposes, museum, restaurant, bar, correctional institution, place of worship, or other building of public assembly. Subd. 2.Crime described.Whoever intentionally by means of fire or explosives sets fire to or burns or causes to be burned any personal property in a multiple unit residential building or public building and arson in the first, second, or third degree was not committed is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. 1998 c 367 art 2 s 19; 1999 c 176 s 2; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5632 — Arson In The Fifth Degree.

Whoever intentionally by means of fire or explosives sets fire to or burns or causes to be burned any real or personal property of value is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both. 1998 c 367 art 2 s 20; 2004 c 228 art 1 s 72

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5633 — Use Of Ignition Devices; Petty Misdemeanor.

A student who uses an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is an obvious risk of fire, and arson in the first, second, third, or fourth degree was not committed, is guilty of a petty misdemeanor. This section does not apply if the student uses the device in a manner authorized by the school. For the purposes of this section, "student" has the meaning given in section 123B.41, subdivision 11. 1999 c 176 s 3

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection

609.564 — Excluded Fires.

A person does not violate section 609.561, 609.562, 609.563, or 609.5641 if the person sets a fire pursuant to a validly issued license or permit or with written permission from the fire department of the jurisdiction where the fire occurs. 1985 c 141 s 4; 1990 c 478 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.5641 — Wildfire Arson.

Subdivision 1.Setting wildfires.A person who intentionally sets a fire to burn out of control on land of another containing timber, underbrush, grass, or other vegetative combustible material is guilty of a felony and may be sentenced as provided in subdivision 1a. Subd. 1a.Penalty; felonies.(a) Except as provided in paragraphs (b), (c), and (d), a person who violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. (b) A person who violates subdivision 1 where the fire threatens to damage or damages in excess of five buildings or dwellings, burns 500 acres or more, or damages crops in excess of $100,000, may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $15,000, or both. (c) A person who violates subdivision 1 where the fire threatens to damage or damages in excess of 100 buildings or dwellings, burns 1,500 acres or more, or damages crops in excess of $250,000, may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $25,000, or both. (d) A person who violates subdivision 1 where the fire causes another person to suffer demonstrable bodily harm may be sentenced to imprisonment for not more than ten years or to payment of a fine of $15,000, or both. (e) For purposes of this section, a building or dwelling is threatened when there is a probability of damage to the building or dwelling requiring evacuation for safety of life. Subd. 2.Possession of flammables to set wildfires.A person is guilty of a gross misdemeanor who possesses a flammable, explosive, or incendiary device, substance, or material with intent to use the device, substance, or material to violate subdivision 1. Subd. 3.Restitution.In addition to the sentence otherwise authorized, the court may order a person who is convicted of violating this section to pay fire suppression costs, damages to the owner of the damaged land, costs associated with injuries sustained by a member of a municipal or volunteer fire department in the performance of the member's duties, and any other restitution costs allowed under section 611A.04. 1990 c 478 s 2; 2013 c 139 s 1-3

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.576 — Negligent Fires; Dangerous Smoking.

Subdivision 1.Negligent fire resulting in injury or property damage.Whoever is grossly negligent in causing a fire to burn or get out of control thereby causing damage or injury to another, and as a result of this: (1) a human being is injured and great bodily harm incurred, is guilty of a crime and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both; (2) a human being is injured and bodily harm incurred, is guilty of a crime and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both; or (3) property of another is injured, thereby, is guilty of a crime and may be sentenced as follows: (i) to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both, if the value of the property damage is under $300; (ii) to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both, if the value of the property damaged is at least $300 but is less than $2,500; or (iii) to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both, if the value of the property damaged is $2,500 or more. Subd. 2.Dangerous smoking.A person is guilty of a misdemeanor if the person smokes in the presence of explosives or inflammable materials. If a person violates this subdivision and knows that doing so creates a risk of death or bodily harm or serious property damage, the person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1976 c 124 s 7; 1977 c 355 s 10; 1981 c 107 s 1; 1984 c 628 art 3 s 11; 1985 c 141 s 5; 1989 c 5 s 8; 1989 c 290 art 6 s 20; 1993 c 326 art 5 s 9; 2001 c 155 s 1; 2003 c 82 s 1; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.581 — Definitions.

Subdivision 1.Terms defined.For purpose of sections 609.582 and 609.583, the terms defined in this section have the meanings given them. Subd. 2.Building."Building" means a structure suitable for affording shelter for human beings including any appurtenant or connected structure. Subd. 3.Dwelling."Dwelling" means a building used as a permanent or temporary residence. Subd. 4.Enters a building without consent."Enters a building without consent" means: (a) to enter a building without the consent of the person in lawful possession; (b) to enter a building by using artifice, trick, or misrepresentation to obtain consent to enter from the person in lawful possession; or (c) to remain within a building without the consent of the person in lawful possession. Whoever enters a building while open to the general public does so with consent except when consent was expressly withdrawn before entry. Subd. 5.Government building."Government building" means a building that is owned, leased, controlled, or operated by a governmental entity for a governmental purpose. Subd. 6.Religious establishment."Religious establishment" means a building used for worship services by a religious organization and clearly identified as such by a posted sign or other means. Subd. 7.School building."School building" means a public or private preschool, elementary school, middle school, secondary school, or postsecondary school building. Subd. 8.Historic property."Historic property" means any property identified as a historic site or historic place by sections

138.661 to 138.664 and clearly identified as such by a posted sign or other means. 1983 c 321 s 1; 2007 c 54 art 2 s 11-14

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.582 — Burglary.

Subdivision 1.Burglary in the first degree.Whoever enters a building without consent and with intent to commit a crime, or enters a building without consent and commits a crime while in the building, either directly or as an accomplice, commits burglary in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $35,000, or both, if: (a) the building is a dwelling and another person, not an accomplice, is present in it when the burglar enters or at any time while the burglar is in the building; (b) the burglar possesses, when entering or at any time while in the building, any of the following: a dangerous weapon, any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or an explosive; or (c) the burglar assaults a person within the building or on the building's appurtenant property. Subd. 1a.Mandatory minimum sentence for burglary of occupied dwelling.A person convicted of committing burglary of an occupied dwelling, as defined in subdivision 1, clause (a), must be committed to the commissioner of corrections or county workhouse for not less than six months. Subd. 2.Burglary in the second degree.(a) Whoever enters a building without consent and with intent to commit a crime, or enters a building without consent and commits a crime while in the building, either directly or as an accomplice, commits burglary in the second degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if: (1) the building is a dwelling; (2) the portion of the building entered contains a banking business or other business of receiving securities or other valuable papers for deposit or safekeeping and the entry is with force or threat of force; (3) the portion of the building entered contains a pharmacy or other lawful business or practice in which controlled substances are routinely held or stored, and the entry is forcible; or (4) when entering or while in the building, the burglar possesses a tool to gain access to money or property. (b) Whoever enters a government building, religious establishment, historic property, or school building without consent and with intent to commit a crime under section 609.52 or 609.595, or enters a government building, religious establishment, historic property, or school building without consent and commits a crime under section 609.52 or 609.595 while in the building, either directly or as an accomplice, commits burglary in the second degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. Subd. 3.Burglary in the third degree.(a) Except as otherwise provided in this section, whoever enters a building without consent and with intent to steal or commit any felony or gross misdemeanor while in the building, or enters a building without consent and steals or commits a felony or gross misdemeanor while in the building, either directly or as an accomplice, commits burglary in the third degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. (b) Whoever enters a building that is open to the public, other than a building identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building that is open to the public, other than a building identified in subdivision 2, paragraph (b), and steals while in the building, either directly or as an accomplice, commits burglary in the third degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if: (1) the person enters the building within one year after being told to leave the building and not return; and (2) the person has been convicted within the preceding five years for an offense under this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625, 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony sentence for the offense or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony sentence. Subd. 4.Burglary in the fourth degree.(a) Whoever enters a building without consent and with intent to commit a misdemeanor other than to steal, or enters a building without consent and commits a misdemeanor other than to steal while in the building, either directly or as an accomplice, commits burglary in the fourth degree and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. (b) Whoever enters a building that is open to the public, other than a building identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building that is open to the public, other than a building identified in subdivision 2, paragraph (b), and steals while in the building, either directly or as an accomplice, commits burglary in the fourth degree and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both, if the person enters the building within one year after being told to leave the building and not return. 1983 c 321 s 2; 1984 c 628 art 3 s 6; 1986 c 470 s 19; 1988 c 712 s 9-12; 1993 c 326 art 13 s 33; 1995 c 244 s 22; 1998 c 367 art 2 s 21; 2007 c 54 art 2 s 15; 2023 c 52 art 4 s 11,12; art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.583 — Sentencing; First Burglary Of Dwelling.

Except as provided in section 609.582, subdivision 1a, in determining an appropriate disposition for a first offense of burglary of a dwelling, the court shall presume that a stay of execution with at least a 90-day period of incarceration as a condition of probation shall be imposed unless the defendant's criminal history score determined according to the Sentencing Guidelines indicates a presumptive executed sentence, in which case the presumptive executed sentence shall be imposed unless the court departs from the Sentencing Guidelines pursuant to section 244.10. A stay of imposition of sentence may be granted only if accompanied by a statement on the record of the reasons for it. The presumptive period of incarceration may be waived in whole or in part by the court if the defendant provides restitution or performs community work service. 1983 c 321 s 3; 1984 c 497 s 1; 1986 c 470 s 20; 1996 c 408 art 3 s 33

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.585 — Double Jeopardy.

Notwithstanding section 609.04, a prosecution for or conviction of the crime of burglary is not a bar to conviction of or punishment for any other crime committed on entering or while in the building entered. 1963 c 753 art 1 s 609.585; 1993 c 326 art 4 s 31

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.586 — Possession Of Code-grabbing Devices; Penalty.

Subdivision 1.Definition.As used in this section, "code-grabbing device" means a device that can receive and record the coded signal sent by the transmitter of a security or other electronic system and can play back the signal to disarm or operate that system. Subd. 2.Crime.Whoever possesses a code-grabbing device with intent to use the device to commit an unlawful act may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both. 1996 c 408 art 3 s 34

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.59 — Possession Of Burglary Or Theft Tools.

Whoever has in possession any device, explosive, or other instrumentality with intent to use or permit the use of the same to commit burglary or theft may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both. 1963 c 753 art 1 s 609.59; 1984 c 628 art 3 s 11; 1986 c 444; 1988 c 712 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.591 — Damage To Timber Or Wood Processing And Related Equipment.

Subdivision 1.Definition.As used in this section and section 609.592, "timber" means trees, whether standing or down, that will produce forest products of value including but not limited to logs, posts, poles, bolts, pulpwood, cordwood, lumber, and decorative material. Subd. 2.Crime.Whoever, without claim of right or consent of the owner, drives, places, or fastens in timber any device of iron, steel, ceramic, or other substance sufficiently hard to damage saws or wood processing or manufacturing equipment, with the intent to hinder the logging or the processing of timber, is guilty of a crime and may be sentenced as provided in subdivisions 3 and 4. Subd. 3.Penalties.A person convicted of violating subdivision 2 may be sentenced as follows: (1) if the violation caused great bodily harm, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both; (2) otherwise, to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. Subd. 4.Restitution.In addition to any sentence imposed under subdivision 3, the sentencing court may order a person convicted of violating this section, or of violating section 609.595 by damaging timber or commercial wood processing, manufacturing, or transportation equipment to pay restitution to the owner of the damaged property. 1991 c 180 s 1; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.592 — Possession Of Timber Damage Devices.

Whoever commits any of the following acts is guilty of a misdemeanor: (1) possesses a device of iron, steel, ceramic, or other substance sufficiently hard to damage saws, wood processing, manufacturing, or transportation equipment, with the intent to use the device to hinder the logging or the processing of timber; or (2) possesses a chemical or biological substance, mechanical equipment, or tool with the intent to use it or permit its use to damage timber processing, manufacturing, or transportation equipment. 1991 c 180 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.593 — Damage Or Theft To Energy Transmission Or Telecommunications Equipment.

Subdivision 1.Crime.Whoever intentionally and without consent from one authorized to give consent causes any damage to or takes, removes, severs, or breaks: (1) any line erected or maintained for the purpose of transmitting electricity for light, heat, or power, or any insulator or cross-arm, appurtenance or apparatus connected to the line, or any wire, cable, or current of the line; or any component used in the generation, transmission, or distribution of electricity, including equipment used for grounding, system protection, or personnel protection; (2) any pipe or main or hazardous liquid pipeline erected, operated, or maintained for the purpose of transporting, conveying, or distributing gas or other hazardous liquids for light, heat, power, or any other purpose, or any part of the pipe, main, or pipeline, or any valve, meter, holder, compressor, machinery, appurtenance, equipment, or apparatus connected with any main or pipeline; or (3) any machinery, equipment, or fixtures used in receiving, initiating, amplifying, processing, transmitting, retransmitting, recording, switching, or monitoring telecommunications services, such as computers, transformers, amplifiers, routers, repeaters, multiplexers, and other items performing comparable functions; and machinery, equipment, and fixtures used in the transportation of telecommunications services, radio transmitters and receivers, satellite equipment, microwave equipment, and other transporting media including wire, cable, fiber, poles, and conduit; is guilty of a crime and may be sentenced as provided in subdivision 2. Subd. 2.Penalty.Whoever violates subdivision 1 is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 2007 c 54 art 2 s 16; 2016 c 152 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.594 — Damage To Property Of Critical Public Service Facilities, Utilities, And Pipelines.

Subdivision 1.Definitions.As used in this section: (1) "critical public service facility" includes railroad yards and stations, bus stations, airports, and other mass transit facilities; oil refineries; storage areas or facilities for hazardous materials, hazardous substances, or hazardous wastes; and bridges; (2) "pipeline" has the meaning given in section 609.6055, subdivision 1; and (3) "utility" includes: (i) any organization defined as a utility in section 216C.06, subdivision 18; (ii) any telecommunications carrier or telephone company regulated under chapter 237; and (iii) any local utility or enterprise formed for the purpose of providing electrical or gas heating and power, telephone, water, sewage, wastewater, or other related utility service, which is owned, controlled, or regulated by a town, a statutory or home rule charter city, a county, a port development authority, the Metropolitan Council, a district heating authority, a regional commission or other regional government unit, or a combination of these governmental units. Subd. 2.Prohibited conduct; penalty.Whoever causes damage to the physical property of a critical public service facility, utility, or pipeline with the intent to significantly disrupt the operation of or the provision of services by the facility, utility, or pipeline and without the consent of one authorized to give consent, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. Subd. 3.Detention authority; immunity.An employee or other person designated by a critical public service facility, utility, or pipeline to ensure the provision of services by the critical public service facility or the safe operation of the equipment or facility of the utility or pipeline who has reasonable cause to believe that a person is violating this section may detain the person as provided in this subdivision. The person detained must be promptly informed of the purpose of the detention and may not be subjected to unnecessary or unreasonable force or interrogation. The employee or other designated person must notify a peace officer promptly of the detention and may only detain the person for a reasonable period of time. No employee or other designated person is criminally or civilly liable for any detention that the employee or person reasonably believed was authorized by and conducted in conformity with this subdivision. 2002 c 401 art 1 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.595 — Damage To Property.

Subdivision 1.Criminal damage to property in the first degree.Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if: (1) the damage to the property caused a reasonably foreseeable risk of bodily harm; or (2) the property damaged was a public safety motor vehicle, the defendant knew the vehicle was a public safety motor vehicle, and the damage to the vehicle caused a substantial interruption or impairment of public safety service or a reasonably foreseeable risk of bodily harm; or (3) the property damaged belongs to a common carrier and the damage impairs the service to the public rendered by the carrier; or (4) the damage reduces the value of the property by more than $1,000 measured by the cost of repair and replacement; or (5) the damage reduces the value of the property by more than $500 measured by the cost of repair and replacement and the defendant has been convicted within the preceding three years of an offense under this subdivision or subdivision 2. In any prosecution under clause (4), the value of any property damaged by the defendant in violation of that clause within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph. Subd. 1a.Criminal damage to property in the second degree.(a) Whoever intentionally causes damage described in subdivision 2, paragraph (a), is guilty of a felony and may be sentenced to imprisonment for not more than one year and a day or to payment of a fine of not more than $3,000, or both, if the damage: (1) was committed in whole or in substantial part because of the property owner's or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03; (2) was committed in whole or in substantial part because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03; or (3) was motivated in whole or in substantial part by an intent to intimidate or harm an individual or group of individuals because of actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03. (b) In any prosecution under paragraph (a), the value of property damaged by the defendant in violation of that paragraph within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph. Subd. 2.Criminal damage to property in the third degree.(a) Except as otherwise provided in subdivision 1a, whoever intentionally causes damage to another person's physical property without the other person's consent may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both, if: (1) the damage reduces the value of the property by more than $500 but not more than $1,000 as measured by the cost of repair and replacement; or (2) the damage was to a public safety motor vehicle and the defendant knew the vehicle was a public safety motor vehicle. (b) Whoever intentionally causes damage to another person's physical property without the other person's consent may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both, if the damage reduces the value of the property by not more than $500 and: (1) was committed in whole or in substantial part because of the property owner's or another's actual or perceived race, color, ethnicity, religion, sex,

gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03; (2) was committed in whole or in substantial part because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03; or (3) was motivated in whole or in substantial part by an intent to intimidate or harm an individual or group of individuals because of actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03. (c) In any prosecution under paragraph (a), clause (1), the value of property damaged by the defendant in violation of that paragraph within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph. Subd. 3.Criminal damage to property in the fourth degree.Whoever intentionally causes damage described in subdivision 2 under any other circumstances is guilty of a misdemeanor. Subd. 4.Definitions.(a) As used in this section, "public safety motor vehicle" includes: (1) marked vehicles used by law enforcement agencies and specially marked vehicles permitted under section 169.98, subdivision 2a, owned or leased by the state or a political subdivision; (2) fire apparatuses, including fire-suppression support vehicles, owned or leased by the state or a political subdivision; (3) ambulances owned or leased by the state or a political subdivision; (4) vehicles owned by ambulance services licensed under section 144E.10 that are equipped and specifically intended for emergency response or providing ambulance services; and (5) marked vehicles used by conservation officers of the Division of Enforcement and Field Service of the Department of Natural Resources. (b) As used in subdivision 1, clause (2), and subdivision 2, paragraph (a), clause (2), "damage" includes tampering with a public safety motor vehicle and acts that obstruct or interfere with the vehicle's use. 1963 c 753 art 1 s 609.595; 1971 c 23 s 60; 1977 c 355 s 11; 1979 c 258 s 18; 1984 c 421 s 1; 1984 c 628 art 3 s 11; 1987 c 329 s 11; 1989 c 261 s 2-4; 2002 c 401 art 1 s 17; 2007 c 54 art 2 s 17,18; 2017 c 95 art 3 s 15-17; 2023 c 52 art 4 s 13,14; art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.596 — Killing Or Harming Public Safety Dog.

Subdivision 1.Felony.It is a felony for any person to intentionally and without justification cause the death of or great or substantial bodily harm to a police dog, a search and rescue dog, or an arson dog when the dog is involved in law enforcement, fire, or correctional investigation or apprehension, search and rescue duties, or the dog is in the custody of or under the control of a peace officer, a trained handler, or an employee of a correctional facility. A person convicted under this subdivision may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $5,000, or both. Subd. 2.Gross misdemeanor.It is a gross misdemeanor for any person to intentionally and without justification cause demonstrable bodily harm to a police dog, search and rescue dog, or an arson dog when the dog is involved in law enforcement, fire, or correctional investigation or apprehension, search and rescue duties, or the dog is in the custody of or under the control of a peace officer, a trained handler, or an employee of a correctional facility. Subd. 2a.Misdemeanor.It is a misdemeanor for any person to intentionally and without justification assault a police dog, search and rescue dog, or an arson dog when the dog is involved in law enforcement, fire, or correctional investigation or apprehension, search and rescue duties, or the dog is in the custody of or under the control of a peace officer, a trained handler, or an employee of a correctional facility. Subd. 2b.Mandatory restitution.The court shall order a person convicted of violating this section to pay restitution for the costs and expenses resulting from the crime. Costs and expenses include, but are not limited to, the purchase and training of a replacement dog and veterinary services for the injured dog. If the court finds that the convicted person is indigent, the court may reduce the amount of restitution to a reasonable level or order it paid in installments. Subd. 3.Definitions.As used in this section: (1) "arson dog" means a dog that has been certified as an arson dog by a state fire or police agency or by an independent testing laboratory; (2) "correctional facility" has the meaning given in section 241.021, subdivision 1i; (3) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph (c); and (4) "search and rescue dog" means a dog that is trained to locate lost or missing persons, victims of natural or other disasters, and human bodies. 1987 c 167 s 1; 1996 c 408 art 3 s 35; 1999 c 77 s 1; 2001 c 7 s 87; 2011 c 9 s 1; 2024 c 85 s 108

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.597 — Assaulting Or Harming Police Horse; Penalties.

Subdivision 1.Definition.As used in this section, "police horse" means a horse that has been trained for crowd control and other law enforcement purposes and is used to assist peace officers or reserve officers in the performance of their official duties. Subd. 2.Crime.Whoever assaults or intentionally harms a police horse while the horse is being used or maintained for use by a law enforcement agency, or while under the control of a reserve officer who is operating at the direction of, under the control of, or on behalf of a peace officer or a law enforcement agency, is guilty of a crime and may be sentenced as provided in subdivision 3. Subd. 3.Penalties.A person convicted of violating subdivision 2 may be sentenced as follows: (1) if a peace officer, a reserve officer, or any other person suffers great bodily harm or death as a result of the violation, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both; (2) if the police horse suffers death or great bodily harm as a result of the violation, or if a peace officer or a reserve officer suffers demonstrable bodily harm as a result of the violation, the person may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both; (3) if the police horse suffers demonstrable bodily harm as a result of the violation, the person may be sentenced to imprisonment for not more than one year and one day or to payment of a fine of not more than $3,000, or both; (4) if a peace officer

or a reserve officer is involuntarily unseated from the police horse or any person, other than the peace officer or reserve officer, suffers demonstrable bodily harm as a result of the violation, the person may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both; (5) if a violation other than one described in clauses (1) to (4) occurs, the person may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both. 1995 c 179 s 1; 2004 c 228 art 1 s 72; 2011 c 85 s 3; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.599 — Exposing Domestic Animals To Disease.

Subdivision 1.Gross misdemeanor.(a) A person who intentionally exposes a domestic animal to an animal disease contrary to reasonable veterinary practice, or intentionally puts a domestic animal at risk of quarantine or destruction by actions contrary to reasonable veterinary practice, is guilty of a gross misdemeanor. (b) The provisions of paragraph (a) do not apply to a person performing academic or industry research on domestic animals under protocols approved by an institutional animal care and use committee. Subd. 2.Civil liability.A person who violates subdivision 1 is liable in a civil action for damages in an amount three times the value of any domestic animal destroyed because it has the disease, has been exposed to the disease agent, or is at high risk of being exposed to the disease agent because of proximity to diseased animals. Subd. 3.Definition.For purposes of this section, "domestic animal" means: (1) those species of animals that live under the husbandry of humans; (2) livestock within the meaning of section 35.01, subdivision 3; (3) a farm-raised deer, farm-raised game bird, or farm-raised fish; or (4) an animal listed as a domestic animal by a rule adopted by the Department of Agriculture. 2004 c 254 s 45

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.6055 — Trespass On Critical Public Service Facility; Utility; Or Pipeline.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given. (b) "Critical public service facility" includes buildings and other physical structures, and fenced in or otherwise enclosed property, of railroad yards and stations, bus stations, airports, and other mass transit facilities; oil refineries; and storage areas or facilities for hazardous materials, hazardous substances, or hazardous wastes. The term also includes nonpublic portions of bridges. The term does not include railroad tracks extending beyond a critical public service facility. (c) "Pipeline" includes an aboveground pipeline, a belowground pipeline housed in an underground structure, and any equipment, facility, or building located in this state that is used to transport natural or synthetic gas, crude petroleum or petroleum fuels or oil or their derivatives, or hazardous liquids, to or within a distribution, refining, manufacturing, or storage facility that is located inside or outside of this state. Pipeline does not include service lines. (d) "Utility" includes: (1) any organization defined as a utility in section 216C.06, subdivision 18; (2) any telecommunications carrier or telephone company regulated under chapter 237; and (3) any local utility or enterprise formed for the purpose of providing electrical or gas heating and power, telephone, water, sewage, wastewater, or other related utility service, which is owned, controlled, or regulated by a town, a statutory or home rule charter city, a county, a port development authority, the Metropolitan Council, a district heating authority, a regional commission or other regional government unit, or a combination of these governmental units. The term does not include property located above buried power or telecommunications lines or property located below suspended power or telecommunications lines, unless the property is fenced in or otherwise enclosed. (e) "Utility line" includes power, telecommunications, and transmissions lines as well as related equipment owned or controlled by a utility. Subd. 2.Prohibited conduct; penalty.(a) Whoever enters or is found upon property containing a critical public service facility, utility, or pipeline, without claim of right or consent of one who has the right to give consent to be on the property, is guilty of a gross misdemeanor, if: (1) the person refuses to depart from the property on the demand of one who has the right to give consent; (2) within the past six months, the person had been told by one who had the right to give consent to leave the property and not to return, unless a person with the right to give consent has given the person permission to return; or (3) the property is posted. (b) Whoever enters an underground structure that (1) contains a utility line or pipeline and (2) is not open to the public for pedestrian use, without claim of right or consent of one who has the right to give consent to be in the underground structure, is guilty of a gross misdemeanor. The underground structure does not need to be posted for this paragraph to apply. Subd. 3.Posting.For purposes of this section, a critical public service facility, utility, or pipeline is posted if there are signs that: (1) state "no trespassing" or similar terms; (2) display letters at least two inches high; (3) state that Minnesota law prohibits trespassing on the property; and (4) are posted in a conspicuous place and at intervals of 500 feet or less. Subd. 4.Detention authority; immunity.An employee or other person designated by a critical public service facility, utility, or pipeline to ensure the provision of services by the critical public service facility or the safe operation of the equipment or facility of the utility or pipeline who has reasonable cause to believe that a person is violating this section may detain the person as provided in this subdivision. The person detained must be promptly informed of the purpose of the detention and may not be subjected to unnecessary or unreasonable force or interrogation. The employee or other designated person must notify a peace officer promptly of the detention and may only detain the person for a reasonable period of time. No employee or other designated person is criminally or civilly liable for any detention that the employee or person reasonably believed was authorized by and conducted in conformity with this subdivision. Subd. 5.Arrest authority.A peace officer may arrest a person without a warrant if the officer has probable cause to believe the person violated this section within the preceding four hours. The arrest may be made even though the violation did not occur in the presence of the peace officer. 2002 c 401 art 1 s 18; 2008 c 217 s 1,2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.6057 — Geographic Restriction.

Subdivision 1.Definition.As used in this section, "geographic restriction" means a limitation prohibiting a defendant in a criminal proceeding or a juvenile offender in a delinquency proceeding from entering a designated property or geographic area. Subd. 2.Prohibited conduct; penalty.A person who knows of a geographic restriction order issued against the person and intentionally enters or remains in the restricted area is guilty of a misdemeanor. Subd. 3.Notice.(a) A geographic restriction may be issued as a pretrial order before final disposition of the underlying criminal case, as a postconviction probationary order, or both. A geographic restriction order is independent of any condition of pretrial release or probation imposed on the defendant. A geographic restriction order may be issued in addition to a similar restriction imposed as a condition of pretrial release or probation. (b) A court may issue a geographic restriction upon a finding that its issuance will serve the interests of protecting public safety or property. In making that determination, a court shall consider the following factors: (1) whether a defendant's presence in a restricted area creates a risk to public safety or property; (2) a defendant's criminal history; (3) the likelihood of future criminal activity within the restricted area; and (4) any other factors deemed relevant by the court. (c) A court may grant any exceptions to a geographic restriction that it deems necessary in order to avoid the imposition of a significant hardship upon a defendant. In determining whether to grant an exception, a court shall also consider the impact of the exception on the interests of protecting public safety or property. (d) A geographic restriction order under this section shall be issued in a proceeding that is separate from but which may be held immediately following a proceeding in which any pretrial release or sentencing issues are decided. (e) A court issuing a geographic restriction order under this section shall notify a defendant: (1) of the area subject to a geographic restriction; and (2) that violation of the geographic restriction order is a crime. Subd. 4.Cancellation.(a) A court shall cancel a pretrial geographic restriction order at the final disposition of the underlying criminal case. (b) A court shall cancel a postconviction geographic restriction order when an offender completes a period of probationary supervision or is committed to the commissioner of corrections. (c) A court may cancel a postconviction geographic restriction order at any time during which an offender is under probationary supervision. 2017 c 95 art 3 s 19

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.606 — Unlawful Ouster Or Exclusion.

A landlord, agent of the landlord, or person acting under the landlord's direction or control who unlawfully and intentionally removes or excludes a tenant from lands or tenements or intentionally interrupts or causes the interruption of electrical, heat, gas, or water services to the tenant with intent to unlawfully remove or exclude the tenant from lands or tenements is guilty of a misdemeanor. 1992 c 376 art 1 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.611 — Insurance Fraud.

Subdivision 1.Insurance fraud prohibited.Whoever with the intent to defraud for the purpose of depriving another of property or for pecuniary gain, commits, or permits its employees or its agents to commit any of the following acts, is guilty of insurance fraud and may be sentenced as provided in subdivision 3: (a) presents, causes to be presented, or prepares with knowledge or reason to believe that it will be presented, by or on behalf of an insured, claimant, or applicant to an insurer, insurance professional, or premium finance company in connection with an insurance transaction or premium finance transaction, any information that contains a false representation as to any material fact, or that conceals a material fact concerning any of the following: (1) an application for, rating of, or renewal of, an insurance policy; (2) a claim for payment or benefit under an insurance policy; (3) a payment made according to the terms of an insurance policy; (4) an application used in a premium finance transaction; (b) presents, causes to be presented, or prepares with knowledge or reason to believe that it will be presented, to or by an insurer, insurance professional, or a premium finance company in connection with an insurance transaction or premium finance transaction, any information that contains a false representation as to any material fact, or that conceals a material fact, concerning any of the following: (1) a solicitation for sale of an insurance policy or purported insurance policy; (2) an application for certificate of authority; (3) the financial condition of an insurer; or (4) the acquisition, formation, merger, affiliation, or dissolution of an insurer; (c) solicits or accepts new or renewal insurance risks by or for an insolvent insurer; (d) removes the assets or any record of assets, transactions, and affairs or any material part thereof, from the home office or other place of business of an insurer, or from the place of safekeeping of an insurer, or destroys or sequesters the same from the Department of Commerce; (e) diverts, misappropriates, converts, or embezzles funds of an insurer, insured, claimant, or applicant for insurance in connection with: (1) an insurance transaction; (2) the conducting of business activities by an insurer or insurance professional; or (3) the acquisition, formation, merger, affiliation, or dissolution of any insurer. Subd. 2.Statute of limitations.The applicable statute of limitations provision under section 628.26 shall not begin to run until the insurance company or law enforcement agency is aware of the fraud, but in no event may the prosecution be commenced later than seven years after the act has occurred. Subd. 3.Sentence.Whoever violates this provision may be sentenced as provided in section 609.52, subdivision 3, based on the greater of (i) the value of property, services, or other benefit wrongfully obtained or attempted to obtain, or (ii) the aggregate economic loss suffered by any person as a result of the violation. A person convicted of a violation of this section must be ordered to pay restitution to persons aggrieved by the violation. Restitution must be ordered in addition to a fine or imprisonment but not in lieu of a fine or imprisonment. Subd. 4.Definitions.(a) "Insurance policy" means the written instrument

in which are set forth the terms of any certificate of insurance, binder of coverage, or contract of insurance (including a certificate, binder, or contract issued by a state-assigned risk plan); benefit plan; nonprofit hospital service plan; motor club service plan; or surety bond, cash bond, or any other alternative to insurance authorized by a state's Financial Responsibility Act. (b) "Insurance professional" means sales agents, agencies, managing general agents, brokers, producers, claims representatives, adjusters, and third-party administrators. (c) "Insurance transaction" means a transaction by, between, or among: (1) an insurer or a person who acts on behalf of an insurer; and (2) an insured, claimant, applicant for insurance, public adjuster, insurance professional, practitioner, or any person who acts on behalf of any of the foregoing, for the purpose of obtaining insurance or reinsurance, calculating insurance premiums, submitting a claim, negotiating or adjusting a claim, or otherwise obtaining insurance, self-insurance, or reinsurance or obtaining the benefits thereof or therefrom. (d) "Insurer" means a person purporting to engage in the business of insurance or authorized to do business in the state or subject to regulation by the state, who undertakes to indemnify another against loss, damage, or liability arising from a contingent or unknown event. Insurer includes, but is not limited to, an insurance company; self-insurer; reinsurer; reciprocal exchange; interinsurer; risk retention group; Lloyd's insurer; fraternal benefit society; surety; medical service, dental, optometric, or any other similar health service plan; and any other legal entity engaged or purportedly engaged in the business of insurance, including any person or entity that falls within the definition of insurer found within section 60A.951, subdivision 5. (e) "Premium" means consideration paid or payable for coverage under an insurance policy. Premium includes any payment, whether due within the insurance policy term or otherwise, and any deductible payment, whether advanced by the insurer or insurance professional and subject to reimbursement by the insured or otherwise, any self-insured retention or payment, whether advanced by the insurer or insurance professional and subject to reimbursement by the insured or otherwise, and any collateral or security to be provided to collateralize obligations to pay any of the above. (f) "Premium finance company" means a person engaged or purporting to engage in the business of advancing money, directly or indirectly, to an insurer or producer at the request of an insured under the terms of a premium finance agreement, including but not limited to, loan contracts, notes, agreements or obligations, wherein the insured has assigned the unearned premiums, accrued dividends, or loss payments as security for such advancement in payment of premiums on insurance policies only, but does not include the financing of insurance premiums purchased in connection with the financing of goods or services. (g) "Premium finance transaction" means a transaction by, between, or among an insured, a producer or other party claiming to act on behalf of an insured and a third-party premium finance company, for the purposes of purportedly or actually advancing money directly or indirectly to an insurer or producer at the request of an insured under the terms of a premium finance agreement, wherein the insured has assigned the unearned premiums, accrued dividends, or loan payments as security for such advancement in payment of premiums on insurance policies only, but does not include the financing of insurance premiums purchased in connection with the financing of goods or services. 1976 c 124 s 8; 1984 c 628 art 3 s 11; 1986 c 444; 1987 c 217 s 2; 1994 c 636 art 2 s 43; 1996 c 408 art 3 s 36

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.612 — Employment Of Runners.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given. (b) "Public media" means telephone directories, professional directories, newspapers and other periodicals, radio and television, billboards, and mailed or electronically transmitted written communications that do not involve in-person contact with a specific prospective patient or client. (c) "Runner," "capper," or "steerer" means a person who for a pecuniary gain directly procures or solicits prospective patients through telephonic, electronic, or written communication, or in-person contact, at the direction of, or in cooperation with, a health care provider when the person knows or has reason to know that the provider's purpose is to perform or obtain services or benefits under or relating to a contract of motor vehicle insurance. The term runner, capper, or steerer does not include a person who solicits or procures clients either through public media, or consistent with the requirements of section 65B.54, subdivision 6. Subd. 2.Act constituting.Whoever employs, uses, or acts as a runner, capper, or steerer is guilty of a felony and may be sentenced to imprisonment for not more than three years or to a payment of a fine of not more than $6,000, or both. Charges for any services rendered by a health care provider, who violated this section in regard to the person for whom such services were rendered, are noncompensable and unenforceable as a matter of law. 2002 c 331 s 15; 2012 c 255 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.615 — Defeating Security On Realty.

Whoever removes or damages real property which is subject to a mortgage, mechanic's lien, or contract for deed, including during the period of time allowed for redemption, with intent to impair the value of the property, without the consent of the security holder, may be sentenced as follows: (1) if the value of the property is impaired by $300 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both; or (2) if the value of the property is impaired by more than $300, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1963 c 753 art 1 s 609.615; 1971 c 23 s 63; 1977 c 355 s 12; 1984 c 628 art 3 s 11; 1993 c 40 s 10; 2004 c 228 art 1 s 72

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.62 — Defeating Security On Personalty.

Subdivision 1.Definition.In this section "security interest" means an interest in property which secures payment or other performance of an obligation. Subd. 2.Acts constituting.Whoever, with intent to defraud, does any of the following may be

sentenced to imprisonment for not more than three years or to payment of a fine of not more than $6,000, or both: (1) conceals, removes, or transfers any personal property in which the actor knows that another has a security interest; or (2) being an obligor and knowing the location of the property refuses to disclose the same to an obligee entitled to possession thereof. 1963 c 753 art 1 s 609.62; 1984 c 628 art 3 s 11; 1986 c 444; 1989 c 290 art 6 s 21

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.621 — Proof Of Concealment Of Property By Obligor Of Secured Property.

Subdivision 1.Crime defined; obligor conceals property.When in any prosecution under section 609.62, it appears that there is a default in the payment of the debts secured and it further appears that the obligor has failed or refused to reveal the location of the security, this shall be considered sufficient evidence to sustain a finding that the obligor has removed, concealed, or disposed of the property. Subd. 2.Allegation.In any prosecution under section 609.62, it is a sufficient allegation and description of the security and the property secured to state generally that such property was duly mortgaged or sold under a conditional sales contract, or as the case may be, giving the date thereof and the names of the obligor and obligee. 1963 c 753 art 2 s 15

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.625 — Aggravated Forgery.

Subdivision 1.Making or altering writing or object.Whoever, with intent to defraud, falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another or by the maker or alterer under an assumed or fictitious name, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of aggravated forgery and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both: (1) a writing or object whereby, when genuine, legal rights, privileges, or obligations are created, terminated, transferred, or evidenced, or any writing normally relied upon as evidence of debt or property rights, other than a check as defined in section 609.631 or a financial transaction card as defined in section 609.821; or (2) an official seal or the seal of a corporation; or (3) a public record or an official authentication or certification of a copy thereof; or (4) an official return or certificate entitled to be received as evidence of its contents; or (5) a court order, judgment, decree, or process; or (6) the records or accounts of a public body, office, or officer; or (7) the records or accounts of a bank or person, with whom funds of the state or any of its agencies or subdivisions are deposited or entrusted, relating to such funds. Subd. 2.Means for false reproduction.Whoever, with intent to defraud, makes, engraves, possesses or transfers a plate or instrument for the false reproduction of a writing or object mentioned in subdivision 1, a check as defined in section 609.631, or a financial transaction card as defined in section 609.821, may be sentenced as provided in subdivision 1. Subd. 3.Uttering or possessing.Whoever, with intent to defraud, utters or possesses with intent to utter any forged writing or object mentioned in subdivision 1, not including a check as defined in section 609.631 or a financial transaction card as defined in section 609.821, knowing it to have been so forged, may be sentenced as provided in subdivision 1. 1963 c 753 art 1 s 609.625; 1984 c 628 art 3 s 11; 1985 c 243 s 9; 1986 c 444; 1987 c 329 s 12

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.63 — Forgery.

Subdivision 1.Crime defined; intent to defraud.Whoever, with intent to injure or defraud, does any of the following is guilty of forgery and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both: (1) uses a false writing, knowing it to be false, for the purpose of identification or recommendation; or (2) without consent, places, or possesses with intent to place, upon any merchandise an identifying label or stamp which is or purports to be that of another craftsperson, tradesperson, packer, or manufacturer, or disposes or possesses with intent to dispose of any merchandise so labeled or stamped; or (3) falsely makes or alters a membership card purporting to be that of a fraternal, business, professional, or other association, or of any labor union, or possesses any such card knowing it to have been thus falsely made or altered; or (4) falsely makes or alters a writing, or possesses a falsely made or altered writing, evidencing a right to transportation on a common carrier; or (5) destroys, mutilates, or by alteration, false entry or omission, falsifies any record, account, or other document relating to a private business; or (6) without authority of law, destroys, mutilates, or by alteration, false entry, or omission, falsifies any record, account, or other document relating to a person, corporation, or business, or filed in the office of, or deposited with, any public office or officer; or (7) destroys a writing or object to prevent it from being produced at a trial, hearing, or other proceeding authorized by law. Subd. 2.Crime defined; forged document at trial.Whoever, with knowledge that it is forged, offers in evidence in any trial, hearing or other proceedings authorized by law, as genuine, any forged writing or object may be sentenced as follows: (1) if the writing or object is offered in evidence in the trial of a felony charge, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both; or (2) in all other cases, to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both. 1963 c 753 art 1 s 609.63; 1984 c 628 art 3 s 11; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.631 — Check Forgery; Offering Forged Check.

Subdivision 1.Definitions.(a) The definitions in this subdivision apply to this section. (b) "Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument. (c) "Property" and "services" have the meanings given in section

609.52. Subd. 2.Check forgery; elements.A person is guilty of check forgery and may be sentenced under subdivision 4 if the person, with intent to defraud, does any of the following: (1) falsely makes or alters a check so that it purports to have been made by another or by the maker under an assumed or fictitious name, or at another time, or with different provisions, or by the authority of one who did not give authority; or (2) falsely endorses or alters a check so that it purports to have been endorsed by another. Subd. 3.Offering forged check; elements.A person who, with intent to defraud, offers, or possesses with intent to offer, a forged check, whether or not it is accepted, is guilty of offering a forged check and may be sentenced as provided in subdivision 4. Subd. 4.Sentencing.A person who is convicted under subdivision 2 or 3 may be sentenced as follows: (1) to imprisonment for not more than 20 years or to payment of a fine of not more than $100,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain, property or services of more than $35,000 or the aggregate amount of the forged check or checks is more than $35,000; (2) to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain, property or services of more than $2,500 or the aggregate amount of the forged check or checks is more than $2,500; (3) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if: (a) the forged check or checks are used to obtain or in an attempt to obtain, property or services of more than $250 but not more than $2,500, or the aggregate face amount of the forged check or checks is more than $250 but not more than $2,500; or (b) the forged check or checks are used to obtain or in an attempt to obtain, property or services of no more than $250, or have an aggregate face value of no more than $250, and the person has been convicted within the preceding five years for an offense under this section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; or 609.821, or a statute from another state in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; and (4) to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain, property or services of no more than $250, or the aggregate face amount of the forged check or checks is no more than $250. In any prosecution under this subdivision, the value of the checks forged or offered by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the checks was forged or offered for all of the offenses aggregated under this paragraph. 1987 c 329 s 13; 1988 c 712 s 14; 1989 c 290 art 7 s 10; 1999 c 218 s 4; 2023 c 52 art 6 s 16; art 20 s 24

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.632 — Counterfeiting Of Currency.

Subdivision 1.Manufacturing; printing.Whoever, with the intent to defraud, falsely makes, alters, prints, scans, images, or copies any United States postal money order, United States currency, Federal Reserve note, or other obligation or security of the United States so that it purports to be genuine or has different terms or provisions than that of the United States Postal Service or United States Treasury is guilty of counterfeiting and may be sentenced as provided in subdivision 4. Subd. 2.Means for false reproduction.Whoever, with intent to defraud, makes, engraves, possesses, or transfers a plate or instrument, computer, printer, camera, software, paper, cloth, fabric, ink, or other material for the false reproduction of any United States postal money order, United States currency, Federal Reserve note, or other obligation or security of the United States is guilty of counterfeiting and may be sentenced as provided in subdivision 4. Subd. 3.Uttering or possessing.Whoever, with intent to defraud, utters or possesses with intent to utter any counterfeit United States postal money order, United States currency, Federal Reserve note, or other obligation or security of the United States, having reason to know that the money order, currency, note, or obligation or security is forged, counterfeited, falsely made, altered, or printed, is guilty of offering counterfeited currency and may be sentenced as provided in subdivision 4. Subd. 4.Penalty.(a) A person who is convicted of violating subdivision 1 or 2 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $100,000, or both. (b) A person who is convicted of violating subdivision 3 may be sentenced as follows: (1) to imprisonment for not more than 20 years or to payment of a fine of not more than $100,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of more than $35,000, or the aggregate face value of the counterfeited item is more than $35,000; (2) to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of more than $5,000, or the aggregate face value of the counterfeited item is more than $5,000; (3) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if: (i) the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of more than $1,000 or the aggregate face value of the counterfeited item is more than $1,000; or (ii) the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of no more than $1,000, or the aggregate face value of the counterfeited item is no more than $1,000, and the person has been convicted within the preceding five years for an offense under this section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; or 609.821, or a statute from another state or the United States in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow the imposition of a felony or gross misdemeanor sentence; or (4) to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of no more than $1,000, or the aggregate face value of the counterfeited item is no more than $1,000. Subd. 5.Aggregation; venue.In any prosecution under this

section, the value of the counterfeited United States postal money orders, United States currency, Federal Reserve notes, or other obligations or securities of the United States, offered by the defendant in violation of this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the counterfeited items was forged, offered, or possessed, for all of the offenses aggregated under this subdivision. 2006 c 260 art 1 s 27; 2023 c 52 art 6 s 16; art 20 s 25

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.635 — Obtaining Signature By False Pretense.

Whoever, by false pretense, obtains the signature of another to a writing which is a subject of forgery under section 609.625, subdivision 1, may be punished as therein provided. 1963 c 753 art 1 s 609.635

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.64 — Recording, Filing Of Forged Instrument.

Whoever intentionally presents for filing, registering, or recording, or files, registers, or records a false or forged instrument relating to or affecting real or personal property in a public office entitled to file, register, or record such instrument when genuine may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both. 1963 c 753 art 1 s 609.64; 1984 c 628 art 3 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.645 — Fraudulent Statements.

Whoever, with intent to injure or defraud, does any of the following may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both: (1) circulates or publishes a false statement, oral or written, relating to a corporation, association, or individual, intending thereby to give a false apparent value to securities issued or to be issued by, or to the property of, such corporation, association, or individual; or (2) makes a false ship's or airplane's manifest, invoice, register, or protest. 1963 c 753 art 1 s 609.645; 1984 c 628 art 3 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.65 — False Certification By Notary Public.

Whoever, when acting or purporting to act as a notary public or other public officer, certifies falsely that an instrument has been acknowledged or that any other act was performed by a party appearing before the actor or that as such notary public or other public officer the actor performed any other official act may be sentenced as follows: (1) if the actor so certifies with intent to injure or defraud, to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both; or (2) in any other case, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both. 1963 c 753 art 1 s 609.65; 1971 c 23 s 64; 1984 c 628 art 3 s 11; 1986 c 444; 2004 c 228 art 1 s 72

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.651 — State Lottery Fraud.

Subdivision 1.Felony.A person is guilty of a felony and may be sentenced under subdivision 4 if the person does any of the following with intent to defraud the State Lottery: (1) alters or counterfeits a State Lottery ticket; (2) knowingly presents an altered or counterfeited State Lottery ticket for payment; (3) knowingly transfers an altered or counterfeited State Lottery ticket to another person; or (4) otherwise claims a lottery prize by means of fraud, deceit, or misrepresentation. Subd. 2.Computer access.A person is guilty of a felony and may be sentenced under subdivision 4 if the person: (1) obtains access to a computer database maintained by the director without the specific authorization of the director; (2) obtains access to a computer database maintained by a person under contract with the director to maintain the database without the specific authorization of the director and the person maintaining the database. Subd. 3.False statements.A person is guilty of a felony and may be sentenced under subdivision 4 if the person: (1) makes a materially false or misleading statement, or a material omission, in a record required to be submitted under chapter 349A; or (2) makes a materially false or misleading statement, or a material omission, in information submitted to the director of the State Lottery in a lottery retailer's application or a document related to a bid. Subd. 4.Penalty.(a) A person who violates subdivision 1 or 2 may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $50,000, or both. (b) A person who violates subdivision 1 or 2 and defrauds the State Lottery of $35,000 or more may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $100,000, or both. (c) A person who violates subdivision 3 may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $25,000, or both. 1989 c 334 art 3 s 16; 1989 c 356 s 36

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.652 — Fraudulent Drivers' Licenses And Identification Cards; Penalty.

Subdivision 1.Definitions.For purposes of this section: (1) "driver's license or identification card" means a driver's license or

identification card issued by the Driver and Vehicle Services Division of the Department of Public Safety or receipts issued by its authorized agents or those of any state as defined in section 171.01 that issues licenses recognized in this state for the operation of a motor vehicle or that issues identification cards recognized in this state for the purpose of indicating a person's legal name and age; (2) "fraudulent driver's license or identification card" means a document purporting to be a driver's license or identification card, but that is not authentic; and (3) "sell" means to sell, barter, deliver, exchange, distribute, or dispose of to another. Subd. 2.Criminal acts.(a) A person who does any of the following for consideration and with intent to manufacture, sell, issue, publish, or pass more than one fraudulent driver's license or identification card or to cause or permit any of the items listed in clauses (1) to (5) to be used in forging or making more than one false or counterfeit driver's license or identification card is guilty of a crime: (1) has in control, custody, or possession any plate, block, press, stone, digital image, computer software program, encoding equipment, computer optical scanning equipment, or digital photo printer, or other implement, or any part of such an item, designed to assist in making a fraudulent driver's license or identification card; (2) engraves, makes, or amends, or begins to engrave, make, or amend, any plate, block, press, stone, or other implement for the purpose of producing a fraudulent driver's license or identification card; (3) uses a photocopier, digital camera, photographic image, or computer software to generate a fraudulent driver's license or identification card; (4) has in control, custody, or possession or makes or provides paper or other material adapted and designed for the making of a fraudulent driver's license or identification card; or (5) prints, photographs, or in any manner makes or executes an engraved photograph, print, or impression purporting to be a driver's license or identification card. (b) Notwithstanding section 171.22, a person who manufactures or possesses more than one fraudulent driver's license or identification card with intent to sell is guilty of a crime. Subd. 3.Penalties.A person who commits any act described in subdivision 2 is guilty of a gross misdemeanor. A person convicted of a second or subsequent offense of this subdivision may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1Sp2001 c 8 art 8 s 27; 2006 c 212 art 1 s 19

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.661 — Penalty For Set Guns; Swivel Guns.

A person who violates a provision relating to set guns or swivel guns is guilty of a gross misdemeanor. 1986 c 386 art 4 s 31

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.663 — Display Of Handgun Ammunition.

It is a petty misdemeanor to display centerfire metallic-case handgun ammunition for sale to the public in a manner that makes the ammunition directly accessible to persons under the age of 18 years, other than employees or agents of the seller, unless the display is under observation of the seller or the seller's employee or agent, or the seller takes reasonable steps to exclude underage persons from the immediate vicinity of the display. Ammunition displayed in an enclosed display case or behind a counter is not directly accessible. This section does not apply to ammunition suitable for big game hunting. 1991 c 251 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.665 — Spring Guns.

Whoever sets a spring gun, pitfall, deadfall, snare, or other like dangerous weapon or device may be sentenced to imprisonment for not more than six months or to payment of a fine of not more than $1,000, or both. 1963 c 753 art 1 s 609.665; 1984 c 628 art 3 s 11; 2004 c 228 art 1 s 72

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.666 — Negligent Storage Of Firearms.

Subdivision 1.Definitions.For purposes of this section, the following words have the meanings given. (a) "Firearm" means a device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion. (b) "Child" means a person under the age of 18 years. (c) "Loaded" means the firearm has ammunition in the chamber or magazine, if the magazine is in the firearm, unless the firearm is incapable of being fired by a child who is likely to gain access to the firearm. Subd. 2.Access to firearms.A person is guilty of a gross misdemeanor who negligently stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access, unless reasonable action is taken to secure the firearm against access by the child. Subd. 3.Limitations.Subdivision 2 does not apply to a child's access to firearms that was obtained as a result of an unlawful entry. 1993 c 326 art 1 s 18; 1996 c 408 art 4 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.667 — Firearms; Removal Or Alteration Of Serial Number.

Whoever commits any of the following acts may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both: (1) obliterates, removes, changes, or alters the serial number or other identification of a firearm; (2) receives or possesses a firearm, the serial number or other identification of which has been obliterated, removed, changed, or altered; or (3) receives or possesses a firearm that is not identified by a serial number. As used in this section, "serial number or other identification" means the serial number and other information required under United States Code, title 26, section 5842, for the identification of firearms. 1994 c 636 art 3 s 22

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.669 — Civil Disorder.

Subdivision 1.Prohibited acts.(a) A person is guilty of a gross misdemeanor who: (1) teaches or demonstrates to any other person how to use or make any firearm, or explosive or incendiary device capable of causing injury or death, knowing or having reason to know that it will be unlawfully employed for use in, or in furtherance of, a civil disorder; or (2) assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, or explosive or incendiary device capable of causing injury or death, with the intent that it be unlawfully employed for use in, or in furtherance of, a civil disorder. (b) This section does not apply to law enforcement officers engaged in the lawful performance of the officer's official duties. Subd. 2.Definitions.For purposes of this section, the following terms have the meanings given them: (1) "civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual; (2) "firearm" means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon; (3) "explosive or incendiary device" has the meaning given in section 609.668, subdivision 1; and (4) "law enforcement officer" means any officer or employee of the United States, the state, or any political subdivision of the state, and specifically includes members of the National Guard and members of the armed forces of the United States. 1995 c 244 s 23

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.67 — Machine Guns And Short-barreled Shotguns.

Subdivision 1.Definitions.(a) "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger. (b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended to be fired from the shoulder and uses the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger. (c) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun if such weapon as modified has an overall length less than 26 inches. (d) "Trigger activator" means: (1) a removable manual or power driven trigger activating device constructed and designed so that, when attached to a firearm, the rate at which the trigger may be pulled increases and the rate of fire of the firearm increases to that of a machine gun; (2) a device that allows a semiautomatic firearm to shoot more than one shot with a single pull of the trigger or by harnessing the recoil of energy of the semiautomatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger; or (3) a device that allows a firearm to shoot one shot on the pull of the trigger and a second shot on the release of the trigger without requiring a subsequent pull of the trigger. (e) "Machine gun conversion kit" means any part or combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled, but does not include a spare or replacement part for a machine gun that is possessed lawfully under section 609.67, subdivision 3. Subd. 2.Acts prohibited.(a) Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun, or any trigger activator or machine gun conversion kit may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $35,000, or both. (b) Except as otherwise provided herein, whoever owns, possesses, or operates a short-barreled shotgun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 3.Uses permitted.The following persons may own or possess a machine gun or short-barreled shotgun provided the provisions of subdivision 4 are complied with: (1) law enforcement officers for use in the course of their duties; (2) chief executive officers of correctional facilities and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; (3) persons possessing machine guns or short-barreled shotguns which, although designed as weapons, have been determined by the superintendent of the Bureau of Criminal Apprehension or the superintendent's delegate by reason of the date of manufacture, value, design or other characteristics to be primarily collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and are not likely to be used as weapons; (4) manufacturers of ammunition who possess and use machine guns for the sole purpose of testing ammunition manufactured for sale to federal and state agencies or political subdivisions; (5) dealers and manufacturers who are federally licensed to buy and sell, or manufacture machine guns or short-barreled shotguns and who either use the machine guns or short-barreled shotguns in peace officer training under courses approved by the Board of Peace Officer Standards and Training, or are engaged in the sale of machine guns or short-barreled shotguns to federal and state agencies or political subdivisions; and (6) persons employed by the Minnesota National Guard as security guards, for use in accordance with applicable federal military regulations. Subd. 4.Report required.(a) A person owning or possessing a machine gun or short-barreled shotgun as authorized by subdivision 3, clause (1), (2), (3), or (4) shall, within ten days after acquiring such ownership or possession, file a written report with the Bureau of Criminal Apprehension, showing the person's name and address; the person's official title and position, if any; a description of the machine gun or short-barreled shotgun sufficient to enable identification thereof; the purpose for which it is owned or possessed; and such further information as the bureau may reasonably require. (b) A dealer or manufacturer owning or having a machine gun or short-barreled shotgun as authorized by subdivision 3, clause (5) shall, by the tenth day of each month, file a written report with the Bureau of Criminal Apprehension showing the name and address of the dealer or manufacturer and the serial number of each machine gun or short-barreled shotgun acquired or manufactured during the previous month. Subd. 5.Exceptions.This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties or to security

guards employed by the Minnesota National Guard for use in accordance with applicable federal military regulations. Subd. 6.Preemption.Laws 1977, chapter 255, supersedes all local ordinances, rules, and regulations. 1963 c 753 art 1 s 609.67; 1977 c 255 s 1,2; 1979 c 102 s 13; 1984 c 628 art 3 s 11; 1986 c 444; 1987 c 93 s 1,2; 1990 c 439 s 5; 1993 c 326 art 1 s 19,20; 1993 c 366 s 10; 2006 c 273 s 11,12; 2023 c 52 art 4 s 15,16; 2024 c 127 art 36 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.671 — Environment; Criminal Penalties.

Subdivision 1.Definitions.(a) The definitions in this subdivision apply to this section. (b) "Agency" means the Pollution Control Agency. (c) "Deliver" or "delivery" means the transfer of possession of hazardous waste, with or without consideration. (d) "Dispose" or "disposal" has the meaning given it in section 115A.03, subdivision 9. (e) "Hazardous air pollutant" means an air pollutant listed under United States Code, title 42, section 7412(b). (f) "Hazardous waste" means any waste identified as hazardous under the authority of section 116.07, subdivision 4, except for those wastes exempted under Minnesota Rules, part 7045.0120, wastes generated under Minnesota Rules, part 7045.0213, and household appliances. (g) "Permit" means a permit issued by the Pollution Control Agency under chapter 115 or 116 or the rules promulgated under those chapters including interim status for hazardous waste facilities. (h) "Solid waste" has the meaning given in section 116.06, subdivision 22. (i) "Toxic pollutant" means a toxic pollutant on the list established under United States Code, title 33, section 1317. Subd. 2.Definition of knowing.(a) For purposes of this section, an act is committed knowingly if it is done voluntarily and is not the result of negligence, mistake, accident, or circumstances that are beyond the control of the defendant. Whether an act was knowing may be inferred from the person's conduct, from the person's familiarity with the subject matter in question, or from all of the facts and circumstances connected with the case. Knowledge may also be established by evidence that the person took affirmative steps to shield the person from relevant information. Proof of knowledge does not require that a person knew a particular act or failure to act was a violation of law or that the person had specific knowledge of the regulatory limits or testing procedures involved in a case. (b) Knowledge of a corporate official may be established under paragraph (a) or by proof that the person is a responsible corporate official. To prove that a person is a responsible corporate official, it must be shown that: (1) the person is an official of the corporation, not merely an employee; (2) the person has direct control of or supervisory responsibility for the activities related to the alleged violation, but not solely that the person held a certain job or position in a corporation; and (3) the person had information regarding the offense for which the defendant is charged that would lead a reasonable and prudent person in the defendant's position to learn the actual facts. (c) Knowledge of a corporation may be established by showing that an illegal act was performed by an agent acting on behalf of the corporation within the scope of employment and in furtherance of the corporation's business interest, unless a high managerial person with direct supervisory authority over the agent demonstrated due diligence to prevent the crime's commission. Subd. 3.Knowing endangerment.(a) A person is guilty of a felony if the person: (1) commits an act described in subdivision 4, 5, 8, paragraph (a), or 12; and (2) at the time of the violation knowingly places another person in imminent danger of death, great bodily harm, or substantial bodily harm. (b) A person convicted under this subdivision may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than $100,000, or both, except that a defendant that is an organization may be sentenced to payment of a fine of not more than $1,000,000. Subd. 4.Hazardous waste; unlawful disposal or abandonment.A person who knowingly disposes of or abandons hazardous waste or arranges for the disposal of hazardous waste at a location other than one authorized by the Pollution Control Agency or the United States Environmental Protection Agency, or in violation of any material term or condition of a hazardous waste facility permit, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $50,000, or both. Subd. 5.Hazardous waste; unlawful treatment, storage, transportation, or delivery.(a) A person is guilty of a felony who knowingly does any of the following: (1) delivers hazardous waste to any person other than a person who is authorized to receive the waste under rules adopted under section 116.07, subdivision 4, or under United States Code, title 42, sections 6921 to 6938; (2) treats or stores hazardous waste without a permit if a permit is required, or in violation of a material term or condition of a permit held by the person, unless: (i) the person notifies the agency prior to the time a permit would be required that the person will be treating or storing waste without a permit; or (ii) for a violation of a material term or condition of a permit, the person immediately notifies the agency issuing the permit of the circumstances of the violation as soon as the person becomes aware of the violation; (3) transports hazardous waste to any location other than a facility that is authorized to receive, treat, store, or dispose of the hazardous waste under rules adopted under section 116.07, subdivision 4, or under United States Code, title 42, sections 6921 to 6938; (4) transports hazardous waste without a manifest as required by the rules under section 116.07, subdivision 4; or (5) transports hazardous waste without a license required for the transportation of hazardous waste by chapter 221. (b) A person convicted under this subdivision may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than $25,000, or both. A person convicted for a second or subsequent offense may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than $50,000, or both. Subd. 6.Negligent violation as gross misdemeanor.A person who commits any of the acts set forth in subdivision 4, 5, or 12 as a result of the person's gross negligence is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than 364 days, or to payment of a fine of not more than $15,000, or both. Subd. 7.Prosecution.When two or more offenses in violation of this section are committed by the same person in two or more counties within a two-year period, the accused may be prosecuted in any county in which one of the offenses was committed. Subd. 8.Water pollution.(a) A person is guilty of a felony who knowingly: (1) causes the violation of an effluent standard or limitation for a toxic pollutant in a national pollutant discharge elimination system permit or state disposal system permit; (2) introduces into a sewer system or into a publicly owned treatment works a hazardous

substance that the person knew or reasonably should have known is likely to cause personal injury or property damage; or (3) except in compliance with all applicable federal, state, and local requirements and permits, introduces into a sewer system or into a publicly owned treatment works a hazardous substance that causes the treatment works to violate an effluent limitation or condition of the treatment works' national pollutant discharge elimination system permit. (b) For purposes of paragraph (a), "hazardous substance" means a substance on the list established under United States Code, title 33, section 1321(b). (c) A person convicted under paragraph (a) may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than $50,000 per day of violation, or both. (d) A person is guilty of a crime who knowingly: (1) violates any effluent standard or limitation, or any water quality standard adopted by the agency; (2) violates any material term or condition of a national pollutant discharge elimination system permit or state disposal system permit; (3) fails to carry out any recording, reporting, monitoring, sampling, or information gathering requirement provided for under chapter 115 or 116; or (4) fails to file a discharge monitoring report or other document required for compliance with a national pollutant discharge elimination system or state disposal system permit. (e) A person convicted under paragraph (d) may be sentenced to imprisonment for not more than 364 days, or to payment of a fine of not less than $2,500 and not more than $25,000 per day of violation, or both. A person convicted for a second or subsequent offense may be sentenced to imprisonment for not more than two years, or to payment of a fine of not more than $50,000 per day of violation, or both. Subd. 9.False statements; tampering.(a) A person is guilty of a felony who knowingly: (1) makes any false material statement, representation, or certification in; omits material information from; or alters, conceals, or fails to file or maintain a notice, application, record, report, plan, manifest, permit, license, or other document required under sections 103F.701 to 103F.755; chapter 115 or 116; the hazardous waste transportation requirements of chapter 221; or rules adopted under these laws; or (2) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed for the purpose of compliance with sections 103F.701 to 103F.755, chapter 115 or 116, or rules adopted under these laws. (b) Except as provided in paragraph (c), a person convicted under this subdivision may be sentenced to imprisonment for not more than two years, or to payment of a fine of not more than $10,000, or both. (c) A person convicted under this subdivision for a violation related to a notice or report required by an air permit issued by the agency as provided in United States Code, title 42, section 7661a(a), as amended through January 1, 1991, may be sentenced to payment of a fine of not more than $10,000 per day of violation. Subd. 10.Failure to report release of hazardous substance or extremely hazardous substance.(a) A person is, upon conviction, subject to a fine of up to $25,000 or imprisonment for up to two years, or both, who: (1) is required to report the release of a hazardous substance under United States Code, title 42, section 9603, or the release of an extremely hazardous substance under United States Code, title 42, section 11004; (2) knows that a hazardous substance or an extremely hazardous substance has been released; and (3) fails to provide immediate notification of the release of a reportable quantity of a hazardous substance or an extremely hazardous substance to the state emergency response center and, if directed by the center, to notify a local 911 emergency dispatch center. For purposes of clause (3), the state emergency response center shall direct a caller to notify a local 911 emergency dispatch center if the situation requires an immediate response or the area is unknown to the center. In all other cases, the state emergency response center must notify a local firefighting or law enforcement organization of the situation within 24 hours of receiving the notification. (b) For a second or subsequent conviction under this subdivision, the violator is subject to a fine of up to $50,000 or imprisonment for not more than five years, or both. (c) For purposes of this subdivision, a "hazardous substance" means a substance on the list established under United States Code, title 42, section 9602. (d) For purposes of this subdivision, an "extremely hazardous substance" means a substance on the list established under United States Code, title 42, section 11002. (e) For purposes of this subdivision, a "reportable quantity" means a quantity that must be reported under United States Code, title 42, section 9602 or 11002. (f) The penalties in paragraphs (a) and (b) do not apply to an employee of a state emergency response center to the extent that the employee is acting in the scope of that employee's official duties. Subd. 11.Infectious waste.A person who knowingly disposes of or arranges for the disposal of infectious waste as defined in section 116.76 at a location or in a manner that is prohibited by section 116.78 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than 364 days, or to payment of a fine of not more than $10,000, or both. A person convicted a second or subsequent time under this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than two years, or to payment of a fine of not more than $25,000, or both. Subd. 12.Air pollution.(a) A person is guilty of a felony who knowingly: (1) causes a violation of a national emission standard for a hazardous air pollutant adopted under United States Code, title 42, section 7412; or (2) causes a violation of an emission standard, limitation, or operational limitation for a hazardous air pollutant established in a permit issued by the Pollution Control Agency. A person convicted under this paragraph may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than $50,000 per day of violation, or both. (b) A person is guilty of a misdemeanor who knowingly violates: (1) a requirement of chapter 116, or a rule adopted under that chapter, that is an applicable requirement of the federal Clean Air Act, as defined in Federal Register, volume 57, page 32295; (2) a condition of an air emission permit issued by the agency under chapter 116 or a rule adopted under that chapter; or (3) a requirement to pay a fee based on air emissions under chapter 116 or a rule adopted under that chapter. A person convicted under this paragraph may be sentenced to imprisonment for not more than 90 days, or to payment of a fine of not more than $10,000 per day of violation, or both. Subd. 13.Solid waste disposal.(a) A person is guilty of a gross misdemeanor who: (1) knowingly disposes of solid waste at, transports solid waste to, or arranges for disposal of solid waste at a location that does not have a required permit for the disposal of solid waste; and (2) does so in exchange for or in expectation of money or other consideration. (b) A person convicted under this subdivision may be sentenced to imprisonment for not more than 364 days, or to payment of a fine of not more than $15,000, or both. Subd. 14.Defense.Except for intentional violations, a person is not guilty of a crime for air quality violations under subdivision 6 or 12, or for water quality violations under

subdivision 8, if the person notified the Pollution Control Agency of the violation as soon as the person discovered the violation and took steps to promptly remedy the violation. 1987 c 267 s 3; 1988 c 553 s 2; 1989 c 315 s 11; 1989 c 337 s 12; 1990 c 391 art 10 s 3; 1991 c 347 art 3 s 4; 1993 c 365 s 1,2; 1999 c 238 art 2 s 77; 2006 c 212 art 3 s 40; 2011 c 107 s 107; 2013 c 92 s 1; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.672 — Permissive Inference; Firearms In Automobiles.

The presence of a firearm in a passenger automobile permits the fact finder to infer knowing possession of the firearm by the driver or person in control of the automobile when the firearm was in the automobile. The inference does not apply: (1) to a licensed operator of an automobile who is at the time operating it for hire in the lawful and proper pursuit of the operator's trade; (2) to any person in the automobile if one of them legally possesses a firearm; or (3) when the firearm is concealed on the person of one of the occupants. 1993 c 326 art 1 s 21

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.675 — Exposure Of Unused Refrigerator Or Container To Children.

Whoever, being the owner or in possession or control, permits an unused refrigerator or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to be exposed and accessible to children, without removing the doors, lids, hinges, or latches, is guilty of a misdemeanor. 1963 c 753 art 1 s 609.675; 1971 c 23 s 67

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.68 — Unlawful Deposit Of Garbage, Litter, Or Like.

Whoever unlawfully deposits garbage, rubbish, cigarette filters, debris from fireworks, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, shoreland areas adjacent to rivers or streams as defined by section 103F.205, public lands, or, without the consent of the owner, private lands or water or ice thereon, is guilty of a petty misdemeanor. 1963 c 753 art 1 s 609.68; 1971 c 23 s 68; 1988 c 685 s 36; 1990 c 391 art 8 s 56; 2003 c 28 art 1 s 19; 1Sp2003 c 2 art 8 s 12

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.681 — Unlawful Smoking.

A person is guilty of a petty misdemeanor if the person intentionally smokes in a building, area, or common carrier in which "no smoking" notices have been prominently posted, or when requested not to by the operator of the common carrier. 1989 c 5 s 10; 1Sp2003 c 2 art 8 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.6855 — Sale Of Nicotine Delivery Products To Persons Under Age 21.

Subdivision 1.Penalty to sell or furnish.(a) Any person 21 years of age or older who sells, gives, or otherwise furnishes to a person under the age of 21 years a product containing or delivering nicotine or lobelia, whether natural or synthetic, intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined by section 609.685, is guilty of a petty misdemeanor for the first violation. Whoever violates this subdivision a subsequent time within five years of a previous conviction under this subdivision is guilty of a misdemeanor. (b) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6. (c) Notwithstanding paragraph (a), a product containing or delivering nicotine or lobelia intended for human consumption, whether natural or synthetic, or any part of such a product, that is not tobacco or an electronic delivery device as defined by section 609.685, may be sold to persons under the age of 21 if the product is a drug, device, or combination product, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that is authorized for sale by the United States Food and Drug Administration. Subd. 2.Use of false identification.A person under the age of 21 years who purchases or attempts to purchase a product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined by section 609.685, and who uses a driver's license, permit, Minnesota identification card, or any type of false identification to misrepresent the person's age, shall only be subject to an alternative civil penalty in accordance with subdivision 3. No penalty shall apply to a person under the age of 21 years who purchases or attempts to purchase these products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes. Subd. 3.Alternative penalties.Law enforcement and court system representatives shall consult, as applicable, with interested persons, including but not limited to parents, guardians, educators, and persons under the age of 21 years, to develop alternative civil penalties for persons under the age of 21 years who violate this section. Consulting participants shall consider a variety of alternative civil penalties including but not limited to tobacco-free education programs, community service, court diversion programs, and tobacco cessation programs, and for persons under the age of 18 years, notice to schools and to parents or guardians. Alternative civil penalties developed under this subdivision shall not include fines or monetary penalties. 2010 c 305 s 12; 2014 c 291 art 6 s 34; 2020 c 88 s 12

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.686 — False Fire Alarms; Tampering With Or Injuring Fire Alarm System.

Subdivision 1.Misdemeanor.Whoever intentionally gives a false alarm of fire, or unlawfully tampers or interferes with any fire alarm system, fire protection device, or the station or signal box of any fire alarm system or any auxiliary fire appliance, or unlawfully breaks, injures, defaces, or removes any such system, device, box or station, or unlawfully breaks, injures, destroys, disables, renders inoperable, or disturbs any of the wires, poles, or other supports and appliances connected with or forming a part of any fire alarm system or fire protection device or any auxiliary fire appliance is guilty of a misdemeanor. Subd. 2.Felony.Whoever violates subdivision 1 by tampering and knows or has reason to know that the tampering creates the potential for bodily harm or the tampering results in bodily harm is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 3.Tampering.For purpose of this section, tampering means to intentionally disable, alter, or change the fire alarm system, fire protective device, or the station or signal box of any fire alarm system of any auxiliary fire appliance, with knowledge that it will be disabled or rendered inoperable. 1971 c 77 s 1; 1993 c 326 art 5 s 10

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.687 — Adulteration.

Subdivision 1.Definition."Adulteration" is the intentional adding of any substance, which has the capacity to cause death, bodily harm or illness by ingestion, injection, inhalation or absorption, to a substance having a customary or reasonably foreseeable human use. Subd. 2.Acts constituting.(a) Whoever, knowing or having reason to know that the adulteration will cause or is capable of causing death, bodily harm or illness, adulterates any substance with the intent to cause death, bodily harm or illness is guilty of a crime and may be sentenced as provided in subdivision 3; or (b) Whoever, knowing or having reason to know that a substance has been adulterated as defined in subdivision 1, distributes, disseminates, gives, sells, or otherwise transfers an adulterated substance with the intent to cause death, bodily harm or illness is guilty of a crime and may be sentenced as provided in subdivision 3. Subd. 3.Sentence.Whoever violates subdivision 2 may be sentenced as follows: (1) if the adulteration causes death, to imprisonment for not more than 40 years or to payment of a fine of not more than $100,000, or both; (2) if the adulteration causes any illness, pain, or other bodily harm, to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both; (3) otherwise, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 4.Charging discretion.Criminal proceedings may be instituted under this section, notwithstanding the provisions of section 29.24, 31.02, 31.601, 34.01, 151.34, 340A.508, subdivision 2, or other law proscribing adulteration of substances intended for use by persons. 1983 c 8 s 1; 1987 c 384 art 2 s 110; 1999 c 64 s 1,2; 1Sp2001 c 2 s 148

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.688 — Adulteration By Bodily Fluid.

Subdivision 1.Definition.(a) As used in this section, the following terms have the meanings given. (b) "Adulterates" is the intentional adding of a bodily fluid to a substance. (c) "Bodily fluid" means the blood, seminal fluid, vaginal fluid, urine, or feces of a human. Subd. 2.Crime.(a) Whoever adulterates any substance that the person knows or should know is intended for human consumption is guilty of a misdemeanor. (b) Whoever violates paragraph (a) and another person ingests the adulterated substance without knowledge of the adulteration is guilty of a gross misdemeanor. 2015 c 65 art 6 s 17

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.705 — Unlawful Assembly.

When three or more persons assemble, each participant is guilty of unlawful assembly, which is a misdemeanor, if the assembly is: (1) with intent to commit any unlawful act by force; or (2) with intent to carry out any purpose in such manner as will disturb or threaten the public peace; or (3) without unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace. 1963 c 753 art 1 s 609.705; 1971 c 23 s 69

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.71 — Riot.

Subdivision 1.Riot first degree.When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to person or property and a death results, and one of the persons is armed with a dangerous weapon, that person is guilty of riot first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $35,000, or both. Subd. 2.Riot second degree.When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to person or property, each participant who is armed with a dangerous weapon or knows that any other participant is armed with a dangerous weapon is guilty of riot second degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. Subd. 3.Riot third degree.When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to person or property, each participant therein is guilty of riot third degree and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $1,000, or both. 1963 c 753 art 1 s 609.71; 1984 c 628 art 3 s 11; 1986 c 444;

1993 c 326 art 4 s 33; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.712 — Real And Simulated Weapons Of Mass Destruction.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given. (b) "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of a microorganism, virus, infectious substance, or biological product, that is capable of causing: (1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism; (2) deterioration of food, water, equipment, supplies, or material of any kind; or (3) deleterious alteration of the environment. (c) "Simulated weapon of mass destruction" means any device, substance, or object that by its design, construction, content, or characteristics, appears to be or to contain, or is represented to be, constitute, or contain, a weapon of mass destruction, but that is, in fact, an inoperative facsimile, imitation, counterfeit, or representation of a weapon of mass destruction that does not meet the definition of a weapon of mass destruction or that does not actually contain or constitute a weapon, biological agent, toxin, vector, or delivery system prohibited by this section. (d) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including: (1) any poisonous substance or biological product that may be engineered as a result of biotechnology or produced by a living organism; or (2) any poisonous isomer or biological product, homolog, or derivative of such a substance. (e) "Vector" means a living organism or molecule, including a recombinant molecule or biological product that may be engineered as a result of biotechnology, capable of carrying a biological agent or toxin to a host. (f) "Weapon of mass destruction" includes weapons, substances, devices, vectors, or delivery systems that: (1) are designed or have the capacity to cause death or great bodily harm to a considerable number of people through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors, disease organisms, biological agents, or toxins; or (2) are designed to release radiation or radioactivity at a level dangerous to human life. Subd. 2.Weapons of mass destruction.(a) Whoever manufactures, acquires, possesses, or makes readily accessible to another a weapon of mass destruction with the intent to cause injury to another is guilty of a crime and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $100,000, or both. (b) It is an affirmative defense to criminal liability under this subdivision if the defendant proves by a preponderance of the evidence that the conduct engaged in: (1) was specifically authorized under state or federal law and conducted in accordance with that law; or (2) was part of a legitimate scientific or medical research project, or constituted legitimate medical treatment. Subd. 3.Prohibited substances.(a) Whoever knowingly manufactures, acquires, possesses, or makes readily accessible to another the following, or substances that are substantially similar in chemical makeup to the following, in levels dangerous to human life, is guilty of a crime: (1) variola major (smallpox); (2)bacillus anthracis(anthrax); (3)yersinia pestis(plague); (4) botulinum toxin (botulism); (5)francisella tularensis(tularemia); (6) viral hemorrhagic fevers; (7) a mustard agent; (8) lewisite; (9) hydrogen cyanide; (10) GA (Tabun); (11) GB (Sarin); (12) GD (Soman); (13) GF (cyclohexymethyl phosphonofluoridate); (14) VX (0-ethyl, supdiisopropylaminomethyl methylphosphonothiolate); (15) radioactive materials; or (16) any combination of the above. (b) A person who violates this subdivision may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $100,000, or both. (c) This subdivision does not apply to conduct: (1) specifically authorized under state or federal law and conducted in accordance with that law; (2) that is part of a legitimate scientific or medical research project; or (3) that constitutes legitimate medical treatment. Subd. 4.Simulated weapons of mass destruction; penalty.Whoever manufactures, acquires, possesses, or makes readily accessible to another a simulated weapon of mass destruction with the intent of terrorizing another may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. Subd. 5.Threats involving real or simulated weapons of mass destruction.Whoever does the following with intent to terrorize another or cause evacuation of a place, whether a building or not, or disruption of another's activities, or with reckless disregard of the risk of causing terror, evacuation, or disruption, may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both: (1) displays a weapon of mass destruction or a simulated weapon of mass destruction; (2) threatens to use a weapon of mass destruction; or (3) communicates, whether directly or indirectly, that a weapon of mass destruction is or will be present or introduced at a place or location, or will be used to cause death, disease, or injury to another or to another's property, whether or not the same is in fact present or introduced. Subd. 6.Civil action to recover.A person who violates this section is liable in a civil action brought by: (1) an individual for damages resulting from the violation; and (2) a municipality, the state, or a rescue organization to recover expenses incurred to provide investigative, rescue, medical, or other services for circumstances or injuries which resulted from the violation. 2002 c 401 art 1 s 19

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.713 — Threats Of Violence.

Subdivision 1.Threaten violence; intent to terrorize.Whoever threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly, vehicle or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. As used in this subdivision, "crime of violence" has the meaning given "violent crime" in section 609.1095, subdivision 1, paragraph (d). Subd. 2.Communicates to terrorize.Whoever communicates to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location,

whether or not the same is in fact present, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $3,000, or both. Subd. 3.Display replica of firearm.(a) Whoever displays, exhibits, brandishes, or otherwise employs a replica firearm or a BB gun in a threatening manner, may be sentenced to imprisonment for not more than one year and one day or to payment of a fine of not more than $3,000, or both, if, in doing so, the person either: (1) causes or attempts to cause terror in another person; or (2) acts in reckless disregard of the risk of causing terror in another person. (b) For purposes of this subdivision: (1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter; and (2) "replica firearm" means a device or object that is not defined as a dangerous weapon, and that is a facsimile or toy version of, and reasonably appears to be a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, or any other firearm. The term replica firearm includes, but is not limited to, devices or objects that are designed to fire only blanks. 1971 c 845 s 19; 1988 c 712 s 15; 1990 c 461 s 3; 1993 c 326 art 4 s 34; 1994 c 636 art 2 s 45; art 3 s 23; 1995 c 244 s 24,25; 1998 c 367 art 6 s 15; 2015 c 21 art 1 s 109

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.714 — Crimes Committed In Furtherance Of Terrorism.

Subdivision 1.Definition.As used in this section, a crime is committed to "further terrorism" if the crime is a felony and is a premeditated act involving violence to persons or property that is intended to: (1) terrorize, intimidate, or coerce a considerable number of members of the public in addition to the direct victims of the act; and (2) significantly disrupt or interfere with the lawful exercise, operation, or conduct of government, lawful commerce, or the right of lawful assembly. Subd. 2.Furtherance of terrorism; crime described; penalty.A person who commits a felony crime to further terrorism is guilty of a crime. The statutory maximum for the crime is 50 percent longer than the statutory maximum for the underlying crime. 2002 c 401 art 1 s 20

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.715 — Presence At Unlawful Assembly.

Whoever without lawful purpose is present at the place of an unlawful assembly and refuses to leave when so directed by a law enforcement officer is guilty of a misdemeanor. 1963 c 753 art 1 s 609.715; 1971 c 23 s 70

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.735 — Concealing Identity.

A person whose identity is concealed by the person in a public place by means of a robe, mask, or other disguise, unless based on religious beliefs, or incidental to amusement, entertainment, protection from weather, or medical treatment, is guilty of a misdemeanor. 1963 c 753 art 1 s 609.735; 1971 c 23 s 73; 1986 c 444; 1995 c 30 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.74 — Public Nuisance.

Whoever by an act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor: (1) maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or (2) interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or (3) is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided. 1963 c 753 art 1 s 609.74; 1971 c 23 s 74; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.745 — Permitting Public Nuisance.

Whoever having control of real property permits it to be used to maintain a public nuisance or lets the same knowing it will be so used is guilty of a misdemeanor. 1963 c 753 art 1 s 609.745; 1971 c 23 s 75; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.7475 — Fraudulent Or Otherwise Improper Financing Statements.

Subdivision 1.Definition.As used in this section, "record" has the meaning given in section 336.9-102. Subd. 2.Crime described.A person who: (1) knowingly causes to be presented for filing or promotes the filing of a record that: (i) is not: (A) related to a valid lien or security agreement; or (B) filed pursuant to section 336.9-502(d); or (ii) contains a forged signature or is based upon a document containing a forged signature; or (2) presents for filing or causes to be presented for filing a record with the intent that it be used to harass or defraud any other person; is guilty of a crime and may be sentenced as provided in subdivision 3. Subd. 3.Penalties.(a) Except as provided in paragraph (b), a person who violates subdivision 2 is guilty of a gross misdemeanor. (b) A person who violates subdivision 2 is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the person: (1) commits the offense with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against: (i) a judicial officer, as defined in section 609.415; (ii) a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; (iii) a sheriff or deputy sheriff because of that person's performance of official duties; (iv) a police officer or

chief of police because of that person's performance of official duties; (v) an official or employee of the Department of Corrections or a local correctional agency because of that person's performance of official duties; or (vi) a county recorder because of that person's performance of official duties in connection with the filing of liens placed on real property; or (2) commits the offense after having been previously convicted of a violation of this section. Subd. 4.Venue.A violation of this section may be prosecuted in either the county of residence of the individual listed as debtor or the county in which the filing is made. 2006 c 260 art 7 s 13; 2012 c 210 s 1; 2014 c 306 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.748 — Harassment; Restraining Order.

Subdivision 1.Definition.For the purposes of this section, the following terms have the meanings given them in this subdivision. (a) "Harassment" includes: (1) a single incident of physical or sexual assault, a single incident of harassment under section 609.749, subdivision 2, paragraph (c), clause (8), a single incident of nonconsensual dissemination of private sexual images under section 617.261, or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target; (2) targeted residential picketing; and (3) a pattern of attending public events after being notified that the actor's presence at the event is harassing to another. (b) "Respondent" includes any adults or juveniles alleged to have engaged in harassment or organizations alleged to have sponsored or promoted harassment. (c) "Targeted residential picketing" includes the following acts when committed on more than one occasion: (1) marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building; or (2) marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located. Subd. 2.Restraining order; court jurisdiction.(a) A person who is a victim of harassment or the victim's guardian or conservator may seek a restraining order from the district court in the manner provided in this section. (b) The parent, guardian or conservator, or stepparent of a minor who is a victim of harassment may seek a restraining order from the district court on behalf of the minor. (c) A minor may seek a restraining order if the minor demonstrates that the minor is emancipated and the court finds that the order is in the best interests of the emancipated minor. A minor demonstrates the minor is emancipated by a showing that the minor is living separate and apart from parents and managing the minor's own financial affairs, and shows, through an instrument in writing or other agreement, or by the conduct of the parties that all parents who have a legal parent and child relationship with the minor have relinquished control and authority over the minor. (d) An application for relief under this section may be filed in the county of residence of either party or in the county in which the alleged harassment occurred. There are no residency requirements that apply to a petition for a harassment restraining order. Subd. 3.Contents of petition; hearing; notice.(a) A petition for relief must allege facts sufficient to show the following: (1) the name of the alleged harassment victim; (2) the name of the respondent; and (3) that the respondent has engaged in harassment. A petition for relief must state whether the petitioner has had a previous restraining order in effect against the respondent. The petition shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section and shall advise the petitioner of the right to sue in forma pauperis under section 563.01. The court shall advise the petitioner of the right to request a hearing. If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing. Upon receipt of the petition and a request for a hearing by the petitioner, the court shall order a hearing. Personal service must be made upon the respondent not less than five days before the hearing. If personal service cannot be completed in time to give the respondent the minimum notice required under this paragraph, the court may set a new hearing date. Nothing in this section shall be construed as requiring a hearing on a matter that has no merit. (b) Notwithstanding paragraph (a), the order for a hearing and a temporary order issued under subdivision 4 may be served on the respondent by means of a one-week published notice under section 645.11, if: (1) the petitioner files an affidavit with the court stating that an attempt at personal service made by a peace officer was unsuccessful because the respondent is avoiding service by concealment or otherwise; and (2) a copy of the petition and order for hearing and any temporary restraining order has been mailed to the respondent at the respondent's residence or place of business, if the respondent is an organization, or the respondent's residence or place of business is not known to the petitioner. (c) Regardless of the method of service, if the respondent is a juvenile, whenever possible, the court also shall have notice of the pendency of the case and of the time and place of the hearing served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner. (d) A request for a hearing under this subdivision must be made within 20 days of service of the petition. Subd. 3a.Filing fee.The filing fees for a restraining order under this section are waived for the petitioner and the respondent if the petition alleges acts that would constitute a violation of section 609.749, subdivision 2, 3, 4, or 5, or sections 609.342 to 609.3451. Subd. 4.Temporary restraining order; relief by court.(a) The court may issue a temporary restraining order that provides any or all of the following: (1) orders the respondent to cease or avoid the harassment of another person; or (2) orders the respondent to have no contact with another person. (b) The court may issue an order under paragraph (a) if the petitioner files a petition in compliance with subdivision 3 and if the court finds reasonable grounds to believe that the respondent has engaged in harassment. When a petition alleges harassment as defined by subdivision 1, paragraph (a), clause (1), the petition must further allege an immediate and present danger of harassment before the court may issue a temporary restraining order under this section. When signed by a referee, the temporary order becomes effective upon the referee's signature. (c) Notice need not be given to the

respondent before the court issues a temporary restraining order under this subdivision. A copy of the restraining order must be served on the respondent along with the order for hearing and petition, as provided in subdivision 3. If the respondent is a juvenile, whenever possible, a copy of the restraining order, along with notice of the pendency of the case and the time and place of the hearing, shall also be served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner. A temporary restraining order may be entered only against the respondent named in the petition. (d) The temporary restraining order is in effect until a hearing is held on the issuance of a restraining order under subdivision 5. The court shall hold the hearing on the issuance of a restraining order if the petitioner requests a hearing. The hearing may be continued by the court upon a showing that the respondent has not been served with a copy of the temporary restraining order despite the exercise of due diligence or if service is made by published notice under subdivision 3 and the petitioner files the affidavit required under that subdivision. (e) If the temporary restraining order has been issued and the respondent requests a hearing, the hearing shall be scheduled by the court upon receipt of the respondent's request. Service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of the hearing upon the petitioner by mail in the manner provided in the Rules of Civil Procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that service cannot be completed in time to give the respondent or petitioner the minimum notice required under this subdivision, the court may set a new hearing date. (f) A request for a hearing under this subdivision must be made within 20 days of the date of completed service of the petition. Subd. 5.Restraining order.(a) The court may issue a restraining order that provides any or all of the following: (1) orders the respondent to cease or avoid the harassment of another person; or (2) orders the respondent to have no contact with another person. (b) The court may issue an order under paragraph (a) if all of the following occur: (1) the petitioner has filed a petition under subdivision 3; (2) a peace officer has served respondent with a copy of the temporary restraining order obtained under subdivision 4, and with notice of the right to request a hearing, or service has been made by publication under subdivision 3, paragraph (b); and (3) the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment. A restraining order may be issued only against the respondent named in the petition; except that if the respondent is an organization, the order may be issued against and apply to all of the members of the organization. If the court finds that the petitioner has had two or more previous restraining orders in effect against the same respondent or the respondent has violated a prior or existing restraining order on two or more occasions, relief granted by the restraining order may be for a period of up to 50 years. In all other cases, relief granted by the restraining order must be for a fixed period of not more than two years. When a referee presides at the hearing on the petition, the restraining order becomes effective upon the referee's signature. (c) An order issued under this subdivision must be personally served upon the respondent, or if the respondent appears remotely for a hearing and is notified at the hearing by the judicial officer that a restraining order will be issued, the order may be served on the respondent electronically or by first class mail, as ordered by the court. (d) If the court orders relief for a period of up to 50 years under paragraph (a), the respondent named in the restraining order may request to have the restraining order vacated or modified if the order has been in effect for at least five years and the respondent has not violated the order. Application for relief under this paragraph must be made in the county in which the restraining order was issued. Upon receipt of the request, the court shall set a hearing date. Personal service must be made upon the petitioner named in the restraining order not less than 30 days before the date of the hearing. At the hearing, the respondent named in the restraining order has the burden of proving by a preponderance of the evidence that there has been a material change in circumstances and that the reasons upon which the court relied in granting the restraining order no longer apply and are unlikely to occur. If the court finds that the respondent named in the restraining order has met the burden of proof, the court may vacate or modify the order. If the court finds that the respondent named in the restraining order has not met the burden of proof, the court shall deny the request and no request may be made to vacate or modify the restraining order until five years have elapsed from the date of denial. An order vacated or modified under this paragraph must be personally served on the petitioner named in the restraining order. Subd. 5a.Short-form notification.(a) In lieu of personal service of a harassment restraining order, a peace officer may serve a person with a short-form notification. The short-form notification must include the following clauses: the respondent's name; the respondent's date of birth, if known; the petitioner's name; the names of other protected parties; the date and county in which the temporary restraining order or restraining order was filed; the court file number; the hearing date and time, if known; the conditions that apply to the respondent, either in checklist form or handwritten; and the name of the judge who signed the order. The short-form notification must be in bold print in the following form: "The restraining order is now enforceable. You must report to your nearest sheriff's office or county court to obtain a copy of the restraining order. You are subject to arrest and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any of the terms of the restraining order or this short-form notification." (b) Upon verification of the identity of the respondent and the existence of an unserved harassment restraining order against the respondent, a law enforcement officer may detain the respondent for a reasonable time necessary to complete and serve the short-form notification. (c) When service is made by short-form notification, it may be proved by the affidavit of the law enforcement officer making the service. (d) For service under this section only, service upon an individual may occur at any time, including Sundays and legal holidays. (e) The superintendent of the Bureau of Criminal Apprehension shall provide the short form to law enforcement agencies. Subd. 5b.Personal service; procedures; cost; reasonable efforts and cooperation required.(a) Where personal service is required under this section, service must comply with rule 4.03 of the Rules of Civil Procedure. (b) In addition to peace officers, corrections officers, including but not limited to probation officers, court services officers, parole officers, and employees of jails or correctional facilities, may serve a temporary restraining order or restraining order and must, to the extent possible, provide any sheriff, law enforcement officer, or other peace officer attempting to effectuate service with relevant information regarding where a respondent may be found, such as

the respondent's residence, the respondent's place of employment or schooling, or other locations frequented by the respondent. (c) The court administrator and any peace officer in this state shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when a peace officer is unavailable or if service is made by publication. (d) A sheriff, law enforcement officer, or any other peace officer must make reasonable efforts to locate a respondent to effectuate service. Reasonable efforts may include: (1) a search of any information that is publicly available; (2) a search of any government data in a database to which the sheriff, law enforcement officer, or other peace officer has access, provided the data is classified as public data on individuals as defined in section 13.02, subdivision 15, or is otherwise available to criminal justice agencies, as defined in section 13.02, subdivision 3a; and (3) communication with any court administrator, the sheriff of any county in this state, and any other law enforcement officer, peace officer, or corrections officer. (e) A sheriff, law enforcement officer, or any other peace officer who serves a respondent who the sheriff or officer knows is on supervised probation or supervised release with a temporary restraining order, restraining order, or short-form notification must provide a copy of the served order or notification to the respondent's probation officer, supervised release or conditional release agent, or parole officer. Subd. 5c.Dismissals.Orders for dismissal of a temporary restraining order or a restraining order may be served personally or by certified mail. Subd. 6.Violation of restraining order.(a) A person who violates a restraining order issued under this section is subject to the penalties provided in paragraphs (b) to (d). (b) Except as otherwise provided in paragraphs (c) and (d), when a temporary restraining order or a restraining order is granted under this section and the respondent knows of the order, violation of the order is a misdemeanor. (c) A person is guilty of a gross misdemeanor who violates the order within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. (d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the person violates the order: (1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; (2) because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin; (3) by falsely impersonating another; (4) while possessing a dangerous weapon; (5) with an intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or (6) against a victim under the age of 18, if the respondent is more than 36 months older than the victim. (e) A person who commits violations in two or more counties may be prosecuted in any county in which one of the acts was committed for all acts in violation of this section. (f) A person may be prosecuted at the place where any call is made or received or, in the case of wireless or electronic communication or any communication made through any available technologies, where the actor or victim resides, or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established under chapter 5B. (g) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under subdivision 4 or 5 if the existence of the order can be verified by the officer. (h) A violation of a temporary restraining order or restraining order shall also constitute contempt of court. (i) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated an order issued under subdivision 4 or 5, the court may issue an order to the respondent requiring the respondent to appear within 14 days and show cause why the respondent should not be held in contempt of court. The court also shall refer the violation of the order to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d). Subd. 7.Copy to law enforcement agency.An order granted under this section shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the applicant. Each appropriate law enforcement agency shall make available to other law enforcement officers through a system for verification, information as to the existence and status of any order issued under this section. Subd. 8.Notice.(a) An order granted under this section must contain a conspicuous notice to the respondent: (1) of the specific conduct that will constitute a violation of the order; (2) that violation of an order is either (i) a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to $1,000, or both, (ii) a gross misdemeanor punishable by imprisonment for up to 364 days or a fine of up to $3,000, or both, or (iii) a felony punishable by imprisonment for up to five years or a fine of up to $10,000, or both; and (3) that a peace officer must arrest without warrant and take into custody a person if the peace officer has probable cause to believe the person has violated a restraining order. (b) If the court grants relief for a period of up to 50 years under subdivision 5, the order must also contain a conspicuous notice to the respondent that the respondent must wait five years to seek a modification of the order. Subd. 9.Effect on local ordinances.Nothing in this section shall supersede or preclude the continuation or adoption of any local ordinance which applies to a broader scope of targeted residential picketing conduct than that described in subdivision 1. Subd. 10.Prohibition against employer retaliation.(a) An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to obtain or attempt to obtain relief under this section. Except in cases of imminent danger to the health or safety of the employee or the employee's child, or unless impracticable, an employee who is absent from the workplace shall give 48 hours' advance notice to the employer. Upon request of the employer, the employee shall provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave pursuant to this section shall be kept confidential by the employer. (b) An employer who violates paragraph (a) is guilty of a misdemeanor and may be punished for contempt of court. In addition, the court shall order the employer to pay back wages and offer job reinstatement to any employee discharged from employment in violation of paragraph (a). (c) In addition to any remedies otherwise provided by law, an employee injured by a violation of paragraph (a) may bring a civil

action for recovery of damages, together with costs and disbursements, including reasonable attorneys fees, and may receive such injunctive and other equitable relief, including reinstatement, as determined by the court. 1990 c 461 s 5; 1991 c 170 s 1,2; 1992 c 571 art 6 s 15-17; 1993 c 326 art 2 s 14-21; 1Sp1993 c 5 s 4; 1994 c 636 art 2 s 48; 1995 c 226 art 6 s 13; 1995 c 259 art 3 s 17; 1997 c 96 s 5; 1997 c 239 art 11 s 5; 1998 c 367 art 5 s 8,9; 2000 c 476 s 1-3; 1Sp2001 c 8 art 10 s 13,14; 1Sp2003 c 2 art 8 s 14-16; 2004 c 145 s 2; 2004 c 228 art 1 s 72; 2005 c 136 art 8 s 21; art 17 s 44-45; 2006 c 260 art 1 s 28; 2008 c 316 s 6-8; 2012 c 218 s 2-4; 2012 c 223 s 1,2; 2013 c 47 s 4; 2014 c 204 s 10; 2016 c 126 s 6; 2017 c 95 art 2 s 16; art 3 s 20-24; art 4 s 2; 1Sp2019 c 5 art 2 s 29; 2020 c 86 art 1 s 39; 2022 c 82 s 1; 2023 c 52 art 6 s 16; 2024 c 85 s 109; 2024 c 123 art 10 s 14-17

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.7495 — Physical Interference With Safe Access To Health Care.

Subdivision 1.Definitions.For the purposes of this section, the following terms have the meanings given them. (a) "Facility" means any of the following: (1) a hospital or other health institution licensed under sections 144.50 to 144.56; (2) a medical facility as defined in section 144.561; (3) an agency, clinic, or office operated under the direction of or under contract with the commissioner of health or a community health board, as defined in section 145A.02; (4) a facility providing counseling regarding options for medical services or recovery from an addiction; (5) a facility providing emergency shelter services for battered women, as defined in section 611A.31, subdivision 3, or a facility providing transitional housing for battered women and their children; (6) a facility as defined in section 260E.03, subdivision 6; (7) a facility as defined in section 626.5572, subdivision 6, where the services described in that paragraph are provided; (8) a place to or from which ambulance service, as defined in section 144E.001, is provided or sought to be provided; and (9) a hospice provider licensed under section 144A.753. (b) "Aggrieved party" means a person whose access to or egress from a facility is obstructed in violation of subdivision 2, or the facility. Subd. 2.Obstructing access prohibited.A person is guilty of a gross misdemeanor who intentionally and physically obstructs any individual's access to or egress from a facility. Subd. 3.Not applicable.Nothing in this section shall be construed to impair the right of any individual or group to engage in speech protected by the United States Constitution, the Minnesota Constitution, or federal or state law, including but not limited to peaceful and lawful handbilling and picketing. Subd. 4.Civil remedies.(a) A party who is aggrieved by an act prohibited by this section, or by an attempt or conspiracy to commit an act prohibited by this section, may bring an action for damages, injunctive or declaratory relief, as appropriate, in district court against any person or entity who has violated or has conspired to violate this section. (b) A party who prevails in a civil action under this subdivision is entitled to recover from the violator damages, costs, attorney fees, and other relief as determined by the court. In addition to all other damages, the court may award to the aggrieved party a civil penalty of up to $1,000 for each violation. If the aggrieved party is a facility and the political subdivision where the violation occurred incurred law enforcement or prosecution expenses in connection with the same violation, the court shall award any civil penalty it imposes to the political subdivision instead of to the facility. (c) The remedies provided by this subdivision are in addition to any other legal or equitable remedies the aggrieved party may have and are not intended to diminish or substitute for those remedies or to be exclusive. 1993 c 284 s 2; 1995 c 229 art 4 s 19; 1997 c 199 s 14; 1998 c 254 art 1 s 102; 2002 c 252 s 22,24; 2015 c 71 art 1 s 126; 1Sp2020 c 2 art 8 s 141

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.755 — Gambling; Misdemeanor.

Whoever does any of the following is guilty of a misdemeanor: (1) makes a bet; (2) sells or transfers a chance to participate in a lottery; (3) disseminates information about a lottery, except a lottery conducted by an adjoining state, with intent to encourage participation therein; (4) permits a structure or location owned or occupied by the actor or under the actor's control to be used as a gambling place; or (5) except where authorized by statute, possesses a gambling device. Clause (5) does not prohibit possession of a gambling device in a person's dwelling for amusement purposes in a manner that does not afford players an opportunity to obtain anything of value. 1963 c 753 art 1 s 609.755; 1971 c 23 s 76; 1986 c 444; 1991 c 336 art 2 s 47; 1994 c 633 art 4 s 10

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.76 — Gambling; Gross Misdemeanor; Felony.

Subdivision 1.Gross misdemeanors.Whoever does any of the following may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both: (1) maintains or operates a gambling place or operates a bucket shop; (2) intentionally participates in the income of a gambling place or bucket shop; (3) conducts a lottery, or, with intent to conduct a lottery, possesses facilities for doing so; (4) sets up for use for the purpose of gambling, or collects the proceeds of, any gambling device or bucket shop; (5) except as provided in section 299L.07, manufactures, sells, offers for sale, or otherwise provides, in whole or any part thereof, any gambling device including those defined in section 349.30, subdivision 2; (6) with intent that it be so used, manufactures, sells, or offers for sale any facility for conducting a lottery, except as provided by section 299L.07; or (7) receives, records, or forwards bets or offers to bet or, with intent to receive, record, or forward bets or offers to bet, possesses facilities to do so. Subd. 2.Sports bookmaking.Whoever engages in sports bookmaking is guilty of a felony. Subd. 3.Cheating.Whoever cheats in a game, as described in this subdivision, is subject to the following penalties: (i) if the person holds a license related to gambling or is an employee of the licensee, the person is guilty of a felony; and (ii) any other person is guilty of a gross misdemeanor. Any person who is a repeat offender is guilty of a felony. A person cheats in a game by intentionally: (1) altering or misrepresenting the outcome of a game or event on which wagers have been made, after the outcome is determined, but

before the outcome is revealed to the players; (2) placing, canceling, increasing, or decreasing a bet after acquiring knowledge, not available to other players, of the outcome of the game or subject of the bet, or of events affecting the outcome of the game or subject of the bet; (3) claiming or collecting money or anything of value from a game or authorized gambling establishment not won or earned from the game or authorized gambling establishment; (4) manipulating a gambling device or associated equipment to affect the outcome of the game or the number of plays or credits available on the game; or (5) otherwise altering the elements of chance or methods of selection or criteria which determine the result of the game or amount or frequency of payment of the game. Subd. 4.Certain devices prohibited.(a) Whoever uses or possesses a probability-calculating or outcome-affecting device at an authorized gambling establishment is guilty of a felony. For purposes of this subdivision, a "probability-calculating" or "outcome-affecting" device is any device to assist in: (1) projecting the outcome of a game other than pari-mutuel betting authorized by chapter 240; (2) keeping track of or counting cards used in a game; (3) analyzing the probability of the occurrence of an event relating to a game other than pari-mutuel betting authorized by chapter 240; or (4) analyzing the strategy for playing or betting in a game other than pari-mutuel betting authorized by chapter 240. For purposes of this section, a book, graph, periodical, chart, or pamphlet is not a "probability-calculating" or "outcome-affecting" device. (b) Whoever uses, or possesses with intent to use, a key or other instrument for the purpose of opening, entering, and affecting the operation of any game or gambling device or for removing money, chips, tokens, or other contents from therein, is guilty of a felony. This paragraph does not apply to an agent or employee of an authorized gambling establishment acting within the scope of employment. Subd. 5.Counterfeit chips prohibited.Whoever intentionally uses counterfeit chips or tokens to play a game at an authorized gambling establishment as defined in section 609.75, subdivision 5, designed to be played with or operated by chips or tokens is guilty of a felony. For purposes of this subdivision, counterfeit chips or tokens are chips or tokens not approved by the government regulatory agency for use in an authorized gambling activity. Subd. 6.Manufacture, sale, and modification prohibited.(a) Whoever manufactures, sells, distributes, or otherwise provides cards, chips, tokens, dice, or other equipment or devices intended to be used to violate this section, is guilty of a felony. (b) Whoever intentionally marks, alters, or otherwise modifies lawful associated equipment or gambling devices for the purpose of violating this section is guilty of a felony. Subd. 7.Instruction.Whoever instructs another person to violate the provisions of this section, with the intent that the information or knowledge conveyed be used to violate this section, is guilty of a felony. Subd. 8.Value of chips or tokens.The value of chips or tokens approved for use in a game designed to be played with or operated by chips or tokens, as the term "value" is used in section 609.52, is the amount or denomination shown on the face of the chip or token representing United States currency. Chips used in tournament play at a card club at a class A facility have no United States currency value. 1963 c 753 art 1 s 609.76; 1981 c 126 s 4; 1983 c 214 s 37; 1984 c 628 art 3 s 11; 1989 c 334 art 6 s 9; 1990 c 590 art 2 s 17; 1991 c 336 art 2 s 48; 2000 c 336 s 10-16; 2009 c 86 art 1 s 83; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.761 — Operations Permitted.

Subdivision 1.Lawful gambling.Notwithstanding sections 609.755 and 609.76, an organization may conduct lawful gambling as defined in section 349.12, if authorized under chapter 349, and a person may manufacture, sell, or offer for sale a gambling device to an organization authorized under chapter 349 to conduct lawful gambling, and pari-mutuel betting on horse racing may be conducted under chapter 240. Subd. 2.State Lottery.Sections 609.755 and 609.76 do not prohibit the operation of the State Lottery or the sale, possession, or purchase of tickets for the State Lottery under chapter 349A. Subd. 3.Social skill game.Sections 609.755 and 609.76 do not prohibit tournaments or contests that satisfy all of the following requirements: (1) the tournament or contest consists of the card games of chance commonly known as cribbage, skat, sheepshead, bridge, euchre, pinochle, gin, 500, smear, Texas hold'em, or whist; (2) the tournament or contest does not provide any direct financial benefit to the promoter or organizer; (3) the value of all prizes awarded for each tournament or contest does not exceed $200; and (4) for a tournament or contest involving Texas hold'em: (i) no person under 18 years of age may participate; (ii) the payment of an entry fee or other consideration for participating is prohibited; (iii) the value of all prizes awarded to an individual winner of a tournament or contest at a single location may not exceed $200 each day; and (iv) the organizer or promoter must ensure that reasonable accommodations are made for players with disabilities. Accommodations to the table and the cards shall include the announcement of the cards visible to the entire table and the use of Braille cards for players who are blind. Subd. 4.Social dice games.Sections 609.755 and 609.76 do not prohibit dice games conducted on the premises and adjoining rooms of a retail establishment licensed to sell alcoholic beverages if the following requirements are satisfied: (1) the games consist of board games played with dice or commonly known dice games such as "shake-a-day," "3-2-1," "who buys," "last chance," "liar's poker," "6-5-4," "horse," and "aces"; (2) wagers or prizes for the games are limited to food or beverages; and (3) the retail establishment does not organize or participate financially in the games. Subd. 5.High school raffles.Sections 609.755 and 609.76 do not prohibit a raffle, as defined in section 349.12, subdivision 33, conducted by a school district or a nonprofit organization organized primarily to support programs of a school district, if the following conditions are complied with: (1) tickets for the raffle may only be sold and the drawing conducted at a high school event sponsored by a school district. All tickets must be sold for the same price; (2) tickets may only be sold to persons 18 years of age or older attending the event; (3) the drawing must be held during or immediately after the conclusion of the event; (4) one-half of the gross receipts from the sale of tickets must be awarded as prizes for the raffle, and the remaining one-half may only be expended to defray the school district's costs of sending event participants to high school activities held at other locations; and (5) if a school district's or nonprofit organization's gross receipts from the conduct of raffles exceeds $12,000 in a calendar year or $5,000 in a single raffle, the school district or organization must report the following information to the Gambling Control Board annually: the total amount of

gross receipts received, the total expenses for the raffles, the total prizes awarded, and an accounting of the expenditures from the gross receipts of the raffles. Subd. 6.Savings promotion raffles.Sections 609.755 and 609.76 do not prohibit the conduct of or participation in a savings promotion raffle, as defined in section 609.75, subdivision 14, if the following conditions are complied with: (1) participants in a savings promotion raffle shall not be required to provide any consideration, other than the deposit of a sum of money in a qualifying account, to obtain chances to win prizes in a savings promotion raffle. For purposes of this clause, participants shall not be deemed to have provided such consideration merely because the interest rate, if any, associated with a qualifying account is lower than the interest rate associated with comparable nonqualifying accounts. Participants shall not be deemed to have given consideration as a consequence of paying any fees associated with a qualifying account, so long as such fees are approximately of a kind and in an amount charged in connection with comparable nonqualifying accounts, if any, offered by the savings promotion raffle sponsor; (2) a savings promotion raffle shall be conducted so that each entry in the savings promotion raffle has an equal chance of being drawn; and (3) participants in a savings promotion raffle shall not be required to be present at a prize drawing in order to win. 1978 c 507 s 6; 1983 c 214 s 38; 1984 c 502 art 12 s 23; 1986 c 467 s 30; 1989 c 334 art 6 s 10; 1997 c 155 s 10; 1999 c 187 s 2; 2002 c 378 s 2; 2003 c 110 s 43; 2005 c 166 art 4 s 1; 2015 c 29 s 8

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.762 — Forfeiture Of Gambling Devices, Prizes And Proceeds.

Subdivision 1.Forfeiture.The following are subject to forfeiture: (1) devices used or intended for use, including those defined in section 349.30, subdivision 2, as a gambling device, except as authorized in sections 299L.07 and 349.11 to 349.23; (2) all moneys, materials, and other property used or intended for use as payment to participate in gambling or a prize or receipt for gambling; (3) books, records, and research products and materials, including formulas, microfilm, tapes, and data used or intended for use in gambling; and (4) property used or intended to be used to illegally influence the outcome of a horse race. Subd. 2.Seizure.Property subject to forfeiture under subdivision 1 may be seized by any law enforcement agency upon process issued by any court having jurisdiction over the property. Seizure without process may be made if: (1) the seizure is incident to an arrest or a search under a search warrant; (2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding; or (3) the law enforcement agency has probable cause to believe that the property was used or is intended to be used in a gambling violation and the delay occasioned by the necessity to obtain process would result in the removal, loss, or destruction of the property. Subd. 3.Not subject to replevin.Property taken or detained under subdivision 2 is not subject to a replevin action, but is considered to be in the custody of the law enforcement agency subject only to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. Subd. 4.Procedures.Property must be forfeited after a conviction for a gambling violation according to the following procedure: (1) a separate complaint must be filed against the property describing it, charging its use in the specified violation, and specifying the time and place of its unlawful use; (2) if the person charged with a gambling offense is acquitted, the court shall dismiss the complaint and order the property returned to the persons legally entitled to it; and (3) if after conviction the court finds the property, or any part of it, was used in violation as specified in the complaint, it shall order that the property be sold or retained by the law enforcement agency for official use. Proceeds from the sale of forfeited property may be retained for official use and shared equally between the law enforcement agency investigating the offense involved in the forfeiture and the prosecuting agency that prosecuted the offense involved in the forfeiture and handled the forfeiture proceedings. Subd. 5.Exception.Property may not be seized or forfeited under this section if the owner shows to the satisfaction of the court that the owner had no notice or knowledge or reason to believe that the property was used or intended to be used in violation of this section. Subd. 6.Reporting.The law enforcement and prosecuting agencies shall report on forfeitures occurring under this section as described in section 609.5315, subdivision 6. 1983 c 214 s 39; 1986 c 444; 2009 c 86 art 1 s 84; 2010 c 391 s 19

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.763 — Lawful Gambling Fraud.

Subdivision 1.Crime.A person is guilty of a crime and may be sentenced as provided in subdivision 2 if the person does any of the following: (1) knowingly claims a lawful gambling prize using altered or counterfeited gambling equipment; (2) knowingly claims a lawful gambling prize by means of fraud, deceit, or misrepresentation; (3) manipulates any form of lawful gambling or tampers with any gambling equipment with intent to influence the outcome of a game or the receipt of a prize; (4) knowingly tampers with or attempts to alter any component or device used in the conduct or play of electronic pull-tabs or electronic linked bingo as authorized under chapter 349 or attempts to convert legal gambling into illegal gambling at an establishment licensed under chapter 340A; (5) has unauthorized possession of an electronic pull-tab device, an electronic linked bingo device, or other component used in the conduct of electronic pull-tabs or electronic linked bingo as authorized under chapter 349; or (6) knowingly places or uses false information on a prize receipt or on any other form approved for use by the Gambling Control Board or the Alcohol and Gambling Enforcement Division of the Department of Public Safety. Subd. 2.Penalty.A person who violates subdivision 1 may be sentenced as follows: (1) if the dollar amount involved is $500 or less, the person is guilty of a misdemeanor; (2) if the dollar amount involved is more than $500 but not more than $2,500, the person is guilty of a gross misdemeanor; and (3) if the dollar amount involved is more than $2,500, the person is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $6,000, or both. Subd. 3.Aggregation; jurisdiction.In a prosecution under this section, the dollar amounts involved in violation of subdivision 1 within any 12-month period may be aggregated and the defendant charged accordingly. When

two or more offenses are committed by the same person in two or more counties, the defendant may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision. 2000 c 318 s 1; 2005 c 136 art 17 s 47; 2014 c 240 s 20

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.765 — Criminal Defamation.

Subdivision 1.Definition.Defamatory matter is anything which exposes a person or a group, class or association to hatred, contempt, ridicule, degradation or disgrace in society, or injury to business or occupation. Subd. 2.Acts constituting.Whoever with knowledge of its false and defamatory character orally, in writing or by any other means, communicates any false and defamatory matter to a third person without the consent of the person defamed is guilty of criminal defamation and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. Subd. 3.Justification.Violation of subdivision 2 is justified if: (1) the communication is absolutely privileged; or (2) the communication consists of fair comment made in good faith with respect to persons participating in matters of public concern; or (3) the communication consists of a fair and true report or a fair summary of any judicial, legislative or other public or official proceedings; or (4) the communication is between persons each having an interest or duty with respect to the subject matter of the communication and is made with intent to further such interest or duty. Subd. 4.Testimony required.No person shall be convicted on the basis of an oral communication of defamatory matter except upon the testimony of at least two other persons that they heard and understood the oral statement as defamatory or upon a plea of guilty. 1963 c 753 art 1 s 609.765; 1984 c 628 art 3 s 11; 1986 c 444; 2016 c 126 s 8; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.77 — False Information To News Media.

Whoever, with intent that it be published or disseminated and that it defame another person, communicates to any newspaper, magazine or other news media, any statement, knowing it to be false, is guilty of a misdemeanor. 1963 c 753 art 1 s 609.77; 1971 c 23 s 77

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.771 — Use Of Deep Fake Technology To Influence Election.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given. (b) "Candidate" means an individual who seeks nomination or election to a federal, statewide, legislative, judicial, or local office including special districts, school districts, towns, home rule charter and statutory cities, and counties. (c) "Deep fake" means any video recording, motion-picture film, sound recording, electronic image, or photograph, or any technological representation of speech or conduct substantially derivative thereof: (1) that is so realistic that a reasonable person would believe it depicts speech or conduct of an individual who did not in fact engage in such speech or conduct; and (2) the production of which was substantially dependent upon technical means, rather than the ability of another individual to physically or verbally impersonate such individual. (d) "Depicted individual" means an individual in a deep fake who appears to be engaging in speech or conduct in which the individual did not engage. Subd. 2.Violation.(a) A person who disseminates a deep fake or enters into a contract or other agreement to disseminate a deep fake is guilty of a crime and may be sentenced as provided in subdivision 3 if the person knows or acts with reckless disregard about whether the item being disseminated is a deep fake and dissemination: (1) is made without the consent of the depicted individual; (2) is made with the intent to injure a candidate or influence the result of an election; and (3) takes place either: (i) within 90 days before a political party nominating convention; or (ii) after the start of the absentee voting period prior to a presidential nomination primary, or a regular or special state or local primary or general election. (b) This subdivision does not apply to a broadcaster or cable television system that disseminates a deep fake produced by a candidate if the broadcaster's or cable television system's dissemination is required by federal law. Subd. 3.Penalty.(a) A person convicted of violating subdivision 2 may be sentenced as follows: (1) if the person commits the violation within five years of one or more prior convictions under this section, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both; (2) if the person commits the violation with the intent to cause violence or bodily harm, to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both; or (3) in other cases, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both. (b) In the case of a candidate for state or local office convicted of violating subdivision 2, the court must enter a supplemental judgment declaring that the candidate has forfeited the nomination or office in accordance with section 211B.17. (c) A candidate for state or local office or other individual convicted of violating subdivision 2 is disqualified from being appointed to that office or any other office for which the legislature may establish qualifications under the Minnesota Constitution, article XII, section 3, in accordance with section 211B.18. Subd. 4.Relief.A cause of action for injunctive or equitable relief may be maintained against any person who is reasonably believed to be about to violate or who is in the course of violating this section by: (1) the attorney general; (2) a county attorney or city attorney; (3) the depicted individual; or (4) a candidate for nomination or election to a public office who is injured or likely to be injured by dissemination. 2023 c 52 art 6 s 16; c 58 s 2; 2024 c 112 art 2 s 76-78

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.774 — Emergency Communications; Kidnappings.

Subdivision 1.Definitions.For the purposes of this section, "supervising peace officer" means a person licensed pursuant to chapter 626, who has probable cause to believe that a person is being unlawfully confined, and who has lawful jurisdiction in the geographical area where the violation is believed to be occurring. Subd. 2.Authority.A supervising peace officer may order a telephone company to cut, reroute, or divert telephone lines for the purpose of establishing and controlling communications with a violator. Subd. 3.Designation.Each telephone company shall designate an employee to serve as a security official and to provide assistance as required by the supervising peace officer to carry out the purposes of this section. Subd. 4.Unauthorized communication prohibited.Whoever initiates telephone communications with a violator with knowledge of an order issued pursuant to subdivision 2 and without prior police authorization, is guilty of a misdemeanor. Subd. 5.Defense.Good faith reliance by telephone employees on an order issued pursuant to subdivision 2 shall constitute a complete defense to any legal action brought for an interruption of telephone communications occurring by reason of this section. 1979 c 63 s 1; 1979 c 289 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.775 — Divulging Telephone Or Telegraph Message; Nondelivery.

Whoever does any of the following is guilty of a misdemeanor: (1) being entrusted as an employee of a telephone or telegraph company with the transmission or delivery of a telephonic or telegraphic message, intentionally or through culpable negligence discloses the contents or meaning thereof to a person other than the intended receiver; or (2) having knowledge of not being the intended receiver, obtains such disclosure from such employee; or (3) being such employee, intentionally or negligently fails duly to deliver such message. 1963 c 753 art 1 s 609.775; 1971 c 23 s 78; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.776 — Interference With Emergency Communications.

Whoever, without prior authorization, broadcasts or transmits on, interferes with, blocks, or cross-patches another frequency onto a law enforcement, firefighting, emergency medical services, emergency radio frequency or channel, any assigned or alternate emergency frequency or channel, or an official cellular telephone communication of a law enforcement agency, a fire department, or emergency medical services provider, knowing, or having reason to know that the act creates a risk of obstructing, preventing, or misdirecting official law enforcement, firefighting, or emergency medical services communications, is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $10,000, or both. 1Sp2003 c 2 art 4 s 27

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.78 — Emergency Telephone Calls And Communications.

Subdivision 1.Misdemeanor offenses.Whoever does the following is guilty of a misdemeanor: (1) refuses to relinquish immediately a coin-operated telephone or a telephone line consisting of two or more stations when informed that the line is needed to make an emergency call; (2) secures a relinquishment of a coin-operated telephone or a telephone line consisting of two or more stations by falsely stating that the line is needed for an emergency; (3) publishes telephone directories to be used for telephones or telephone lines and the directories do not contain a copy of this section; (4) makes a call for emergency police, fire, medical, or ambulance service, knowing that no police, fire, or medical emergency exists; (5) interrupts, disrupts, impedes, or otherwise interferes with the transmission of a citizen's band radio channel communication the purpose of which is to inform or inquire about a medical emergency or an emergency in which property is or is reasonably believed to be in imminent danger of damage or destruction; or (6) makes or initiates an emergency call, knowing that no emergency exists, and with the intent to disrupt, interfere with, or reduce the provision of emergency services or the emergency call center's resources, remains silent, or makes abusive or harassing statements to the call recipient. Subd. 2.Gross misdemeanor offenses.Whoever does the following is guilty of a gross misdemeanor: (1) intentionally interrupts, disrupts, impedes, or interferes with an emergency call or who intentionally prevents or hinders another from placing an emergency call, and whose conduct does not result in a violation of section 609.498; (2) places an emergency call and reports a fictitious emergency with the intent of prompting an emergency response by law enforcement, fire, or emergency medical services personnel; or (3) violates subdivision 1, clause (6), after having been previously convicted or adjudicated delinquent for violating that clause. Subd. 2a.Felony offense; reporting fictitious emergency resulting in serious injury.Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced as follows: (1) to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the call triggers an emergency response and, as a result of the response, someone suffers great bodily harm or death; or (2) to imprisonment of not more than three years or to payment of a fine of not more than $10,000, or both, if the call triggers an emergency response and as a result of the response, someone suffers substantial bodily harm. Subd. 2b.Other felony offenses.Whoever does the following is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both: (1) violates subdivision 1, clause (6), after having been previously convicted or adjudicated delinquent for violating that clause on more than one occasion; or (2) intentionally uses multiple communications devices or electronic means to block, interfere with, overload, or otherwise prevent the emergency call center's system from functioning properly, and these actions make the system unavailable to someone needing emergency assistance. Subd. 2c.Felony offense; reporting fictitious emergency resulting in response to the home of certain officials.Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $5,000, or both, if the person places the call with the intent of prompting an

emergency response to the home of: (1) an elected official; (2) a judge as defined in section 609.221, subdivision 6, clause (5); (3) a prosecuting attorney as defined in section 609.221, subdivision 6, clause (4); (4) an employee of a correctional facility as defined in section 241.021, subdivision 1i; or (5) a peace officer as defined in section 626.84, subdivision 1, paragraph (c). Subd. 3.Definition.(a) Except as provided in paragraph (b), for purposes of this section, "emergency call" means: (1) a 911 call; (2) any call for emergency medical or ambulance service; or (3) any call for assistance from a police or fire department or for other assistance needed in an emergency to avoid serious harm to person or property, and an emergency exists. (b) As used in subdivisions 1, clause (6); 2, clause (2); 2a; and 2c: (1) "call" includes the use of any method of communication including, but not limited to: telephones, facsimiles, Voice over Internet Protocols, email messages, text messages, and electronic transmissions of an image or video; and (2) "emergency call" has the meaning given in paragraph (a) but does not require the existence of an emergency. 1963 c 753 art 1 s 609.78; 1971 c 23 s 79; 1983 c 140 s 1; 1984 c 630 s 1; 1997 c 239 art 3 s 19; 1999 c 24 s 1; 2008 c 270 s 1; 2013 c 20 s 1; 2023 c 52 art 4 s 19; 2024 c 123 art 6 s 17,18

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.80 — Interfering With Cable Communications Systems.

Subdivision 1.Misdemeanor.Whoever does any of the following is guilty of a misdemeanor: (1) intentionally and with the purpose of making or aiding in an unauthorized connection as prohibited by section 609.52, subdivision 2, paragraph (a), clause (12), to a licensed cable communications system as defined in chapter 238 lends, offers, or gives to another any instrument, apparatus, equipment, or device designed to make an unauthorized connection, or plan, specification or instruction for making an unauthorized connection, without receiving or seeking to receive money or any other thing of value in exchange; or (2) intentionally tampers with, removes or injures any cable, wire, or other component of a licensed cable communications system as defined in chapter 238; or (3) intentionally and without claim of right interrupts a service of a licensed cable communications system as defined in chapter 238. Subd. 2.Commercial activity; felony.Whoever sells or rents, or offers or advertises for sale or rental, any instrument, apparatus, equipment, or device designed to make an unauthorized connection as prohibited by section 609.52, subdivision 2, paragraph (a), clause (12), to a licensed cable communications system as defined in chapter 238, or a plan, specification, or instructions for making an unauthorized connection, is guilty of a felony and may be sentenced to not more than three years of imprisonment or a fine of not more than $5,000, or both. 1977 c 396 s 2; 1988 c 410 s 1; 2020 c 83 art 1 s 94

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.806 — Interfering With Internet Ticket Sales.

(a) A person who intentionally uses or sells software to circumvent on a ticket seller's website a security measure, an access control system, or a control or measure that is used to ensure an equitable ticket buying process, is guilty of a misdemeanor. (b) For the purposes of this section, "software" means computer programs that are primarily designed or produced for the purpose of interfering with the operation of any person or entity that sells, over the Internet, tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind. 2008 c 245 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.807 — Event Tickets; Prohibited Acts.

(a) As used in this section: (1) "initial seller" means a person or entity with whom a provider of an event or venue has contracted for the sale of tickets for the purpose of the initial sale of those tickets to the general public; and (2) "ticket" means a ticket of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind. (b) The initial seller of tickets shall make available for sale all tickets under control of the initial seller in the manner and under terms directed by the provider of the event or venue. The initial seller shall not, unless authorized by the provider of the event or venue, divert tickets from the initial sale to the general public to be sold in any other manner or under any other terms. (c) No person or entity, with intent to defraud, may sell or offer for sale a ticket that is invalid, counterfeit, altered, or otherwise not genuine. (d) A violation of this section is a misdemeanor. 2009 c 61 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.815 — Misconduct Of Junk Or Secondhand Dealer.

Whoever is a junk dealer or secondhand dealer and does any of the following is guilty of a misdemeanor: (1) has stolen goods in possession and refuses to permit a law enforcement officer to examine them during usual business hours; or (2) purchases property from a person under lawful age, without the written consent of the person's parent or guardian. 1963 c 753 art 1 s 609.815; 1971 c 23 s 84; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.816 — Wrongful Employment At A Child Care Center.

A person is guilty of a crime and may be sentenced as provided in section 609.52, subdivision 3, clauses (1) to (5), if the person: (1) is a child care center owner, director, manager, license holder, or other controlling individual or agent of a child care center; (2) engages in the recruitment or screening of potential employees or applicants or instructs other persons engaged in the recruitment or

screening of potential employees or applicants; and (3) requires, as a condition of obtaining or continuing employment at the child care center, in order to obtain child care assistance program funds, that the applicant, potential employee, or employee has one or more children who are eligible for or receive child care assistance. 2015 c 78 art 4 s 59

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.82 — Fraud In Obtaining Credit.

A person who, with intent to defraud, obtains personal credit or credit for another from a bank, trust company, savings association, or credit union, by means of a present or past false representation as to the person's or another's financial ability may be sentenced as follows: (1) if no money or property is obtained by the defendant by means of such credit, to imprisonment for not more than 90 days or to payment of a fine of not more than $300, or both; or (2) if money or property is so obtained, the value thereof shall be determined as provided in section 609.52, subdivision 1, clause (3) and the person obtaining the credit may be sentenced as provided in section 609.52, subdivision 3. 1963 c 753 art 1 s 609.82; 1971 c 23 s 85; 1986 c 444; 1995 c 202 art 1 s 25

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.821 — Financial Transaction Card Fraud.

Subdivision 1.Definitions.For the purposes of this section, the following terms have the meanings given them: (a) "Financial transaction card" means any instrument or device, whether known as a credit card, credit plate, charge plate, courtesy card, bank services card, banking card, check guarantee card, debit card, electronic benefit system (EBS) card, electronic benefit transfer (EBT) card, assistance transaction card, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining credit, money, goods, services, public assistance benefits, or anything else of value, and includes the account or identification number or symbol of a financial transaction card. (b) "Cardholder" means a person in whose name a card is issued. (c) "Issuer" means a person, firm, or governmental agency, or a duly authorized agent or designee, that issues a financial transaction card. (d) "Property" includes money, goods, services, public assistance benefit, or anything else of value. (e) "Public assistance benefit" means any money, goods or services, or anything else of value, issued under chapters 256, 256B, 256D, or section 393.07, subdivision 10. (f) "Trafficking of SNAP benefits" means: (1) the buying, selling, stealing, or otherwise effecting an exchange of Supplemental Nutrition Assistance Program (SNAP) benefits issued and accessed via an electronic benefit transfer (EBT) card, card number and personal identification number (PIN), or manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone; (2) the exchange of one of the following for SNAP benefits: firearms, ammunition, explosives, or controlled substances as defined in United States Code, title 21, section 802; (3) purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount; (4) purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food; (5) intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or (6) attempting to buy, sell, steal, or otherwise effect an exchange of SNAP benefits issued and accessed via an EBT card, card number and PIN number, or manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone. Subd. 2.Violations; penalties.A person who does any of the following commits financial transaction card fraud: (1) without the consent of the cardholder, and knowing that the cardholder has not given consent, uses or attempts to use a card to obtain the property of another, or a public assistance benefit issued for the use of another; (2) uses or attempts to use a card knowing it to be forged, false, fictitious, or obtained in violation of clause (6); (3) sells or transfers a card knowing that the cardholder and issuer have not authorized the person to whom the card is sold or transferred to use the card, or that the card is forged, false, fictitious, or was obtained in violation of clause (6); (4) without a legitimate business purpose, and without the consent of the cardholders, receives or possesses, with intent to use, or with intent to sell or transfer in violation of clause (3), two or more cards issued in the name of another, or two or more cards knowing the cards to be forged, false, fictitious, or obtained in violation of clause (6); (5) being authorized by an issuer to furnish money, goods, services, or anything else of value, knowingly and with an intent to defraud the issuer or the cardholder: (i) furnishes money, goods, services, or anything else of value upon presentation of a financial transaction card knowing it to be forged, expired, or revoked, or knowing that it is presented by a person without authority to use the card; or (ii) represents in writing to the issuer that the person has furnished money, goods, services, or anything else of value which has not in fact been furnished; (6) upon applying for a financial transaction card to an issuer, or for a public assistance benefit which is distributed by means of a financial transaction card: (i) knowingly gives a false name or occupation; (ii) knowingly and substantially overvalues assets or substantially undervalues indebtedness for the purpose of inducing the issuer to issue a financial transaction card; or (iii) knowingly makes a false statement or representation for the purpose of inducing an issuer to issue a financial transaction card used to obtain a public assistance benefit; (7) with intent to defraud, falsely notifies the issuer or any other person of a theft, loss, disappearance, or nonreceipt of a financial transaction card; (8) without the consent of the cardholder and knowing that the cardholder has not given consent, falsely alters, makes, or signs any written document pertaining to a card transaction to obtain or attempt to obtain the property of another; or (9) engages in trafficking of SNAP benefits. Subd. 3.Sentence.(a) A person who commits financial transaction card fraud may be sentenced as follows: (1) for a violation of subdivision 2, clause (1), (2), (5), (8), or (9): (i) to imprisonment for not more than 20 years or to payment of a fine of not more than

$100,000, or both, if the value of the property the person obtained or attempted to obtain was more than $35,000, or the aggregate amount of the transactions under this subdivision was more than $35,000; or (ii) to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the value of the property the person obtained or attempted to obtain was more than $2,500, or the aggregate amount of the transactions under this subdivision was more than $2,500; or (iii) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the value of the property the person obtained or attempted to obtain was more than $250 but not more than $2,500, or the aggregate amount of the transactions under this subdivision was more than $250 but not more than $2,500; or (iv) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the value of the property the person obtained or attempted to obtain was not more than $250, or the aggregate amount of the transactions under this subdivision was not more than $250, and the person has previously been convicted within the preceding five years for an offense under this section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; or 609.631, or a statute from another state in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or (v) to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both, if the value of the property the person obtained or attempted to obtain was not more than $250, or the aggregate amount of the transactions under this subdivision was not more than $250; (2) for a violation of subdivision 2, clause (3) or (4), to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both; or (3) for a violation of subdivision 2, clause (6) or (7): (i) if no property, other than a financial transaction card, has been obtained by the defendant by means of the false statement or false report, to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both; or (ii) if property, other than a financial transaction card, is so obtained, in the manner provided in clause (1). (b) In any prosecution under paragraph (a), clause (1), the value of the transactions made or attempted within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the card transactions occurred for all of the transactions aggregated under this paragraph. 1985 c 243 s 10; 1987 c 329 s 14-16; 1988 c 712 s 16; 1Sp1993 c 1 art 6 s 53,54; 1999 c 218 s 5; 2015 c 78 art 4 s 60; 2023 c 52 art 6 s 16; art 20 s 26

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.822 — Residential Mortgage Fraud.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given. (b) "Mortgage lending process" means the process through which a person seeks or obtains a residential mortgage loan including, but not limited to, solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. Documents involved in the mortgage lending process include, but are not limited to, uniform residential loan applications or other loan applications; appraisal reports; HUD-1 settlement statements; supporting personal documentation for loan applications such as W-2 forms, verifications of income and employment, bank statements, tax returns, and payroll stubs; and any required disclosures. (c) "Residential mortgage loan" has the meaning given in section 58.02, subdivision 18. Subd. 2.Residential mortgage fraud prohibited.Whoever does any of the following commits residential mortgage fraud and may be sentenced as provided in subdivision 3: (1) knowingly makes or causes to be made any deliberate and material misstatement, misrepresentation, or omission during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process; (2) knowingly uses or facilitates the use of any deliberate and material misstatement, misrepresentation, or omission, knowing the same to contain a material misstatement, misrepresentation, or omission, during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process; or (3) conspires to violate clause (1) or (2). An offense of residential mortgage fraud must not be predicated solely upon information lawfully disclosed under federal disclosure laws, regulations, and interpretations related to the mortgage lending process. Subd. 3.Sentence.Whoever violates this section shall be sentenced as provided in section 609.52, subdivision 3, based on the aggregate economic loss suffered by any person as a result of the violation. However, the maximum sentence of imprisonment for the offense may not exceed two years. A person convicted of a violation of this section shall be ordered to pay restitution to persons aggrieved by the violation. Restitution shall be ordered in addition to a fine or imprisonment but not in lieu of a fine or imprisonment. Nothing in this section limits the power of the state to punish any person for conduct which constitutes a crime under any other statute. Subd. 4.Vulnerable victim.If the person who violates subdivision 2 knew or had reason to know that the victim was vulnerable due to age, infirmity, or reduced physical or mental capacity, the court may order an aggravated departure under the sentencing guidelines. 2007 c 74 s 7; 2008 c 215 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.825 — Bribery Of Participant Or Official In Contest.

Subdivision 1.Definition.As used in this section, "official" means one who umpires, referees, judges, officiates or is otherwise designated to render decisions concerning the conduct or outcome of any contest included herein. Subd. 2.Acts prohibited.Whoever does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both: (1) offers, gives, or agrees to give, directly or indirectly, any benefit, reward or consideration to a participant, manager, director, or other official, or to one who intends to become such participant or official, in any sporting event, race or other

contest of any kind whatsoever with intent thereby to influence such participant not to use the participant's best effort to win or enable the participant's team to win or to attain a maximum score or margin of victory, or to influence such official in decisions with respect to such contest; or (2) requests, receives, or agrees to receive, directly or indirectly, any benefit, reward or consideration upon the understanding that the actor will be so influenced as such participant or official. Subd. 3.Duty to report.Whoever is offered or promised such benefit, reward or consideration upon the understanding to be so influenced as such participant or official and fails promptly to report the same to the offeree's or promisee's employer, manager, coach, or director, or to a county attorney may be punished by imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. 1963 c 753 art 1 s 609.825; 1984 c 628 art 3 s 11; 1986 c 444; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.83 — Falsely Impersonating Another.

Whoever does either of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both: (1) assumes to enter into a marriage relationship with another by falsely impersonating a third person; or (2) by falsely impersonating another with intent to defraud the other or a third person, appears, participates, or executes an instrument to be used in a judicial proceeding. 1963 c 753 art 1 s 609.83; 1984 c 628 art 3 s 11; 1986 c 444

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.833 — Misrepresentation Of Service Animal.

Subdivision 1.Definitions.As used in this section: (1) "place of public accommodation" has the meaning given in section 363A.03, subdivision 34; and (2) "service animal" has the meaning given in Code of Federal Regulations, title 28, section 36.104, as amended through March 1, 2018. Subd. 2.Prohibited conduct.A person may not, directly or indirectly through statements or conduct, intentionally misrepresent an animal in that person's possession as a service animal in any place of public accommodation to obtain any rights or privileges available to a person who qualifies for a service animal under state or federal law knowing that the person is not entitled to those rights or privileges. Subd. 3.Penalty.(a) Except as provided in paragraph (b), a person who violates subdivision 2 is guilty of a petty misdemeanor. (b) A person who violates subdivision 2 a second or subsequent time is guilty of a misdemeanor. Subd. 4.Notice.(a) A conspicuous sign may be posted in a location accessible to public view in a place of public accommodation that contains the following, or substantially similar, language: "NOTICE Service Animals Welcome. It is illegal for a person to misrepresent an animal in that person's possession as a service animal." (b) The Council on Disability may prepare and make available to businesses a brochure detailing permissible questions a business owner may ask to determine whether an animal is a service animal, proper answers to those questions, and guidelines defining unacceptable behavior. 2018 c 106 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.84 — Sale Of Human Remains.

Subdivision 1.Definitions.(a) For purposes of this section, the following terms have the meanings given. (b) "Human remains" means any part of a dead human body, the cremated remains of a dead human body, or the hydrolyzed remains of a dead human body. (c) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1, paragraph (f). (d) "Local organization for emergency management" has the meaning given in section 12.03, subdivision 6. (e) "Search and rescue unit" means an organization, team, or individual authorized by the state or federal government, a Tribal government, or by a county, city, town, or a metropolitan airports commission organized and existing under sections 473.601 to 473.679 whose mission is to locate lost, missing, or trapped persons, victims of natural or other disasters, and human bodies. Subd. 2.Sale of human remains prohibited; donation and reimbursement.(a) Except as provided in paragraph (b), a person is prohibited from selling human remains or offering human remains for sale. (b) Paragraph (a) shall not be construed to limit the donation of human remains: (1) to a licensed health care provider, an individual employed by or under contract with a licensed health care provider, a public or private postsecondary educational institution, or an individual employed by or under contract with a public or private postsecondary educational institution, for legitimate medical or scientific purposes or for educational purposes; (2) to a company registered with the United States Food and Drug Administration or an individual, company, or entity employed by or under contract with a company registered with the United States Food and Drug Administration for legitimate medical or scientific purposes, including but not limited to the development, manufacturing, and research of medical products; or (3) to a law enforcement agency, search and rescue unit, or local organization for emergency management to conduct search and rescue training or to entities that train dogs to locate dead human bodies. (c) Paragraph (a) does not apply to the sale or offer for sale of human remains that is incidental to the sale of real property, including undisturbed burial plots, cemeteries, crypts, or other burial features. (d) Nothing in this section shall be construed to prohibit a person from recovering reasonable expenses for the processing, preservation, quality control, storage, transportation, or final disposition of human remains for the legitimate purposes as described in this section. Subd. 3.Penalty.A person who violates this section is guilty of a felony. 2024 c 123 art 6 s 19

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.849 — Railroad That Obstructs Treatment Of Injured Worker.

(a) It shall be unlawful for a railroad or person employed by a railroad to intentionally: (1) deny, delay, or interfere with medical

treatment or first aid treatment to an employee of a railroad who has been injured during employment; or (2) discipline, harass, or intimidate an employee to discourage the employee from receiving medical attention or threaten to discipline an employee who has been injured during employment for requesting medical treatment or first aid treatment. (b) Nothing in this section shall deny a railroad company or railroad employee from making a reasonable inquiry of an injured employee about the circumstance of an injury in order to gather information necessary to identify a safety hazard. (c) It is not a violation under this section for a railroad company or railroad employee to enforce safety regulations. (d) A railroad or a person convicted of a violation of paragraph (a), clause (1) or (2), is guilty of a misdemeanor and may be fined not more than $1,000 but is not subject to an incarcerative sanction. History:2005 c 136 art 17 s 50; 1Sp2005 c 1 art 4 s 116 NOTE:Paragraph (a), clause (1), was found preempted by the federal Railroad Safety Act inBNSF Railway Co. v. Swanson, 533 F.3d 618 (8th Cir. 2008).

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.85 — Crimes Against Railroad Employees And Property; Penalty.

Subdivision 1.Intent to cause derailment.Whoever throws or deposits any type of debris, waste material, or other obstruction on any railroad track or whoever causes damage or causes another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel, signal or moving equipment used in providing rail services, with intention to cause injury, accident or derailment, is guilty of a felony. Subd. 2.Foreseeable risk.Whoever intentionally throws or deposits any type of debris, waste material, or other obstruction on any railroad track or whoever intentionally causes damage or causes another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel, signal or moving equipment used in providing rail services, which creates a reasonably foreseeable risk of any injury, accident or derailment, is guilty of a gross misdemeanor. Subd. 3.Shooting at train.Whoever intentionally shoots a firearm at any portion of a railroad train, car, caboose, engine or moving equipment so as to endanger the safety of another is guilty of a gross misdemeanor. Subd. 4.Throwing objects at train.Whoever intentionally throws, shoots or propels any stone, brick or other missile at any railroad train, car, caboose, engine or moving equipment, so as to endanger the safety of another is guilty of a gross misdemeanor. Subd. 5.Placing obstruction on track.Whoever places an obstruction on a railroad track is guilty of a misdemeanor. Subd. 6.Trespass; allowing animals on track; exception.Whoever intentionally trespasses, or who permits animals under the person's control to trespass on a railroad track, yard, or bridge is guilty of a misdemeanor. This subdivision does not apply to an elected union official's access to those facilities when acting in an official capacity, to an employee acting within the scope of employment, or to a person with written permission from the railroad company to enter upon the railroad facility. 1977 c 179 s 1; 1989 c 5 s 11; 2008 c 350 art 2 s 3

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.851 — False Traffic Signal.

Subdivision 1.Misdemeanor.A person is guilty of a misdemeanor if the person exhibits a false light or signal or interferes with a light, signal, or sign controlling or guiding traffic on a highway, railroad track, navigable waters, or in the air. Subd. 2.Felony.A person who violates subdivision 1 and knows that doing so creates a risk of death or bodily harm or serious property damage is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1989 c 5 s 12

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.856 — Use Of Police Radios During Commission Of Crime; Penalties.

Subdivision 1.Acts constituting.Whoever has in possession or uses a radio or device capable of receiving or transmitting a police radio signal, message, or transmission of information used for law enforcement purposes, while in the commission of a felony or violation of section 609.487 or the attempt to commit a felony or violation of section 609.487, is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both. Notwithstanding section 609.04, a prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. Subd. 2.Forfeiture.A radio or device defined in subdivision 1 that is used in the commission of a felony or violation of section 609.487 or attempt to commit a felony or violation of section 609.487 is contraband property and subject to the forfeiture provisions of section 609.531. 1987 c 111 s 2; 1993 c 326 art 4 s 35

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.857 — Discharging A Laser At An Aircraft.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given. (b) "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, but excluding parachutes. (c) "Laser" means both of the following: (1) any device that utilizes the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation in the ultraviolet, visible, or infrared region of the spectrum and when discharged exceeds one milliwatt continuous wave; (2) any device designed or used to amplify electromagnetic radiation by simulated emission that is visible to the human eye. Subd. 2.Crime.Whoever knowingly aims and discharges a laser or other device that creates visible light into the cockpit of an aircraft that is in the process of taking off or landing or is in flight is guilty of a gross misdemeanor. Subd. 3.Exceptions.This section does not apply to the following individuals who aim and discharge a laser or other

device at an aircraft: (1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations; or (2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training. Subd. 4.Defense.It is an affirmative defense to a charge under this section if the defendant proves by a preponderance of the evidence that the defendant intended to send an emergency distress signal. 2009 c 73 s 1

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.86 — Commercial Bribery.

Subdivision 1.Definition."Corruptly" means that the actor intends the action to injure or defraud: (1) the actor's employer or principal; or (2) the employer or principal of the person to whom the actor offers, gives or agrees to give the bribe or from whom the actor requests, receives or agrees to receive the bribe. Subd. 2.Acts constituting.Whoever does any of the following, when not consistent with usually accepted business practices, is guilty of commercial bribery and may be sentenced as provided in subdivision 3: (1) corruptly offers, gives, or agrees to give, directly or indirectly, any benefit, consideration, compensation, or reward to any employee, agent or fiduciary of a person with the intent to influence the person's performance of duties as an employee, agent, or fiduciary in relation to the person's employer's or principal's business; or (2) being an employee, agent or fiduciary of a person, corruptly requests, receives or agrees to receive, directly or indirectly, from another person any benefit, consideration, compensation, or reward with the understanding or agreement to be influenced in the performance of duties as an employee, agent, or fiduciary in relation to the employer's or principal's business. Subd. 3.Sentence.Whoever commits commercial bribery may be sentenced as follows: (1) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the value of the benefit, consideration, compensation or reward is greater than $500; (2) in all other cases where the value of the benefit, consideration, compensation or reward is $500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000; provided, however, in any prosecution of the value of the benefit, consideration, compensation or reward received by the defendant within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed, or all of the offenses aggregated under this clause. 1982 c 442 s 1; 1984 c 628 art 3 s 11; 1986 c 444; 1989 c 290 art 6 s 22; 2004 c 228 art 1 s 72

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.87 — Computer Crime; Definitions.

Subdivision 1.Applicability.For purposes of sections 609.87 to 609.891 and 609.8912 to 609.8913, the terms defined in this section have the meanings given them. Subd. 2.Access."Access" means to instruct, communicate with, store data in, or retrieve data from a computer, computer system, or computer network. Subd. 2a.Authorization.(a) "Authorization" means: (1) with the permission of the owner of the computer, computer system, computer network, computer software, or other property; (2) access by employees of the Department of Commerce acting under the authority and powers granted to the director of the Weights and Measures Division in chapter 239 at any time the device is commercially available for use; (3) access by registrants in the voluntary placing in service program and registered liquefied petroleum gas (LPG) meter inspectors acting under the authority and powers granted in Minnesota Rules, chapter 7601, but only at times specified by the device owner or operator or the device owner's or operator's designated representative; or (4) access by other people who have the express permission of the device owner or operator or the device owner's or operator's designated representative but only at times as approved by the device owner or operator and only for purposes approved by the device owner or operator. (b) Authorization may be limited by the owner by: (1) giving the user actual notice orally or in writing; (2) posting a written notice in a prominent location adjacent to the computer being used; or (3) using a notice displayed on or announced by the computer being used. Subd. 3.Computer."Computer" means an electronic device which performs logical, arithmetic or memory functions by the manipulations of signals, including but not limited to electronic or magnetic impulses. Subd. 4.Computer system."Computer system" means related, connected or unconnected, computers and peripheral equipment. Subd. 5.Computer network."Computer network" means the interconnection of a communication system with a computer through a remote terminal, or with two or more interconnected computers or computer systems, and includes private and public telecommunications networks. Subd. 6.Property."Property" includes, but is not limited to, electronically processed or produced data and information contained in a computer or computer software in either machine or human readable form. Subd. 7.Services."Services" includes but is not limited to, computer time, data processing, and storage functions. Subd. 8.Computer program."Computer program" means an instruction or statement or a series of instructions or statements, in a form acceptable to a computer, which directs the functioning of a computer system in a manner designed to provide appropriate products from the computer. Subd. 9.Computer software."Computer software" means a computer program or procedures, or associated documentation concerned with the operation of a computer. Subd. 10.Loss."Loss" means the greatest of the following: (1) the retail market value of the property or services involved; (2) the reasonable repair or replacement cost, whichever is less; or (3) the reasonable value of the damage created by the unavailability or lack of utility of the property or services involved until repair or replacement can be effected. Subd. 11.Computer security system."Computer security system" means a software program or computer device that is intended to protect the confidentiality and secrecy of data and information stored in or accessible through the computer system. Subd. 12.Destructive computer program."Destructive computer program" means a computer program that performs a destructive

function or produces a destructive product. A program performs a destructive function if it degrades performance of the affected computer, associated peripherals or a computer program; disables the computer, associated peripherals or a computer program; or destroys or alters computer programs or data. A program produces a destructive product if it produces unauthorized data, including data that make computer memory space unavailable; results in the unauthorized alteration of data or computer programs; or produces a destructive computer program, including a self-replicating computer program. Subd. 13.Encryption."Encryption" means any protective or disruptive measure, including but not limited to, cryptography, enciphering, or encoding that: (1) causes or makes any data, information, image, program, signal, or sound unintelligible or unusable; or (2) prevents, impedes, delays, or disrupts access to any data, information, image, program, signal, or sound. Subd. 14.Personal data."Personal data" means any computer property or computer program which contains records of the employment, salary, credit, or other financial or personal information relating to another person. Subd. 15.Electronic terminal."Electronic terminal" means an electronic device, other than a telephone operated by a consumer, through which an individual or company may initiate an electronic fund transfer. The term includes, but is not limited to, point-of-sale terminals, automated teller machines, cash dispensing machines, and gas pump dispensers. Subd. 16.Access device."Access device" means a card that is used by an individual or company to initiate transactions and is: (1) a means of access to an individual's or company's account; (2) issued on a prepaid basis to the individual or company in a specific amount; or (3) used by the individual or company to access government benefits. Subd. 17.Electronic data."Electronic data" means records or information in digital form on a computer, computer network, computer system, or in computer software that can be stored, transmitted, or processed. 1982 c 534 s 1; 1989 c 95 s 2,3; 1989 c 159 s 1; 1990 c 494 s 3,4; 1994 c 636 art 2 s 50; 2006 c 260 art 1 s 30-33; 2018 c 123 s 1-3; 2023 c 52 art 5 s 47

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.88 — Computer Damage.

Subdivision 1.Acts.Whoever does any of the following is guilty of computer damage and may be sentenced as provided in subdivision 2: (a) intentionally and without authorization damages or destroys any computer, computer system, computer network, computer software, or any other property specifically defined in section 609.87, subdivision 6; (b) intentionally and without authorization or with intent to injure or defraud alters any computer, computer system, computer network, computer software, or any other property specifically defined in section 609.87, subdivision 6; or (c) distributes a destructive computer program, without authorization and with intent to damage or destroy any computer, computer system, computer network, computer software, or any other property specifically defined in section 609.87, subdivision 6. Subd. 2.Penalty.Whoever commits computer damage may be sentenced as follows: (a) to imprisonment for not more than ten years or to payment of a fine of not more than $50,000, or both, if the damage, destruction or alteration results in a loss in excess of $2,500, to the owner, or the owner's agent, or lessee; (b) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the damage, destruction or alteration results in a loss of more than $500, but not more than $2,500 to the owner, or the owner's agent or lessee; or (c) in all other cases to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both. 1982 c 534 s 2; 1984 c 628 art 3 s 11; 1986 c 444; 1989 c 159 s 2; 1994 c 636 art 2 s 51; 2004 c 228 art 1 s 72

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.89 — Computer Or Electronic Data Theft.

Subdivision 1.Acts.Whoever does any of the following is guilty of computer or electronic data theft and may be sentenced as provided in subdivision 2: (1) intentionally and without authorization or claim of right accesses or causes to be accessed any computer, computer system, computer network or any part thereof for the purpose of obtaining services or property; (2) intentionally and without claim of right, and with intent to deprive the owner of use or possession, takes, transfers, conceals or retains possession of any computer, computer system, or any computer software or data contained in a computer, computer system, or computer network; (3) intentionally and without authorization or claim of right accesses or copies any computer software or electronic data and uses, alters, transfers, retains, or publishes the computer software or electronic data; or (4) intentionally retains copies of any computer software or electronic data beyond the individual's authority. Subd. 2.Penalty.Anyone who commits computer or electronic data theft may be sentenced as follows: (1) to imprisonment for not more than ten years or to payment of a fine of not more than $50,000, or both, if the loss to the owner, or the owner's agent, or lessee is in excess of $2,500; (2) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the loss to the owner, or the owner's agent, or lessee is more than $500 but not more than $2,500; or (3) in all other cases to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both. 1982 c 534 s 3; 1984 c 628 art 3 s 11; 1986 c 444; 1994 c 636 art 2 s 52; 2004 c 228 art 1 s 72; 2023 c 52 art 5 s 48

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.891 — Unauthorized Computer Access.

Subdivision 1.Crime.A person is guilty of unauthorized computer access if the person intentionally and without authorization attempts to or does penetrate a computer security system or electronic terminal. Subd. 2.Felony.(a) A person who violates subdivision 1 in a manner that creates a grave risk of causing the death of a person is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both. (b) A person who is convicted of a second or subsequent gross misdemeanor violation of subdivision 1 is guilty of a felony and may be sentenced under paragraph

(a). (c) A person who violates subdivision 1 by accessing, or attempting to access, an electronic terminal through opening any panel or access door without authorization and placing or attaching, or attempting to place or attach, an electronic device to capture, store, or communicate access device information is guilty of a felony. Subd. 3.Gross misdemeanor.(a) A person who violates subdivision 1 in a manner that creates a risk to public health and safety is guilty of a gross misdemeanor and may be sentenced to imprisonment for a term of not more than 364 days or to payment of a fine of not more than $3,000, or both. (b) A person who violates subdivision 1 in a manner that compromises the security of data that are protected under section 609.52, subdivision 2, paragraph (a), clause (8), or are not public data as defined in section 13.02, subdivision 8a, is guilty of a gross misdemeanor and may be sentenced under paragraph (a). (c) A person who violates subdivision 1 and gains access to personal data is guilty of a gross misdemeanor and may be sentenced under paragraph (a). (d) A person who is convicted of a second or subsequent misdemeanor violation of subdivision 1 within five years is guilty of a gross misdemeanor and may be sentenced under paragraph (a). (e) A person who violates subdivision 1 by accessing, or attempting to access, an electronic terminal through opening, or attempting to open, any panel or access door without authorization is guilty of a gross misdemeanor and may be sentenced under paragraph (a). Subd. 4.Misdemeanor.A person who violates subdivision 1 is guilty of a misdemeanor and may be sentenced to imprisonment for a term of not more than 90 days or to payment of a fine of not more than $1,000, or both. 1989 c 95 s 4; 1993 c 326 art 13 s 34; 2004 c 228 art 1 s 72; 2006 c 260 art 1 s 34,35; 2018 c 123 s 4-6; 2020 c 83 art 1 s 95; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.8911 — Reporting Violations.

A person who has reason to believe that any provision of section 609.88, 609.89, or 609.891 is being or has been violated shall report the suspected violation to the prosecuting authority in the county in which all or part of the suspected violation occurred. A person who makes a report under this section is immune from any criminal or civil liability that otherwise might result from the person's action, if the person is acting in good faith. 1994 c 636 art 2 s 53

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.8912 — Criminal Use Of Encryption.

Subdivision 1.Crime.Whoever intentionally uses or attempts to use encryption to do any of the following is guilty of criminal use of encryption and may be sentenced as provided in subdivision 2: (1) to commit, further, or facilitate conduct constituting a crime; (2) to conceal the commission of any crime; (3) to conceal or protect the identity of a person who has committed any crime; or (4) to prevent, impede, delay, or disrupt the normal operation or use of another's computer, computer program, or computer system. Subd. 2.Penalties.(a) A person who violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if: (1) the crime referenced in subdivision 1, clause (1), (2), or (3), is a felony; or (2) the person has two or more prior convictions for an offense under this section, section 609.88, 609.89, 609.891, or 609.8913, or similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories. (b) A person who violates subdivision 1, under circumstances not described in paragraph (a), is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both. 2006 c 260 art 1 s 36; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.8913 — Facilitating Access To Computer Security System.

A person is guilty of a gross misdemeanor if the person knows or has reason to know that by facilitating access to a computer security system the person is aiding another who intends to commit a crime and in fact commits a crime. For purposes of this section, "facilitating access" includes the intentional disclosure of a computer password, identifying code, personal information number, or other confidential information about a computer security system which provides a person with the means or opportunity for the commission of a crime. 2006 c 260 art 1 s 37

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.892 — Definitions.

Subdivision 1.Applicability.The definitions in this section apply to sections 237.73, 609.892, and 609.893. Subd. 2.Access device."Access device" means a card, plate, code, account number, or other means of account access that can be used, alone or in conjunction with another access device, to obtain telecommunications service. Subd. 3.Credit card number."Credit card number" means the card number appearing on a credit card that is an identification card or plate issued to a person by a supplier of telecommunications service that permits the person to whom the card has been issued to obtain telecommunications service on credit. The term includes the number or description of the card or plate even if the card or plate itself is not produced when obtaining telecommunications service. Subd. 4.Telecommunications device."Telecommunications device" means an instrument, apparatus, equipment mechanism, operating procedure, or code designed or adapted for a particular use and that is intended or can be used in violation of section 609.893. The term includes but is not limited to computer hardware, software, programs, electronic mail system, voice mail system, identification validation system, private branch exchange, or any other means of facilitating telecommunications service. Subd. 5.Telecommunications provider."Telecommunications provider" means a person, firm, association, or a corporation,

private or municipal, owning, operating, or managing facilities used to provide telecommunications service. Subd. 6.Telecommunications service."Telecommunications service" means a service that, in exchange for a pecuniary consideration, provides or offers to provide transmission of messages, signals, facsimiles, or other communication between persons who are physically separated from each other by telephone, telegraph, cable, wire, fiber optic cable, or the projection of energy without physical connection. This term applies when the telecommunications service originates or ends or both originates and ends in this state. Subd. 7.Telephone company."Telephone company" means a telecommunications provider that provides local exchange telecommunications service. 1990 c 494 s 5; 1991 c 199 art 1 s 86

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.893 — Telecommunications And Information Services Fraud; Crime Defined.

Subdivision 1.Obtaining services by fraud.A person commits telecommunications and information services fraud and may be sentenced as provided in subdivision 3 if the person, with intent to evade a lawful charge, obtains telecommunications service for the person's own use by any fraudulent means. Subd. 2.Facilitation of telecommunications fraud.A person commits a felony and may be sentenced as provided in subdivision 4 who: (1) makes available to another, or offers or advertises to make available, a telecommunications device or information in order to facilitate violation of subdivision 1 by another; or (2) makes, assembles, or possesses a telecommunications device that is designed or adapted to violate subdivision 1 or to conceal from a provider of telecommunications service or from a lawful authority, the existence or place of origin or destination of telecommunications service. Subd. 3.Fraud.(a) Whoever commits telecommunications and information services fraud in violation of subdivision 1 may be sentenced as follows: (1) to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the value of the services is in excess of $2,500; (2) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the value of the services is more than $500 but not more than $2,500; or (3) in all other cases, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both. (b) Amounts involved in a violation of paragraph (a) under one scheme or course of conduct, whether from the same credit card number or several credit card numbers, may be aggregated in determining the classification of the offense. Subd. 4.Facilitation of fraud.Whoever violates subdivision 2 is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both. 1990 c 494 s 6; 2004 c 228 art 1 s 72

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.894 — Cellular Telephone Counterfeiting; Crimes Defined.

Subdivision 1.Definitions.The definitions in this subdivision apply to this section. (a) "Cellular telephone" means a radio telecommunications device that may be used to obtain access to the public and cellular switch telephone networks and that is programmed by the manufacturer with an electronic serial number. (b) "Cellular telephone service" means all services and cellular telephone equipment and capabilities available from a provider to an end user for a fee. (c) "Cloned cellular telephone" or "counterfeit cellular telephone" means a cellular telephone, the electronic serial number of which has been altered by someone other than the manufacturer. (d) "Telephone cloning paraphernalia" means materials that, when possessed in combination, are capable of creating a cloned cellular telephone. Telephone cloning paraphernalia includes, but is not limited to: (1) scanners to intercept electronic serial numbers and mobile identification numbers; (2) cellular telephones; (3) cables; (4) EPROM chips; (5) EPROM burners; (6) software for programming the cellular telephone with a false electronic serial number, mobile identification number, other identifiable data, or a combination of those items; (7) computers containing software described in clause (6); and (8) lists of electronic serial number and mobile identification number combinations. (e) "Electronic serial number" means a unique number that is programmed into a cellular telephone by the manufacturer, transmitted by the cellular telephone, and used by cellular telephone providers to validate radio transmissions to the system as having been made by an authorized device. (f) "End user" is a person who pays a fee to subscribe to cellular telephone service from a provider or a person receiving a call from or sending a call to the person paying or subscribing for cellular telephone service. (g) "Intercept" means to electronically capture, record, reveal, or otherwise access the signals emitted or received during the operation of a cellular telephone by any instrument, device, or equipment without the consent of the sender or receiver. (h) "Mobile identification number" means the cellular telephone number assigned to the cellular telephone by the cellular telephone provider. (i) "Provider" means a licensed seller of cellular telephone service or a reselling agent authorized by a licensed seller. Subd. 2.Cellular counterfeiting in the third degree.(a) A person commits the crime of cellular counterfeiting in the third degree if the person knowingly possesses a cloned cellular telephone and knows that the telephone is unlawfully cloned. (b) Cellular counterfeiting in the third degree is a gross misdemeanor. Subd. 3.Cellular counterfeiting in the second degree.(a) A person commits the crime of cellular counterfeiting in the second degree if the person knowingly possesses, and knows the unlawful nature of using, any telephone cloning paraphernalia or any instrument capable of intercepting or manipulating electronic serial numbers, mobile identification numbers, other identifiable data, or a combination of those items. (b) A person who violates paragraph (a) may be sentenced to imprisonment for not more than three years and may be fined up to $7,000, or both. Subd. 4.Cellular counterfeiting in the first degree.(a) A person commits the crime of cellular counterfeiting in the first degree if the person knowingly possesses or distributes, and knows the unlawful nature of using, any telephone cloning paraphernalia or any instrument capable of intercepting or manipulating electronic serial numbers, mobile identification numbers, other identifiable data, or a combination of those items, and agrees with, encourages, solicits, or permits one or more other persons to engage in or cause, or obtain cellular telephone service through, cellular counterfeiting. (b) A person who violates paragraph (a) may be sentenced to

imprisonment for not more than five years and may be fined up to $10,000, or both. Subd. 5.Exclusions.The provisions of subdivisions 2 to 4 do not apply to: (1) officers, employees, or agents of cellular telephone service providers who engage in conduct prohibited by this section for the purpose of constructing, maintaining, or conducting the radio telecommunication service or for law enforcement purposes; (2) law enforcement officers and public officials in charge of jails, police premises, sheriffs' offices, Department of Corrections institutions, and other penal or correctional institutions, or any other person under the color of law, who engages in conduct prohibited by this section for the purpose of law enforcement or in the normal course of the officer's or official's employment activities or duties; and (3) officers, employees, or agents of federal or state agencies that are authorized to monitor or intercept cellular telephone service in the normal course of the officer's, employee's, or agent's employment. Subd. 6.Civil liability.A prosecution under this section does not preclude civil liability under any applicable provision of law. 1996 c 331 s 2

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.895 — Counterfeited Intellectual Property; Penalties.

Subdivision 1.Definitions.(a) As used in this section, the following terms have the meanings given them. (b) "Counterfeit mark" means: (1) any unauthorized reproduction or copy of intellectual property; or (2) intellectual property affixed to any item without the authority of the owner of the intellectual property. (c) "Counterfeited item or service" means an item or service bearing or identified by a counterfeit mark. (d) "Intellectual property" means any trademark, service mark, or trade name. (e) "Retail value" means: (1) the usual selling price of the article or service bearing or identified by the counterfeit mark; or (2) the usual selling price of a finished product on or in which components bearing or identified by a counterfeit mark are used. (f) "Service mark" means a mark used by a person to identify services and to distinguish them from the services of others. (g) "Trademark" means a mark used by a person to identify goods and to distinguish them from the goods of others. (h) "Trade name" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement, used by a person to identify the person's business, vocation, or occupation and to distinguish it from the business, vocation, or occupation of others. Subd. 2.Crime.A person who intentionally manufactures, produces, distributes, offers for sale, sells, or possesses with intent to sell or distribute any counterfeited item or service, knowing or having reason to know that the item or service is counterfeit, is guilty of counterfeiting intellectual property and may be punished as provided in subdivision 3. Subd. 3.Penalties.(a) A person who is convicted of violating subdivision 2 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $100,000, or both, if: (1) the violation involves the manufacture or production of a counterfeited item or items; (2) the violation involves the distribution, offer for sale, sale, or possession with intent to sell or distribute 1,000 or more counterfeited items; (3) the violation involves the distribution, offer for sale, sale, or possession with intent to sell or distribute counterfeited items or services having a retail value of more than $10,000; or (4) the defendant has two or more prior convictions for violating this section or a law of another state or the United States that provides criminal penalties for counterfeiting intellectual property. (b) Except as otherwise provided in paragraph (a), a person who is convicted of violating subdivision 2 may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $50,000, or both, if: (1) the violation involves more than 100 but fewer than 1,000 counterfeited items; (2) the violation involves counterfeited items or services having a retail value of more than $1,000 but not more than $10,000; or (3) the defendant has one prior conviction for violating this section or a law of another state or the United States that provides criminal penalties for counterfeiting intellectual property. (c) A person may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than $3,000, or both, if the person is convicted of violating subdivision 2, under circumstances not described in paragraph (a) or (b). (d) If the defendant distributes, sells, offers for sale, or possesses with intent to sell or distribute more than one item or service bearing or identified by more than one counterfeit mark, the quantity or retail value of these items and services may be aggregated for purposes of determining penalties under this subdivision. Subd. 4.Alternative fine.In lieu of the fine authorized by subdivision 3, a person convicted of violating this section who received economic gain from the act or caused economic loss during the act may be sentenced to pay a fine calculated in the manner provided in section 609.904, subdivision 2. Subd. 5.Forfeiture.Property used to commit or facilitate the commission of a violation of this section, and all money and property representing proceeds of a violation of this section, shall be forfeited in accordance with sections 609.531 to 609.5316. Notwithstanding any provision of section 609.5315 to the contrary, forfeited items bearing or identified by a counterfeit mark must be destroyed unless the intellectual property owner consents to another disposition. Subd. 6.Prima facie evidence.A Minnesota or federal certificate of registration of an intellectual property is prima facie evidence of the registrant's ownership and exclusive right to use the intellectual property in connection with the goods or services described in the certificate. 1999 c 142 s 2; 2023 c 52 art 6 s 16

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.896 — Criminal Use Of Real Property.

Subdivision 1.Definitions.(a) For the purposes of this section, the following terms have the meanings given them. (b) "Audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part of a motion picture by means of any technology now known or later developed. (c) "Convicted" includes a conviction for a similar offense under the law of another state or the federal government. (d) "Motion picture theater" means a movie theater, screening room, or other venue when used primarily for the exhibition of a motion picture. Subd. 2.Crime.(a) Any person in a motion picture theater while a motion picture is being exhibited who knowingly operates an audiovisual recording function of a device without the consent of the owner or lessee of the motion picture theater is guilty of criminal use of real property. (b) If a person is convicted of a first offense, it is a

misdemeanor. (c) If a person is convicted of a second offense, it is a gross misdemeanor. (d) If a person is convicted of a third or subsequent offense, it is a felony and the person may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both. Subd. 3.Detaining suspects.An owner or lessee of a motion picture theater is a merchant for purposes of section 629.366. Subd. 4.Exception.This section does not prevent any lawfully authorized investigative, law enforcement protective, or intelligence-gathering employee or agent of the state or federal government from operating any audiovisual recording device in a motion picture theater where a motion picture is being exhibited, as part of lawfully authorized investigative, law enforcement protective, or intelligence gathering activities. Subd. 5.Not preclude alternative prosecution.Nothing in this section prevents prosecution under any other provision of law. 2005 c 136 art 17 s 51

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.901 — Construction Of Racketeering Provisions.

Sections 609.902 to 609.912 shall be liberally construed to achieve their remedial purposes of curtailing racketeering activity and controlled substance crime and lessening their economic and political power in Minnesota. 1989 c 286 s 5

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.902 — Definitions.

Subdivision 1.Definitions.As used in sections 609.901 to 609.912, the following terms have the meanings given them. Subd. 2.Criminal proceeding."Criminal proceeding" means a criminal proceeding begun under section 609.903. Subd. 3.Enterprise."Enterprise" means a sole proprietorship, partnership, corporation, trust, or other legal entity, or a union, governmental entity, association, or group of persons, associated in fact although not a legal entity, and includes illicit as well as legitimate enterprises. Subd. 4.Criminal act."Criminal act" means conduct constituting, or a conspiracy or attempt to commit, a felony violation of chapter 152, or a felony violation of section 297D.09; 299F.79; 299F.80; 299F.82; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.228; 609.235; 609.245; 609.25; 609.27; 609.322; 609.342; 609.343; 609.344; 609.345; 609.42; 609.48; 609.485; 609.495; 609.496; 609.497; 609.498; 609.52, subdivision 2, if the offense is punishable under subdivision 3, clause (1), if the property is a firearm, clause (3)(b), or clause (3)(d)(v); section 609.52, subdivision 2, paragraph (a), clause (1) or (4); 609.527, if the crime is punishable under subdivision 3, clause (4); 609.528, if the crime is punishable under subdivision 3, clause (4); 609.53; 609.561; 609.562; 609.582, subdivision 1 or 2; 609.668, subdivision 6, paragraph (a); 609.67; 609.687; 609.713; 609.86; 609.894, subdivision 3 or 4; 609.895; 624.713; 624.7191; or 626A.02, subdivision 1, if the offense is punishable under section 626A.02, subdivision 4, paragraph (a). "Criminal act" also includes conduct constituting, or a conspiracy or attempt to commit, a felony violation of section 609.52, subdivision 2, clause (3), (4), (15), or (16), if the violation involves an insurance company as defined in section 60A.02, subdivision 4, a nonprofit health service plan corporation regulated under chapter 62C, a health maintenance organization regulated under chapter 62D, or a fraternal benefit society regulated under chapter 64B. Subd. 5.Participation in a pattern of criminal activity.A person "participates in a pattern of criminal activity" when the person is a principal with respect to conduct constituting at least three of the criminal acts included in the pattern and two of the acts constitute felonies other than conspiracy. Subd. 6.Pattern of criminal activity."Pattern of criminal activity" means conduct constituting three or more criminal acts that: (1) were committed within ten years of the commencement of the criminal proceeding; (2) are neither isolated incidents, nor so closely related and connected in point of time or circumstance of commission as to constitute a single criminal offense; and (3) were either: (i) related to one another through a common scheme or plan or a shared criminal purpose or (ii) committed, solicited, requested, importuned, or intentionally aided by persons acting with the mental culpability required for the commission of the criminal acts and associated with or in an enterprise involved in those activities. Subd. 7.Personal property."Personal property" includes personal property, an interest in personal property, or a right, including a bank account, debt, corporate stock, patent, or copyright. Personal property and a beneficial interest in personal property are deemed to be located where the trustee is, the personal property is, or the instrument evidencing the right is. Subd. 8.Principal."Principal" means a person who personally engages in conduct constituting a violation or who is criminally liable under section 609.05 for the conduct of another constituting a violation. Subd. 9.Prosecuting authority."Prosecuting authority" means the office of a county attorney or office of the attorney general. Subd. 10.Real property."Real property" means any real property or an interest in real property, including a lease of, or mortgage on, real property. A beneficial interest in real property is deemed to be located where the real property is located. 1989 c 286 s 6; 1991 c 325 art 17 s 1; 1992 c 564 art 1 s 54; 1993 c 326 art 5 s 11; 1994 c 636 art 5 s 16; 1997 c 239 art 3 s 20; 1998 c 367 art 2 s 32; 1999 c 142 s 3; 1999 c 244 s 4; 2000 c 354 s 6; 2011 c 76 art 1 s 68; 2011 c 81 s 1; 2020 c 83 art 1 s 96

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.903 — Racketeering.

Subdivision 1.Crime.A person is guilty of racketeering if the person: (1) is employed by or associated with an enterprise and intentionally conducts or participates in the affairs of the enterprise by participating in a pattern of criminal activity; (2) acquires or maintains an interest in or control of an enterprise, or an interest in real property, by participating in a pattern of criminal activity; or (3) participates in a pattern of criminal activity and knowingly invests any proceeds derived from that conduct, or any proceeds derived from the investment or use of those proceeds, in an enterprise or in real property. Subd. 2.Permitted activities.For purposes of this section, it is not unlawful to: (1) purchase securities on the open market with intent to make an investment, and without the intent of controlling or participating in the control of the issuer, or of assisting another to do so, if the securities of the issuer held by

the purchaser, the members of the purchaser's immediate family, and the purchaser's accomplices in a pattern of criminal activity do not amount in the aggregate to five percent of the outstanding securities of any one class and do not confer, either in the law or in fact, the power to elect one or more directors of the issuer; (2) make a deposit in an account maintained in a savings association, or a deposit in any other financial institution, that creates an ownership interest in that association or institution; or (3) purchase nonvoting shares in a limited partnership, with intent to make an investment, and without the intent of controlling or participating in the control of the partnership. 1989 c 286 s 7; 1995 c 202 art 1 s 25

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.904 — Criminal Penalties.

Subdivision 1.Penalty.A person convicted of violating section 609.903 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $1,000,000, or both. Subd. 2.Fine.In lieu of the fine authorized by subdivision 1, a person convicted of violating section 609.903, who received economic gain from the act or caused economic loss or personal injury during the act, may be sentenced to pay a fine calculated under this subdivision. The maximum fine is three times the gross value gained or three times the gross loss caused, whichever is greater, plus court costs and the costs of investigation and prosecution reasonably incurred, less the value of any property forfeited under section 609.905. The district court shall hold a hearing to determine the amount of the fine authorized by this subdivision. In imposing a fine, the court shall consider the seriousness of the conduct, whether the amount of the fine is disproportionate to the conduct in which the person engaged, its impact on victims and any legitimate enterprise involved in that conduct, as well as the economic circumstances of the convicted person, including the effect of the imposition of the fine on the person's immediate family. For purposes of this subdivision, loss does not include pain and suffering. Subd. 3.Injunctive relief.After the entry of a judgment that includes a fine or an order of criminal forfeiture under section 609.905, the district court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take other action, including the appointment of a receiver, that the court deems proper to protect the interests of the prosecuting authority in collecting the money or forfeiture or an innocent party. Subd. 4.Disposition of fine proceeds.The court shall apply fines collected under this section to the costs and expenses of investigation and prosecution, including costs of resources and personnel incurred in investigation and prosecution and the balance, if any, as provided under section 574.34. Subd. 5.Restitution.In a settlement discussion or before the imposition of a sentence under this section, the prosecuting authority shall vigorously advocate full and complete restitution to an aggrieved person. Before the acceptance of a plea or after a verdict but before the imposition of a sentence under this section, the district court must ensure that full and complete restitution has been duly effected or that a satisfactory explanation of why it is impractical has been made to the court. 1989 c 286 s 8

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.905 — Criminal Forfeiture.

Subdivision 1.Forfeiture.When a person is convicted of violating section 609.903, the court may order the person to forfeit to the prosecuting authority any real or personal property subject to forfeiture under this section. Property subject to forfeiture is real and personal property that was used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of section 609.903. A court may not order the forfeiture of property that has been used to pay reasonable attorney fees in connection with a criminal proceeding under section 609.903. The term includes property constituting an interest in or means of control or influence over the enterprise involved in the violation of section 609.902 and any property constituting proceeds derived from the violation of section 609.902, including: (1) a position, office, appointment, tenure, commission, or employment contract that was acquired or maintained in violation of section 609.903 or through which the person conducted or participated in the conduct of the affairs of an enterprise in violation of section 609.903 or that afforded the person a source of influence or control over the affairs of an enterprise that the person exercised in violation of section 609.903; (2) any compensation, right, or benefit derived from a position, office, appointment, tenure, commission, or employment contract described in this section that accrued to the person during the period of conduct in violation of section 609.903; (3) any interest in, security of, claim against, or property or contractual right affording the person a source of influence or control over the affairs of an enterprise that the person exercised in violation of section 609.903; and (4) any amount payable or paid under any contract for goods or services that was awarded or performed in violation of section 609.903. Subd. 2.Other property of defendant.The district court may order criminal forfeiture of any other property of the defendant up to the value of the property that is unreachable if any property subject to criminal forfeiture under subdivision 1: (1) cannot be located; (2) has been sold to a bona fide purchaser for value; (3) has been placed beyond the jurisdiction of the court; (4) has been substantially diminished in value by the conduct of the defendant; (5) has been commingled with other property that cannot be divided without difficulty or undue injury to innocent persons; or (6) is otherwise unreachable without undue injury to an innocent person. Subd. 3.Reporting.The prosecuting authority shall report on forfeitures occurring under this section as described in section 609.5315, subdivision 6. 1989 c 286 s 9; 2010 c 391 s 20

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.907 — Preservation Of Property Subject To Forfeiture.

Subdivision 1.Temporary restraining order.(a) When an indictment or complaint is filed under section 609.903, the district court may take any of the following actions if the prosecuting authority shows by a preponderance of the evidence that the action is necessary to preserve the reachability of property subject to criminal forfeiture: (1) enter a restraining order or injunction; (2) require

the execution of a satisfactory performance bond; or (3) take any other reasonable action, including the appointment of a receiver. (b) Before granting the remedies provided by this subdivision, the court shall hold a hearing, after notice to all affected persons, giving them a reasonable opportunity to respond. At the hearing, the rules of evidence do not apply. Subd. 2.Preindictment order.(a) If no indictment or complaint has been filed, the district court may take actions provided in subdivision 1 if the prosecuting authority makes the showing required by subdivision 1 and also shows that: (1) there is probable cause to believe that the property with respect to which the order is sought would, in the event of a conviction, be subject to criminal forfeiture under section 609.904; and (2) the requested order would not result in substantial and irreparable harm or injury to the party against whom the order is to be entered, or to other affected persons, that outweighs the need to preserve the reachability of the property. (b) An order entered under this subdivision is effective for a maximum of 90 days unless: (1) extended by the district court for good cause; or (2) terminated by the filing of an indictment or complaint alleging that the property is subject to forfeiture. Subd. 3.Restraining order without notice.(a) On application by the prosecuting authority, the district court may grant, without notice to any party, a temporary restraining order to preserve the reachability of property subject to criminal forfeiture under section 609.905 if: (1) an indictment or complaint alleging that property is subject to criminal forfeiture has been filed or the district court determines that there is probable cause to believe that property with respect to which the order is sought would, in the event of a conviction, be subject to criminal forfeiture under section 609.905; (2) the property is in the possession or control of the party against whom the order is to be entered; and (3) the district court makes a specific finding in writing that the property can be concealed, disposed of, or placed beyond the jurisdiction of the court before any party may be heard in opposition. (b) A temporary restraining order granted without notice to any party under this subdivision expires within the time fixed by the court, not to exceed ten days. The court may extend the order for good cause shown, or if the party against whom it is entered consents to an extension. After a temporary restraining order is granted under this subdivision, a hearing concerning the entry of an order under this section shall be held at the earliest practicable time and before the temporary order expires. 1989 c 286 s 10

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.908 — Disposition Of Forfeiture Proceeds.

Subdivision 1.Disposition alternatives.After making due provisions for the rights of innocent persons, the prosecuting authority shall, as soon as feasible, dispose of all property ordered forfeited under section 609.905 by: (1) public sale; (2) transfer to a state governmental agency for official use; (3) sale or transfer to an innocent person; or (4) destruction, if the property is not needed for evidence in a pending criminal or civil proceeding. Subd. 2.No reversion to defendant.An interest in personal or real property not exercisable by or transferable for value by the prosecuting authority expires and does not revert to the defendant. Forfeited property may not be purchased by the defendant, relative of the defendant, or any person acting in concert with the defendant or on the defendant's behalf. Subd. 3.Sale proceeds.The proceeds of a sale or other disposition of forfeited property under this section whether by final judgment, settlement, or otherwise, must be applied as follows: (1) to the fees and costs of the forfeiture and sale including expenses of seizure, maintenance, and custody of the property pending its disposition, advertising, and court costs; (2) to all costs and expenses of investigation and prosecution including costs of resources and personnel incurred in investigation and prosecution; and (3) the balance to the appropriate agencies under section 609.5315, subdivision 5. 1989 c 286 s 11

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.909 — Additional Relief Available.

With respect to property ordered forfeited, fine imposed, or civil penalty imposed in a criminal proceeding under section 609.903 or civil proceeding under section 609.911, the district court may, on petition of the prosecuting authority or any other person within 60 days of a final order: (1) authorize the compromise of claims; (2) award compensation to persons providing information that results in a forfeiture under section 609.905; (3) grant petitions for mitigation or remission of forfeiture or fines; (4) restore forfeited property or imposed fines to victims of a violation of section 609.903; and (5) take any other action to protect the rights of innocent persons that is in the interest of justice and is consistent with the purposes of sections 609.901 to 609.912. 1989 c 286 s 12

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.910 — Relation To Other Sanctions.

Subdivision 1.Remedy not exclusive.Except as provided in this section, a criminal penalty, forfeiture, or fine imposed under section 609.903, 609.904, 609.905, or 609.911 does not preclude the application of any other criminal penalty or civil remedy for the separate criminal acts. A prosecuting authority may not file a civil action under section 609.911 if any prosecuting authority has filed a previous criminal proceeding under section 609.903 against the same person based on the same criminal conduct and the charges were dismissed after jeopardy attached or the person acquitted. Subd. 2.Restitution.A restitution payment to a victim under section 609.904 does not limit the liability for damages in a civil action or proceeding for an amount greater than the restitution payment. 1989 c 286 s 13

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.911 — Civil Remedies.

Subdivision 1.Relief available.The prosecuting authority may institute civil proceedings in district court against a person seeking

relief from conduct constituting a violation of section 609.903 or to prevent or restrain future violations. If the prosecuting authority proves the alleged violation by a preponderance of the evidence, and the court has made due provision for the rights of innocent persons, the court may: (1) order a defendant to divest an interest in an enterprise or in real property; (2) impose reasonable restrictions on the future activities or investments of a defendant, including prohibiting a defendant from engaging in the same type of endeavor as the enterprise in which the defendant was engaged in violation of section 609.903; (3) order the dissolution or reorganization of an enterprise; (4) order the suspension or revocation of a license, permit, or prior approval granted to an enterprise by a state agency; or (5) order the surrender of the charter of a corporation organized under Minnesota law, dissolution of an enterprise, or the revocation of a certificate authorizing a foreign corporation to conduct business in Minnesota, if the court finds that: (i) the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, authorized or engaged in conduct prohibited by section 609.903; and (ii) the public interest in preventing future criminal conduct requires the action. Subd. 2.Injunctive relief.In a proceeding under this section, the court may grant injunctive relief. Subd. 3.Civil penalty.The prosecuting authority may institute proceedings against an enterprise or an individual to recover a civil penalty. The penalty may be imposed in the discretion of the district court for conduct constituting a violation of section 609.903. The civil penalty may not exceed $1,000,000 less a fine imposed under section 609.903. Penalties collected under this section must be applied to the costs and expenses of investigation and prosecution, including costs of resources and personnel incurred in investigation and prosecution, and the balance, if any, to the state general fund. Subd. 4.Attorney fees.If the district court issues an injunction, or grants other relief under this section, or the prosecuting authority otherwise substantially prevails, the prosecuting authority shall also recover reasonable attorney fees in the trial and appellate courts and costs of investigation and litigation reasonably incurred. Subd. 5.Personal jurisdiction.Personal service of process in a proceeding under this section may be made on any person outside of Minnesota if the person was a principal in any conduct constituting a violation of section 609.903 in this state. The person is deemed to have submitted to the jurisdiction of the courts of this state for the purposes of this section. 1989 c 286 s 14

2024 Minnesota StatutesChapters 609 - 624 — Crimes; Expungement; VictimsChapter 609 — Criminal CodeSection 609.912 — Notice To Other Prosecuting Authorities.

When a county attorney begins an investigation involving sections 609.901 to 609.911, the county attorney shall notify the attorney general. When the attorney general begins an investigation involving sections 609.901 to 609.911, the attorney general shall notify the county attorney of each county in which a substantial part of the investigation is likely to be conducted. 1989 c 286 s 15

Title: chapters-625-634/chapter-626

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.04 — Property; Seizure, Keeping, And Disposal.

(a) When any officer seizes, with or without warrant, any property or thing, it shall be safely kept by direction of the court as long as necessary for the purpose of being produced as evidence on any trial. If the owner of the property makes a written request to the seizing officer's agency for return of the property, and the property has not been returned within 48 hours of the request, excluding Saturday, Sunday, or legal holidays, the person whose property has been seized may file a petition for the return of the property in the district court in the district in which the property was seized. The court administrator shall provide a form for use as a petition under this section. A filing fee, equal to the civil motion filing fee, shall be required for filing the petition. The district court shall send a copy of the petition to the agency acting as custodian of the property with at least ten days' notice of a hearing date. A hearing on the petition shall be held within 30 days of filing unless good cause is shown for an extension of time. The determination of the petition must be without jury trial and by a simple and informal procedure. At the hearing, the court may receive relevant evidence on any issue of fact necessary to the decision on the petition without regard to whether the evidence would be admissible under the Minnesota Rules of Evidence. The court shall allow if requested, or on its own motion may require, the custodian or the custodian's designee to summarize the status and progress of an ongoing investigation that led to the seizure. Any such summary shall be done ex parte and only the custodian, the custodian's designee, and their attorneys may be present with the court and court staff. The court shall seal the ex parte record. After a hearing, the court shall not order the return if it finds that: (1) the property is being held in good faith as potential evidence in any matter, charged or uncharged; (2) the property may be subject to forfeiture proceedings; (3) the property is contraband or may contain contraband; or (4) the property is subject to other lawful retention. (b) The court shall make findings on each of these issues as part of its order. If the property is ordered returned, the petitioner shall not be liable for any storage costs incurred from the date the petition was filed. If the petition is denied, the court may award reasonable costs and attorney fees. After the trial for which the property was being held as potential evidence, and the expiration date for all associated appeals, the property or thing shall, unless otherwise subject to lawful detention, be returned to its owner or any other person entitled to possess it. Any property or thing seized may be destroyed or otherwise disposed of under the direction of the court. Any money found in gambling devices when seized shall be paid into the county treasury. If the gambling devices are seized by a police officer of a municipality, the money shall be paid into the treasury of the municipality. (10540) RL s 5199; 1929 c 177; 1963 c 849 s 16; 1983 c 359 s 111; 2005 c 136 art 14 s 17

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.05 — Definitions.

Subdivision 1.Search warrant.A "search warrant" is an order in writing, in the name of the state, signed by a court other than a court exercising probate jurisdiction, directed to a peace officer, commanding the peace officer to make a search as authorized by law and hold any item seized, subject to the order of a court. Subd. 2.Peace officer.The term "peace officer," as used in sections 626.04 to 626.17, means a person who is licensed as a peace officer in accordance with section 626.84, subdivision 1, and who serves as a sheriff, deputy sheriff, police officer, conservation officer, agent of the Bureau of Criminal Apprehension, agent of the Division of Alcohol and Gambling Enforcement, peace officer of the Commerce Fraud Bureau, University of Minnesota peace officer, Metropolitan Transit police officer, Minnesota Department of Corrections Fugitive Apprehension Unit member, State Patrol trooper as authorized by section 299D.03, or railroad peace officer as authorized by section 219.995 and United States Code, title 49, section 28101. Subd. 3.Crime.The term "crime," as used in sections 626.04 to 626.17, includes (1) those offenses defined as crimes in section 609.02, subdivision 1, and (2) all violations of municipal ordinances for which a misdemeanor sentence may be imposed. 1963 c 849 s 3; 1976 c 2 s 154; 1977 c 82 s 4; 1979 c 258 s 21; 1983 c 359 s 112; 1986 c 444; 1988 c 447 s 1; 1989 c 334 art 6 s 11; 1990 c 502 s 7; 1993 c 326 art 7 s 13; 1995 c 189 s 8; 1996 c 277 s 1; 1997 c 129 art 2 s 15; 2002 c 291 s 4; 2012 c 155 s 10; 2017 c 98 s 5; 2024 c 123 art 3 s 4

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.06 — Jurisdiction To Issue.

Search warrants may be issued by any court, other than a court exercising probate jurisdiction, having jurisdiction in the area where the place to be searched is located. 1963 c 849 s 4; 1983 c 359 s 113; 1995 c 189 s 8; 1996 c 277 s 1

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.07 — Grounds For Issuance.

A search warrant may be issued upon any of the following grounds: (1) the property or things were stolen or embezzled; (2) the property or things were used as the means of committing a crime; (3) the possession of the property or things constitutes a crime; (4) the property or things are in the possession of any person with the intent to use them as a means of committing a crime, or the property or things so intended to be used are in the possession of another to whom they have been delivered for the purpose of concealing them or preventing their being discovered; (5) the property or things to be seized consist of any item or constitute any evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime. The property or things described in this section may be taken pursuant to the warrant from any place, or from any person in whose possession they may be. 1963 c 849 s 5

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.08 — Probable Cause.

A search warrant cannot be issued but upon probable cause, supported by affidavit, naming or describing the person, and particularly describing the property or thing to be seized, and particularly describing the place to be searched. 1963 c 849 s 6

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.085 — Search Warrant Required For Electronic Communication Information.

Subdivision 1.Definitions.As used in this section, the following terms have the meanings given them: (1) "electronic communication" means the transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system; (2) "electronic communication information" means any information about an electronic communication or the use of an electronic communication service, limited to the contents of electronic communications and precise or approximate location of the sender or recipients at any point during the communication; (3) "electronic communication service" has the meaning given in section 626A.01, subdivision 17; and (4) "government entity" has the meaning given in section 626A.42, subdivision 1, paragraph (d). Subd. 2.Warrant required; exceptions.(a) Except as provided in paragraph (b), a government entity must obtain a search warrant to require disclosure of electronic communication information. (b) A government entity may request disclosure of electronic communication information without a search warrant if the agency has valid consent from one authorized to give it, or exigent circumstances exist where there is a danger to the life or physical safety of an individual. Subd. 3.Notice to subject.A government entity accessing electronic communication information under subdivision 2 must provide notice to the subject of the information consistent with the requirements of subdivision 4 and section 626.16. Subd. 4.Notice; temporary nondisclosure of search warrant.(a) Within a reasonable time but not later than 90 days after the court unseals the search warrant under this subdivision, the issuing or denying judge shall cause to be served on the persons named in the warrant and the application an inventory which shall include notice of: (1) the issuance of the warrant or the application; (2) the date of issuance and the period of authorized, approved, or disapproved collection of electronic communication information, or the denial of the application; and (3) whether electronic communication information was or was not collected during the period. (b) A search warrant authorizing collection of electronic communication information must direct that: (1) the warrant be sealed for a period of 90 days or until the objective of the warrant has been accomplished, whichever is shorter; and (2) the warrant be filed with the court administrator within ten days of the expiration of the warrant. (c) The prosecutor may request that the search warrant, supporting

affidavits, and any order granting the request not be filed. An order must be issued granting the request in whole or in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that filing the warrant may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation. (d) The search warrant must direct that following the commencement of any criminal proceeding utilizing evidence obtained in or as a result of the search, the supporting application or affidavit must be filed either immediately or at any other time as the court directs. Until the filing, the documents and materials ordered withheld from filing must be retained by the judge or the judge's designee. Subd. 5.Reports.(a) At the same time as notice is provided according to the requirements of subdivision 4, the issuing or denying judge shall report to the state court administrator: (1) that a warrant was applied for under this section; (2) whether the warrant was granted as applied for, was modified, or was denied; (3) the period of collection of electronic communication information authorized by the warrant, and the number and duration of any extensions of the warrant; (4) the offense specified in the warrant or application or extension of a warrant; and (5) the identity of the applying investigative or peace officer and agency making the application and the person authorizing the application. (b) On or before November 15 of each even-numbered year, the state court administrator shall transmit to the legislature a report concerning: (1) all warrants authorizing the collection of electronic communication information during the two previous calendar years; and (2) all applications that were denied during the two previous calendar years. Each report shall include a summary and analysis of the data required to be filed under this section. The report is public and must be available for public inspection at the Legislative Reference Library and the state court administrator's office and website. (c) Nothing in this section prohibits or restricts a service provider from producing an annual report summarizing the demands or requests it receives under this section. 2020 c 82 s 4

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.09 — Examination Of Parties Making Request.

The court may, before issuing the warrant, examine on oath the person seeking the warrant and any witnesses the person may produce. It shall take the affidavits in writing, and cause them to be subscribed to by the party or parties making them. 1963 c 849 s 7; 1983 c 359 s 114; 1986 c 444

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.10 — Affidavit; Content.

The affidavit or affidavits must set forth the facts tending to establish the grounds of the application, or probable cause for believing that they exist. 1963 c 849 s 8

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.11 — Issuance Of Warrant.

(a) If the judge is satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, the judge must issue a signed search warrant, naming the judge's judicial office, to a peace officer inside or outside the officer's jurisdiction. The warrant shall direct the officer to search the person or place named for the property or things specified, and to retain the property or things in the officer's custody subject to order of the court issuing the warrant. (b) Nothing in sections 626.04 to 626.17 is meant to supersede another law or statute that limits a peace officer's authority to obtain, serve, or execute a search warrant. 1963 c 849 s 9; 1979 c 258 s 22; 1983 c 359 s 115; 1986 c 444; 2000 c 325 s 1; 2001 c 78 s 2; 2002 c 291 s 5; 2003 c 86 s 1

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.12 — Applicants; Names On Warrant.

The warrant, in addition, shall contain the names of the persons presenting affidavits in support of the application, and the grounds for its issuance. 1963 c 849 s 10

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.13 — Service; Persons Making.

A search warrant may in all cases be served anywhere within the issuing judge's jurisdiction by any of the officers mentioned in its directions, but by no other person, except in aid of the officer on the officer's requiring it, the officer being present and acting in its execution. An officer serving and executing a warrant shall notify the chief of police of an organized full-time police department of the municipality or, if there is no such local chief of police, the sheriff or a deputy sheriff of the county in which service is to be made prior to service and execution. 1963 c 849 s 11; 1979 c 258 s 23; 1986 c 444; 1989 c 334 art 6 s 12; 1990 c 502 s 8; 1993 c 326 art 7 s 14; 1995 c 226 art 2 s 33; 1995 c 244 s 37; 1997 c 129 art 2 s 15; 2001 c 78 s 3; 2002 c 291 s 6; 2003 c 86 s 2

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.14 — Time And Manner Of Service; No-knock Search Warrants.

Subdivision 1.Time.A search warrant may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless the court determines

on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public. The search warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless a nighttime search outside those hours is authorized. Subd. 2.Definition.For the purposes of this section, "no-knock search warrant" means a search warrant authorizing peace officers to enter certain premises without first loudly and understandably announcing the officer's presence or purpose and waiting an objectively reasonable amount of time thereafter for the occupant to comply, based on a totality of the circumstances, prior to entering the premises. Subd. 2a.No-knock search warrants.A court may not issue or approve a no-knock search warrant unless the judge determines that the applicant has articulated specific, objective facts that establish probable cause for belief that: (1) the search cannot be executed while the premises is unoccupied; and (2) the occupant or occupants in the premises present an imminent threat of death or great bodily harm to the officers executing the warrant or other persons. Subd. 3.Requirements for a no-knock search warrant.(a) No peace officer shall seek a no-knock search warrant unless the warrant application includes at a minimum: (1) all documentation and materials the issuing court requires; (2) the information specified in paragraph (b); and (3) a sworn affidavit as provided in section 626.08. (b) Each warrant application seeking a no-knock entry must include, in detailed terms, the following: (1) why peace officers are seeking the use of a no-knock entry and are unable to detain the suspect or search the premises safely through the use of a knock and announce warrant; (2) what investigative activities have taken place to support issuance of the no-knock search warrant, or why no investigative activity is needed or able to be performed; (3) the known or suspected occupant or occupants of the premises, including the number of occupants under age 18; and (4) whether the warrant can be effectively executed during daylight hours according to subdivision 1. (c) The chief law enforcement officer or designee and another superior officer must review and approve each warrant application. The agency must document the approval of both reviewing parties. (d) A no-knock search warrant shall not be issued when the only crime alleged is possession of a controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use. Subd. 4.Reporting requirements regarding no-knock search warrants.(a) Law enforcement agencies shall report to the commissioner of public safety regarding the use of no-knock search warrants in a format prescribed by the commissioner. An agency must report the use of a no-knock search warrant to the commissioner no later than three months after the date the warrant was issued. The report shall include the following information: (1) the number of no-knock search warrants requested; (2) the number of no-knock search warrants the court issued; (3) the number of no-knock search warrants executed; (4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians in the execution of no-knock search warrants; and (5) any other information the commissioner requests. (b) The commissioner of public safety shall report the information provided under paragraph (a) annually to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety. 1963 c 849 s 12; 1983 c 359 s 116; 1992 c 569 s 29; 1Sp2021 c 11 art 9 s 23; 2023 c 52 art 9 s 5-7

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.15 — Execution And Return Of Warrant; Time.

(a) Except as provided in paragraphs (b) and (c), a search warrant must be executed and returned to the court which issued it within ten days after its date. After the expiration of this time, the warrant is void unless previously executed. (b) A search warrant on a financial institution for financial records is valid for 30 days. (c) A district court judge may grant an extension of a warrant on a financial institution for financial records upon an application under oath stating that the financial institution has not produced the requested financial records within the 30-day period and that an extension is necessary to achieve the purposes for which the search warrant was granted. Each extension may not exceed 30 days. (d) For the purposes of this section, "financial institution" has the meaning given in section 13A.01, subdivision 2, and "financial records" has the meaning given in section 13A.01, subdivision 3. 1963 c 849 s 13; 1983 c 359 s 117; 1999 c 117 s 1; 2023 c 52 art 9 s 8

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.16 — Delivery Of Copy Of Warrant And Receipt.

When the officer conducts the search the officer must give a copy of the warrant and, when property or things are taken, a receipt therefor (specifying it in detail) to the person in whose possession the premises or the property or things taken were found; or, in the absence of any person, the officer must leave such copy of the warrant and receipt in the place where the property or things were found. Such delivery of a copy of the warrant shall constitute service. 1963 c 849 s 14; 1986 c 444

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.17 — Return And Inventory.

The officer must immediately return the warrant to the court and deliver to it a written inventory of the property or things taken, verified by the certificate of the officer at the foot of the inventory. 1963 c 849 s 15; 1983 c 359 s 118

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.18 — Search Warrants Relating To Electronic Communication Services And Remote Computing Services.

Subdivision 1.Definitions.The definitions in this subdivision apply to this section. (a) The terms "electronic communication services" and "remote computing services" shall be construed in accordance with United States Code, title 18, sections 2701 to 2711, as amended through March 1, 2001. This section does not apply to corporations that do not provide those services to the general public. (b) An "adverse result" occurs when notification of the existence of a search warrant results in: (1) danger to the life or physical safety of an individual; (2) a flight from prosecution; (3) the destruction of or tampering with evidence; (4) the intimidation of potential witnesses; or (5) serious jeopardy to an investigation or undue delay of a trial. (c) "Applicant" means a peace officer as defined in section 626.05, to whom a search warrant is issued pursuant to this chapter. (d) "Minnesota corporation" refers to any corporation or other entity that is subject to section 5.25, excluding foreign corporations. (e) A "foreign corporation" is considered to be doing business in Minnesota if it makes a contract or engages in a terms of service agreement with a resident of Minnesota to be performed in whole or in part by either party in Minnesota. The making of the contract or terms of service agreement is considered to be the agreement of the foreign corporation that any administrative subpoena or search warrant properly served on it has the same legal force and effect as if served personally on it within the state of Minnesota. (f) "Properly served" means that a search warrant has been delivered by hand, or in a manner reasonably allowing for proof of delivery if delivered by United States mail, overnight delivery service, or facsimile to a person or entity listed in section 5.25 or covered by this statute. Subd. 2.Application.(a) The following provisions shall apply to any search warrant issued under this chapter allowing a search for records that are in the actual or constructive possession of a foreign corporation that provides electronic communication services or remote computing services to the general public, where those records would reveal the identity of the customers using those services; data stored by, or on behalf of, the customer; the customer's usage of those services; the recipient or destination of communications sent to or from those customers; or the content of those communications. (b) When properly served with a search warrant issued by the Minnesota court, a foreign corporation subject to this section shall provide to the applicant all records sought pursuant to that warrant within eight business days of receipt, including those records maintained or located outside this state. (c) Where the applicant makes a showing and the judge finds that failure to produce records within less than eight business days would cause an adverse result, the warrant may require production of records within less than eight business days. A court may reasonably extend the time required for production of the records upon finding that the foreign corporation has shown good cause for that extension and that an extension of time would not cause an adverse result. (d) A foreign corporation seeking to quash the warrant must seek relief from the court that issued the warrant within the time required for production of records under this section. The issuing court shall hear and decide that motion no later than eight court days after the motion is filed. (e) The foreign corporation shall verify the authenticity of records that it produces by providing a written affidavit or statement to that effect. Subd. 3.Warrant of another state.A Minnesota corporation that provides electronic communication services or remote computing services to the general public, when served with a warrant issued by another state to produce records that would reveal the identity of the customers using those services; data stored by, or on behalf of, the customer; the customer's usage of those services; the recipient or destination of communications sent to or from those customers; or the content of those communications, shall produce those records as if that warrant had been issued by a Minnesota court. Subd. 4.Immunity.No cause of action shall lie against any foreign or Minnesota corporation subject to this section, its officers, employees, agents, or other specified persons for providing records, information, facilities, or assistance in accordance with the terms of a warrant issued pursuant to this chapter. 2001 c 197 s 6

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.19 — Use Of Unmanned Aerial Vehicles.

Subdivision 1.Application; definitions.(a) This section applies to unmanned aerial vehicle data collected, created, or maintained by a law enforcement agency and to law enforcement agencies that maintain, use, or plan to use an unmanned aerial vehicle in investigations, training, or in response to emergencies, incidents, and requests for service. Unmanned aerial vehicle data collected, created, or maintained by a government entity is classified under chapter 13. (b) For purposes of this section, the following terms have the meanings given: (1) "government entity" has the meaning given in section 13.02, subdivision 7a, except that it does not include a law enforcement agency; (2) "law enforcement agency" has the meaning given in section 626.84, subdivision 1; (3) "unmanned aerial vehicle" or "UAV" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft; and (4) "terrorist attack" means a crime that furthers terrorism as defined in section 609.714, subdivision 1. Subd. 2.Use of unmanned aerial vehicles limited.Except as provided in subdivision 3, a law enforcement agency must not use a UAV without a search warrant issued under this chapter. Subd. 3.Authorized use.A law enforcement agency may use a UAV: (1) during or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person; (2) over a public event where there is a heightened risk to the safety of participants or bystanders; (3) to counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk; (4) to prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue, and recovery operations in the aftermath of these disasters; (5) to conduct a threat assessment in anticipation of a specific event; (6) to collect information from a public area if there is reasonable suspicion of criminal activity; (7) to collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road; (8) over a public area for officer training or public relations purposes; and (9) for purposes unrelated to law enforcement at the request of a government entity provided that the government entity makes the request in writing to the law enforcement agency and specifies the reason for the request and proposed period of use. Subd. 4.Limitations on use.(a) A law enforcement agency using a UAV must comply with all Federal Aviation Administration requirements and guidelines. (b) A law enforcement agency must not deploy a UAV with facial recognition or other biometric-matching technology unless

expressly authorized by a warrant. (c) A law enforcement agency must not equip a UAV with weapons. (d) A law enforcement agency must not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under subdivision 3. Subd. 5.Documentation required.A law enforcement agency must document each use of a UAV, connect each deployment to a unique case number, provide a factual basis for the use of a UAV, and identify the applicable exception under subdivision 3 unless a warrant was obtained. Subd. 6.Data classification; retention.(a) Data collected by a UAV are private data on individuals or nonpublic data, subject to the following: (1) if the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy; (2) UAV data may be disclosed as necessary in an emergency situation under subdivision 3, clause (1); (3) UAV data may be disclosed to the government entity making a request for UAV use under subdivision 3, clause (9); (4) UAV data that are criminal investigative data are governed by section 13.82, subdivision 7; and (5) UAV data that are not public data under other provisions of chapter 13 retain that classification. (b) Section 13.04, subdivision 2, does not apply to data collected by a UAV. (c) Notwithstanding section 138.17, a law enforcement agency must delete data collected by a UAV as soon as possible, and in no event later than seven days after collection unless the data is part of an active criminal investigation. Subd. 7.Evidence.Information obtained or collected by a law enforcement agency in violation of this section is not admissible as evidence in a criminal, administrative, or civil proceeding against the data subject. Subd. 8.Remedies.In addition to any other remedies provided by law, including remedies available under chapter 13, an aggrieved party may bring a civil action against a law enforcement agency to prevent or remedy a violation of this section. Subd. 9.Public comment.A law enforcement agency must provide an opportunity for public comment before it purchases or uses a UAV. At a minimum, the agency must accept public comments submitted electronically or by mail. The governing body with jurisdiction over the budget of a local law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting. Subd. 10.Written policies and procedures required.Prior to the operation of a UAV, the chief officer of every state and local law enforcement agency that uses or proposes to use a UAV must establish and enforce a written policy governing its use, including requests for use from government entities. In developing and adopting the policy, the law enforcement agency must provide for public comment and input as described in subdivision 9. The written policy must be posted on the agency's website, if the agency has a website. Subd. 11.Notice; disclosure of warrant.(a) Within a reasonable time but not later than 90 days after the court unseals a warrant under this subdivision, the issuing or denying judge shall cause to be served on the persons named in the warrant and the application an inventory that shall include notice of: (1) the issuance of the warrant or application; (2) the date of issuance and the period of authorized, approved, or disapproved collection of information, or the denial of the application; and (3) whether information was or was not collected during the period. (b) A warrant authorizing collection of information with a UAV must direct that: (1) the warrant be sealed for a period of 90 days or until the objective of the warrant has been accomplished, whichever is shorter; and (2) the warrant be filed with the court administrator within ten days of the expiration of the warrant. (c) The prosecutor may request that the warrant, supporting affidavits, and any order granting the request not be filed. An order must be issued granting the request in whole or in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that filing the warrant may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation. (d) The warrant must direct that, following the commencement of any criminal proceeding using evidence obtained in or as a result of the search, the supporting application or affidavit must be filed either immediately or at any other time as the court directs. Until the filing, the documents and materials ordered withheld from filing must be retained by the judge or the judge's designee. Subd. 12.Reporting.(a) By January 15 of each year, each law enforcement agency that maintains or uses a UAV shall report to the commissioner of public safety the following information for the preceding calendar year: (1) the number of times a UAV was deployed without a search warrant issued under this chapter, identifying the date of deployment and the authorized use of the UAV under subdivision 3; and (2) the total cost of the agency's UAV program. (b) By June 15 of each year, the commissioner of public safety shall compile the reports submitted to the commissioner under paragraph (a), organize the reports by law enforcement agency, submit the compiled report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over data practices and public safety, and make the compiled report public on the department's website. (c) By January 15 of each year, a judge who has issued or denied approval of a warrant under this section that expired during the preceding year shall report to the state court administrator: (1) that a warrant or extension was applied for; (2) the type of warrant or extension applied for; (3) whether the warrant or extension was granted as applied for, modified, or denied; (4) the period of UAV use authorized by the warrant and the number and duration of any extensions of the warrant; (5) the offense specified in the warrant or application or extension of a warrant; and (6) the identity of the law enforcement agency making the application and the person authorizing the application. (d) By June 15 of each year, the state court administrator shall submit to the chairs and ranking minority members of the senate and house of representatives committees or divisions having jurisdiction over data practices and public safety and post on the supreme court's website a full and complete report concerning the number of applications for warrants authorizing or approving use of UAVs or disclosure of information from the use of UAVs under this section and the number of warrants and extensions granted or denied under this section during the preceding calendar year. The report must include a summary and analysis of the data required to be filed with the state court administrator under paragraph (c). 2020 c 82 s 5

(a) A person aggrieved by an unlawful search and seizure may move the district court for the district in which the property was seized or the district court having jurisdiction of the substantive offense for the return of the property and to suppress the use, as evidence, of anything so obtained on the ground that: (1) the property was illegally seized; (2) the property was illegally seized without warrant; (3) the warrant is insufficient on its face; (4) the property seized is not that described in the warrant; (5) there was not probable cause for believing the existence of the grounds on which the warrant was issued; (6) the warrant was illegally executed; (7) the warrant was improvidently issued; or (8) the warrant was executed or served in violation of section 626.14. (b) The judge shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted the property shall be restored unless otherwise subject to lawful detention, and it shall not be admissible in evidence at any hearing or trial. The motion to suppress evidence may also be made in the district where the trial is to be had. The motion shall be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing. 1963 c 850 s 1; 1998 c 254 art 2 s 71; 2023 c 52 art 9 s 9

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.22 — Maliciously Procuring Search Warrant; Misconduct In Use.

Every person who shall maliciously and without probable cause procure a search warrant to be issued and executed, and every officer who, in executing a search warrant, shall willfully exceed the officer's authority, or exercise it with unnecessary severity, shall be guilty of a misdemeanor. (10031) RL s 4846; 1986 c 444

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.223 — Odor Of Cannabis; Search Prohibited.

A peace officer's perception of the odor of cannabis shall not serve as the sole basis to search a motor vehicle, or to search the driver, passengers, or any of the contents of a motor vehicle. 2024 c 123 art 3 s 5

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.52 — Suspicious Wounds; Reporting By Health Professionals.

Subdivision 1.Definition.As used in this section, "health professional" means a physician, surgeon, person authorized to engage in the practice of healing, superintendent or manager of a hospital, nurse, or pharmacist. Subd. 2.Health professionals required to report.A health professional shall immediately report, as provided under section 626.53, to the local police department or county sheriff all bullet wounds, gunshot wounds, powder burns, or any other injury arising from, or caused by the discharge of any gun, pistol, or any other firearm, which wound the health professional is called upon to treat, dress, or bandage. A health professional shall report to the proper police authorities any wound that the reporter has reasonable cause to believe has been inflicted on a perpetrator of a crime by a dangerous weapon other than a firearm as defined under section 609.02, subdivision 6. Subd. 3.Reporting burns.A health professional shall file a written report with the state fire marshal within 72 hours after being notified of a burn injury or wound that the professional is called upon to treat, dress, or bandage, if the victim has sustained second- or third-degree burns to five percent or more of the body, the victim has sustained burns to the upper respiratory tract or sustained laryngeal edema from inhaling superheated air, or the victim has sustained a burn injury or wound that may result in the victim's death. The state fire marshal shall provide the form for the report. Subd. 4.Immunity from liability.Any person reporting in good faith and exercising due care shall have immunity from any liability, civil or criminal, that otherwise might result by reason of the person's actions pursuant to this section or section 626.53. No cause of action may be brought against any person for not making a report pursuant to this section or section 626.53. (9950-22a) 1935 c 165 s 1; 1963 c 489 s 1; 1965 c 759 s 1; 1985 c 288 s 1; 1986 c 444; 1988 c 548 s 1,2; 1989 c 290 art 8 s 3; 1Sp2001 c 8 art 12 s 17

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.53 — Report By Telephone And Letter.

Subdivision 1.Reports to sheriffs and police chiefs.The report required by section 626.52, subdivision 2, shall be made forthwith by telephone or in person, and shall be promptly supplemented by letter, enclosed in a securely sealed, postpaid envelope, addressed to the sheriff of the county in which the wound is examined, dressed, or otherwise treated; except that, if the place in which the patient is treated for such injury or the patient's wound dressed or bandaged be in a city of the first, second, or third class, such report shall be made and transmitted as herein provided to the chief of police of such city instead of the sheriff. Except as otherwise provided in subdivision 2, the office of any such sheriff and of any such chief of police shall keep the report as a confidential communication and shall not disclose the name of the person making the same, and the party making the report shall not by reason thereof be subpoenaed, examined, or forced to testify in court as a consequence of having made such a report. Subd. 2.Reports to Department of Health.Upon receiving a report of a wound caused by or arising from the discharge of a firearm, the sheriff or chief of police shall forward the information contained in the report to the commissioner of health. The commissioner of health shall keep the report as a confidential communication, as provided under subdivision 1. The commissioner shall maintain a statewide, computerized record system containing summary data, as defined in section 13.02, on information received under this subdivision. (9950-23) 1935 c 165

s 2; 1986 c 444; 1988 c 548 s 3; 1995 c 244 s 38

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.54 — Application Of Sections 626.52 To 626.55.

The requirements of sections 626.52 to 626.55 shall not apply to a nurse employed in a hospital nor to a nurse regularly employed by a physician, surgeon, or other person practicing healing, where the employer has made a proper report in compliance therewith. (9950-24) 1935 c 165 s 3

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.553 — Gunshot Wounds; Peace Officers, Discharging Firearms; Investigations; Reports.

Subdivision 1.Report; wounds; investigation.Upon receipt of the report required in sections 626.52 and 626.53, the sheriff or chief of police receiving the report shall determine the general cause of the wound, and upon determining that the wound was caused by an action connected with the occupation or sport of hunting or shooting the sheriff or chief of police shall immediately conduct a detailed investigation into the facts surrounding the incident or occurrence which occasioned the injury or death reported. The investigating officer shall report the findings of the investigation to the commissioner of natural resources on forms provided by the commissioner for this purpose. Subd. 2.Discharge firearm; kill animal.Whenever a peace officer discharges a firearm in the course of duty, other than for training purposes or the killing of an animal that is sick, injured, or dangerous, notification shall be filed within 30 days of the incident by the officer's department head with the commissioner of public safety. The commissioner of public safety shall forward a copy of the filing to the Board of Peace Officer Standards and Training. The notification shall contain information concerning the reason for and circumstances surrounding discharge of the firearm. The commissioner of public safety shall file a report with the legislature by November 15 of each even-numbered year containing summary information concerning use of firearms by peace officers. 1957 c 407 s 1; 1969 c 1129 art 10 s 2; 1977 c 455 s 89; 1983 c 293 s 108; 1986 c 444; 1991 c 141 s 1

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.5531 — Reporting Of Crimes Motivated By Bias.

Subdivision 1.Reports required.A peace officer must report to the head of the officer's department every violation of chapter 609 or a local criminal ordinance if the officer has reason to believe, or if the victim alleges, that the act was committed in whole or in substantial part because of the victim's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03. The superintendent of the Bureau of Criminal Apprehension shall adopt a reporting form to be used by law enforcement agencies in making the reports required under this section. The reports must include for each incident all of the following: (1) the date of the offense; (2) the location of the offense; (3) whether the target of the incident is a person, private property, or public property; (4) the crime committed; (5) the type of bias and information about the offender and the victim that is relevant to that bias; (6) any organized group involved in the incident; (7) the disposition of the case; (8) whether the determination that the offense was motivated by bias was based on the officer's reasonable belief or on the victim's allegation; and (9) any additional information the superintendent deems necessary for the acquisition of accurate and relevant data. Subd. 2.Use of information collected.The head of a local law enforcement agency or state law enforcement department that employs peace officers licensed under section 626.843 must file a monthly report describing crimes reported under this section with the Department of Public Safety, Bureau of Criminal Apprehension. The commissioner of public safety must summarize and analyze the information received and file an annual report with the Department of Human Rights and the legislature. The commissioner may include information in the annual report concerning any additional criminal activity motivated by bias that is not covered by this section. 1988 c 643 s 1; 1989 c 261 s 9; 1992 c 571 art 15 s 12; 2023 c 52 art 10 s 9

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.5533 — Reporting Potential Welfare Fraud.

Subdivision 1.Reports required.A peace officer must report to the head of the officer's department every arrest where the person arrested possesses more than one welfare electronic benefit transfer card. Each report must include all of the following: (1) the name of the suspect; (2) the suspect's driver's license or state identification card number, where available; (3) the suspect's home address; (4) the number on each card; (5) the name on each electronic benefit card in the possession of the suspect, in cases where the card has a name printed on it; (6) the date of the alleged offense; (7) the location of the alleged offense; (8) the alleged offense; and (9) any other information the commissioner of human services deems necessary. Subd. 2.Use of information collected.The head of a local law enforcement agency or state law enforcement department that employs peace officers licensed under section 626.843 must forward the report required under subdivision 1 to the commissioner of human services within 30 days of receiving the report. The commissioner of human services shall use the report to determine whether the suspect is authorized to possess any of the electronic

benefit cards found in the suspect's possession. Subd. 3.Reporting forms.The commissioner of human services, in consultation with the superintendent of the Bureau of Criminal Apprehension, shall adopt reporting forms to be used by law enforcement agencies in making the reports required under this section. 2012 c 247 art 3 s 23

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.5534 — Use Of Force Reporting; Independent Investigations Required.

Subdivision 1.Report required.A chief law enforcement officer must provide the information requested by the Federal Bureau of Investigation about each incident of law enforcement use of force resulting in serious bodily injury or death, as those terms are defined in the Federal Bureau of Investigation's reporting requirements, to the superintendent of the Bureau of Criminal Apprehension. The superintendent shall adopt a reporting form for use by law enforcement agencies in making the report required under this section. The report must include for each incident all of the information requested by the Federal Bureau of Investigation. Subd. 2.Use of information collected.A chief law enforcement officer must file the report under subdivision 1 once a month in the form required by the superintendent. The superintendent must summarize and analyze the information received and submit an annual written report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety. The superintendent shall submit the information to the Federal Bureau of Investigation. Subd. 3.Independent investigations required.(a) The Use of Force Investigations Unit within the Bureau of Criminal Apprehension must investigate any officer-involved death as defined in section 299C.80, subdivision 1, paragraph (c), unless the subject of the investigation is a peace officer employed by the Bureau of Criminal Apprehension. Section 299C.80, subdivision 4, applies to an officer-involved death investigation of a peace officer employed by the Bureau of Criminal Apprehension. (b) Law enforcement agencies must fully cooperate with and promptly respond to requests for information from the entity conducting an investigation mandated under paragraph (a). (c) An entity that conducts an investigation under this subdivision must prepare a report detailing the entity's investigation and promptly deliver the report to the prosecutor for the county in which the incident occurred. If a prosecuting authority determines that there is no basis to file charges against a peace officer involved in the incident, the prosecutor must simultaneously publicly disclose the prosecutor's determination and all inactive investigative data in the report that are public under section 13.82, subdivision 7, or other applicable law. The prosecutor must cooperate with the entity that conducted the investigation in determining what data in the report must be publicly disclosed. 2Sp2020 c 1 s 11; 2024 c 123 art 3 s 6

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.5535 — Carjacking; Reporting Required.

Subdivision 1.Definition.For purposes of this section, "carjacking" means a violation of section 609.247. Subd. 2.Use of information collected.(a) The head of a local law enforcement agency or state law enforcement department that employs peace officers, as defined in section 626.84, subdivision 1, paragraph (c), must forward the following carjacking information from the agency's or department's jurisdiction for the previous year to the commissioner of public safety by January 15 each year: (1) the number of carjacking attempts; (2) the number of carjackings; (3) the ages of the offenders; (4) the number of persons injured in each offense; (5) the number of persons killed in each offense; and (6) weapons used in each offense, if any. (b) The commissioner of public safety must include the data received under paragraph (a) in a separate carjacking category in the department's annual uniform crime report. 2023 c 52 art 9 s 10

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.5571 — Multidisciplinary Adult Protection Team.

Subdivision 1.Establishment of team.A county may establish a multidisciplinary adult protection team comprised of the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, and representatives of health care. In addition, representatives of mental health or other appropriate human service agencies, community corrections agencies, representatives from local tribal governments, local law enforcement agencies or designees thereof, adult advocate groups, and any other organization with relevant expertise may be added to the adult protection team. Subd. 2.Duties of team.A multidisciplinary adult protection team may provide public and professional education, develop resources for prevention, intervention, and treatment, and provide case consultation to the local welfare agency to better enable the agency to carry out its functions under section 626.557 and to meet the community's needs. Case consultation may be performed by a committee of the team composed of the team members representing social services, law enforcement, the county attorney, health care, and persons directly involved in an individual case as determined by the case consultation committee. Case consultation includes a case review process that results in recommendations about services to be provided to the identified adult and family. Subd. 3.Information sharing.The local welfare agency may make available to members of the team for case consultation all records collected and maintained by the agency under section 626.557 and in connection with case consultation. Any member of the case consultation committee may share data, acquired in the member's professional capacity, with the committee to assist the committee in its function. Members prohibited from disclosing patient identifying information because of federal or state law shall seek consent from each patient or resident, or a guardian, conservator or legal representative, for the disclosure of appropriate data to the case consultation committee. 1988 c 575 s 1; 2005 c 98 art 3 s 23; 2011 c 28 s 15; 2022 c 98 art 6 s 19; art 8 s 45,46

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.5572 — Definitions.

Subdivision 1.Scope.For the purpose of section 626.557, the following terms have the meanings given them, unless otherwise specified. Subd. 2.Abuse."Abuse" means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; or (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult unless authorized under applicable licensing requirements or Minnesota Rules, chapter 9544. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. (e) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C or 252A, or section 253B.03 or 524.5-313, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition and hydration parenterally or through intubation. This paragraph does not enlarge or diminish rights otherwise held under law by: (1) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or (2) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct. (f) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult. (g) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with: (1) a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship; or (2) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship. Subd. 3.Accident."Accident" means a sudden, unforeseen, and unexpected occurrence or event which: (1) is not likely to occur and which could not have been prevented by exercise of due care; and (2) if occurring while a vulnerable adult is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event. Subd. 4.Caregiver."Caregiver" means an individual or facility who has responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement. Caregiver does not include an unpaid caregiver who provides incidental care. Subd. 5.Common entry point."Common entry point" means the entity responsible for receiving reports of alleged or suspected maltreatment of a vulnerable adult under section 626.557. Subd. 6.Facility.(a) "Facility" means a hospital or other entity required to be licensed under sections 144.50 to 144.58; a nursing home required to be licensed to serve adults under section 144A.02; a facility or service required to be licensed under chapter 245A; an assisted living facility required to be licensed under chapter 144G; a home care provider licensed or required to be licensed under sections 144A.43 to 144A.482; a hospice provider licensed under sections 144A.75 to 144A.755; or a person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, 256B.0659, or 256B.85. (b) For services identified in paragraph (a) that are provided in the vulnerable adult's own home or in another unlicensed location, the term "facility" refers to the provider, person, or organization that offers, provides, or arranges for personal care services, and does not refer to the vulnerable adult's home or other location at which services are rendered. Subd. 7.False."False" means a preponderance of the evidence shows that an act that meets the definition of maltreatment did not occur. Subd. 8.Final disposition."Final disposition" is the determination of an investigation by a lead investigative agency that a report of maltreatment under Laws 1995, chapter 229, is substantiated, inconclusive, false, or that no determination will be made. When a lead investigative agency determination has substantiated maltreatment, the final disposition also identifies, if known, which individual or individuals were responsible for the substantiated maltreatment, and whether a facility was responsible for the substantiated maltreatment. Subd. 9.Financial exploitation."Financial exploitation" means: (a) In breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501, a person: (1) engages in unauthorized expenditure of funds entrusted to the actor by the vulnerable adult which results or is likely to result in detriment to the vulnerable adult; or (2) fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic

conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult. (b) In the absence of legal authority a person: (1) willfully uses, withholds, or disposes of funds or property of a vulnerable adult; (2) obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult; (3) acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or (4) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another. (c) Nothing in this definition requires a facility or caregiver to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law. Subd. 10.Immediately."Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received. Subd. 11.Inconclusive."Inconclusive" means there is less than a preponderance of evidence to show that maltreatment did or did not occur. Subd. 12.Initial disposition."Initial disposition" is the lead investigative agency's determination of whether the report will be assigned for further investigation. Subd. 13.Lead investigative agency."Lead investigative agency" is the primary administrative agency responsible for investigating reports made under section 626.557. (a) The Department of Health is the lead investigative agency for facilities or services licensed or required to be licensed as hospitals, home care providers, nursing homes, boarding care homes, hospice providers, residential facilities that are also federally certified as intermediate care facilities that serve people with developmental disabilities, or any other facility or service not listed in this subdivision that is licensed or required to be licensed by the Department of Health for the care of vulnerable adults. "Home care provider" has the meaning provided in section 144A.43, subdivision 4, and applies when care or services are delivered in the vulnerable adult's home. (b) The Department of Human Services is the lead investigative agency for facilities or services licensed or required to be licensed as adult day care, adult foster care, community residential settings, programs for people with disabilities, family adult day services, mental health programs, mental health clinics, substance use disorder programs, the Minnesota Sex Offender Program, or any other facility or service not listed in this subdivision that is licensed or required to be licensed by the Department of Human Services. (c) The county social service agency or its designee is the lead investigative agency for all other reports, including, but not limited to, reports involving vulnerable adults receiving services from a personal care provider organization under section 256B.0659. Subd. 14.Legal authority."Legal authority" includes, but is not limited to: (1) a fiduciary obligation recognized elsewhere in law, including pertinent regulations; (2) a contractual obligation; or (3) documented consent by a competent person. Subd. 15.Maltreatment."Maltreatment" means abuse as defined in subdivision 2, neglect as defined in subdivision 17, or financial exploitation as defined in subdivision 9. Subd. 16.Mandated reporter."Mandated reporter" means a professional or professional's delegate while engaged in: (1) social services; (2) law enforcement; (3) education; (4) the care of vulnerable adults; (5) any of the occupations referred to in section 214.01, subdivision 2; (6) an employee of a rehabilitation facility certified by the commissioner of jobs and training for vocational rehabilitation; (7) an employee or person providing services in a facility as defined in subdivision 6; or (8) a person that performs the duties of the medical examiner or coroner. Subd. 17.Neglect.(a) "Neglect" means neglect by a caregiver or self-neglect. (b) "Caregiver neglect" means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. (c) "Self-neglect" means neglect by a vulnerable adult of the vulnerable adult's own food, clothing, shelter, health care, or other services that are not the responsibility of a caregiver which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort. (d) For purposes of this section, a vulnerable adult is not neglected for the sole reason that: (1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult, or, where permitted under law, to provide nutrition and hydration parenterally or through intubation; this paragraph does not enlarge or diminish rights otherwise held under law by: (i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or (ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or (2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult; (3) the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with: (i) a person including a facility staff person when a consensual sexual personal relationship existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship; or (4) an individual makes an error in the provision of therapeutic conduct to a vulnerable adult which does not result in injury or harm which reasonably requires medical or mental health care; or (5) an individual makes an error in the provision of therapeutic conduct to a vulnerable adult that results in injury or harm, which reasonably requires the care of a physician, and: (i) the necessary care is provided in a timely fashion as dictated by the condition of the vulnerable adult; (ii) if after receiving care, the health status of the vulnerable adult can be reasonably expected, as determined by the attending physician, to be restored to the vulnerable adult's preexisting condition; (iii) the error is not part of a pattern of errors by the individual; (iv) if in a facility, the error is immediately reported as required under section 626.557, and recorded internally in the facility; (v) if in a

facility, the facility identifies and takes corrective action and implements measures designed to reduce the risk of further occurrence of this error and similar errors; and (vi) if in a facility, the actions required under items (iv) and (v) are sufficiently documented for review and evaluation by the facility and any applicable licensing, certification, and ombudsman agency. (e) Nothing in this definition requires a caregiver, if regulated, to provide services in excess of those required by the caregiver's license, certification, registration, or other regulation. (f) If the findings of an investigation by a lead investigative agency result in a determination of substantiated maltreatment for the sole reason that the actions required of a facility under paragraph (d), clause (5), item (iv), (v), or (vi), were not taken, then the facility is subject to a correction order. An individual will not be found to have neglected or maltreated the vulnerable adult based solely on the facility's not having taken the actions required under paragraph (d), clause (5), item (iv), (v), or (vi). This must not alter the lead investigative agency's determination of mitigating factors under section 626.557, subdivision 9c, paragraph (f). Subd. 18.Report."Report" means a statement concerning all the circumstances surrounding the alleged or suspected maltreatment, as defined in this section, of a vulnerable adult which are known to the reporter at the time the statement is made. Subd. 19.Substantiated."Substantiated" means a preponderance of the evidence shows that an act that meets the definition of maltreatment occurred. Subd. 20.Therapeutic conduct."Therapeutic conduct" means the provision of program services, health care, or other personal care services done in good faith in the interests of the vulnerable adult by: (1) an individual, facility, or employee or person providing services in a facility under the rights, privileges and responsibilities conferred by state license, certification, or registration; or (2) a caregiver. Subd. 21.Vulnerable adult.(a) "Vulnerable adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under chapter 245A, except that a person receiving outpatient services for treatment of substance use disorder or mental illness, or one who is served in the Minnesota Sex Offender Program on a court-hold order for commitment, or is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4); (3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under section 256B.0625, subdivision 19a, 256B.0651, 256B.0653, 256B.0654, 256B.0659, or 256B.85; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction: (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and (ii) because of the dysfunction or infirmity and the need for care or services, the individual has an impaired ability to protect the individual's self from maltreatment. (b) For purposes of this subdivision, "care or services" means care or services for the health, safety, welfare, or maintenance of an individual. 1995 c 229 art 1 s 22; 2000 c 319 s 3; 1Sp2001 c 9 art 14 s 32; 2002 c 252 s 23,24; 2002 c 379 art 1 s 113; 2004 c 146 art 3 s 46; 2006 c 212 art 3 s 41; 2007 c 112 s 57; 2008 c 326 art 2 s 15; 2009 c 79 art 6 s 20,21; art 8 s 75; 2009 c 119 s 17; 2009 c 142 art 2 s 48; 2011 c 28 s 16,17; 2012 c 216 art 9 s 32; 2013 c 108 art 8 s 58; 2014 c 262 art 4 s 9; art 5 s 6; 2015 c 78 art 6 s 26-28; 2016 c 158 art 1 s 210,211; 2019 c 60 art 1 s 47; art 4 s 33; 7Sp2020 c 1 art 6 s 25; 2022 c 98 art 4 s 51; art 8 s 47-49

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.5573 — Negligence Actions.

A violation of sections 626.557 to 626.5572 shall be admissible as evidence of negligence, but shall not be considered negligence per se. 1995 c 229 art 1 s 23

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.65 — Uniform Act On Fresh Pursuit; Reciprocal.

Any member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest the person on the ground that the person is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county, or municipal peace unit of this state, to arrest and hold in custody a person on the ground that the person is believed to have committed a felony in this state; provided, the rights extended by this section shall be extended only to those states granting these same rights to peace officers of this state who may be in fresh pursuit of suspected criminals in such reciprocating states. (10547-1) 1939 c 64 s 1; 1986 c 444

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.66 — Arrest; Hearing.

If an arrest is made in this state by an officer of another state in accordance with the provisions of section 626.65, the officer shall, without unnecessary delay, take the person arrested before a judge of the county in which the arrest was made. The judge shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was lawful, the judge shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state, or admit the person arrested to bail for such purpose. If the judge determines that the arrest was unlawful, the judge shall discharge the person arrested. (10547-2) 1939 c 64 s 2; 1983 c 359 s 119; 1986 c 444

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter

626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.67 — Construction Of Section 626.65.

Section 626.65 shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful. (10547-3) 1939 c 64 s 3

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.68 — State Includes District Of Columbia.

For the purpose of sections 626.65 to 626.69, the word "state" includes the District of Columbia. (10547-4) 1939 c 64 s 4

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.69 — Fresh Pursuit.

The term "fresh pursuit," as used in sections 626.65 to 626.69, includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit, as used therein, shall not necessarily imply instant pursuit, but pursuit without unreasonable delay. (10547-5) 1939 c 64 s 5

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.70 — Citation; Uniform Act On Fresh Pursuit.

Sections 626.65 to 626.70 may be cited as the Uniform Act on Fresh Pursuit. (10547-8) 1939 c 64 s 8

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.71 — Fresh Pursuit In Nonfelony Situations.

Subdivision 1.Definitions.As used in this section: (1) "fresh pursuit" means fresh pursuit as defined by the common law and includes the pursuit of a person who has committed or is reasonably believed to have committed a violation in the presence of the peace officer. Fresh pursuit does not necessarily imply instant pursuit, but pursuit without unreasonable delay; (2) "peace officer" means a member of a duly organized state, county, or municipal law enforcement unit; and (3) "violation" includes gross misdemeanors, misdemeanors, and traffic violations. Subd. 2.Fresh pursuit authority.A peace officer of another state who enters this state while on duty and in fresh pursuit, and who continues in fresh pursuit, of a person in order to arrest the person for a violation committed in the peace officer's presence, has the same authority to arrest and hold the person in custody as has any peace officer of this state if reciprocal fresh pursuit authority for that type of violation is extended to Minnesota peace officers by the pursuing officer's state. 1990 c 449 s 2

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.72 — Peace Officers; Transportation For Law Enforcement Purposes.

A peace officer, as defined in section 609.487, subdivision 2, clause (2), who enters this state to perform an assigned duty of transporting persons in legal custody for law enforcement purposes has the same authority to transport persons in legal custody as any member of any duly organized state, county, or municipal law enforcement unit of this state if a reciprocal right to transport persons in legal custody is extended to Minnesota peace officers by the peace officer's state or local jurisdiction. 1990 c 449 s 3

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.74 — Compensation For Damage Caused By Peace Officers In Performing Law Enforcement Duties.

Subdivision 1.Definitions.As used in this section: (1) "just compensation" means the compensation owed to an innocent third party under the state constitution by a Minnesota local government unit due to property damage caused by a peace officer in the course of executing a search warrant or apprehending a criminal suspect; and (2) "peace officer" has the meaning given in section 626.84. Subd. 2.Responsible government unit; execution of search warrant.If just compensation is owed for damage caused in the execution of a search warrant or the apprehension of a criminal suspect, the Minnesota local government unit employing the peace officer who sought issuance of the warrant or initiated the apprehension is responsible for paying the compensation. Except as otherwise provided in this subdivision, if the search warrant is executed or the apprehension is accomplished by a peace officer from another Minnesota local government unit in aid of the officer originating the warrant or initiating the apprehension, the responsibility for paying just compensation remains with the Minnesota local government unit employing the officer who originated the warrant or initiated the apprehension. In the event the property damage is caused by the negligence of a peace officer, the Minnesota local government unit employing that peace officer is responsible for paying just compensation. 1998 c 367 art 11 s 20

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.76 — Rules And Regulations; Aiding Other Officers; Exchange Programs.

Subdivision 1.Interagency cooperation.Any appointive or elective agency or office of peace officers as defined in subdivision 3 may establish rules or regulations and enter into agreements with other agencies and offices for: (1) assisting other peace officers in the line of their duty and within the course of their employment; and (2) exchanging the agency's peace officers with peace officers of another agency or office on a temporary basis. Additionally, the agency or office may establish rules and regulations for assisting probation, parole, and supervised release agents who are supervising probationers, parolees, or supervised releasees in the geographic area within the agency's or office's jurisdiction. Subd. 2.Assistance.(a) When a peace officer gives assistance to another peace officer, or to a parole, probation, or supervised release agent, within the scope of the rules or regulations of the peace officer's appointive or elected agency or office, any such assistance shall be within the line of duty and course of employment of the officer rendering the assistance. (b) When a peace officer acts on behalf of another agency or office within the scope of an exchange agreement entered into under subdivision 1, the officer's actions are within the officer's line of duty and course of employment to the same extent as if the officer had acted on behalf of the officer's employing agency. Subd. 3.Peace officer.For the purposes of this section, "peace officer" means any member of a police department, State Patrol, game warden service, sheriff's office, or any other law enforcement agency, the members of which have, by law, the power of arrest. Subd. 4.No enlargement of duties.This section shall in no way be construed as extending or enlarging the duties or authority of any peace officer or any other law enforcement agent as defined in subdivision 3 except as provided in this section. 1959 c 374 s 1; 1981 c 37 s 2; 1986 c 444; 1994 c 636 art 4 s 31

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.77 — Peace Officers From Adjoining States; Federal Law Enforcement Officers.

Subdivision 1.Arrest authority.A peace officer of a state adjoining Minnesota and a federal law enforcement officer have the same authority to arrest and hold an individual in custody as has any peace officer of this state if all of the following circumstances are present: (1) the officer is on duty and is acting on a request for assistance by a peace officer of this state; (2) while in this state, the officer acts under the direction of the peace officer to whom the officer is rendering assistance; (3) while in this state, the officer acts in accordance with the rules and regulations of the officer's own appointive or elective authority; and (4) upon effecting an arrest, the officer surrenders custody of the arrested individual to a peace officer of this state without unnecessary delay. Subd. 2.Tort liability; indemnification.A peace officer from an adjoining state or a federal law enforcement officer who responds to a request for assistance and who acts in accordance with subdivision 1 is serving in the regular line of duty as fully as though the service was within the officer's jurisdiction. For the purposes of section 3.736 and chapter 466, the officer is deemed to be an employee of the elective or appointive agency of the peace officer requesting assistance. Subd. 3.Definition.As used in this section, "federal law enforcement officer" means an officer or employee whether employed inside or outside the state of the Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Marshal Service, the Secret Service, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Department of Homeland Security, or the United States Postal Inspection Service, or their successor agencies, who is responsible for the prevention or detection of crimes or for the enforcement of the United States Code and who is authorized to arrest, with or without a warrant, any individual for a violation of the United States Code. 1994 c 441 s 1; 2001 c 16 s 1; 2006 c 260 art 1 s 40; 2007 c 13 art 1 s 25

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.84 — Definitions And Scope.

Subdivision 1.Definitions.For purposes of sections 626.84 to 626.863, the following terms have the meanings given them: (a) "Board" means the Board of Peace Officer Standards and Training. (b) "Director" means the executive director of the board. (c) "Peace officer" means: (1) an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota State Patrol, agents of the Division of Alcohol and Gambling Enforcement, state conservation officers, Metropolitan Transit police officers, Department of Corrections Fugitive Apprehension Unit officers, Department of Commerce Fraud Bureau Unit officers, the statewide coordinator of the Violent Crime Coordinating Council, and railroad peace officers as authorized by section 219.995 and United States Code, title 49, section 28101; and (2) a peace officer who is employed by a law enforcement agency of a federally recognized tribe, as defined in United States Code, title 25, section 450b(e), and who is licensed by the board. (d) "Part-time peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency. (e) "Reserve officer" means an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance, and shall include reserve deputies, special deputies, mounted or unmounted patrols, and all other employees or volunteers performing reserve officer functions. A reserve officer's duties do not include enforcement of the general criminal laws of the state, and the officer does not have full powers of arrest or authorization to carry a firearm on duty. (f) "Law enforcement agency" means: (1) a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state; (2) subject to the limitations in section 626.93, a law enforcement agency of a

federally recognized tribe, as defined in United States Code, title 25, section 450b(e); and (3) subject to the limitation of section 219.995, a railroad company. (g) "Professional peace officer education" means a postsecondary degree program, or a nondegree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board. (h) "Railroad peace officer" means an individual as authorized under United States Code, title 49, section 28101: (1) employed by a railroad for the purpose of aiding and supplementing law enforcement agencies in the protection of property owned by or in the care, custody, or control of a railroad and to protect the persons and property of railroad passengers and employees; and (2) licensed by the board. Subd. 2.Scope.Notwithstanding sections 12.03, subdivision 4, 12.25, or any other law to the contrary, no individual employed or acting as an agent of any political subdivision shall be authorized to carry a firearm when on duty unless the individual has been licensed under sections 626.84 to 626.863. Nothing herein shall be construed as requiring licensure of a security guard as that term is defined in section 626.88, subdivision 1, paragraph (c). 1977 c 433 s 1; 1978 c 681 s 8; 1979 c 282 s 1; 1980 c 578 s 2; 1981 c 37 s 2; 1981 c 310 s 1; 1986 c 444; 1987 c 334 s 4; 1989 c 334 art 6 s 13; 1991 c 356 art 6 s 1; 1997 c 129 art 2 s 15; 1997 c 149 s 4; 1999 c 175 s 1; 2000 c 291 s 2; 2004 c 269 art 1 s 11; 2005 c 10 art 1 s 77; art 2 s 3; 2007 c 134 art 11 s 9; 2010 c 383 s 7; 2011 c 85 s 4; 2013 c 135 art 3 s 22; 2024 c 123 art 3 s 7

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.841 — Board; Members.

The Board of Peace Officer Standards and Training shall be composed of the following 17 members: (1) two members to be appointed by the governor from among the county sheriffs in Minnesota; (2) four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police; (3) two members to be appointed by the governor from among peace officers, at least one of whom shall be a member of the Minnesota State Patrol Association; (4) the superintendent of the Minnesota Bureau of Criminal Apprehension or a designee; (5) two members appointed by the governor from among peace officers, or former peace officers, who are currently employed on a full-time basis in a professional peace officer education program; (6) two members to be appointed by the governor, one member to be appointed from among administrators of Minnesota colleges or universities that offer professional peace officer education, and one member to be appointed from among the elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2; and (7) four members appointed by the governor from among the general public. A chair shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state. 1967 c 870 s 1; 1969 c 108 s 1; 1977 c 433 s 2; 1979 c 282 s 2; 1981 c 310 s 2; 1986 c 444; 1987 c 358 s 129; 1995 c 226 art 4 s 24; 2Sp2020 c 1 s 12

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.842 — Terms; Meetings; Compensation; Removal; Vacancies.

Subdivision 1.Board procedural matters.Meetings shall be called at the request of the chair or upon the written request of a majority of the members of the board. Membership on the board shall not constitute the holding of a public office, and members of the board shall not be required to take and file oaths of office or submit a public official's bond before serving on the board. No member of the board shall be disqualified from holding any public office or employment, by reason of appointment to the board, nor shall the member forfeit any such office or employment notwithstanding any general, special, or local restriction, or ordinance, or city charter to the contrary. Subd. 2.Terms, compensation, removal, filling of vacancies.The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841; the provision of staff, administrative services and office space; the review and processing of complaints; the setting of fees; and other matters relating to board operations shall be as provided in chapter 214. 1967 c 870 s 2; 1969 c 108 s 2; 1971 c 24 s 55; 1976 c 134 s 76; 1977 c 433 s 3; 1986 c 444; 1Sp2021 c 11 art 9 s 24

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8431 — Automatic License Revocation.

The license of a peace officer convicted of a felony is automatically revoked. For purposes of this section, "conviction" includes a finding of guilt, whether or not the adjudication of guilt is stayed or executed, an admission of guilt, or a no contest plea. 1995 c 226 art 4 s 26

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8432 — Revocation; Suspension; Denial.

Subdivision 1.Grounds for revocation, suspension, or denial.(a) The board may refuse to issue, refuse to renew, refuse to reinstate, suspend, revoke eligibility for licensure, or revoke a peace officer or part-time peace officer license for any of the following causes: (1) fraud or misrepresentation in obtaining a license; (2) failure to meet licensure requirements; (3) a violation of section 626.8436, subdivision 1; or (4) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700. (b) Unless otherwise provided by the board, a revocation or suspension applies to each license, renewal, or reinstatement privilege held by the individual

at the time final action is taken by the board. A person whose license or renewal privilege has been suspended or revoked shall be ineligible to be issued any other license by the board during the pendency of the suspension or revocation. Subd. 2.Discovery of disqualifying conviction after licensure.The board may suspend or revoke a peace officer or part-time peace officer license when the licensee has been convicted of a crime recognized by the board as a crime that would disqualify the licensee from participating in a professional peace officer education course, taking the peace officer licensing examination or the part-time peace officer licensing examination, or maintaining eligibility for licensure under Minnesota Rules, chapter 6700. The authority to suspend or revoke a license shall include all individuals who have been granted a license when a disqualifying conviction that would have precluded eligibility for licensure is discovered after licensure. 2001 c 135 s 1; 2023 c 52 art 10 s 11

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8433 — Eyewitness Identification Policies Required.

Subdivision 1.Statewide model policy required.By November 1, 2020, the board, in consultation with stakeholders, shall develop a model policy that articulates best practices in eyewitness identification and promotes uniform practices statewide. The board shall distribute this model policy to all chief law enforcement officers. At a minimum, the policy must require that: (1) a person administering a live or photographic lineup be unaware of the suspect's identity, or if that is not practical, the administrator use a photographic lineup that prevents the administrator from seeing which member of the photographic lineup is being viewed by the eyewitness at a given time; (2) before the procedure, the eyewitness be instructed that the perpetrator may or may not be in the lineup; (3) nonsuspect "fillers" used in the lineup be substantially similar to the eyewitness' description of the perpetrator; and (4) immediately after an identification is made, the eyewitness provide a statement in the eyewitness' own words that articulates the level of the eyewitness' confidence in the identification. Subd. 2.Agency policies required.By February 1, 2021, the chief law enforcement officers of every state and local law enforcement agency shall adopt and implement a written policy on eyewitness identification practices that is identical to or substantially similar to the model policy developed under subdivision 1. Subd. 3.Admissibility of evidence not impacted.Nothing in this section is intended to preclude the admissibility of any relevant evidence or to affect the standards governing the admissibility of evidence under the United States or Minnesota Constitution. 2020 c 90 s 1

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8434 — Warrior-style Training Prohibited.

Subdivision 1.Definition.For purposes of this section, "warrior-style training" means training for peace officers that dehumanizes people or encourages aggressive conduct by peace officers during encounters with others in a manner that deemphasizes the value of human life or constitutional rights, the result of which increases a peace officer's likelihood or willingness to use deadly force. Subd. 2.No continuing education credits or tuition reimbursement.(a) The board may not certify a continuing education course that includes warrior-style training. (b) The board may not grant continuing education credit to a peace officer for a course that includes warrior-style training. (c) The board may not reimburse a law enforcement agency or a peace officer for a course that includes warrior-style training. Subd. 3.Training prohibited.A law enforcement agency may not provide warrior-style training, directly or through a third party, to a peace officer. 2Sp2020 c 1 s 14

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8435 — Public Safety Advisory Council.

Subdivision 1.Establishment and membership.The Public Safety Advisory Council is established under the Peace Officer Standards and Training Board. The council consists of the following 15 members: (1) the superintendent of the Bureau of Criminal Apprehension, or a designee; (2) the executive director of the Peace Officer Standards and Training Board, or a designee; (3) the executive director of the Minnesota Police and Peace Officers Association, or a designee; (4) the executive director of the Minnesota Sheriffs' Association, or a designee; (5) the executive director of the Minnesota Chiefs of Police Association, or a designee; (6) six community members, of which: (i) four members shall represent the community-specific boards established under sections 15.0145 and 3.922, reflecting one appointment made by each board; (ii) one member shall be a mental health advocate and shall be appointed by the Minnesota chapter of the National Alliance on Mental Illness; and (iii) one member shall be an advocate for victims and shall be appointed by Violence Free Minnesota; and (7) four members appointed by the legislature, of which one shall be appointed by the speaker of the house, one by the house minority leader, one by the senate majority leader, and one by the senate minority leader. The appointing authorities shall make their appointments by September 15, 2020, and shall ensure geographical balance when making appointments. Subd. 2.Purpose and duties.(a) The purpose of the council is to assist the board in maintaining policies and regulating peace officers in a manner that ensures the protection of civil and human rights. The council shall provide for citizen involvement in policing policies, regulations, and supervision. The council shall advance policies and reforms that promote positive interactions between peace officers and the community. (b) The board chair must place the council's recommendations to the board on the board's agenda within four months of receiving a recommendation from the council. Subd. 3.Organization.The council shall be organized and administered under section 15.059, except that the council does not expire. Council members serve at the pleasure of the appointing authority. The council shall select a chairperson from among the members by majority vote at its first meeting. The executive director of the board shall serve as the council's executive secretary. Subd. 4.Meetings.The council must meet at least quarterly. Meetings of the council are governed by chapter 13D. The executive director of the Peace Officer Standards and Training

Board shall convene the council's first meeting, which must occur by October 15, 2020. Subd. 5.Office support.The executive director of the Peace Officer Standards and Training Board shall provide the council with the necessary office space, supplies, equipment, and clerical support to effectively perform the duties imposed. Subd. 6.Reports.The council shall submit a report by February 15 of each year to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and the board. At a minimum, the report shall include: (1) all recommendations presented to the board and how the board acted on those recommendations; (2) recommendations for statutory reform or legislative initiatives intended to promote police-community relations; and (3) updates on the council's review and determinations. 2Sp2020 c 1 s 15; 3Sp2020 c 2 s 3; 1Sp2021 c 11 art 9 s 25; 2024 c 123 art 3 s 8

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8436 — Hate Or Extremist Groups.

Subdivision 1.Prohibition.(a) A peace officer may not join, support, advocate for, maintain membership, or participate in the activities of: (1) a hate or extremist group; or (2) a criminal gang as defined in section 609.229, subdivision 1. (b) This section does not apply when the conduct is sanctioned by the law enforcement agency as part of the officer's official duties. Subd. 2.Definitions.(a) "Hate or extremist group" means a group that, as demonstrated by its official statements or principles, the statements of its leaders or members, or its activities: (1) promotes the use of threats, force, violence, or criminal activity: (i) against a local, state, or federal entity, or the officials of such an entity; (ii) to deprive, or attempt to deprive, individuals of their civil rights under the Minnesota or United States Constitution; or (iii) to achieve goals that are political, religious, discriminatory, or ideological in nature; (2) promotes seditious activities; or (3) advocates for differences in the right to vote, speak, assemble, travel, or maintain citizenship based on a person's perceived race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, public assistance status, or any protected class as defined in Minnesota Statutes or federal law. (b) For the purposes of this section, advocacy, membership, or participation in a hate or extremist group or criminal gang is demonstrated by: (1) dissemination of material that promotes: (i) the use of threats, force, violence, or criminal activity; (ii) seditious activities; or (iii) the objectives described in paragraph (a), clause (3); (2) engagement in cyber or social media posts, chats, forums, and other forms of promotion of the group's activities; (3) display or use of insignia, colors, tattoos, hand signs, slogans, or codes associated with the group; (4) direct financial or in-kind contributions to the group; (5) a physical or cyber presence in the group's events; or (6) other conduct that could reasonably be considered support, advocacy, or participation in the group's activities. 2023 c 52 art 10 s 12

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8437 — Training In Excited Delirium And Similar Terms Prohibited.

Subdivision 1.Definition.For the purposes of this chapter, "excited delirium" means a description of a person's state of agitation, excitability, paranoia, extreme aggression, physical violence, and apparent immunity to pain that is not listed in the most current version of the Diagnostic and Statistical Manual of Mental Disorders, or for which there is insufficient scientific evidence or diagnostic criteria to be recognized as a medical condition. Excited delirium includes excited delirium syndrome, hyperactive delirium, agitated delirium, exhaustive mania, and similar terms. Subd. 2.No continuing education credits or tuition reimbursement.(a) The board may not certify a continuing education course that includes training on the detection or use of the term excited delirium. (b) The board may not grant continuing education credit to a peace officer for a course that includes training on the detection or use of the term excited delirium. (c) The board may not reimburse a law enforcement agency or a peace officer for a course that includes training on the detection or use of the term excited delirium. Subd. 3.Training prohibited.A law enforcement agency may not provide, directly or through a third party, to a peace officer any course that includes training on the detection or use of excited delirium. This section does not prohibit peace officer training in responding to and the proper care of a person in crisis. 2024 c 123 art 3 s 9

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8442 — Policies On Sexual Assaults.

(a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy addressing how the agency will respond to and investigate reports of sexual assault. The policy must substantially incorporate the main items from the board's model policy on responding to reports of sexual assault, but also may expand on the board's policy. As an alternative, the policy may be identical to the board's policy. (b) Each chief law enforcement officer must certify to the board that the policy described in paragraph (a) is in place and being enforced and forward a copy of the policy to the board. 1Sp2019 c 5 art 4 s 20

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8443 — Opiate Antagonists; Training; Carrying; Use.

Subdivision 1.Training.A chief law enforcement officer must provide basic training to peace officers employed by the chief's agency on: (1) identifying persons who are suffering from narcotics overdoses; and (2) the proper use of opiate antagonists to treat a

narcotics overdose. Subd. 2.Mandatory supply.A chief law enforcement officer must maintain a sufficient supply of opiate antagonists to ensure that officers employed by the chief's agency can satisfy the requirements of subdivision 3. Subd. 3.Mandatory carrying.Each on-duty peace officer who is assigned to respond to emergency calls must have at least two unexpired opiate antagonist doses readily available when the officer's shift begins. An officer who depletes their supply of opiate antagonists during the officer's shift shall replace the expended doses from the officer's agency's supply so long as replacing the doses will not compromise public safety. Subd. 4.Authorization of use.(a) A chief law enforcement officer must authorize peace officers employed by the chief's agency to perform administration of an opiate antagonist when an officer believes a person is suffering a narcotics overdose. (b) In order to administer opiate antagonists, a peace officer must comply with section 151.37, subdivision 12, paragraph (b), clause (1). 2023 c 52 art 15 s 16

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8451 — Training In Identifying And Responding To Certain Crimes.

Subdivision 1.Training course; crimes motivated by bias.(a) The board must approve a list of training courses to assist peace officers in identifying, responding to, and reporting crimes committed in whole or in substantial part because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03. The course must include material to help officers distinguish bias crimes from other crimes, to help officers in understanding and assisting victims of these crimes, and to ensure that bias crimes will be accurately reported as required under section 626.5531. The board must review the approved courses every three years and update the list of approved courses as the board, in consultation with communities most targeted by hate crimes because of their characteristics as described above, organizations with expertise in providing training on hate crimes, and the statewide coalition of organizations representing communities impacted by hate crimes, considers appropriate. (b) In updating the list of approved training courses described in paragraph (a), the board must consult and significantly incorporate input from communities most targeted by hate crimes because of their characteristics as described in paragraph (a), organizations with expertise in providing training on hate crimes, and the statewide coalition of organizations representing communities impacted by hate crimes. Subd. 1a.Training course; crimes of violence.In consultation with the school of law enforcement, the board shall prepare a training course to assist peace officers in responding to crimes of violence and to enhance peace officer sensitivity in interacting with and assisting crime victims. For purposes of this course, harassment and stalking crimes are "crimes of violence." The course must include information about: (1) the needs of victims of these crimes and the most effective and sensitive way to meet those needs or arrange for them to be met; (2) the extent and causes of crimes of violence, including physical and sexual abuse, physical violence, harassment and stalking, and neglect; (3) the identification of crimes of violence and patterns of violent behavior; and (4) culturally responsive approaches to dealing with victims and perpetrators of violence. Subd. 2.Preservice training requirement.An individual may not be licensed as a peace officer unless the individual has received the training described in subdivision 1. An individual is not eligible to take the peace officer licensing examination after August 1, 1994, unless the individual has received the training described in subdivision 1a. Subd. 3.In-service training; board requirements.The board must provide to chief law enforcement officers instructional materials patterned after the materials developed by the board under subdivisions 1 and 1a. These materials must meet board requirements for continuing education credit and be updated periodically as the board considers appropriate. The board must also seek funding for an educational conference to inform and sensitize chief law enforcement officers and other interested persons to the law enforcement issues associated with bias crimes and crimes of violence. If funding is obtained, the board may sponsor the educational conference on its own or with other public or private entities. Subd. 4.In-service training; chief law enforcement officer requirements.A chief law enforcement officer must inform all peace officers within the officer's agency of (1) the requirements of section 626.5531, (2) the availability of the instructional materials provided by the board under subdivision 3, and (3) the availability of continuing education credit for the completion of these materials. The chief law enforcement officer must also encourage these peace officers to review or complete the materials. 1988 c 643 s 2; 1992 c 571 art 15 s 14; 1993 c 326 art 2 s 27; 2007 c 13 art 1 s 19; 2023 c 52 art 10 s 13

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8452 — Deadly Force And Firearms Use; Policies And Instruction Required.

Subdivision 1.Deadly force policy.By January 1, 1992, the head of every local and state law enforcement agency shall establish and enforce a written policy governing the use of force, including deadly force, as defined in section 609.066, by peace officers and part-time peace officers employed by the agency. The policy must be consistent with the provisions of section 609.066, subdivision 2, and may not prohibit the use of deadly force under circumstances in which that force is justified under section 609.066, subdivision 2. Subd. 1a.Updated policy required.(a) By September 1, 2020, the board, in consultation with interested parties, shall adopt an updated comprehensive written model policy on the use of force, including deadly force, by peace officers, and distribute this policy to the chief law enforcement officer of every law enforcement agency in the state. The model policy must recognize and respect the sanctity and value of all human life and the need to treat everyone with dignity and without prejudice. At a minimum, the

policy must include: (1) a duty for peace officers to intercede when present and observing another peace officer using force that is clearly beyond what is objectively reasonable under the law and the particular circumstances of the case, and in a position to do so; (2) a duty for peace officers to report any illegal use of force by another peace officer to the officer's chief law enforcement officer; and (3) a duty for peace officers to only use deadly force including techniques that are restricted by section 609.06, subdivision 3, as authorized in section 609.066. However, even in those circumstances, the policy must require that less lethal measures be considered first by the officer. (b) The board shall incorporate all applicable standards in sections 609.06, subdivision 3, and 609.066, even if a standard has a delayed effective date. The revised model policy shall clearly identify the effective date of provisions with an effective date beyond September 1, 2020. (c) By December 15, 2020, the chief law enforcement officer of every state and local law enforcement agency must update the policy required under subdivision 1 so that it is identical or substantially similar to the model policy developed by the board under this subdivision. The board must assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing policies under this subdivision. Subd. 1b.Prohibition against retaliation; employers.(a) A law enforcement agency shall not discharge, discipline, threaten, retaliate, otherwise discriminate against, or penalize a peace officer regarding the officer's compensation, terms, conditions, location, or privileges of employment because the officer interceded or made a report in compliance with section 626.8475 or a policy adopted under subdivision 1a regarding another employee or peace officer who used excessive force. (b) A court may order the law enforcement agency to pay back wages and offer job reinstatement to any officer discharged from employment in violation of paragraph (a). (c) In addition to any remedies otherwise provided by law, a peace officer injured by a violation of paragraph (a) may bring a civil action for recovery of damages together with costs and disbursements, including reasonable attorney fees, and may receive injunctive and other equitable relief, including reinstatement, as determined by the court. Subd. 1c.Prohibition against retaliation; fellow officers.(a) A peace officer or employee of a law enforcement agency may not threaten, harass, retaliate, or otherwise discriminate against a peace officer because the officer interceded or made a report in compliance with section 626.8475 or a policy adopted under subdivision 1a regarding another employee or peace officer who used excessive force. (b) A person who violates paragraph (a) is subject to disciplinary action as determined by the chief law enforcement officer of the agency employing the person. (c) A peace officer who is the victim of conduct prohibited in paragraph (a) may bring a civil action for recovery of damages together with costs and disbursements, including reasonable attorney fees, and may receive injunctive and other equitable relief as determined by the court. Subd. 2.Deadly force and firearms use; initial instruction.Beginning January 1, 1992, the head of every local and state law enforcement agency shall provide instruction on the use of force, deadly force, and the use of firearms to every peace officer and part-time peace officer newly appointed by or beginning employment with the agency. This instruction must occur before the agency head issues a firearm to the officer or otherwise authorizes the officer to carry a firearm in the course of employment. The instruction must be based on the agency's written policy required in subdivision 1 and on the instructional materials required by the board for peace officer and part-time peace officer licensure. Subd. 3.Deadly force and firearms use; continuing instruction.Beginning January 1, 1992, the head of every local and state law enforcement agency shall provide the instruction described in subdivision 2 to every peace officer and part-time peace officer currently employed by the agency. This instruction must be provided at least once a year. Subd. 4.Record keeping required.The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivisions 1a, 2, and 3. Subd. 5.Licensing sanctions; injunctive relief.The board has authority to inspect state and local law enforcement agency policies to ensure compliance with this section. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process. The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section. 1991 c 141 s 2; 2Sp2020 c 1 s 17-19; 2023 c 52 art 10 s 14,15

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8453 — Qualified Federal Law Enforcement Officers; Special State And Federal Task Forces; Peace Officer Authority.

Subdivision 1.Definitions.The terms defined in this subdivision apply to this section. (a) "Duly authorized executive officer" means the law enforcement officer headquartered in Minnesota who is in charge of the activities of a federal law enforcement agency in this state. (b) "Memorandum of understanding" is a written agreement between the governing bodies of the participating units of local government and the commissioners of the state agencies authorized to have a law enforcement agency as defined by section 626.84, subdivision 1, paragraph (f), the sheriffs of the participating counties, and the duly authorized executive officers of the participating federal law enforcement agencies that specifies the mission of the parties, the agreement's purpose, the exchange of powers, required training, the duration of the agreement, and other rights and responsibilities of the parties. (c) "Qualified federal law enforcement officer" means an employee of the United States charged with the enforcement of the criminal laws of the United States who has successfully completed professionally recognized peace officer preemployment education which the board has found comparable to Minnesota peace officer preemployment education. (d) "Special purpose task force" is a coalition of city, county, state, and federal law enforcement officers directed to accomplish specific state and federal law enforcement objectives. Subd. 2.Powers of federal law enforcement officers.A qualified federal law enforcement officer assigned to a special purpose task force created under a memorandum of understanding that has been filed with the board who is acting within the scope of the memorandum of understanding shall possess the authority of the peace officers participating in the special purpose task force under the memorandum of understanding. Subd. 3.Federal authority preserved.This section is not intended to limit the existing authority possessed by federal law enforcement officers. 1992 c 449 s 1; 2005 c 10 art 2 s 4

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8454 — Manual And Policy For Investigating Cases Involving Children Who Are Missing And Endangered.

Subdivision 1.Manual.By July 1, 1994, the superintendent of the Bureau of Criminal Apprehension shall transmit to law enforcement agencies a training and procedures manual on child abduction investigations. Subd. 2.Model investigation policy.By June 1, 1995, the Peace Officer Standards and Training Board shall develop a model investigation policy for cases involving children who are missing and endangered as defined in section 299C.52. The model policy shall describe the procedures for the handling of cases involving children who are missing and endangered. In developing the policy, the board shall consult with representatives of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriff's Association, Minnesota Police and Peace Officers Association, Minnesota Association of Women Police, Minnesota County Attorneys Association, a nonprofit foundation formed to combat child abuse, and two representatives of victims advocacy groups selected by the commissioner of corrections. The manual on child abduction investigation shall serve as a basis for defining the specific actions to be taken during the early investigation. Subd. 3.Local policy.By August 1, 1995, each chief of police and sheriff shall establish and implement a written policy governing the investigation of cases involving children who are missing and endangered as defined in section 299C.52. The policy shall be based on the model policy developed under subdivision 2. The policy shall include specific actions to be taken during the initial two-hour period. Subd. 4.Available resources.If an agency, board, or local representative reviews or updates its policies for missing children or persons investigations, it may consider the following resources: (1) nonprofit search and rescue organizations that provide trained animal searches, specialized equipment, and man trackers; (2) assistance from other law enforcement agencies at the local, state, or federal level, or qualified missing persons organizations; (3) use of subpoenas or search warrants for electronic and wireless communication devices, computers, and websites; and (4) assistance and services provided by the Civil Air Patrol. 1994 c 636 art 4 s 32; 2009 c 38 s 14

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8455 — Training In Community Policing.

Subdivision 1.Training course.The board, in consultation with the Minnesota Institute of Community Policing, shall prepare a training course to instruct peace officers in the techniques of community policing. The course must include instruction on at least the following matters: (1) techniques for expanding the training of peace officers to include problem-solving; (2) techniques for organizing community members so that they are involved and trained in community policing activities; (3) techniques for relating to diverse communities; and (4) techniques for relating to individuals with physical or mental limitations. The course also must include training on child development issues to enable officers to respond appropriately to perceived child protection situations. The board shall update the training course periodically as it deems appropriate. Subd. 2.Preservice training requirement.An individual is not eligible to take the peace officer licensing examination after August 1, 1997, unless the individual has received the training described in subdivision 1. Subd. 3.Instructional materials.The board shall provide to chief law enforcement officers instructional materials patterned after the materials developed by the board under subdivision 1. These materials must meet board requirements for continuing education credit. 1996 c 411 s 1; 2013 c 62 s 30

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8456 — Training In Fire Scene Response And Arson Awareness.

Subdivision 1.Training course.The board, in consultation with the Division of Fire Marshal, shall prepare objectives for a training course to instruct peace officers in fire scene response and arson awareness. Subd. 2.Preservice training requirement.An individual is not eligible to take the peace officer licensing examination after August 1, 1998, unless the individual has received the training described in subdivision 1. 1997 c 239 art 8 s 32

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8457 — Professional Conduct Of Peace Officers.

Subdivision 1.Model policy to be developed.By March 1, 1996, the Peace Officer Standards and Training Board shall develop and distribute to all chief law enforcement officers a model policy regarding the professional conduct of peace officers. The policy must address issues regarding professional conduct not addressed by the standards of conduct under Minnesota Rules, part 6700.1600. The policy must define unprofessional conduct to include, but not be limited to, conduct prohibited by section 609.43, whether or not there has been a conviction for a violation of that section. The policy must also describe the procedures that a local law enforcement agency may follow in investigating and disciplining peace officers alleged to have behaved unprofessionally. Subd. 2.Chief law enforcement officers; written policy required.By July 1, 1996, all chief law enforcement officers shall establish and implement a written policy defining unprofessional conduct and governing the investigation and disposition of cases involving alleged unprofessional conduct by peace officers. A chief law enforcement officer shall adopt a policy identical or substantially similar to the model policy developed by the board under subdivision 1. Subd. 3.Report on alleged misconduct; database; report.(a) A chief law enforcement officer shall report annually to the board summary data regarding the investigation and disposition of cases involving alleged misconduct, indicating the total number of investigations, the total number by each subject matter, the number

dismissed as unfounded, and the number dismissed on grounds that the allegation was unsubstantiated. (b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit individual peace officer data classified as public data on individuals, as defined by section 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision 12, and submitted using encrypted data that the board determines is necessary to: (1) evaluate the effectiveness of statutorily required training; (2) assist the Public Safety Advisory Council in accomplishing the council's duties; and (3) allow for the board, the Public Safety Advisory Council, and the board's complaint investigation committee to identify patterns of behavior that suggest an officer is in crisis or is likely to violate a board-mandated model policy. (c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer must update data within 30 days of final disposition of a complaint or investigation. (d) Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements of this section. (e) By February 1 of each year, the board shall prepare a report that contains summary data provided under paragraph (b). The board must post the report on its publicly accessible website and provide a copy to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy. Subd. 4.Data to be shared with board.(a) Upon receiving written notice that the board is investigating any allegation of misconduct within its regulatory authority, a chief law enforcement officer, city, county, or public official must cooperate with the board's investigation and any data request from the board. (b) Upon written request from the board that a matter alleging misconduct within its regulatory authority has occurred regarding a licensed peace officer, a chief law enforcement officer, city, county, or public official shall provide the board with all requested public and private data about the alleged misconduct involving the licensed peace officer, including any pending or final disciplinary or arbitration proceeding, any settlement or compromise, and any investigative files including but not limited to body worn camera or other audio or video files. Confidential data must only be disclosed when the board specifies that the particular identified data is necessary to fulfill its investigatory obligation concerning an allegation of misconduct within its regulatory authority. (c) If a licensed peace officer is discharged or resigns from employment after engaging in any conduct that initiates and results in an investigation of alleged misconduct within the board's regulatory authority, regardless of whether the licensee was criminally charged or an administrative or internal affairs investigation was commenced or completed, a chief law enforcement officer must report the conduct to the board and provide the board with all public and not public data requested under paragraph (b). If the conduct involves the chief law enforcement officer, the overseeing city, county, or public official must report the conduct to the board and provide the board with all public and not public data requested under paragraph (b). (d) Data obtained by the board shall be classified and governed as articulated in sections 13.03, subdivision 4, and 13.09, as applicable. (e) A chief law enforcement officer, or city, county, or public official is not required to comply with this subdivision when: (1) there is an active criminal investigation or active criminal proceeding regarding the same incident or misconduct that is being investigated by the board; or (2) an active internal investigation exists regarding the same incident or misconduct that is being investigated by the board during 45 days from the time the request was made by the board. The chief law enforcement officer, or city, county, or public official must comply with this subdivision upon completion of the internal investigation or once 45 days has passed, whichever occurs first. Subd. 5.Immunity from liability.A chief law enforcement officer, city, county, or public official and employees of the law enforcement agency are immune from civil or criminal liability, including any liability under chapter 13, for reporting or releasing public or not public data to the board under subdivisions 3 and 4, unless the chief law enforcement officer, city, county, or public official or employees of the law enforcement agency presented false information to the board with the intention of causing reputational harm to the peace officer. 1995 c 226 art 4 s 30; 2Sp2020 c 1 s 20; 3Sp2020 c 2 s 1; 1Sp2021 c 11 art 9 s 27; 2023 c 52 art 10 s 16,17; 2024 c 123 art 3 s 10

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8458 — Vehicle Pursuits; Policies And Instruction Required.

Subdivision 1.Purpose.The legislature finds that emergency vehicle operations are an integral part of law enforcement's commitment to public safety. Law enforcement agencies shall make reasonable efforts to guide their officers in the safe and responsible performance of their emergency response duties. Although laws and rules provide the foundation for the conduct of law enforcement officers, continuous and effective training is essential to ensure proper law enforcement action during emergency vehicle operations, including police pursuits. This training must be designed to give officers both skills and decision-making ability so that emergency vehicle operations can be resolved safely and successfully. Subd. 2.Statewide model policy.(a) By July 1, 1999, the board shall adopt a new or revised model policy governing the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487. The board shall seek and consider comments of members of the public when adopting the policy. In order to assist peace officers in responding to the complex and unpredictable factors associated with police pursuits, the model policy shall, at a minimum, contain the following components: (1) a statement describing the philosophy of the model policy. This philosophy must state that the safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue; (2) the factors to be considered in initiating and terminating a pursuit, and the standards for evaluating the need to initiate or terminate a pursuit; (3) the procedures, tactics, and technologies used during pursuits; (4) the various responsibilities of the pursuing officers, the officer supervising the pursuit, the dispatcher, and air support; (5) the procedures governing interjurisdictional pursuits; (6) the procedures governing care of any persons injured in the course of the pursuit; (7) the contents of pursuit reports filed under section 626.5532; and (8) the

procedures used to evaluate each pursuit. (b) The board shall review and, as necessary, revise the model pursuit policy in collaboration with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, the Minnesota Police and Peace Officers Association, a representative from the State Patrol, and other interested law enforcement industry groups. Subd. 3.Agency policies required.(a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy governing the conduct of peace officers employed by the agency who are in pursuit of a vehicle being operated in violation of section 609.487. The policy must, at a minimum, comply with the requirements of any new or revised model pursuit policy adopted by the board under subdivision 2 and must take into account the comments of members of the public and any pursuit vehicle technology that is available to the agency. (b) Every state and local law enforcement agency must certify annually to the board that it has adopted a written policy in compliance with the board's model pursuit policy. (c) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing pursuit policies under this subdivision. Subd. 4.Preservice training in police pursuits required.(a) By January 1, 2000, the board shall prepare learning objectives for instructing peace officers in emergency vehicle operations and in the conduct of police pursuits. The course shall consist of at least seven hours of classroom and skills-based training. (b) An individual is not eligible to take the peace officer licensing examination or the part-time peace officer licensing examination on or after January 1, 2000, unless the individual has received the training described in paragraph (a). Subd. 5.In-service training in police pursuits required.The chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in emergency vehicle operations and in the conduct of police pursuits to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines may be involved in a police pursuit given the officer's responsibilities. The training shall comply with learning objectives developed and approved by the board and shall consist of at least eight hours of classroom and skills-based training every five years. Subd. 6.Licensing sanctions; injunctive relief.The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section. 1999 c 216 art 5 s 7; 2010 c 215 art 11 s 18; 1Sp2011 c 1 art 2 s 3

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8459 — Post Board; Compliance Reviews Required.

(a) Each year, the board shall conduct compliance reviews on all state and local law enforcement agencies. The compliance reviews must ensure that the agencies are complying with all requirements imposed on them by statute and rule. The board shall include in the reports to the legislature required in section 626.843, subdivision 4, detailed information on the compliance reviews conducted under this section. At a minimum, the reports must specify each requirement imposed by statute and rule on law enforcement agencies, the compliance rate of each agency, and the action taken by the board, if any, against an agency not in compliance. (b) The board may impose licensing sanctions and seek injunctive relief under section 214.11 for an agency's failure to comply with a requirement imposed on it in statute or rule. 1999 c 216 art 5 s 8

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8461 — Part-time Peace Officers; Policy.

The legislature finds and declares that it is necessary to establish minimum training requirements for part-time peace officers in certain specified areas to maximize protection of the rights and safety of the public and to minimize liability on the part of Minnesota counties and municipalities. The legislature further finds that part-time peace officers are most effectively utilized as a supplement to regular, fully trained and licensed, peace officers and does not encourage the use of part-time peace officers when needs for service would otherwise justify the use of peace officers. 1979 c 282 s 3; 1981 c 310 s 7

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8466 — Reserve Officers.

Notwithstanding any provision of this chapter or rule of the board to the contrary, no reserve officer shall be subject to mandatory training, licensing, or continuing education requirements except as may be established by the agency utilizing the services of the reserve officer. 1979 c 282 s 9

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8469 — Training In Crisis Response, Conflict Management, And Cultural Diversity.

Subdivision 1.In-service training required.(a) Beginning July 1, 2018, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in crisis intervention and mental illness crises; conflict management and mediation; recognizing and valuing community diversity and cultural differences to include implicit bias training; and training to assist peace officers in identifying, responding to, and reporting incidents committed in whole or in substantial part because of the victim's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,

gender expression, age, national origin, or disability as defined in section 363A.03, to every peace officer and part-time peace officer employed by the agency. The training shall comply with learning objectives developed and approved by the board and shall meet board requirements for board-approved continuing education credit. Every three years the board shall review the learning objectives and must consult and collaborate with communities most targeted by hate crimes because of their characteristics as described above, organizations with expertise in providing training on hate crimes, and the statewide coalition of organizations representing communities impacted by hate crimes in identifying appropriate objectives and training courses related to identifying, responding to, and reporting incidents committed in whole or in substantial part because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03. The training shall consist of at least 16 continuing education credits within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not required to complete this training until the officer's next full three-year licensing cycle. (b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided by an approved entity. The board shall create a list of approved entities and training courses and make the list available to the chief law enforcement officer of every state and local law enforcement agency. Each peace officer (1) with a license renewal date before June 30, 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021, is not required to receive this training by an approved entity until the officer's next full three-year licensing cycle. (c) For every peace officer and part-time peace officer with a license renewal date of June 30, 2022, or later, the training mandated under paragraph (a) must: (1) include a minimum of six hours for crisis intervention and mental illness crisis training that meets the standards established in subdivision 1a; and (2) include a minimum of four hours to ensure safer interactions between peace officers and persons with autism in compliance with section 626.8474. Subd. 1a.Crisis intervention and mental illness crisis training.(a) The board, in consultation with the commissioner of human services and mental health stakeholders, shall create a list of approved entities and training courses to instruct peace officers in techniques for responding to a mental illness crisis. A course must include scenario-based instruction and cover most of the following issues: (1) techniques for relating to individuals with mental illnesses and the individuals' families; (2) techniques for crisis de-escalation; (3) techniques for relating to diverse communities and education on mental illness diversity; (4) mental illnesses and the criminal justice system; (5) community resources and supports for individuals experiencing a mental illness crisis and for the individuals' families; (6) psychotropic medications and the medications' side effects; (7) co-occurring mental illnesses and substance use disorders; (8) suicide prevention; and (9) mental illnesses and disorders and the symptoms. (b) A course must also include training on children and families of individuals with mental illnesses to enable officers to respond appropriately to others who are present during a mental illness crisis. The board shall update the list of approved entities and training courses periodically as it considers appropriate. Subd. 1b.Crisis intervention and mental illness crisis training; dementia and Alzheimer's.The board, in consultation with stakeholders, including but not limited to the Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of approved entities and training courses primarily focused on issues associated with persons with dementia and Alzheimer's disease. To receive the board's approval, a training course must: (1) have trainers with at least two years of direct care of a person with Alzheimer's disease or dementia, crisis intervention training, and mental health experience; (2) cover techniques for responding to and issues associated with persons with dementia and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect; and (3) meet the crisis intervention and mental illness crisis training standards established in subdivision 1a. Subd. 2.Record keeping required.The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivisions 1 and 1a including, at a minimum: (1) documentation of the training provider; (2) documentation of the content of the training provided; (3) documentation that crisis intervention and mental illness crisis training included scenario-based instruction in compliance with the standards described in subdivision 1a; (4) compiled evaluations; and (5) explanation of expenditure of funds. The documentation shall be submitted to the board. The board shall include in the compliance reviews required in section 626.8459 an evaluation of the effectiveness of in-service training provided under this section in reducing officer use of force and diverting people experiencing a mental illness crisis from arrest. Subd. 3.Licensing sanctions; injunctive relief.The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section. 2017 c 95 art 3 s 26; 2Sp2020 c 1 s 21; 3Sp2020 c 2 s 2; 1Sp2021 c 11 art 9 s 28; 2023 c 52 art 10 s 18

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.847 — Compulsory Program; Exemptions.

Nothing contained in sections 626.841 to 626.863 shall be construed to exempt any peace officer from the provisions of sections 626.841 to 626.863, or to exempt a peace officer having received the peace officer's last permanent appointment as a peace officer prior to July 1, 1967. 1967 c 870 s 7; 1977 c 433 s 9; 1978 c 681 s 19; 1986 c 444; 1997 c 7 art 1 s 169

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8471 — Avoiding Racial Profiling; Policies And Learning Objectives Required.

Subdivision 1.Purpose.The legislature finds that the reality or public perception of racial profiling alienates people from police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people law enforcement is

sworn to protect and serve. No stop initiated by a peace officer should be made without a legitimate reason; race, ethnicity, or national origin alone should never provide a sufficient reason. Law enforcement policies and training programs must emphasize the need to respect the balance between the rights of all persons to be free from unreasonable governmental intrusions and law enforcement's need to enforce the law. Subd. 2.Definition."Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than: (1) the behavior of that individual; or (2) information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity. Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject. Subd. 3.Statewide model policy.(a) The Board of Peace Officer Standards and Training shall consult with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, the Racial Profiling Advisory Committee, and the Minnesota Police and Peace Officers Association in developing an antiracial profiling model policy governing the conduct of peace officers engaged in stops of citizens. This policy shall define racial profiling and identify conduct that violates the law. The policy must also include a duty to give the officer's name or badge number and identify the officer's department during routine traffic stops. (b) The board shall adopt a model policy and distribute the model policy to all chief law enforcement officers by August 1, 2001. Subd. 4.Agency policies required.(a) By November 1, 2001, the chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written antiracial profiling policy governing the conduct of peace officers engaged in stops of citizens. The chief law enforcement officer shall ensure that each peace officer receives a copy of the agency's antiracial profiling policy. The chief law enforcement officer also must ensure that each peace officer is aware of the policy's purpose and the conduct prohibited by it. (b) The policy must, at a minimum, comply with the requirements of the model policy adopted by the board under subdivision 3. (c) Every state and local law enforcement agency must certify to the board that it has adopted a written policy in compliance with the board's model policy. (d) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing antiracial profiling policies under this subdivision. Subd. 5.Preservice training learning objectives; requirements.(a) By August 1, 2001, the board shall prepare learning objectives for preservice training to instruct peace officers in avoiding racial profiling when making stops of citizens. These learning objectives shall be included in the required curriculum of professional peace officer education programs. (b) An individual is not eligible to take the peace officer licensing examination or the part-time peace officer licensing examination on or after June 1, 2002, unless: (1) the individual has received the training described in paragraph (a); and (2) the individual has completed a psychological evaluation demonstrating that the individual is not likely to engage in racial profiling. Subd. 6.In-service training learning objectives.By August 1, 2001, the board shall prepare learning objectives for in-service training to instruct peace officers in avoiding racial profiling when making stops of citizens. The board shall evaluate and monitor in-service training courses to ensure they satisfy the learning objectives. Subd. 7.Chief law enforcement officers and supervisors; requirements.The executive director of the Board of Peace Officer Standards and Training shall prepare training materials to provide chief law enforcement officers and other peace officers with supervisory authority with information on how to detect and respond to racial profiling by peace officers under their command. The training materials must address both the agency's antiracial profiling policy and procedural components aimed at eliminating racial profiling in stops of citizens. The materials must include information on federal and state constitutional and statutory laws prohibiting discrimination by law enforcement. The procedural information must describe conduct that is unlawful or inappropriate and present guidelines for reinforcing techniques that are lawful and appropriate. The procedural information shall discuss appropriate search and seizure and interviewing techniques. Subd. 8.POST board; compliance reviews authorized.The board has authority to inspect state and local agency policies to ensure compliance with subdivision 4. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process. 1Sp2001 c 8 art 7 s 3

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8472 — Automated License Plate Reader Policy.

The chief law enforcement officer of every state and local law enforcement agency that maintains an automated license plate reader shall establish and enforce a written policy governing use of the reader. Use of an automated license plate reader without adoption of a written policy under this section is prohibited. At a minimum, the policies and procedures must incorporate the requirements of section 13.824, and the employee discipline standards for unauthorized access to data contained in section 13.09. 2015 c 67 s 4

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8473 — Portable Recording Systems Adoption; Written Policy Required.

Subdivision 1.Definition.As used in this section, "portable recording system" has the meaning provided in section 13.825, subdivision 1. Subd. 2.Public comment.A local law enforcement agency must provide an opportunity for public comment before it purchases or implements a portable recording system. At a minimum, the agency must accept public comments submitted electronically or by mail, and the governing body with jurisdiction over the budget of the law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting. Subd. 3.Written policies and procedures required.(a) The chief officer of every state and local law enforcement agency that uses or proposes to use a portable recording system must establish and enforce a written policy governing its use. In developing and adopting the policy, the law enforcement agency must provide for public comment and input as provided in subdivision 2. Use of a portable recording system without adoption of a written policy

meeting the requirements of this section is prohibited. The written policy must be posted on the agency's website, if the agency has a website. (b) At a minimum, the written policy must incorporate and require compliance with the following: (1) the requirements of section 13.825 and other data classifications, access procedures, retention policies, and data security safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or destroying any recording made with a peace officer's portable recording system or data and metadata related to the recording prior to the expiration of the applicable retention period under section 13.825, subdivision 3, except that the full, unedited, and unredacted recording of a peace officer using deadly force must be maintained indefinitely; (2) mandate that a portable recording system be worn at or above the mid-line of the waist in a position that maximizes the recording system's capacity to record video footage of the officer's activities; (3) mandate that officers assigned a portable recording system wear and operate the system in compliance with the agency's policy adopted under this section while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official; (4) mandate that, notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, except as otherwise provided in this clause and clause (5): (i) the deceased individual's next of kin; (ii) the legal representative of the deceased individual's next of kin; and (iii) the other parent of the deceased individual's child. A law enforcement agency may deny a request if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access, the chief law enforcement officer must provide a prompt, written denial to the individual who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82, subdivision 7; (5) mandate that, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency shall release all portable recording system data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82, subdivision 7; (6) procedures for testing the portable recording system to ensure adequate functioning; (7) procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of a malfunction or failure; (8) circumstances under which recording is mandatory, prohibited, or at the discretion of the officer using the system; (9) circumstances under which a data subject must be given notice of a recording; (10) circumstances under which a recording may be ended while an investigation, response, or incident is ongoing; (11) procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and (12) procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09. (c) The board has authority to inspect state and local law enforcement agency policies to ensure compliance with this section. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process. The board may impose licensing sanctions and seek injunctive relief under section 214.11 for an agency's or licensee's failure to comply with this section. 2016 c 171 s 6; 2023 c 52 art 10 s 19

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8474 — Autism Training.

Subdivision 1.Learning objectives required.(a) By January 1, 2021, the board shall prepare learning objectives for preservice and in-service training on ensuring safer interactions between peace officers and persons with autism. At a minimum, the objectives must address the following: (1) autism overview and behavioral understanding; (2) best practices for interventions and de-escalation strategies; (3) prevention and crisis reduction models; and (4) objective review of tools and technology available. (b) In developing the learning objectives, the board shall consult with, at a minimum: (1) individuals with autism; (2) family members of individuals with autism; (3) autism experts; and (4) peace officers. Subd. 2.Preservice training required.(a) The learning objectives developed pursuant to subdivision 1 must be included in the required curriculum of professional peace officer educational programs. (b) A person is not eligible to take the peace officer licensing examination after July 1, 2022, unless the individual has received the training described in paragraph (a). Subd. 3.In-service training required.Beginning July 1, 2021, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service autism training to every peace officer and part-time peace officer employed by the agency. The training must comply with the learning objectives developed and approved by the board and must meet board requirements for board-approved continuing education credit. The training must consist of at least four continuing education credits of the credits required under section 626.8469 within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2021, is not required to complete this training until the officer's next full three-year licensing cycle. Subd. 4.Record keeping required.The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivision 3. The documentation is subject to periodic review by the board, and must be made available to the board at its request. Subd. 5.Licensing sanctions; injunctive relief.The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section. 2Sp2020 c 1 s 22; 3Sp2020 c 2 s 4

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8475 — Duty To Intercede And Report.

(a) Regardless of tenure or rank, a peace officer must intercede when: (1) present and observing another peace officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and (2) physically or verbally able to do so. (b) A peace officer who observes another employee or peace officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting peace officer. (c) A peace officer who breaches a duty established in this subdivision is subject to discipline by the board under Minnesota Rules, part 6700.1600. 2Sp2020 c 1 s 23

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8476 — Confidential Informants; Required Policy And Training.

Subdivision 1.Definitions.(a) For the purposes of this section, the terms in this subdivision have the meanings given them. (b) "Confidential informant" means a person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and: (1) seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and (2) is able, by reason of the person's familiarity or close association with suspected criminals, to: (i) make a controlled buy or controlled sale of contraband, controlled substances, or other items that are material to a criminal investigation; (ii) supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or (iii) otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts. (c) "Controlled buy" means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant. (d) "Controlled sale" means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant. (e) "Mental harm" means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior. (f) "Target offender" means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant. Subd. 2.Model policy.(a) By January 1, 2022, the board shall adopt a model policy addressing the use of confidential informants by law enforcement. The model policy must establish policies and procedures for the recruitment, control, and use of confidential informants. In developing the policy, the board shall consult with representatives of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriffs' Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys Association, treatment centers for substance abuse, and mental health organizations. The model policy must include, at a minimum, the following: (1) information that the law enforcement agency shall maintain about each confidential informant that must include, at a minimum, an emergency contact for the informant in the event of the informant's physical or mental harm or death; (2) a process to advise a confidential informant of conditions, restrictions, and procedures associated with participating in the agency's investigative or intelligence gathering activities; (3) procedures for compensation to an informant that is commensurate with the value of the services and information provided and based on the level of the targeted offender, the amount of any seizure, and the significance of contributions made by the informant; (4) designated supervisory or command-level review and oversight in the use of a confidential informant; (5) limits or restrictions on off-duty association or social relationships by law enforcement agency personnel with a confidential informant; (6) limits or restrictions on the potential exclusion of an informant from engaging in a controlled buy or sale of a controlled substance if the informant is known by the law enforcement agency to: (i) be receiving in-patient or out-patient treatment administered by a licensed service provider for substance abuse; (ii) be participating in a treatment-based drug court program; or (iii) have experienced a drug overdose within the past year; (7) exclusion of an informant under the age of 18 years from participating in a controlled buy or sale of a controlled substance without the written consent of a parent or legal guardian, except that the informant may provide confidential information to a law enforcement agency; (8) consideration of an informant's diagnosis of mental illness, substance abuse, or disability, and history of mental illness, substance abuse, or disability; (9) guidelines for the law enforcement agency to consider if the agency decides to establish a procedure to request an advocate from the county social services agency for an informant if the informant is an addict in recovery or possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the informant's ability to understand instructions and make informed decisions, where the agency determines this process does not place the informant in any danger; (10) guidelines for the law enforcement agency to use to encourage prospective and current confidential informants who are known to be substance abusers or to be at risk for substance abuse to seek prevention or treatment services; (11) reasonable protective measures for a confidential informant when law enforcement knows or should have known of a risk or threat of harm to a person serving as a confidential informant and the risk or threat of harm is a result of the informant's service to the law enforcement agency; (12) guidelines for the training and briefing of a confidential informant; (13) reasonable procedures to help protect the identity of a confidential informant during the time the person is acting as an informant; (14) procedures to deactivate a confidential informant that maintain the safety and anonymity of the informant; (15) optional procedures that the law enforcement agency may adopt relating to deactivated confidential informants to offer and provide assistance to them with physical, mental, or emotional health services; (16) a process to evaluate and report the criminal history and propensity for violence of any target offenders; and (17) guidelines for a written agreement between the confidential informant and the law enforcement agency that take into consideration, at a minimum, an informant's physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the

informant's ability to knowingly contract or otherwise protect the informant's self-interest. (b) The board shall annually review and, as necessary, revise the model confidential informant policy in collaboration with representatives from the organizations listed under paragraph (a). Subd. 3.Agency policies required.(a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy governing the use of confidential informants. The policy must be identical or, at a minimum, substantially similar to the new or revised model policy adopted by the board under subdivision 2. (b) Every state and local law enforcement agency must certify annually to the board that it has adopted a written policy in compliance with the board's model confidential informant policy. (c) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing confidential informant policies under this subdivision. Subd. 4.Required in-service training.The chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in the recruitment, control, and use of confidential informants to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines is involved in working with confidential informants given the officer's responsibilities. The training shall comply with learning objectives based on the policies and procedures of the model policy developed and approved by the board. Subd. 5.Compliance reviews.The board has the authority to inspect state and local agency policies to ensure compliance with this section. The board may conduct the inspection based upon a complaint it receives about a particular agency or through a random selection process. Subd. 6.Licensing sanctions; injunctive relief.The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section. 1Sp2021 c 11 art 9 s 29

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8477 — Mental Health And Health Records; Written Policy Required.

The chief officer of every state and local law enforcement agency that seeks or uses mental health data under section 13.46, subdivision 7, paragraph (c), or health records under section 144.294, subdivision 2, must establish and enforce a written policy governing its use. At a minimum, the written policy must incorporate the requirements of sections 13.46, subdivision 7, paragraph (c), and 144.294, subdivision 2, and access procedures, retention policies, and data security safeguards that, at a minimum, meet the requirements of chapter 13 and any other applicable law. 2022 c 98 art 6 s 20

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8478 — Wellness Training.

Subdivision 1.Learning objectives and training course.(a) The board must create learning objectives to prepare peace officers for the stressful and traumatic events that are common to policing and teach officers methods to process and cope with the stress and trauma inherent to policing. The learning objectives must be updated as the board considers appropriate. (b) The commissioner of public safety, in consultation with the board, must create a training course that incorporates each of the learning objectives established by the board under paragraph (a). Subd. 2.Preservice training required.(a) The learning objectives developed pursuant to subdivision 1 must be included in the required curriculum of a professional peace officer education program. (b) A person is not eligible to take the peace officer licensing examination after July 1, 2024, unless the individual has received the training described in paragraph (a). Subd. 3.In-service training required.Beginning July 1, 2024, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service wellness training to every peace officer and part-time peace officer employed by the agency. The training must comply with the learning objectives developed and approved by the board and must meet board requirements for board-approved continuing education credit. A peace officer with a license renewal date after June 30, 2024, is not required to complete this training until the officer's next full three-year licensing cycle. Subd. 4.Record keeping required.The head of each local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivision 3. The written records are subject to periodic review by the board and must be made available to the board at its request. 2023 c 48 s 30

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.848 — Training Courses, Locations.

Subject to board rules, the superintendent of the Bureau of Criminal Apprehension shall provide courses at convenient locations in the state, for training peace officers in their powers and duties, and in the use of approved equipment and the latest technique for detection, identification and apprehension of criminals. For this purpose, the superintendent may use the services and employees of the bureau. The superintendent shall provide training to deputy constables in the limitations on their powers and duties, the conduct of inspections, and such other matters as the board may direct. Nothing herein shall be construed as establishing a mandatory training requirement for deputy constables. 1967 c 870 s 8; 1977 c 433 s 10; 1978 c 681 s 20; 2005 c 10 art 2 s 4

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8481 — Extreme Risk Protection Order; Development Of Model Procedures.

By December 1, 2023, the Peace Officer Standards and Training Board, after consulting with the National Alliance on Mental

Illness Minnesota, the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop model procedures and standards for the storage of firearms transferred to law enforcement under section 624.7175. 2023 c 52 art 14 s 10

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8482 — School Resource Officers; Duties; Training; Model Policy.

Subdivision 1.Definitions.(a) For purposes of this section, the following terms have the meanings given. (b) "School" means an elementary school, middle school, or secondary school, as defined in section 120A.05, subdivisions 9, 11, and 13. (c) "School resource officer" means a peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the officer's regular responsibilities through the terms of a contract entered between the peace officer's employer and the designated school district or charter school. Subd. 2.Duties.(a) A school resource officer's contractual duties with a school district or charter school shall include: (1) fostering a positive school climate through relationship building and open communication; (2) protecting students, staff, and visitors to the school grounds from criminal activity; (3) serving as a liaison from law enforcement to school officials; (4) providing advice on safety drills; (5) identifying vulnerabilities in school facilities and safety protocols; (6) educating and advising students and staff on law enforcement topics; and (7) enforcement of criminal laws. (b) A school district or charter school may contract with a school resource officer's employer for the officer to perform additional duties to those described in paragraph (a). (c) A school resource officer must not use force or the authority of their office solely to enforce school rules or policies or participate in the enforcement of discipline for violations of school rules. (d) Nothing in this subdivision limits any other duty or responsibility imposed on peace officers; limits the expectation that peace officers will exercise professional judgment and discretion to protect the health, safety, and general welfare of the public when carrying out their duties; or creates a duty for school resource officers to protect students, staff, or others on school grounds that is different from the duty to protect the public as a whole. Subd. 3.Instruction required.(a) Except as provided for in paragraphs (b) to (d), beginning September 1, 2025, a peace officer assigned to serve as a school resource officer must complete a training course that provides instruction on the learning objectives identified in subdivision 4 prior to assuming the duties of a school resource officer. (b) A peace officer who has completed either the School Safety Center standardized Basic School Resource Officer Training or the National School Resource Officer Basic School Resource Officer course prior to September 1, 2025, must complete the training mandated under paragraph (a) before June 1, 2027. A peace officer covered under this paragraph may complete a supplemental training course approved by the board pursuant to subdivision 4, paragraph (b), to satisfy the training requirement. (c) If an officer's employer is unable to provide the required training course to the officer prior to the officer assuming the duties of a school resource officer, the officer must complete the required training within six months of assuming the duties of a school resource officer. The officer is not required to perform the duties described in subdivision 2, paragraph (a), clause (4) or (5), until the officer has completed the required training course. The officer must review any policy adopted by the officer's employer pursuant to subdivision 6 before assuming the other duties of a school resource officer and must comply with that policy. (d) An officer who is serving as a substitute school resource officer for fewer than 60 student contact days within a school year is not obligated to complete the required training or perform the duties described in subdivision 2, paragraph (a), clause (4) or (5), but must review and comply with any policy adopted pursuant to subdivision 6 by the law enforcement agency that employs the substitute school resource officer. (e) For each school resource officer employed by an agency, the chief law enforcement officer must maintain a copy of the most recent training certificate issued to the officer for completion of the training mandated under this section. Subd. 4.Training course.(a) By January 15, 2025, the Board of Peace Officer Standards and Training, in consultation with the Department of Public Safety's School Safety Center, shall prepare learning objectives for training courses to instruct peace officers in serving as a school resource officer. At a minimum, the learning objectives must ensure officers receive training on: (1) the juvenile justice system; (2) legal standards for peace officers to use force to detain or arrest students in schools; (3) legal standards for school employees and contractors to use force to detain, discipline, and arrest students in school; (4) de-escalation techniques and using the least restrictive physical intervention strategies for handling conflicts in schools; (5) responding to persons experiencing a mental health crisis in a school setting, with an emphasis placed on juveniles; (6) understanding and working with students with disabilities and students receiving special education services; (7) juvenile brain development, including limitations on impulse control; (8) the impact of childhood trauma on juvenile behavior; (9) responding to threats of violence against students and schools; (10) detecting juvenile exploitation; (11) investigating crimes committed in schools, including student and parental rights; (12) identifying vulnerabilities in school facilities and safety protocols; (13) mandated safety drills and best practices in conducting safety drills; and (14) the topics identified in section 626.8469, subdivision 1, as they pertain to juveniles or students. (b) The Board of Peace Officer Standards and Training may also approve supplemental training courses that are offered by providers who have trained school resource officers in the state prior to development of the learning objectives required under paragraph (a). At a minimum, an approved supplemental course must provide instruction on each of the board's learning objectives that were not covered in the provider's existing school resource officer course curriculum. Subd. 5.Model policy.(a) By December 31, 2024, the Board of Peace Officer Standards and Training shall develop a model school resource officer policy. In developing the policy, the board must convene a group consisting of representatives from the Department of Public Safety's School Safety Center, the Minnesota School Boards Association, the Minnesota Association of Secondary School Principals, Education Minnesota, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, the Minnesota Police and Peace Officers Association, the Minnesota

Juvenile Officers Association, the National Association of School Resource Officers, Solutions Not Suspensions, the Minnesota Youth Council, the Minnesota Council on Disability, and one community organization supporting the rights of students receiving special education services. The group must meet at least three times to discuss the topics identified in paragraph (b), address any related issues, and provide advice and direction regarding development of the model policy. (b) The model policy must cover, at a minimum, the following: (1) issues to be addressed in a school resource officer contract, including but not limited to the use of plain clothes, modified uniforms, and other changes to school resource officer attire in order to foster a positive school climate, facilitate the establishment of positive relationships with students, and promote open communication; (2) considerations for the proper use of force on school grounds, including: (i) the prohibitions on choke holds and other restraints established in section 609.06, subdivision 3; (ii) the prohibition on using force or the authority of the peace officer's office solely to enforce school rules or policies or participating in the enforcement of discipline for violations of school rules; (iii) the use of de-escalation techniques and other alternatives to higher levels of force that are appropriate with juveniles and students in a school setting; (iv) response tactics and strategies that minimize the use and duration of prone restraint, as defined in section 121A.58, and other physical holds of students; and (v) the duty to render reasonably prompt care, consistent with the officer's training, to a person who an officer physically holds or restrains; (3) alternative procedures that can be used to de-escalate conflicts in schools and students and others in crisis; (4) proper procedures and limitations placed on school districts and charter schools to ensure school resource officers are being utilized appropriately and not for school disciplinary purposes; (5) considerations to build constructive police relationships with students, administrators, and educational staff; (6) proper procedures for protecting student data; and (7) how soon after completing the training required under subdivision 3 that a school resource officer must complete a refresher course that covers the learning objectives established in subdivision 4. Subd. 6.Policies required.By September 1, 2025, each law enforcement agency with a school resource officer program shall develop, adopt, and implement a written policy regarding school resource officers that is identical or, at a minimum, substantially similar to the model policy adopted by the board under subdivision 5. Subd. 7.Licensing sanctions; injunctive relief.The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section. 2024 c 78 s 9

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.85 — Instructors; Donations.

Subdivision 1.Part-time instructors.In addition to the bureau employees assigned to police training, full time or part time, the superintendent is authorized to engage such part-time instructors as the superintendent deems proper and necessary to furnish the best possible instruction in police sciences, subject to board rules and to the limitation of funds as appropriated and available for expenditure. Laws 1981, chapter 210, sections 1 to 48 shall not apply to such part-time employees. Subd. 2.Donations.Any donations, contributions, grants or gifts which may be received shall be accepted without recourse to the donor, and shall become the property of the state. All cash receipts shall be deposited with the commissioner of management and budget, and are hereby appropriated to the bureau in the quarter in which they were so deposited. Subd. 3.Leave of absence.Any peace officer who has been designated to serve as an instructor, researcher or member of a special project for the Peace Officer Training Board may in the discretion of the appointing authority be given up to a 12 month leave of absence with pay from the police department or agency by which employed for the purpose of serving as such instructor, researcher or member of a special project. While serving in such capacity peace officers shall continue to maintain the civil service status they have attained or accrued pursuant to chapters 43A, 44 and 419. The commissioner of management and budget shall reimburse solely from federal funds available for this purpose the respective law enforcement employers of such peace officers for all salaries and contributions such employers make during said leave of absence towards accrual of their civil service benefits, pension fund and hospitalization benefits. 1967 c 870 s 10; 1971 c 615 s 1; 1977 c 433 s 11; 1981 c 210 s 54; 1986 c 444; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.851 — Eligibility Of Officers.

Subdivision 1.Training course attendance; eligibility.Any peace officer or part-time peace officer employed or elected by any county or municipality of the state of Minnesota shall be eligible to attend training courses as herein provided in accordance with the rules of the board. Subd. 2.Postsecondary educational institution eligible for training course.Any student successfully completing a program of law enforcement instruction in a postsecondary educational institution, which program has been certified by the board, and which institution has been approved by the Minnesota state Department of Education or an accredited institution of higher learning shall be eligible to attend a skills oriented basic training course as established under section 626.843. Nothing contained in sections 626.84 to 626.863 shall be construed to preclude the provision of skills oriented basic training courses by certified law enforcement schools providing such course has been certified by the board. 1967 c 870 s 11; 1973 c 565 s 1; 1976 c 52 s 1; 1977 c 433 s 12; 1978 c 681 s 21; 1980 c 578 s 6; 1981 c 310 s 13; 1Sp1995 c 3 art 16 s 13; 1997 c 7 art 1 s 169; 2003 c 130 s 12

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8515 — Certain Baccalaureate Degree Holders Eligible To Take Licensing Examination.

A person with a baccalaureate degree from an accredited college or university who has successfully completed a board-certified practical skills oriented basic training course is eligible to take the peace officer licensing examination. 1Sp2001 c 8 art 7 s 4

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8516 — Intensive Comprehensive Peace Officer Education Training Program.

Subdivision 1.Establishment; title.A program is established within the Department of Public Safety to fund the intensive comprehensive law enforcement education and training of two- and four-year college graduates. The program shall be known as the intensive comprehensive peace officer education and training program. Subd. 2.Purpose.The program is intended to address the critical shortage of peace officers in the state. The program shall provide a grant to law enforcement agencies that have developed a plan to recruit, educate, and train highly qualified two- and four-year college graduates to become license-eligible peace officers in the state. Subd. 3.Eligibility for grant; grant cap.(a) The chief law enforcement officer of a law enforcement agency may apply to the commissioner for a grant for the cost of educating, training, and paying an eligible peace officer candidate until the candidate is licensed by the board as a peace officer. (b) The commissioner must consider all eligible expenses proposed by the chief law enforcement officer in order to issue a grant to the agency for the actual cost of educating, training, and paying an eligible candidate up to $50,000. (c) The commissioner shall consider geographic diversity in grant distribution based on grant applications received. Subd. 4.Forms.The commissioner must prepare the necessary grant application forms and make the forms available on the agency's public website no later than December 31, 2023. Subd. 5.Intensive education and skills training program.No later than December 31, 2023, the commissioner, in consultation with the executive director of the board and the institutions designated as education providers under subdivision 6, shall develop an intensive comprehensive law enforcement education and skills training curriculum that will provide eligible peace officer candidates with the law enforcement education and skills training needed to be licensed as a peace officer. The curriculum must be designed to be completed in eight months or less and shall be offered at the institutions designated under subdivision 6. The curriculum may overlap, coincide with, or draw upon existing law enforcement education and training programs at institutions designated as education providers under subdivision 6. The executive director of the board may designate existing law enforcement education and training programs that are designed to be completed in eight months or less as intensive comprehensive law enforcement education and skills training programs for the purposes of this section. Subd. 6.Education providers; sites.(a) No later than October 1, 2023, the Board of Trustees of the Minnesota State Colleges and Universities shall designate at least two regionally diverse system campuses to provide the required intensive comprehensive law enforcement education and skills training to eligible peace officer candidates. (b) In addition to the campuses designated under paragraph (a), the commissioner may designate private, nonprofit postsecondary institutions to provide the required intensive comprehensive law enforcement education and skills training to eligible peace officer candidates. (c) Effective July 1, 2025, the Board of Regents of the University of Minnesota may request that the commissioner designate one or more campuses to provide intensive comprehensive law enforcement education and skills training to eligible peace officer candidates. Upon such a request, the commissioner may designate at least one of the requested campuses. Subd. 7.Definitions.(a) For purposes of this section, the following terms have the meanings given. (b) "Commissioner" means the commissioner of public safety. (c) "Eligible peace officer candidate" means a person who: (1) has met all of the hiring requirements to become a peace officer in the state, except for (i) completing a professional peace officer education program, and (ii) passing the licensing exam; and (2) a chief law enforcement officer has agreed to hire upon completing the training required under this chapter and passing the licensing exam. (d) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1, paragraph (f), clause (1). (e) "Program" means the intensive comprehensive peace officer education and training program. 2023 c 52 art 10 s 20; 2024 c 123 art 8 s 25

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8517 — Eligibility For Reciprocity Examination Based On Relevant Military Experience.

(a) For purposes of this section: (1) "active service" has the meaning given in section 190.05, subdivision 5; and (2) "relevant military experience" means: (i) four years' cumulative service experience in a military law enforcement occupational specialty; (ii) two years' cumulative service experience in a military law enforcement occupational specialty, and completion of a two-year or more degree from a regionally accredited postsecondary education institution; or (iii) four years' cumulative experience as a full-time peace officer in another state combined with cumulative service experience in a military law enforcement occupational specialty. (b) A person is eligible to take the reciprocity examination if the person has relevant military experience and: (1) has been honorably discharged from military active service as evidenced by the most recent form DD-214; or (2) is currently in active service as evidenced by: (i) active duty orders providing service time in military police specialty; (ii) a United States Department of Defense Manpower Data Center status report pursuant to Service Members Civil Relief Act, active duty status report; or (iii) Military Personnel Center assignment information. (c) A person who passed the examination under paragraph (b), clause (2), shall not be eligible to be licensed as a peace officer until honorably discharged as evidenced by the most recent form DD-214. 1Sp2001 c 8 art 7 s 5; 2009 c 94 art 3 s 20; 2013 c 142 art 4 s 11; 2014 c 268 s 1

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.852 — Tuition; Salary And Expenses.

Each officer when assigned to the Bureau of Criminal Apprehension continuing education courses pursuant to rules of the board shall receive the officer's regular salary and shall be reimbursed by the governing body of the governmental unit or combination of

governmental units from which elected or by which employed for the cost of meals, travel, and lodgings while in attendance at the Bureau of Criminal Apprehension courses, not to exceed similar allowance for state employees. 1967 c 870 s 12; 1980 c 578 s 8; 1981 c 310 s 14; 1986 c 444; 1987 c 358 s 131

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.8555 — Peace Officer Education Programs.

Metropolitan State University and Minneapolis Community and Technical College, in consultation with the Board of Peace Officer Standards and Training and state and local law enforcement agencies in the seven-county metropolitan area, shall provide core law enforcement courses in an accelerated time period. The schools shall grant priority admission to students who have a bona fide offer of employment from a Minnesota law enforcement agency. These courses shall be available at the beginning of the 1995-1996 academic year and are contingent on sufficient program enrollment. The board, Metropolitan State University, and Minneapolis Community and Technical College shall evaluate the accelerated law enforcement education program and report their findings to the 1997 legislature. 1995 c 226 art 4 s 27; 2015 c 21 art 1 s 105

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.856 — School Of Law Enforcement.

By July 1, 1992, the state university system shall develop a school of law enforcement in the metropolitan area, as defined in section 473.121, subdivision 2, whose mission is to advance the profession of law enforcement. The school may offer professional peace officer education, graduate degree programs, and peace officer continuing education programs, and may conduct applied research. 1991 c 356 art 6 s 2

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.862 — Powers Of Law Enforcement Officers.

Except as specifically provided by statute, only a peace officer and part-time peace officer may: (1) issue a citation in lieu of arrest or continued detention unless specifically authorized by ordinance; (2) ask a person receiving a citation to give a written promise to appear in court; or (3) take a person into custody as permitted by section 629.34. 1987 c 334 s 5; 2005 c 10 art 2 s 4

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.863 — Unauthorized Practice.

(a) A person who is not a peace officer or part-time peace officer is guilty of a misdemeanor if the person: (1) makes a representation of being a peace officer or part-time peace officer, or (2) performs or attempts to perform an act, duty, or responsibility reserved by law for licensed peace officers and part-time peace officers. (b) A peace officer who authorizes or knowingly allows a person to violate paragraph (a) is guilty of a misdemeanor. (c) The board shall designate the appropriate law enforcement agency to investigate violations of this section. The attorney general shall prosecute violations of this section. (d) A person who violates this section and who has previously been convicted of a violation of this section is guilty of a gross misdemeanor. 1987 c 334 s 6; 2005 c 10 art 2 s 4; 2009 c 59 art 5 s 19

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.87 — Law Enforcement Background Investigations.

Subdivision 1.Background investigation required.(a) A law enforcement agency shall conduct a thorough background investigation on an applicant for employment as a licensed peace officer or an applicant for a position leading to employment as a licensed peace officer before the applicant may be employed. The background investigation must determine at a minimum whether the candidate meets the following standards: (1) standards established by the Minnesota Board of Peace Officer Standards and Training; and (2) established security standards for access to state and national computerized record and communication systems. (b) This requirement does not prevent a law enforcement agency from establishing higher standards for law enforcement employees if those standards are not contrary to applicable law. Subd. 1a.Background checks.(a) The law enforcement agency must request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on an applicant for employment as a licensed peace officer or an applicant for a position leading to employment as a licensed peace officer within the state of Minnesota to determine eligibility for licensing. Applicants must provide, for submission to the superintendent of the Bureau of Criminal Apprehension: (1) an executed criminal history consent form, authorizing the dissemination of state and federal records to the law enforcement agency and the Board of Peace Officer Standards and Training and fingerprints; and (2) a money order or cashier's check payable to the Bureau of Criminal Apprehension for the fee for conducting the criminal history background check. (b) The superintendent of the Bureau of Criminal Apprehension shall perform the background check required under paragraph (a) by retrieving criminal history data as defined in section 13.87 and shall also conduct a search of the national criminal records repository. The superintendent is authorized to exchange the applicant's fingerprints with the Federal Bureau of Investigation to obtain their national criminal history record information. The superintendent must return the results of the Minnesota and federal criminal history records checks to the law enforcement agency who is authorized to share with the Board of Peace Officer Standards

and Training to determine if the individual is eligible for licensing under Minnesota Rules, chapter 6700. Subd. 2.Disclosure of employment information.Upon request of a law enforcement agency, an employer shall disclose or otherwise make available for inspection employment information of an employee or former employee who is the subject of an investigation under subdivision 1 or who is a candidate for employment with a law enforcement agency in any other capacity. The request for disclosure of employment information must be in writing, must be accompanied by an authorization and release signed by the employee or former employee, and must be signed by an authorized representative of the law enforcement agency conducting the background investigation. Subd. 3.Refusal to disclose a personnel record.If an employer refuses to disclose employment information in accordance with this section, upon request the district court may issue an ex parte order directing the disclosure of the employment information. The request must be made by an authorized representative from the law enforcement agency conducting the background investigation and must include a copy of the request for disclosure made upon the employer or former employer and the authorization and release signed by the employee or former employee. The request must be signed by the person requesting the order and an attorney representing the state or the political subdivision on whose behalf the background investigation is being conducted. It is not necessary for the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person or entity who fails to comply to civil or criminal contempt of court. Subd. 4.Immunity from liability.In the absence of fraud or malice, an employer is immune from civil liability for employment information released to a law enforcement agency under this section, or for any subsequent publication made by the employee or former employee of employment information released to a law enforcement agency under this section. Subd. 5.Notice of investigation.Upon initiation of a background investigation for a person described in subdivision 1, the law enforcement agency shall give written notice to the Peace Officer Standards and Training Board of: (1) the candidate's full name and date of birth; and (2) the candidate's peace officer license number, if known. The initiation of a background investigation does not include the submission of an application for employment. Initiation of a background investigation occurs when the law enforcement agency begins its determination of whether an applicant meets the agency's standards for employment as a law enforcement employee. Subd. 6.Confidentiality agreements.If employment information is subject to a confidentiality agreement between the employee or former employee and the employer, the employer shall disclose the fact that such an agreement exists. If the employee or former employee has authorized the release of employment information without regard to any previous agreement to the contrary, the employer shall also disclose the employment information in accordance with subdivision 2. If employment information is sealed or otherwise subject to a nondisclosure order by a court of competent jurisdiction, the employer shall disclose the fact that such an order exists, along with information identifying the court and court's file number. Subd. 7.Employment information.For purposes of this section, "employment information" means written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, and eligibility for rehire. Subd. 8.Application.For purposes of this section, "employer" does not include an entity that is subject to chapter 13. 1997 c 214 s 5; 2023 c 52 art 10 s 21-24

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.88 — Uniforms; Peace Officers, Security Guards; Color.

Subdivision 1.Definitions.(a) For the purposes of this section, the following terms have the meanings given them. (b) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed pursuant to sections 626.84 to 626.863 charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has full power of arrest, and shall also include Minnesota state troopers, state conservation officers, park police, and University of Minnesota police officers. (c) "Security guard" means any person who is paid a fee, wage, or salary to perform one or more of the following functions: (1) prevention or detection of intrusion, unauthorized entry or activity, vandalism, or trespass on private property; (2) prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers; (3) control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property; (4) protection of individuals from bodily harm; (5) prevention or detection of intrusion, unauthorized entry or activity, vandalism, or trespass on Minnesota National Guard facilities, including, but not limited to, Camp Ripley and Air National Guard air bases; or (6) enforcement of policies and rules of the security guard's employer related to crime reduction insofar as such enforcement falls within the scope of security guard's duties. The term "security guard" does not include: (i) auditors, accountants, and accounting personnel performing audits or accounting functions; (ii) employees of a firm licensed pursuant to section 326.3381 whose duties are primarily administrative or clerical in nature; (iii) unarmed security personnel; (iv) personnel temporarily employed pursuant to statute or ordinance by political subdivisions to provide protective services at social functions; (v) employees of air or rail carriers. (d) "Bail bondsman" or "bail enforcement agent" means a surety acting as a bonding agent or any person who acts at the direction of a surety for the purpose of arresting a defendant that the surety believes: (1) is about to flee; (2) will not appear in court as required by the defendant's recognizance; or (3) will otherwise not perform the conditions of the recognizance. Subd. 2.Uniforms.(a) Uniforms for peace officers shall be of uniform colors throughout the state as provided herein. Uniforms for: (1) municipal peace officers, including University of Minnesota peace officers and peace officers assigned to patrol duties in parks, shall be blue, brown, or green; (2) peace officers who are members of the county sheriffs' office shall be blue, brown, or green; (3) state troopers shall be maroon; (4) conservation officers shall be green. (b) The uniforms of security guards may be any color other than those specified for peace officers. (c) The uniforms of a bail bondsman or bail enforcement agent or any person who acts at the direction of a surety may be any color other than those specified

for peace officers. A violation of this paragraph is a petty misdemeanor. (d) This subdivision shall apply to uniforms purchased subsequent to January 1, 1981. Subd. 3.Exception.Security guards employed by the Capitol Complex Security Division of the Department of Public Safety are not required to comply with subdivision 2. 1980 c 578 s 9; 1981 c 37 s 2; 1981 c 310 s 16; 1983 c 293 s 109; 1Sp1985 c 10 s 118; 1986 c 444; 1989 c 209 art 2 s 1; 1997 c 7 art 1 s 169; 2005 c 10 art 2 s 4; 2006 c 273 s 13; 2015 c 65 art 3 s 35

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.89 — Peace Officer Discipline Procedures Act.

Subdivision 1.Definitions.For purposes of this section, the terms defined in this subdivision have the meanings given them. (a) "Administrative hearing" means a nonjudicial hearing or arbitration authorized to recommend, approve, or order discipline. (b) "Formal statement" means the questioning of an officer in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the officer. (c) "Officer" means a licensed peace officer or part-time peace officer, as defined in section 626.84, subdivision 1, paragraphs (c) and (d), who is employed by a unit of government. Subd. 2.Applicability.The procedures and provisions of this section apply to law enforcement agencies and government units. The procedures and provisions of this section do not apply to investigations of criminal charges against an officer. Subd. 3.Governing formal statement procedures.The formal statement of an officer must be taken in accordance with subdivisions 4 to 10. Subd. 4.Place of formal statement.The formal statement must be taken at a facility of the employing or investigating agency or at a place agreed to by the investigating individual and the investigated officer. Subd. 5.Complaint.An officer's formal statement may not be taken unless there is filed with the employing or investigating agency a written complaint signed by the complainant stating the complainant's knowledge, and the officer has been given a summary of the allegations. Complaints stating the signer's knowledge also may be filed by members of the law enforcement agency. Before an administrative hearing is begun, the officer must be given a copy of the signed complaint. Subd. 6.Witnesses; investigative reports.Upon request, the investigating agency or the officer shall provide the other party with a list of witnesses that the agency or officer expects to testify at the administrative hearing and the substance of the testimony. A party is entitled to copies of any witness statements in the possession of the other party and an officer is entitled to a copy of the investigating agency's investigative report, provided that any references in a witness statement or investigative report that would reveal the identity of confidential informants need not be disclosed except upon order of the person presiding over the administrative hearing for good cause shown. Subd. 7.Sessions.Sessions at which a formal statement is taken must be of reasonable duration and must give the officer reasonable periods for rest and personal necessities. When practicable, sessions must be held during the officer's regularly scheduled work shift. If the session is not held during the officer's regularly scheduled work shift, the officer must be paid by the employing agency at the officer's current compensation rate for time spent attending the session. Subd. 8.Record.A complete record of sessions at which a formal statement is taken must be made by electronic recording or otherwise. Upon written request of the officer whose statement is taken, a complete copy or transcript must be made available to the officer without charge or undue delay. The session may be tape recorded by the investigating officer and by the officer under investigation. Subd. 9.Presence of attorney and union representative.The officer whose formal statement is taken has the right to have a union representative or an attorney retained by the officer, or both, present during the session. The officer may request the presence of the attorney or the union representative, or both, at any time before or during the session. When a request under this subdivision is made, no formal statement may be taken until a reasonable opportunity is provided for the officer to obtain the presence of the attorney or the union representative. Subd. 10.Admissions.Before an officer's formal statement is taken, the officer shall be advised in writing or on the record that admissions made in the course of the formal statement may be used as evidence of misconduct or as a basis for discipline. Subd. 11.Disclosure of financial records.No employer may require an officer to produce or disclose the officer's personal financial records except pursuant to a valid search warrant or subpoena. Subd. 12.Release of photographs.No law enforcement agency or governmental unit may publicly release photographs of an officer without the written permission of the officer, except that the agency or unit may display a photograph of an officer to a prospective witness as part of an agency or unit investigation, and the agency or unit may provide a photograph of an officer to the civilian police review authority for it to display to a prospective witness as part of the authority's investigation. Subd. 13.Disciplinary letter.No disciplinary letter or reprimand may be included in an officer's personnel record unless the officer has been given a copy of the letter or reprimand. Subd. 14.Retaliatory action prohibited.No officer may be discharged, disciplined, or threatened with discharge or discipline as retaliation for or solely by reason of the officer's exercise of the rights provided by this section. Subd. 15.Rights not reduced.The rights of officers provided by this section are in addition to and do not diminish the rights and privileges of officers that are provided under an applicable collective bargaining agreement or any other applicable law. Subd. 16.Action for damages.Notwithstanding section 3.736 or 466.03, a political subdivision or state agency that violates this section is liable to the officer for actual damages resulting from the violation, plus costs and reasonable attorney fees. The political subdivision or the state is deemed to have waived any immunity to a cause of action brought under this subdivision, except that the monetary limits on liability under section 3.736, subdivision 4, or 466.04 apply. Subd. 17.Civilian review.(a) As used in this subdivision, the following terms have the meanings given: (1) "civilian oversight council" means a civilian review board, commission, or other oversight body established by a local unit of government to provide civilian oversight of a law enforcement agency and officers employed by the agency; and (2) "misconduct" means a violation of law, standards promulgated by the Peace Officer Standards and Training Board, or agency policy. (b) A local unit of government may establish a civilian oversight council and grant the council the authority to make a finding of fact or determination regarding a complaint against an officer and recommend discipline for an officer. (c) At the conclusion of any criminal investigation

or prosecution, if any, a civilian oversight council may conduct an investigation into allegations of peace officer misconduct and retain an investigator to facilitate an investigation. Subject to other applicable law, a council may subpoena or compel testimony and documents in an investigation. Upon completion of an investigation, a council may make a finding of misconduct and recommend appropriate discipline against peace officers employed by the agency. A council must submit investigation reports that contain findings of peace officer misconduct to the chief law enforcement officer and the Peace Officer Standards and Training Board's complaint committee. A council may also make policy recommendations to the chief law enforcement officer and the Peace Officer Standards and Training Board. (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction of a civilian oversight council shall cooperate with the council and facilitate the council's achievement of its goals. However, the officer is under no obligation to agree with individual recommendations of the council and may oppose a recommendation. If the officer elects to not implement a recommendation that is within the officer's authority, the officer shall inform the council of the decision along with the officer's underlying reasons. (e) Data collected, created, received, maintained, or disseminated by a civilian oversight council related to an investigation of a peace officer are personnel data as defined by section 13.43, subdivision 1, and are governed by that section. 1991 c 334 s 1; 2007 c 13 art 3 s 34; 2008 c 205 s 1; 2012 c 156 s 1,2; 2023 c 52 art 10 s 25

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.891 — Cooperation With Postsecondary Institutions.

Local law enforcement agencies, including law enforcement agencies operated by statutory cities, home rule charter cities, and counties, must enter into and honor the memoranda of understanding required under section 135A.15. 2015 c 69 art 4 s 3

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.892 — Peace Officer Grievance Arbitration Selection Procedure.

Subdivision 1.Definitions.(a) For the purposes of this section, the terms defined in this section have the meanings given them. (b) "Commissioner" means the commissioner of the Bureau of Mediation Services. (c) "Employer" means a political subdivision or law enforcement agency employing a peace officer. (d) "Grievance" means a dispute or disagreement regarding any written disciplinary action, discharge, or termination decision of a peace officer arising under a collective bargaining agreement covering peace officers. (e) "Grievance arbitration" means binding arbitration of a grievance under the grievance procedure in a collective bargaining agreement covering peace officers, as required by this section or sections 179A.04, 179A.20, and 179A.21, subdivision 3, to the extent those sections are consistent with this section. (f) "Grievance procedure" has the meaning given in section 179A.20, subdivision 4, except as otherwise provided in this section or to the extent inconsistent with this section. (g) "Peace officer" means a licensed peace officer or part-time peace officer subject to licensure under sections 626.84 to 626.863. Subd. 2.Applicability.(a) Notwithstanding any contrary provision of law, home rule charter, ordinance, or resolution, the arbitrator selection procedure established under this section shall apply to all peace officer grievance arbitrations for written disciplinary action, discharge, or termination heard on or after September 1, 2020. (b) The grievance procedure for all collective bargaining agreements covering peace officers negotiated on or after July 24, 2020, must include the arbitrator selection procedure established in this section. (c) This section does not authorize arbitrators appointed under this section to hear arbitrations of public employees who are not peace officers. Subd. 3.Fees.All fees charged by arbitrators under this section shall be in accordance with a schedule of fees established by the commissioner on an annual basis. Subd. 4.Roster of arbitrators.The commissioner, in consultation with community and law enforcement stakeholders, shall appoint a roster of six persons suited and qualified by training and experience to act as arbitrators for peace officer grievance arbitrations under this section. In making these appointments, and as applicable, the commissioner may consider the factors set forth in Minnesota Rules, parts 5530.0600 and 5530.0700, subpart 6, as well as a candidate's familiarity with labor law, the grievance process, and the law enforcement profession; or experience and training in cultural competency, racism, implicit bias, and recognizing and valuing community diversity and cultural differences. The appointments are effective immediately upon filing with the secretary of state. Arbitrators on the roster created by this subdivision shall not serve as an arbitrator in a labor arbitration other than a grievance arbitration as defined in this section. Subd. 5.Applications.The secretary of state shall solicit and accept applications in the same manner as for open appointments under section 15.0597. Subd. 6.Terms.(a) Initial appointments to the roster of arbitrators shall be made as follows: (1) two appointments to expire on the first Monday in January 2023; (2) two appointments to expire on the first Monday in January 2024; and (3) two appointments to expire on the first Monday in January 2025. (b) Subsequent appointments to the roster of arbitrators shall be for three-year terms to expire on the first Monday in January, with the terms of no more than two arbitrators to expire in the same year. (c) An arbitrator may be reappointed to the roster upon expiration of the arbitrator's term. If the arbitrator is not reappointed, the arbitrator may continue to serve until a successor is appointed, but in no case later than July 1 of the year in which the arbitrator's term expires. Subd. 7.Applicability of Minnesota Rules, chapters 5510 and 5530.To the extent consistent with this section, the following provisions of Minnesota Rules apply to arbitrators on the roster of arbitrators established under this section: (1) Minnesota Rules, part 5530.0500 (status of arbitrators); (2) Minnesota Rules, part 5530.0800 (arbitrator conduct and standards); (3) Minnesota Rules, part 5510.5220 (arbitrator responsibilities); (4) Minnesota Rules, part 5510.5230, subpart 4 (hearing transcripts and recordings); (5) Minnesota Rules, part 5510.5260 (briefs); and (6) Minnesota Rules, part 5510.5295 (arbitrator fees and costs). Subd. 8.Performance measures.To the extent applicable, the commissioner shall track the performance measures set forth in Minnesota Rules, part 5530.1200. Subd.

9.Removal; vacancies.An arbitrator appointed to the roster of arbitrators may be removed from the roster only by the commissioner in accordance with the procedures set forth in Minnesota Rules, part 5530.1300. A vacancy on the roster caused by a removal, a resignation, or another reason shall be filled by the commissioner as necessary to fill the remainder of the arbitrator's term. A vacancy on the roster occurring with less than six months remaining in the arbitrator's term shall be filled for the existing term and the following three-year term. Subd. 10.Training.(a) A person appointed to the arbitrator roster under this section must complete training as required by the commissioner during the person's appointment. At a minimum, an initial training must include: (1) at least six hours on the topics of cultural competency, racism, implicit bias, and recognizing and valuing community diversity and cultural differences; and (2) at least six hours on topics related to the daily experience of peace officers, which may include ride-alongs with on-duty officers or other activities that provide exposure to the environments, choices, and judgments required of officers in the field. (b) The commissioner may adopt rules establishing training requirements consistent with this subdivision. (c) An arbitrator appointed to the roster of arbitrators after 2020 must complete the required initial training within six months of the arbitrator's appointment. (d) The Bureau of Mediation Services must pay for all costs associated with the required training. Subd. 11.Selection of arbitrators.The commissioner shall assign or appoint an arbitrator or panel of arbitrators from the roster to a peace officer grievance arbitration under this section on rotation through the roster alphabetically ordered by last name. The parties shall not participate in, negotiate for, or agree to the selection of an arbitrator or arbitration panel under this section. The arbitrator or panel shall decide the grievance, and the decision is binding subject to the provisions of chapter 572B. Subd. 12.Interaction with other laws.(a) Sections 179A.21, subdivision 2, and 572B.11, paragraph (a), and rules for arbitrator selection promulgated pursuant to section 179A.04 shall not apply to discipline-related grievance arbitrations involving peace officers governed under this section. (b) Notwithstanding any contrary provision of law, home rule charter, ordinance, or resolution, peace officers, through their certified exclusive representatives, shall not have the right to negotiate for or agree to a collective bargaining agreement or a grievance arbitration selection procedure with their employers that is inconsistent with this section. (c) The arbitrator selection procedure for peace officer grievance arbitrations established under this section supersedes any inconsistent provisions in chapter 179A or 572B or in Minnesota Rules, chapters 5500 to 5530 and 7325. Other arbitration requirements in those chapters remain in full force and effect for peace officer grievance arbitrations, except as provided in this section or to the extent inconsistent with this section. 2Sp2020 c 1 s 24; 2023 c 25 s 188; 2024 c 110 art 5 s 32; 2024 c 127 art 7 s 1

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.90 — Law Enforcement Authority; Mille Lacs Band Of Chippewa.

Subdivision 1.Definition.As used in this section, "band" means the federally recognized Mille Lacs Band of Chippewa Indians. Subd. 2.Law enforcement agency.(a) The band has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) are met: (1) the band agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of a law enforcement agency function conferred by this section, to the same extent as a municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity for purposes of claims of this liability; (2) the band files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount; (3) the band files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and (4) the band agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies. (b) The band may enter into mutual aid/cooperative agreements with the Mille Lacs County sheriff under section 471.59 to define and regulate the provision of law enforcement services under this section. (c) Only if the requirements of paragraph (a) are met, the band shall have concurrent jurisdictional authority under this section with the Mille Lacs County Sheriff's Department over all persons in the geographical boundaries of the Treaty of February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota. Subd. 3.Peace officers.If the band complies with the requirements set forth in subdivision 2, the band is authorized to appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace officers employed by local units of government. Subd. 4.County jail.The sheriff of the county in which the violation occurred is responsible for receiving persons arrested by peace officers appointed under subdivision 3 and acting under the authority conferred by this section. Subd. 5.Prosecuting authority.The Mille Lacs County attorney is responsible to prosecute or initiate petitions for any person arrested, investigated, or detained by peace officers appointed under subdivision 3 and acting under the authority conferred by this section. Subd. 6.Effect on federal law.Nothing in this section shall be construed to restrict the band's authority under federal law. Subd. 7.Construction.This section is limited to law enforcement authority only, and nothing in this section shall affect any other jurisdictional relationships or disputes involving the band or current reservation boundaries or entitle the band as a municipality or subdivision of government to any fine or penalty revenue allocation under section 484.90. 1991 c 189 s 1; 1998 c 386 art 2 s 97; 2000 c 411 s 3; 2005 c 10 art 2 s 4; 2007 c 13 art 3 s 35; 2023 c 52 art 10 s 26

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.91 — Law Enforcement Authority; Lower Sioux Indian Community Peace Officers.

Subdivision 1.Definition.As used in this section, "community" means the Lower Sioux Indian Community. Subd. 2.Law enforcement agency.(a) The community has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) are met: (1) the community agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the law enforcement agency powers conferred by this section to the same extent as a municipality under chapter 466, and the community further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from this liability; (2) the community files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount; (3) the community files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and (4) the community agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies. (b) The community may enter into an agreement under section 471.59 with the Redwood County sheriff to define and regulate the provision of law enforcement services under this section and to provide for mutual aid and cooperation. If entered, the agreement must identify and describe the trust property involved in the agreement. For purposes of entering into this agreement, the community shall be considered a "governmental unit" as that term is defined in section 471.59, subdivision 1. Subd. 3.Concurrent jurisdiction.The jurisdiction of the community pursuant to this section shall be concurrent with that of the Redwood County sheriff, provided that it shall be limited to persons in the geographical boundaries of property held by the United States in trust for the community. Subd. 4.Peace officers.If the community complies with the requirements set forth in subdivision 2, paragraph (a), the community is authorized to appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace officers employed by the Redwood County sheriff over the persons and the geographic areas described in subdivision 3. Subd. 5.County jail.The Redwood County sheriff is responsible for receiving persons arrested by peace officers appointed by the community under subdivision 4 and acting under the authority conferred by this section. Subd. 6.Prosecuting authority.The Redwood County attorney is responsible for prosecuting or initiating petitions for any person arrested, investigated, or detained by peace officers appointed by the community under subdivision 4 and acting under the authority conferred by this section. Subd. 7.Effect on federal law.Nothing in this section shall be construed to restrict the community's authority under federal law. Subd. 8.Construction.This section is limited to law enforcement authority only, and nothing in this section shall affect any other jurisdictional relationships or disputes involving the community. 1997 c 185 s 1; 1998 c 386 art 2 s 98; 2000 c 411 s 4; 2005 c 10 art 2 s 4; 2023 c 52 art 10 s 27,28

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.92 — Enforcement Authority; Fond Du Lac Band Of Lake Superior Chippewa.

Subdivision 1.Definition.As used in this section, "band" means the Fond du Lac Band of Lake Superior Chippewa, a federally recognized Indian tribe organized pursuant to the Indian Reorganization Act of 1934, United States Code, title 25, section 476, and which occupies the Fond du Lac Reservation pursuant to the Treaty of LaPointe, 10 Stat. 1109. Subd. 2.Law enforcement agency.(a) The band has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) and paragraph (b) are met: (1) the band agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the law enforcement agency powers conferred by this section to the same extent as a municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity for purposes of claims arising out of this liability; (2) the band files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount or establishes that liability coverage exists under the Federal Torts Claims Act, United States Code, title 28, section 1346(b), et al., as extended to the band pursuant to the Indian Self-Determination and Education Assistance Act of 1975, United States Code, title 25, section 450f(c); (3) the band files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution or establishes that liability coverage exists under the Federal Torts Claims Act, United States Code, title 28, section 1346(b) et al., as extended to the band pursuant to the Indian Self-Determination and Education Assistance Act of 1975, United States Code, title 25, section 450F(c); and (4) the band agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies. (b) The band may enter into written mutual aid or cooperative agreements with the Carlton County sheriff, the St. Louis County sheriff, and the city of Cloquet under section 471.59 to define and regulate the provision of law enforcement services under this section. If entered, the agreements must define the following: (1) the trust property involved in the joint powers agreement; (2) the responsibilities of the county sheriffs; (3) the responsibilities of the county attorneys; and (4) the responsibilities of the city of Cloquet city attorney and police department. Subd. 3.Concurrent jurisdiction.The band shall have concurrent jurisdictional authority under this section with the Carlton County and St. Louis County Sheriffs' Departments over crimes committed within the boundaries of the Fond du Lac Reservation if the requirements of subdivision 2, paragraph (a), are met, regardless of whether a cooperative agreement pursuant to subdivision 2, paragraph (b), is entered into. Subd. 4.Peace officers.If the band complies with the requirements set forth in subdivision 2, the band is authorized to appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace officers employed by local units of government. Subd.

5.Effect on federal law.Nothing in this section shall be construed to restrict the band's authority under federal law. Subd. 6.Construction.This section is limited to law enforcement authority only, and nothing in this section shall affect any other jurisdictional relationships or disputes involving the band. 1998 c 367 art 11 s 21; 2000 c 411 s 5; 2005 c 10 art 2 s 4; 2023 c 52 art 10 s 29,30

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.94 — Conservation Law Enforcement Authority.

Subdivision 1.Definition.As used in this section, "Indian conservation enforcement authority" means: (1) a federally recognized Indian tribe, as defined in United States Code, title 25, section 450b, subsection (e), located within Minnesota, provided that the tribe has the authority to adopt and enforce game, fish, and natural resources codes governing the conduct of its members within the geographic boundaries of a reservation or in the 1854 or 1837 Ceded Territories; or (2) an Indian conservation agency having the authority to adopt or enforce game, fish, and natural resources codes and regulations governing the conduct of Indians in the 1854 or 1837 Ceded Territories. Subd. 2.Indian conservation enforcement authority requirements.Upon agreement by the commissioner of natural resources, an Indian conservation enforcement authority may exercise authority under subdivision 3 if it satisfies the following minimum requirements: (1) the Indian conservation enforcement authority agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the conservation enforcement powers conferred by this section to the same extent as a municipality under chapter 466 and the Indian conservation enforcement authority further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity for purposes of claims arising out of the liability; (2) the Indian conservation enforcement authority files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amounts; (3) the Indian conservation enforcement authority files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its conservation law enforcement officers, employees, and agents for lawsuits under the United States Constitution; (4) the Indian conservation enforcement authority agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies; (5) the Indian conservation enforcement authority enters into a written cooperative agreement with the commissioner of natural resources under section 471.59 to define and regulate the provision of conservation law enforcement services under this section and to provide conservation officers employed by the Department of Natural Resources with authority described in the cooperative agreement to enforce Indian codes and regulations on lands agreed upon within the reservation or ceded territory; and (6) the Indian conservation enforcement authority appoints a licensed peace officer to serve as a chief law enforcement officer with authority to appoint and supervise the authority's conservation officers under this section. When entering into an agreement under clause (5), the Indian conservation enforcement authority is considered a "governmental unit" as defined under section 471.59, subdivision 1. Nothing in this section shall be construed to invalidate or limit the terms of any valid agreement approved by a federal court order. Subd. 3.Jurisdiction.If the requirements of subdivision 2 are met: (1) the Indian conservation enforcement authority's chief law enforcement officer may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), to serve as conservation officers having the same powers as conservation officers employed by the Department of Natural Resources. The exercise of these powers is limited to the geographical boundaries of the reservation or ceded territory; and (2) the jurisdiction of conservation officers appointed under this subdivision is concurrent with the jurisdiction of conservation officers employed by the Department of Natural Resources to enforce the state's game and fish, natural resource, and recreational laws within the geographical boundaries of the reservation or ceded territory. Subd. 4.Effect on federal law.Nothing in this section shall be construed to restrict the Indian conservation enforcement authority's authority under federal law. Subd. 5.Construction.This section is limited to conservation enforcement authority only. Nothing in this section shall affect any other jurisdictional relationship or dispute or current agreement. 1Sp2001 c 2 s 149

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.9514 — Toll-free Telephone Number.

The attorney general shall operate and maintain a toll-free telephone number for complaints dealing with racial profiling. The attorney general must act as a clearinghouse for racial profiling complaints and must forward complaints to the Peace Officer Standards and Training Board. 1Sp2001 c 8 art 7 s 8

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.9517 — Grant Program For Installation Of Video Cameras In Police Vehicles.

Subdivision 1.Grants; cameras described.Video cameras installed pursuant to grants made by the commissioner of public safety to law enforcement agencies participating in the racial profiling study described in Minnesota Statutes 2006, section 626.951, for the purchase, installation, and maintenance of video cameras on police vehicles designed to record traffic stops must: (1) be automatically activated during every traffic stop; (2) contain an audio feature; and (3) be designed and installed so as to record the stop in its entirety. Cameras may not be equipped with manual shutoff switches and must be activated for the entirety of a traffic stop. Subd. 2.Storage of video.Notwithstanding section 138.163 or 138.17, chief law enforcement officers of agencies receiving

grants under this section for video cameras in police vehicles shall ensure that the videotape or disk from the camera be stored for a minimum of 60 days after use. If the chief law enforcement officer has not been instructed by the board or the attorney general to maintain the tape or disk beyond that period, the chief law enforcement officer may reuse it. Tapes and disks must be stored and maintained under this subdivision in an accessible manner. The tapes and disks must be clearly labeled and ordered. Subd. 3.Availability of videotape.A chief law enforcement officer shall provide a copy of a videotape or disk that recorded a traffic stop to the driver of the stopped vehicle upon the driver's request and at the driver's expense if the tape or disk has not yet been reused. 1Sp2001 c 8 art 7 s 9; 2013 c 125 art 1 s 100

2024 Minnesota StatutesChapters 625 - 634 — Criminal Procedure; Peace Officers; Privacy Of CommunicationsChapter 626 — Peace Officers; Searches; Pursuit; Mandatory ReportingSection 626.96 — Blue Alert System.

Subdivision 1.Establishment.The commissioner of public safety shall establish a Blue Alert system to aid in the identification, location, and apprehension of an individual or individuals suspected of killing or seriously wounding a local, state, or federal law enforcement officer. The commissioner shall coordinate with local law enforcement agencies and public and commercial television and radio broadcasters to provide an effective alert system. Subd. 2.Criteria and procedures.The commissioner, in consultation with the Board of Peace Officer Standards and Training, the Minnesota Police and Peace Officers Association, the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, the Minnesota chapter of the National Emergency Number Association, the Minnesota chapter of the Association of Public Safety Communications Officials, and the commissioner of transportation, shall develop criteria and procedures for the Blue Alert system. By October 1, 2015, the commissioner shall adopt criteria and procedures for the Blue Alert system. Subd. 3.Oversight.The commissioner shall regularly review the function of the Blue Alert system and revise its criteria and procedures to provide for efficient and effective public notification. Subd. 4.Scope.The Blue Alert system shall include all state and local agencies capable of providing urgent and timely information to the public, together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information. Subd. 5.Additional notice.The commissioner may notify authorities and entities outside of the state upon verification that the criteria established under this section have been met. Subd. 6.False reports.A person who knowingly makes a false report that triggers an alert under this section is guilty of a misdemeanor. 2015 c 65 art 3 s 36

Title: chapters-160-174a/chapter-169

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.02 — Scope.

Subdivision 1.Application to persons, places, and vehicles.The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, and upon highways, streets, private roads, and roadways situated on property owned, leased, or occupied by the regents of the University of Minnesota, or the University of Minnesota, except: (1) where a different place is specifically referred to in a given section; (2) the provisions of sections 169.09 to 169.13 apply to any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state, and to any person who drives, operates, or is in physical control of a snowmobile on a snowmobile trail within this state. Subd. 2.Penalty for not complying with peace officer.It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic. (2720-152, 2720-153, 2720-154) 1937 c 464 s 2-4; 1947 c 204 s 2; Ex1971 c 27 s 1; 1Sp1985 c 4 s 2; 1989 c 331 s 21; 2001 c 161 s 58; 1Sp2001 c 8 art 2 s 7

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.022 — Uniform Application.

The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein. Local authorities may adopt traffic regulations which are not in conflict with the provisions of this chapter; provided, that when any local ordinance regulating traffic covers the same subject for which a penalty is provided for in this chapter, then the penalty provided for violation of said local ordinance shall be identical with the penalty provided for in this chapter for the same offense. (2720-157) 1937 c 464 s 7; 1945 c 383 s 1; 1949 c 521; 1957 c 130 s 1; 1959 c 66 s 1; 1973 c 28 s 1; 1974 c 23 s 1; 1974 c 350 s 1 subd 9

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.025 — Application Of Motor Carrier Regulations.

Notwithstanding any provision of this chapter other than section 169.67, a vehicle, driver, or carrier that is subject to the motor carrier safety regulations incorporated in section 221.0314 or 221.605 shall comply with the more stringent or additional requirement imposed by the motor carrier safety regulation. 1988 c 544 s 1; 2009 c 64 s 3

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.03 — Emergency Vehicles.

Subdivision 1.Scope.The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers

of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, subject to such specific exemptions as are set forth in this chapter with reference to authorized emergency vehicles. Subd. 2.Stops.The driver of any authorized emergency vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety, but may proceed cautiously past such red or stop sign or signal after sounding siren and displaying red lights, except that a law enforcement vehicle responding to an emergency call shall sound its siren or display at least one lighted red light to the front. Subd. 3.One-way roadway.The driver of any authorized emergency vehicle, when responding to any emergency call, may enter against the run of traffic on any one-way street, or highway where there is authorized division of traffic, to facilitate traveling to the area in which an emergency has been reported; and the provisions of this section shall not affect any cause of action arising prior to its passage. Subd. 4.Parking at emergency scene.An authorized emergency vehicle, when at the scene of a reported emergency, may park or stand, notwithstanding any law or ordinance to the contrary. Subd. 5.Course of duty.No driver of any authorized emergency vehicle shall assume any special privilege under this chapter except when such vehicle is operated in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law. Subd. 6.MS 2006 [Renumbered 169.035, subdivision 1] Subd. 7.MS 2006 [Renumbered 169.035, subd 2] Subd. 8.MS 2006 [Renumbered 169.035, subd 3] Subd. 9.[Renumbered 169.022] (2720-155, 2720-156) 1937 c 464 s 5-7; 1945 c 383 s 1; 1949 c 521; 1957 c 130 s 1; 1959 c 66 s 1; 1973 c 28 s 1; 1974 c 23 s 1; 1974 c 350 s 1; 1978 c 739 s 6; 1981 c 321 s 3; 1985 c 248 s 70; 1987 c 63 s 1; 1999 c 241 art 9 s 41; 2000 c 478 art 2 s 7; 2001 c 24 s 1; 2002 c 319 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.035 — Exemptions; Applications.

Subdivision 1.Working on highway.(a) The provisions of this chapter shall not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the highway, except as provided in paragraphs (b) and (c). (b) This chapter shall apply to those persons and vehicles when traveling to or from such work, except that persons operating equipment owned, rented or hired by road authorities shall be exempt from the width, height and length provisions of sections 169.80 and 169.81 and shall be exempt from the weight limitations of this chapter while performing the following actions on behalf of the state or a local governmental unit: (1) while loading, readying, or moving the vehicles or equipment in preparation for combating anticipated slippery road conditions or removing snow or ice; (2) while actually engaged in snow or ice removal or combating slippery road conditions, including but not limited to pretreatment and anti-icing activities; or (3) while engaged in flood control operations. (c) Chapter 169A and section 169.444 apply to persons while actually engaged in work upon the highway. Subd. 2.Streetcars.Streetcars, except where otherwise specifically provided, shall be governed by the same rules as provided in this chapter for vehicles and motor vehicles, only insofar as such rules apply to speed, stopped at through streets and railroad tracks, and obeying signals of traffic-control devices and rights-of-way, driving under the influence of drugs or intoxicating liquor, careless driving, and the stopping at the scene of an accident and giving the information as required by this chapter, and following vehicles too closely, and shall be entitled to the same rights and benefits of this chapter, as to warning, turning and stopping signals and rights-of-way, as any vehicles or motor vehicle in the streets and highways of this state. Subd. 3.Transportation by animal.(a) A person riding an animal or operating an animal-drawn vehicle upon a roadway is subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which by their nature can have no application. (b) A person operating an animal-drawn vehicle must comply with sections 169.18, subdivision 10; 169.522; and 169.58, subdivision 6. Subd. 4.Trains.(a) For purposes of this subdivision, "railroad operator" means a person who is a locomotive engineer, conductor, member of the crew of a railroad locomotive or train, or an operator of on-track equipment. (b) A peace officer may not issue a citation for violation of this chapter or chapter 171 to a railroad operator involving the operation of a railroad locomotive or train, or on-track equipment while being operated upon rails. (c) Notwithstanding section 171.08, a railroad operator is not required to display or furnish a driver's license to a peace officer in connection with the operation of a railroad locomotive or train, or on-track equipment while being operated upon rails. (2720-155, 2720-156) 1937 c 464 s 5-7; 1945 c 383 s 1; 1949 c 521; 1957 c 130 s 1; 1959 c 66 s 1; 1973 c 28 s 1; 1974 c 23 s 1; 1974 c 350 s 1; 1978 c 739 s 6; 1981 c 321 s 3; 1985 c 248 s 70; 1987 c 63 s 1; 1999 c 241 art 9 s 41; 2000 c 478 art 2 s 7; 2001 c 24 s 1; 2002 c 319 s 1; 2012 c 287 art 4 s 15,16; 1Sp2021 c 5 art 4 s 53

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.04 — Local Authority.

(a) The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction, and with the consent of the commissioner, with respect to state trunk highways, within the corporate limits of a municipality, or within the limits of a town in a county in this state now having or which may hereafter have, a population of 500,000 or more, and a land area of not more than 600 square miles, and within the reasonable exercise of the police power from: (1) regulating the standing or parking of vehicles; (2) regulating traffic by means of police officers or traffic-control signals; (3) regulating or prohibiting processions or assemblages on the highways; (4) designating particular highways as one-way roadways and requiring that all vehicles, except emergency vehicles, when on an emergency run, thereon be moved in one specific direction; (5) designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same, or designating any intersection as a stop intersection, and requiring all vehicles to stop at one or more entrances to such intersections; (6) restricting the use of highways as authorized in sections 169.80 to 169.88; (7) regulating speed limits through the use of a speed safety camera system implemented under section 169.147; and (8) regulating traffic control through the use of a red light camera

system implemented under section 169.147. (b) No ordinance or regulation enacted under paragraph (a), clause (4), (5), or (6), shall be effective until signs giving notice of such local traffic regulations are posted upon and kept posted upon or at the entrance to the highway or part thereof affected as may be most appropriate. (c) No ordinance or regulation enacted under paragraph (a), clause (3), or any other provision of law shall prohibit: (1) the use of motorcycles or vehicles utilizing flashing red lights for the purpose of escorting funeral processions, oversize buildings, heavy equipment, parades or similar processions or assemblages on the highways; or (2) the use of motorcycles or vehicles that are owned by the funeral home and that utilize flashing red lights for the purpose of escorting funeral processions. (d) Ordinances or regulations enacted under paragraph (a), clauses (7) and (8), are effective after August 1, 2025, and before August 1, 2029. (2720-158) 1937 c 464 s 8; 1939 c 359; 1957 c 130 s 2; 1969 c 429 s 1; 2002 c 316 s 1; 2024 c 127 art 3 s 46

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.042 — Towing; Notice To Victim Of Vehicle Theft.

Subdivision 1.Notification.The law enforcement agency that originally received the report of a vehicle theft shall make a reasonable and good-faith effort to notify the victim of the reported vehicle theft within 48 hours after recovering the vehicle or receiving notification that the vehicle has been recovered. The notice must specify when the recovering law enforcement agency expects to release the vehicle to the owner and where the owner may pick up the vehicle. The law enforcement agency that recovers the vehicle must promptly inform the agency that received the theft report that the vehicle is recovered, where the vehicle is located, and when the vehicle can be released to the owner. Subd. 2.Violation dismissal.A traffic violation citation given to the owner of the vehicle as a result of the vehicle theft must be dismissed if the owner presents, by mail or in person, a police report or other verification that the vehicle was stolen at the time of the violation. 1993 c 326 art 6 s 1; 1997 c 239 art 7 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.045 — Special Vehicle Use On Roadway.

Subdivision 1.Designation of roadway, permit.The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck is by permit only. For purposes of this section: (1) an all-terrain vehicle has the meaning given in section 84.92; (2) a mini truck has the meaning given in section 169.011, subdivision 40a; and (3) a utility task vehicle means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds. Subd. 2.Ordinance.The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period not to exceed three years, and may be renewed. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the roadways designated. Subd. 3.Times of operation.Motorized golf carts, all-terrain vehicles, and utility task vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They shall not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet. Subd. 4.Slow-moving vehicle emblem.Motorized golf carts shall display the slow-moving vehicle emblem provided for in section 169.522, when operated on designated roadways. Subd. 5.Crossing intersecting highways.The operator, under permit, of a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck may cross any street or highway intersecting a designated roadway. Subd. 6.Application of traffic laws.Every person operating a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks and except as otherwise specifically provided in subdivision 7. Subd. 7.Nonapplication of certain laws.The provisions of chapter 171 are applicable to persons operating mini trucks, but are not applicable to persons operating motorized golf carts, utility task vehicles, or all-terrain vehicles under permit on designated roadways pursuant to this section. Except for the requirements of section 169.70, the provisions of this chapter relating to equipment on vehicles are not applicable to motorized golf carts, utility task vehicles, or all-terrain vehicles operating, under permit, on designated roadways. Subd. 7a.Required equipment on mini trucks.Notwithstanding sections 169.48 to 169.68, or any other law, a mini truck may be operated under permit on designated roadways if it is equipped with: (1) at least two headlamps; (2) at least two taillamps; (3) front and rear turn-signal lamps; (4) an exterior mirror mounted on the driver's side of the vehicle and either (i) an exterior mirror mounted on the passenger's side of the vehicle or (ii) an interior mirror; (5) a windshield; (6) a seat belt for the driver and front passenger; and (7) a parking brake. Subd. 8.Insurance.In the event persons operating a motorized golf cart, utility task vehicle, all-terrain vehicle, or mini truck under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile Insurance Plan under sections 65B.01

to 65B.12, at a rate to be determined by the commissioner of commerce. 1982 c 549 s 2; 1986 c 452 s 19; 1Sp1986 c 3 art 2 s 12; 1987 c 337 s 121,122; 1997 c 159 art 2 s 18; 2009 c 158 s 3,10; 2011 c 107 s 89-95; 2012 c 287 art 3 s 56; 2014 c 255 s 20

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.05 — Private Roadways.

Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner. (2720-159) 1937 c 464 s 9

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.06 — Signs, Signals, Markings.

Subdivision 1.Uniform system.The commissioner shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway and Transportation Officials. The manual and specifications must include the design and wording of minimum-maintenance road signs. The adoption of the manual and specifications by the commissioner as herein provided is specifically exempted from chapter 14, including section 14.386. Subd. 2.Placement and maintenance on trunk highway.(a) The commissioner shall place and maintain such traffic-control devices, conforming to the manual and specifications, upon all state trunk highways as the commissioner shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. The commissioner may construct and maintain signs at the entrance of each city, which sign shall have placed thereon the name of the city and the population thereof. The commissioner may construct and maintain other directional signs upon the trunk highways and such signs shall be uniform. The commissioner may authorize variations from the manual and specifications for the purpose of investigation and research into the use and development of traffic-control devices. When such authorized variation pertains to the regulation of traffic, notice of the intended regulatory purpose shall be published in a qualified newspaper of general circulation in the area where the research is being conducted. (b) No other authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the commissioner except by the latter's permission. Subd. 3.Placement and maintenance by local authority.Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances, or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications. Subd. 4.Obedience to traffic-control signal or authorized persons; presumptions.(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer or by a flagger authorized under this subdivision, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter. (b) No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place. (c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence. (d) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence. (e) An overdimensional load escort driver with a certificate issued under section 299D.085, while acting as a flagger escorting a legal overdimensional load, may stop vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person operating a motor vehicle that has been stopped by an escort driver acting as a flagger may proceed only on instruction by the flagger or a police officer. (f) A person may stop and hold vehicles in place until it is safe for the vehicles to proceed, if the person: (1) holds a motorcycle road guard certificate issued under section 171.60; (2) meets the safety and equipment standards for operating under the certificate; (3) is acting as a flagger escorting a motorcycle group ride; (4) has notified each statutory or home rule charter city through which the motorcycle group is proceeding; and (5) has obtained consent from the chief of police, or the chief's designee, of any city of the first class through which the group is proceeding. A flagger operating as provided under this paragraph may direct operators of motorcycles within a motorcycle group ride or other vehicle traffic, notwithstanding any contrary indication of a traffic-control device, including stop signs or traffic-control signals. A person operating a vehicle that has been stopped by a flagger under this paragraph may proceed only on instruction by the flagger or a police officer. Subd. 4a.Obedience to work zone flagger; violation, penalty.(a) A flagger in a work zone may stop vehicles, hold vehicles in place, and direct vehicles to proceed when it is safe. (b) A person convicted of operating a motor vehicle in violation of a speed limit in a work zone, or any other provision of this section while in a work zone, shall be required to pay a fine of $300. This fine is in addition to the surcharge under section 357.021, subdivision 6. (c) If a motor vehicle is operated in violation of paragraph (a), the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor and is subject to a fine as provided in paragraph (b). The owner or lessee may not be fined under this paragraph if (1) another person is convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation. This paragraph does

not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee. (d) Paragraph (c) does not prohibit or limit the prosecution of a motor vehicle operator who violates paragraph (a). (e) A violation under paragraph (c) does not constitute grounds for revocation or suspension of a driver's license. (f) A peace officer may issue a citation to the operator of a motor vehicle if the peace officer has probable cause to believe that the person has operated the vehicle in violation of paragraph (a). A citation may be issued even though the violation did not occur in the officer's presence. In addition to other evidentiary elements or factors, a peace officer has probable cause under this subdivision if: (1) a qualified work zone flagger has provided a report of a violation of paragraph (a) that includes a description and the license plate number of the vehicle used to commit the offense, and the time of the incident; (2) the person is operating the vehicle described in the report; and (3) it is within the four-hour period following the time of the incident, as specified in the report. (g) A work zone flagger is qualified to provide a report under paragraph (f) if each flagger involved in the reporting has completed training that includes information on flagging operations, equipment, traffic laws, observation and accurate identification of motor vehicles, and delegation of duties involving a report under paragraph (f). Subd. 4b.Obedience to school bus flagger.(a) A person may stop and hold vehicles in place at a location on a street or highway having a speed limit of 35 miles per hour or less until it is safe for the vehicles to proceed, if the person: (1) is designated by the school district's transportation safety director to act as a school bus flagger; (2) controls traffic in order to enable one or more school buses to safely leave school property and enter the adjacent street or highway, or to safely enter school property from the adjacent street or highway; and (3) meets the safety and equipment standards for an adult crossing guard provided in the manual and specifications adopted under subdivision 1. (b) A person operating a motor vehicle that has been stopped by a school bus flagger may proceed after stopping only on instruction by the school bus flagger or a police officer. (c) The authority under paragraph (a) does not apply in a school zone established under section 169.14, subdivision 5a, in which the speed limit of that street or highway outside the school zone is greater than 35 miles per hour. Subd. 5.Traffic-control signal.(a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red, and Yellow shall be used, except for special pedestrian signals carrying a word or legend. The traffic-control signal lights or colored lighted arrows indicate and apply to drivers of vehicles and pedestrians as follows: (1) Green indication: (i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard. (ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or other movement as permitted by other indications shown at the same time. Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. (iii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk. Every driver of a vehicle shall yield the right-of-way to such pedestrian, except that the pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the green signal indication is first shown. (2) Steady yellow indication: (i) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic must not enter the intersection, except for the continued movement allowed by any green arrow indication simultaneously exhibited. (ii) Pedestrians facing a circular yellow signal, unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway. (3) Steady red indication: (i) Vehicular traffic facing a circular red signal alone must stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows: (A) the driver of a vehicle stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or stop signal, and with the intention of making a right turn may make the right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection; or (B) the driver of a vehicle on a one-way street intersecting another one-way street on which traffic moves to the left shall stop in obedience to a red or stop signal and may then make a left turn into the one-way street, unless an official sign has been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection. (ii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing a steady red signal alone shall not enter the roadway. (iii) Vehicular traffic facing a steady red arrow signal, with the intention of making a movement indicated by the arrow, must stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and must remain standing until a permissive signal indication permitting the movement indicated by the red arrow is displayed, except as follows: when an official sign has been erected permitting a turn on a red arrow signal, the vehicular traffic facing a red arrow signal indication is permitted to enter the intersection to turn right, or to turn left from a one-way street into a one-way street on which traffic moves to the left, after stopping, but must yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection. (b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except those which can have no application. Any stop required must be made at a sign or marking on the pavement indicating where the stop must be made, but in

the absence of any such sign or marking the stop must be made at the signal. (c) When a traffic-control signal indication or indications placed to control a certain movement or lane are so identified by placing a sign near the indication or indications, no other traffic-control signal indication or indications within the intersection controls vehicular traffic for that movement or lane. Subd. 5a.Traffic-control signal; override system.All electronic traffic-control signals installed by a road authority on and after January 1, 1995, must be prewired to facilitate a later addition of a system that allows the operator of an authorized emergency vehicle to activate a green traffic signal for the vehicle. Subd. 5b.Possession of traffic signal-override device.(a) For purposes of this subdivision, "traffic signal-override device" means a device located in a motor vehicle that permits activation of a traffic signal-override system described in subdivision 5a. (b) No person may operate a motor vehicle that contains a traffic signal-override device, other than: (1) an authorized emergency vehicle described in section 169.011, subdivision 3, clause (1), (2), or (3); (2) a vehicle, including a rail vehicle, engaged in providing bus rapid transit service or light rail transit service; (3) a signal maintenance vehicle of a road authority; or (4) a vehicle authorized to contain such a device by order of the commissioner of public safety. (c) No person may possess a traffic signal-override device, other than: (1) a person authorized to operate a vehicle described in paragraph (b), clauses (1) and (2), but only for use in that vehicle; (2) a person authorized by a road authority to perform signal maintenance, while engaged in such maintenance; or (3) a person authorized by order of the commissioner of public safety to possess a traffic signal-override device, but only to the extent authorized in the order. (d) A violation of this subdivision is a misdemeanor. Subd. 6.Pedestrian control signal.(a) Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or symbols of a "walking person" or "upraised hand" are in place, the signals or symbols indicate as follows: (1) A steady "Walk" signal or the symbol of a "walking person" indicates that a pedestrian facing either of these signals may proceed across the roadway in the direction of the signal, possibly in conflict with turning vehicles. Every driver of a vehicle shall yield the right-of-way to such pedestrian except that the pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that either signal indication is first shown. (2) A "Don't Walk" signal or the symbol of an "upraised hand," flashing or steady, indicates that a pedestrian shall not start to cross the roadway in the direction of either signal, but any pedestrian who has partially crossed on the "Walk" or "walking person" signal indication shall proceed to a sidewalk or safety island while the signal is showing. (b) A pedestrian crossing a roadway in conformity with this section is lawfully within the intersection and, when in a crosswalk, is lawfully within the crosswalk. Subd. 7.Flashing signal.When flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows: (a) When a circular red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. (b) When a red arrow lens is illuminated with rapid intermittent flashes drivers of vehicles with the intention of making a movement indicated by the arrow shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. (c) When a circular yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signals only with caution. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard. (d) When a yellow arrow indication is illuminated with rapid intermittent flashes, drivers of vehicles with the intention of making a movement indicated by the arrow may proceed through the intersection or past the signals only with caution, but shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard. Subd. 8.Lane-direction-control signal.When lane-direction-control signals are placed over individual lanes of a street or highway, vehicular traffic may travel in lanes as follows: (a) Vehicular traffic facing a green arrow indication is permitted to drive in the lane over which the arrow signal is located. (b) Vehicular traffic facing a red "X" indication shall not drive in the lane over which the signal is located. (c) Vehicular traffic facing a steady yellow "X" indication is thereby warned that use of the lane over which the signal is located is being terminated, or that a red "X" indication will be exhibited immediately thereafter when vehicular traffic shall not drive in the lane. (d) Vehicular traffic facing a yellow "X" indication illuminated with rapid intermittent flashes is permitted to use a lane over which the signal is located for a left turn or for a passing maneuver, using proper caution. Subd. 9.Affirmative defense relating to unchanging traffic-control signal.(a) A person operating a bicycle or motorcycle who violates subdivision 4 by entering or crossing an intersection controlled by a traffic-control signal against a red light has an affirmative defense to that charge if the person establishes all of the following conditions: (1) the bicycle or motorcycle has been brought to a complete stop; (2) the traffic-control signal continues to show a red light for an unreasonable time; (3) the traffic-control signal is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the bicycle or motorcycle; and (4) no motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an immediate hazard. (b) The affirmative defense in this subdivision applies only to a violation for entering or crossing an intersection controlled by a traffic-control signal against a red light and does not provide a defense to any other civil or criminal action. Subd. 10.Red light camera; penalty.(a) Subject to subdivision 11, if a motor vehicle is operated in violation of a traffic-control signal and

the violation is identified through the use of a red light camera system implemented under section 169.147, the owner of the vehicle or the lessee of the vehicle is guilty of a petty misdemeanor and must pay a fine of $40. (b) A person who commits a first offense under paragraph (a) must be given a warning and is not subject to a fine or conviction under paragraph (a). A person who commits a second offense under paragraph (a) is eligible for diversion, which must include a traffic safety course established under section 169.147, subdivision 11. A person who enters diversion and completes the traffic safety course is not subject to a fine or conviction under paragraph (a). (c) Paragraph (b) does not apply to: (1) a violation that occurs in a commercial motor vehicle; or (2) a violation committed by a holder of a class A, B, or C commercial driver's license or commercial driver learner's permit, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle. (d) This subdivision applies to violations committed on or after August 1, 2025, and before August 1, 2029. Subd. 11.Red light camera; limitations.(a) An owner or lessee of a motor vehicle is not subject to a fine or conviction under subdivision 10 if any of the conditions under section 169.14, subdivision 14, paragraph (a), clauses (1) to (7), are met. (b) The owner or lessee of a motor vehicle may not be issued a citation under subdivision 10 and under another subdivision in this section for the same conduct. (c) A fine or conviction under subdivision 10 does not constitute grounds for revocation or suspension of a person's driver's license. (d) Except as provided in subdivision 10, paragraph (c), this subdivision applies to violations committed on or after August 1, 2025, and before August 1, 2029. (2720-160, 2720-161, 2720-162, 2720-163, 2720-164, 2720-165) 1937 c 464 s 10-15; 1939 c 413; 1941 c 419; 1947 c 428 s 5,6; 1955 c 325 s 1; 1957 c 369 s 1; 1961 c 31 s 1; 1963 c 357 s 2-4; 1965 c 31 s 1; 1965 c 51 s 23; 1965 c 133 s 1; 1969 c 876 s 1-6; 1971 c 17 s 1; 1973 c 123 art 5 s 7; 1975 c 49 s 1; 1982 c 424 s 130; 1985 c 215 s 2; 1986 c 444; 1993 c 115 s 1; 1994 c 635 art 1 s 11; 1995 c 233 art 2 s 56; 1997 c 159 art 2 s 19; 1997 c 187 art 5 s 24; 2002 c 371 art 1 s 42; 2005 c 136 art 18 s 1; 1Sp2005 c 6 art 3 s 39,40; 2008 c 287 art 1 s 44; 2010 c 232 s 1; 2010 c 311 s 1,4; 2012 c 287 art 3 s 27; art 4 s 17,18; 2014 c 312 art 11 s 5,6; 2016 c 169 s 1; 2019 c 35 s 1; 2022 c 55 art 1 s 59,60; 2024 c 127 art 3 s 47,48

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.065 — Safe Road Zones.

Subdivision 1.Definition.For purposes of this section, "local request" means a formal request collectively submitted by the chief law enforcement officer of a political subdivision serving the proposed safe road zone, the local road authority for the proposed safe road zone, and the chief executive officer, board, or designee by resolution of the political subdivision encompassing the proposed safe road zone. Subd. 2.Establishment.(a) The commissioner may designate a safe road zone as provided in this section. (b) Upon receipt of a local request, the commissioner, in consultation with the commissioner of public safety, must consider designating a segment of a street or highway as a safe road zone. In determining the designation of a safe road zone, the commissioner must evaluate traffic safety concerns for the street or highway, including but not limited to: excessive speed; crash history; safety of pedestrians, bicyclists, or other vulnerable road users; intersection risks; and roadway design. Subd. 3.Implementation.The Advisory Council on Traffic Safety under section 4.076 must make recommendations to the commissioners of public safety and transportation on supporting the local authority with implementation of safety measures for each safe road zone through education, public awareness, behavior modification, and traffic engineering efforts. Safety measures for a safe road zone may include: (1) providing safe road zone signs to the local authority for use in the zone; (2) consulting with the local authority on roadway design modifications to improve safety; (3) performing statewide safe road zone public awareness and educational outreach; (4) providing safe road zone outreach materials to the local authority for distribution to the general public; (5) working with the local authority to enhance safety conditions in the zone; (6) establishing a speed limit as provided under section 169.14, subdivision 5i, with supporting speed enforcement and education measures; and (7) evaluating the impacts of safety measures in the zone on: crashes; injuries and fatalities; property damage; transportation system disruptions; safety for vulnerable roadway users, including pedestrians and bicyclists; and other measures as identified by the commissioner. Subd. 4.Traffic enforcement.The commissioner of public safety must coordinate with local law enforcement agencies to determine implementation of enhanced traffic enforcement in a safe road zone designated under this section. Subd. 5.Program information.The commissioner of transportation must maintain information on a website that summarizes safe road zone implementation, including but not limited to identification of requests for and designations of safe road zones, an overview of safety measures and traffic enforcement activity, and a review of annual expenditures. 2023 c 68 art 4 s 43

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.07 — Unauthorized Sign, Signal, Or Marking.

(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit (1) the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs, or (2) the temporary placement by auctioneers licensed or exempt from licensing under section 330.01, for a period of not more than eight consecutive hours, on or adjacent to the right-of-way of a highway not more than four signs directing motorists to the location of an auction. (b) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highways is hereby empowered to remove the same, or cause it to be removed, without notice. (2720-166) 1937

c 464 s 16; 1986 c 454 s 18; 1996 c 455 art 3 s 19

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.072 — Unauthorized Mailbox Installation.

Subdivision 1.Public hazard.A mailbox installation or support on a public highway that does not meet the breakaway and location standards contained in rules adopted under subdivision 2 is declared to be a public nuisance, a road hazard, and a danger to the health and safety of the traveling public. Subd. 2.Standards; rulemaking.The commissioner shall by January 1, 1993, adopt rules that provide for standards and permissible locations of mailbox installations and supports on a street or highway. The commissioner shall base the rules substantially on federal highway administration regulations or recommendations, or other national standards or recommendations regarding the location and construction of safe, breakaway mailbox installations or supports. In adopting the rules, the commissioner shall consider the safety of the traveling public relative to the convenience and expense of owners of nonconforming mailbox installations or supports. The commissioner may provide for alternative standards to allow variances from the rules. Subd. 3.Removal, notice.(a) After adoption of the rules authorized under subdivision 2, the commissioner or a road authority as defined in section 160.02, subdivision 25, may remove and replace a mailbox installation or support that is (1) located on a street or highway under the jurisdiction of the commissioner or road authority, and (2) does not conform to the rules adopted under subdivision 2. The commissioner or road authority may remove and replace a nonconforming mailbox installation or support not less than 60 days after giving notice, by personal notice or certified mail to the owner or the resident at the address served by the mailbox, of its intent to remove and replace the installation or support. The commissioner or road authority may charge the owner or resident not more than $75 for the cost of the removal and replacement. (b) The notice must at a minimum: (1) inform the owner of the nonconforming installation or support; (2) inform the owner or resident of the applicable law and rules, including the rules that contain the standards for mailbox installations and supports on public streets and highways; (3) inform the owner or resident that the owner or resident must remove the installation or support or bring it into compliance with the rules within 60 days of the date of the notice; (4) inform the owner or resident of the applicable laws and rules and the standards for mailbox installations and supports on public streets and highways, and provide plans or diagrams of examples of conforming installations or supports; (5) inform the owner or resident that if the nonconforming installation or support is not removed or replaced within 60 days of the date of the notice, the commissioner or road authority may remove and replace the installation or support at a cost of up to $75 to the owner or resident; and (6) inform the owner or resident that where the replacement is made in conjunction with certain federally aided highway construction projects the replacement may be made at partial or no cost to the owner or resident. 1991 c 339 s 6

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.073 — Prohibited Light Or Signal.

(a) No person or corporation shall place, maintain or display any red light or red sign, signal, or lighting device or maintain it in view of any highway or any line of railroad on or over which trains are operated in such a way as to interfere with the effectiveness or efficiency of any highway traffic-control device or signals or devices used in the operation of a railroad. Upon written notice from the commissioner of transportation, a person or corporation maintaining or owning or displaying a prohibited light shall promptly remove it, or change the color of it to some other color than red. Where a prohibited light or sign interferes with the effectiveness or efficiency of the signals or devices used in the operation of a railroad, the Department of Transportation may cause the removal of it and the department may issue notices and orders for its removal. The department shall proceed as provided in sections 216.13, 216.14, 216.15, 216.16, and 216.17, with a right of appeal to the aggrieved party in accordance with chapter 14. (b) No person or corporation shall maintain or display any light after written notice from the commissioner of transportation that the light constitutes a traffic hazard and that the commissioner has ordered the removal thereof. 1943 c 141; 1961 c 560 s 15; 1971 c 25 s 67; Ex1971 c 27 s 2; 1976 c 166 s 7; 1983 c 247 s 69; 1Sp2001 c 4 art 6 s 24; 2002 c 379 art 1 s 52

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.08 — Unlawful To Possess, Alter, Deface, Or Remove Sign.

No person shall, without lawful authority, possess, or attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. A person who voluntarily notifies a law enforcement agency that the person is in possession of such an article, and who returns the article within ten days after gaining possession thereof, shall not be subject to prosecution for such possession. (2720-167) 1937 c 464 s 17; 1978 c 638 s 1; 1986 c 444

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.10 — Statistical Information.

The Department of Public Safety shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents. (2720-174) 1937 c 464 s 24; 1971 c 491 s 12

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.13 — Reckless Or Careless Driving.

Subdivision 1.Reckless driving.(a) A person who drives a motor vehicle or light rail transit vehicle while aware of and consciously disregarding a substantial and unjustifiable risk that the driving may result in harm to another or another's property is guilty of reckless driving. The risk must be of such a nature and degree that disregard of it constitutes a significant deviation from the standard of conduct that a reasonable person would observe in the situation. (b) A person shall not race any vehicle upon any street or highway of this state. Any person who willfully compares or contests relative speeds by operating one or more vehicles is guilty of racing, which constitutes reckless driving, whether or not the speed contested or compared is in excess of the maximum speed prescribed by law. (c) A person who violates paragraph (a) or (b) is guilty of a misdemeanor. A person who violates paragraph (a) or (b) and causes great bodily harm or death to another is guilty of a gross misdemeanor. (d) For purposes of this section, "great bodily harm" has the meaning given in section 609.02, subdivision 8. Subd. 2.Careless driving.(a) Any person who operates or halts any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle, is guilty of a misdemeanor. (b) Any person who operates or halts a light rail transit vehicle carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the operator or passengers on the light rail transit vehicle, is guilty of a misdemeanor. Subd. 3.Application.(a) The provisions of this section apply, but are not limited in application, to any person who drives any vehicle in the manner prohibited by this section: (1) upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water; or (2) in a parking lot ordinarily used by or available to the public though not as a matter of right, and a driveway connecting the parking lot with a street or highway. (b) This section does not apply to: (1) an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator; (2) the emergency operation of any vehicle when avoiding imminent danger; or (3) any raceway, racing facility, or other public event sanctioned by the appropriate governmental authority. (c) Nothing in this section or section 609.035 or 609.04 shall limit the power of the state to prosecute or punish a person for conduct that constitutes any other crime under any other law of this state. (2720-177) 1937 c 464 s 27; 1939 c 430 s 5; 1947 c 428 s 11; 1967 c 569 s 2; Ex1971 c 27 s 7; 1983 c 236 s 1; 1984 c 622 s 15; 2006 c 260 art 2 s 1; 2015 c 65 art 6 s 3,4; 2019 c 10 s 1,2

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.147 — Traffic Safety Camera System Pilot Program.

Subdivision 1.Definitions.(a) For purposes of this section, the following terms have the meanings given. (b) "Camera-based traffic enforcement" means enforcement of traffic control through the use of a red light camera system, speed limits through the use of a speed safety camera system, or both. (c) "Commissioner" means the commissioner of transportation. (d) "Commissioners" means the commissioner of transportation as the lead in coordination with the commissioner of public safety. (e) "Implementing authority" means either: (1) the commissioners with respect to trunk highways for the work zone pilot program provided under subdivision 17; or (2) a local authority specified in paragraph (f) that implements the traffic safety camera system pilot program. (f) "Local authority" means either the city of Minneapolis or the city of Mendota Heights, which are authorized to conduct the pilot program. (g) "Monitoring site" means a location at which a traffic safety camera system is placed and operated under this section. (h) "Pilot program" means the traffic safety camera pilot program established in this section. (i) "Traffic enforcement agent" means a licensed peace officer or an employee of a local authority who is designated as provided in this section. Subd. 2.Pilot program establishment.(a) In conformance with this section, the commissioner of transportation, in coordination with the commissioner of public safety, must establish a traffic safety camera pilot program that provides for education and enforcement of speeding violations, traffic-control signal violations, or both in conjunction with use of traffic safety camera systems. (b) The authority for camera-based traffic enforcement under the pilot program is limited to August 1, 2025, to July 31, 2029. (c) Only the following may implement camera-based traffic enforcement under the pilot program: (1) the commissioners, as provided under paragraph (d); (2) the city of Minneapolis, as provided under paragraph (e); and (3) the city of Mendota Heights. (d) Under the pilot program, the commissioners must, beginning August 1, 2025, commence enforcement of speeding violations in trunk highway work zones as specified under subdivision 17. (e) The city of Minneapolis is prohibited from implementing the pilot program or camera-based traffic enforcement through or in substantive coordination with the city's police department. Subd. 3.Local authority requirements.Prior to implementation of camera-based traffic enforcement, a local authority must: (1) incorporate both camera-based traffic enforcement and additional strategies designed to improve traffic safety in a local traffic safety action plan, transportation plan, or comprehensive plan; and (2) review and ensure compliance with the requirements under this section. Subd. 4.Traffic safety camera system requirements.(a) By July 1, 2025, the commissioners must establish traffic safety camera system standards that include: (1) recording and data requirements as specified in subdivision 15; (2) requirements for monitoring site signage in conformance with the requirements under subdivision 5, paragraph (b), clause (3); (3) procedures for traffic safety camera system placement in conformance with the requirements under subdivision 6; (4) training and qualification of individuals to inspect and calibrate a traffic safety camera system; (5) procedures for initial calibration of the traffic safety camera system prior to deployment; and (6) requirements for regular traffic safety camera system inspection and maintenance by a qualified individual. (b) Prior to establishing the standards under paragraph (a), the commissioners must solicit review and comments and consider any comments received. (c) An implementing authority must follow the requirements and standards established under this subdivision. Subd. 5.Public engagement and notice.(a) The commissioner and each implementing authority must maintain information on their respective websites that, at a minimum: (1) summarizes implementation of traffic safety camera systems under the pilot program; (2) provides each camera system impact study performed by the implementing authority under subdivision 6, paragraph (b); (3)

provides information and procedures for a person to contest a citation under the pilot program; and (4) identifies the enforcement locations under the pilot program. (b) An implementing authority must: (1) implement a general public engagement and information campaign prior to commencing camera-based speed enforcement under the pilot program; (2) perform public engagement as part of conducting a camera system impact study under subdivision 6, paragraph (b); and (3) place conspicuous signage prior to the motorist's arrival at each monitoring site, which must: (i) notify motor vehicle operators of the use of a traffic safety camera system to detect violations; and (ii) if a speed safety camera is in use, identify the speed limit. (c) Public engagement under paragraph (b) must include but is not limited to: (1) outreach to populations that are traditionally underrepresented in public policy or planning processes; (2) consolidation and analysis of public feedback; and (3) creation of an engagement summary that identifies public feedback and the resulting impacts on implementation of camera-based traffic enforcement. Subd. 6.Placement requirements.(a) A local authority with fewer than 10,000 residents may place no more than one traffic safety camera system, whether the camera system is activated or inactive. A local authority with at least 10,000 residents may place no more than one traffic safety camera system per 10,000 residents, whether the camera system is activated or inactive. An implementing authority may move the location of a traffic safety camera system if the placement requirements under this subdivision are met. (b) An implementing authority may only place a traffic safety camera system in conformance with the results of a camera system impact study. At a minimum, the study must: (1) include evaluation of crash rates and severity, vehicle speed, equity, and traffic safety treatment alternatives; (2) identify traffic safety camera system locations; and (3) explain how the locations comply with the placement requirements under paragraph (d). (c) An implementing authority may only place a traffic safety camera system: (1) in a trunk highway work zone; or (2) at a location that: (i) is within 2,000 feet of (A) a public or nonpublic school, (B) a school zone established under section 169.14, subdivision 5a, or (C) a public or private postsecondary institution; and (ii) has an identified traffic safety concern, as indicated by crash or law enforcement data, safety plans, or other documentation. (d) An implementing authority that places more than one traffic safety camera system must ensure that the cameras are placed in geographically distinct areas and in multiple communities with differing socioeconomic conditions. (e) An implementing authority may place a traffic safety camera system on a street or highway that is not under its jurisdiction only upon approval by the road authority that has jurisdiction. Subd. 7.Traffic-control devices.(a) An implementing authority must not adjust the change interval for the steady yellow indication in a traffic-control signal: (1) for one month prior to beginning to operate a red light camera system at the associated intersection; or (2) during the period that the red light camera system is operated at the associated intersection. (b) The yellow change interval for a traffic-control signal that is subject to paragraph (a) must meet or exceed the standards and guidance specified in the Manual on Uniform Traffic Control Devices adopted under section 169.06, subdivision 1. (c) An implementing authority that adjusts the yellow change interval for a traffic-control signal at an intersection where a red light camera system is being operated must deactivate the red light camera system and subsequently meet the requirements under paragraph (a). Subd. 8.Traffic enforcement agents.(a) To meet the requirement established in subdivision 2, paragraph (e), the city of Minneapolis must designate one or more permanent employees of the authority, who is not a licensed peace officer, as a traffic enforcement agent. An employee of a private entity may not be designated as a traffic enforcement agent. A traffic enforcement agent who is not a licensed peace officer has the authority to issue citations under this section only while engaged in job duties and otherwise has none of the other powers and privileges reserved to peace officers. (b) The city of Mendota Heights must designate a sworn peace officer as a traffic enforcement agent. (c) An implementing authority must ensure that a traffic enforcement agent is properly trained in the use of equipment and the requirements governing traffic safety camera implementation. Subd. 9.Citations; warnings.(a) A traffic enforcement agent under the pilot program has the exclusive authority to issue a citation to the owner or lessee of a motor vehicle for (1) a violation under section 169.06, subdivision 10, and (2) a violation under section 169.14, subdivision 13. (b) A traffic enforcement agent may only issue a citation if: (1) the violation is committed at least 30 days after the relevant implementing authority has commenced camera-based traffic enforcement; (2) with respect to speed limits, the speeding violation is at least ten miles per hour in excess of the speed limit; and (3) a traffic enforcement agent has inspected and verified recorded images provided by the traffic safety camera system. (c) An implementing authority must provide a warning for a traffic-control signal violation under section 169.06, subdivision 10, or a speeding violation under section 169.14, subdivision 13, for the period from (1) the date when camera-based traffic enforcement is first commenced, to (2) the date when citations are authorized under paragraph (b), clause (1). (d) Notwithstanding section 169.022, an implementing authority may specify a speed in excess of the speed limit that is higher than the amount specified in paragraph (b), clause (2), at which to proceed with issuance of a citation. (e) A citation may be issued through the United States mail if postmarked within: (1) 14 days of the violation for a vehicle registered in Minnesota; or (2) 30 days of the violation for a vehicle registered outside of Minnesota. Section 168.346, subdivision 2, applies to a private entity that provides citation mailing services under this section. Subd. 10.Uniform citation.(a) There must be a uniform traffic safety camera citation issued throughout the state by a traffic enforcement agent for a violation as provided under this section. The uniform traffic safety camera citation is in the form and has the effect of a summons and complaint. (b) The commissioner of public safety must prescribe the detailed form of the uniform traffic safety camera citation. As appropriate, the citation design must conform with the requirements for a uniform traffic ticket under section 169.99, subdivisions 1 and 1d. The citation design must include: (1) a brief overview of the pilot program and implementation of traffic safety camera systems; (2) a summary of the circumstances of the citation that includes identification of the motor vehicle involved, the date and time of the violation, and the location where the violation occurred; (3) copy of the recorded image or primary images used to identify a violation; (4) a notification that the recorded images under clause (3) are evidence of a violation under section 169.06, subdivision 10, or 169.14, subdivision 13; (5) a statement signed by the traffic enforcement agent who issued the citation stating that the agent has inspected the recorded images and determined that the violation occurred in the specified motor vehicle;

(6) a summary of the limitations under sections 169.06, subdivision 11, and 169.14, subdivision 14; (7) notification that an owner is ineligible for diversion if the violation was committed by a holder of a class A, B, or C commercial driver's license or commercial driver learner's permit, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle; (8) information on the diversion and traffic safety course eligibility and requirements under sections 169.06, subdivision 10, paragraph (b), and 169.14, subdivision 13, paragraph (b); (9) the total amount of the fine imposed; (10) a notification that the person has the right to contest the citation; (11) information on the process and procedures for a person to contest the citation; and (12) a statement that payment of the fine constitutes a plea of guilty and failure to appear in court is considered a plea of guilty, as provided under section 169.91. (c) The commissioner of public safety must make the information required under paragraph (b) available in languages that are commonly spoken in the state and in each area in which a local authority has implemented camera-based traffic enforcement. Subd. 11.Traffic safety course.(a) The commissioners must establish a traffic safety course that provides at least 30 minutes of instruction on speeding, traffic-control signals, and other traffic safety topics. The curriculum must include safety risks associated with speed and speeding in school zones and work zones. (b) The commissioners must not impose a fee for an individual who is authorized to attend the course under sections 169.06, subdivision 10, and 169.14, subdivision 13. Subd. 12.Third-party agreements.(a) An implementing authority may enter into agreements with a private entity for operations, services, or equipment under this section. Payment under a contract with a private entity must not be based on the number of violations, citations issued, or other similar means. (b) An implementing authority that enters into a third-party agreement under this subdivision must perform a data practices audit of the private entity to confirm compliance with the requirements under subdivisions 14 to 16 and chapter 13. An audit must be undertaken at least every other year. Subd. 13.Use of revenue.(a) Revenue from citations received by an implementing authority that is attributable to camera-based traffic enforcement must be allocated as follows: (1) first as necessary to provide for implementation costs, which may include but are not limited to procurement and installation of traffic safety camera systems, traffic safety planning, and public engagement; and (2) the remainder for traffic safety measures that perform traffic calming. (b) The amount expended under paragraph (a), clause (2), must supplement and not supplant existing expenditures for traffic safety. Subd. 14.Data practices; general requirements.(a) All data collected by a traffic safety camera system are private data on individuals as defined in section 13.02, subdivision 12, or nonpublic data as defined in section 13.02, subdivision 9, unless the data are public under section 13.82, subdivision 2, 3, or 6, or are criminal investigative data under section 13.82, subdivision 7. (b) An agreement with a private entity and an implementing authority pursuant to subdivision 12 is subject to section 13.05, subdivisions 6 and 11. (c) A private entity must use the data gathered under this section only for purposes of camera-based traffic enforcement under the pilot program and must not share or disseminate the data with an entity other than the appropriate implementing authority, except pursuant to a court order. Nothing in this subdivision prevents a private entity from sharing or disseminating summary data, as defined in section 13.02, subdivision 19. (d) Traffic safety camera system data are not subject to subpoena, discovery, or admission into evidence in any prosecution, civil action, or administrative process that is not taken pursuant to section 169.06, subdivision 10, or 169.14, subdivision 13. Subd. 15.Data practices; traffic safety camera system.A traffic safety camera system: (1) is limited to collection of the following data: (i) recorded video or images of the rear license plate of a motor vehicle; (ii) recorded video or images of motor vehicles and areas surrounding the vehicles to the extent necessary to (A) identify a violation of a traffic-control device, or (B) calculate vehicle speeds; (iii) date, time, and vehicle location that correlates to the data collected under item (i) or (ii); and (iv) general traffic data: (A) collected specifically for purposes of pilot program analysis and evaluation; (B) that does not include recorded video or images; (C) in which individuals or unique vehicles are not identified; and (D) from which an individual or unique vehicle is not ascertainable; (2) must not record in a manner that makes any individual personally identifiable, including but not limited to the motor vehicle operator or occupants; and (3) may only record or retain the data specified in clause (1), items (i) to (iii), if the traffic safety camera system identifies an appropriate potential violation for review by a traffic enforcement agent. Subd. 16.Data practices; destruction of data.(a) Notwithstanding section 138.17, and except as otherwise provided in this subdivision, data collected by a traffic safety camera system must be destroyed within 30 days of the date of collection unless the data are criminal investigative data under section 13.82, subdivision 7, related to a violation of a traffic-control signal or a speed limit. (b) Upon written request to a law enforcement agency from an individual who is the subject of a pending criminal charge or complaint, along with the case or complaint number and a statement that the data may be used as exculpatory evidence, data otherwise subject to destruction under paragraph (a) must be preserved by the law enforcement agency until the charge or complaint is resolved or dismissed. (c) Upon written request from a program participant under chapter 5B, data collected by a traffic safety camera system related to the program participant must be destroyed at the time of collection or upon receipt of the request, whichever occurs later, unless the data are active criminal investigative data. The existence of a request submitted under this paragraph is private data on individuals as defined in section 13.02, subdivision 12. (d) Notwithstanding section 138.17, data collected by a traffic safety camera system must be destroyed within three years of the resolution of a citation issued pursuant to this section. (e) The destruction requirements under this subdivision do not apply to: (1) general traffic data as provided under subdivision 15, clause (1), item (iv); and (2) data that identifies the number of warnings or citations issued to an individual under this section. Subd. 17.Work zone pilot project.(a) By August 1, 2025, the commissioners must implement a speed safety camera pilot project that provides for education of speeding violations in conjunction with the development and study of the use of speed safety camera systems. (b) The commissioners must issue a warning for a violation of section 169.14, subdivision 13, captured by a speed safety camera system and must not impose any fine for a second or subsequent violation. (c) The warning issued by the commissioners must include easily understandable information on speeding, traffic-control signals, and other safety risks associated with speed and speeding in work zones. (d) The commissioner must establish an implementation schedule that begins

commencement of camera-based traffic enforcement on at least two, but no more than four, trunk highway work zone segments by August 1, 2025. The commissioners may select different trunk highway work zones. The commissioners must conduct the work zone pilot project in geographically diverse areas and must consider traffic patterns, work zone accident rates, historic speed enforcement and citation rates, and other factors to study further deployment of speed camera systems in additional work zones. (e) By July 1, 2025, the commissioners of transportation and public safety must establish standards, schedules, curricula, and requirements for camera-based traffic enforcement in a trunk highway work zone. (f) The authority for the work zone pilot project is limited to August 1, 2025, to July 31, 2029. Subd. 18.Exempt from rulemaking.Rules adopted to implement this section are exempt from rulemaking under chapter 14 and are not subject to exempt rulemaking procedures under section 14.386. Subd. 19.Expiration.This section expires July 31, 2029. 2024 c 127 art 3 s 52

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.15 — Impeding Traffic; Intersection Gridlock.

Subdivision 1.Impeding traffic; slow speed.No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law or except when the vehicle is temporarily unable to maintain a greater speed due to a combination of the weight of the vehicle and the grade of the highway. Subd. 2.Intersection gridlock; stop or block traffic.(a) Except as provided in paragraph (b), a driver of a vehicle shall not enter an intersection controlled by a traffic-control signal until the driver is able to move the vehicle immediately, continuously, and completely through the intersection without impeding or blocking the subsequent movement of cross traffic. (b) Paragraph (a) does not apply to movement of a vehicle made: (1) at the direction of a city-authorized traffic-control agent or a peace officer; (2) to facilitate passage of an authorized emergency vehicle with its emergency lights activated; or (3) to make a turn, as permitted under section 169.19, that allows the vehicle to safely leave the intersection. (c) A violation of this subdivision does not constitute grounds for suspension or revocation of the violator's driver's license. (2720-179) 1937 c 464 s 29; Ex1971 c 27 s 8; 2010 c 351 s 29

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.17 — Emergency Vehicle.

The speed limitations set forth in sections 169.14 to 169.17 do not apply to an authorized emergency vehicle responding to an emergency call. Drivers of all emergency vehicles shall sound an audible signal by siren and display at least one lighted red light to the front, except that law enforcement vehicles shall sound an audible signal by siren or display at least one lighted red light to the front. This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others. (2720-181) 1937 c 464 s 31; 1947 c 428 s 14; 1997 c 143 s 13; 1997 c 159 art 2 s 22; 1998 c 263 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.19 — Turning, Starting, And Signaling.

Subdivision 1.Turning at intersection.The driver of a vehicle intending to turn at an intersection shall do so as follows: (a) Except as otherwise provided in this paragraph, both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. When necessary to accommodate vehicle configuration, a driver is permitted to make a right turn into the farthest lane of a roadway with two or more lanes in the same direction in order to make a U-turn at a reduced conflict intersection, if it is safe to do so. (b) Approach for a left turn on other than one-way roadways shall be made in that portion of the right half of the roadway nearest the centerline thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection. (c) Approach for a left turn from a two-way roadway into a one-way roadway shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. (d) A left turn from a one-way roadway into a two-way roadway shall be made from the left-hand lane and by passing to the right of the centerline of the roadway being entered upon leaving the intersection. (e) Where both streets or roadways are one way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway. (f) Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs. (g) Whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane adjacent to the driver's lane of travel to make a turn, the driver shall first signal the movement, then drive the motor vehicle into the bicycle lane prior to making the turn, but only after it is safe to do so. The driver shall then make the turn consistent with any traffic markers, buttons, or signs, yielding the right-of-way to any vehicles or bicycles approaching so close thereto as to constitute an immediate hazard. Subd. 2.U-turn.The operator of a vehicle must not turn to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the operator of any other vehicle approaching from either direction within 1,000 feet. The operator of a vehicle must not turn the vehicle to proceed in the opposite direction unless the movement can be made safely and without

interfering with other traffic. The operator of a vehicle is permitted to make a right-hand turn into the farthest lane of a roadway with two or more lanes in the same direction in order to make a U-turn at a reduced-conflict intersection if it is safe to do so. Subd. 3.Starting parked car.No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. Subd. 4.Change of course.No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in this section, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a highway unless and until the movement can be made with reasonable safety after giving an appropriate signal in the manner hereinafter provided. Subd. 5.Signal to turn.A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. A person whose vehicle is exiting a roundabout is exempt from this subdivision. Subd. 6.Signal to stop.No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear unless there is a good and sufficient reason for not being able to do so. Subd. 7.Signaling methods.The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the commissioner of public safety, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible in normal sunlight, and at night both to the front and rear of such vehicle, then the signals must be given by such a lamp or device. Subd. 8.Hand signals.When the signal is given by means of the hand and arm the driver shall indicate intention to start, stop, or turn by extending the hand and arm from and beyond the left side of the vehicle in the following manner and these signals shall indicate as follows: (1) left turn: hand and arm extended horizontally; (2) right turn: hand and arm extended upward, except that a bicyclist or motorcyclist may extend the right hand and arm horizontally to the right side of the bicycle or motorcycle; (3) stop or decrease speed: hand and arm extended downward. (2720-190, 2720-191, 2720-192, 2720-193, 2720-194, 2720-195) 1937 c 464 s 40-45; 1939 c 430 s 8; 1947 c 428 s 16; 1959 c 521 s 3; 1971 c 286 s 1; 1978 c 587 s 1; 1978 c 739 s 8,9; 1986 c 444; 1989 c 204 s 1; 2012 c 287 art 4 s 19; 2013 c 127 s 30; 2014 c 287 s 10,11; 2024 c 104 art 1 s 34

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.20 — Right-of-way.

Subdivision 1.Approaching intersection.(a) When two vehicles enter an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. (b) When two vehicles enter an intersection controlled by stop signs or by blinking red traffic signals requiring drivers or vehicles from any direction to stop before proceeding, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. (c) At an uncontrolled approach to a T-shaped intersection, the driver required to turn shall yield to the cross traffic. (d) The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which the driver might otherwise have hereunder. (e) The foregoing rules are modified as hereinafter stated in this section. Subd. 2.Left turn.The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. Subd. 3.Through highway; stop sign.(a) The driver of a vehicle shall stop as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard, but the driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicles so proceeding into or across the through highway. (b) The driver of a vehicle shall likewise stop in obedience to a stop sign, as required herein, at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway, and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed. Subd. 4.Vehicle entering roadway.The driver of a vehicle about to enter or cross a roadway from any place other than a roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. Subd. 5.Emergency vehicle; penalties.(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and, except as otherwise provided in paragraph (b), when the driver is giving audible signal by siren, the driver of each other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection, and shall stop and remain in this position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. The driver of another vehicle on a one-way roadway shall drive to the closest edge or curb and stop. (b) The driver of an authorized emergency vehicle escorting the movement of an oversize or overweight vehicle or load need not sound an audible signal by siren but shall exhibit the light required by paragraph (a). The driver of each other vehicle then shall yield the right-of-way, as required by paragraph (a), to the emergency vehicle escorting the oversize or overweight vehicle or load. (c) Upon the approach of an authorized emergency vehicle the driver of each streetcar shall immediately stop the car clear of any intersection and keep it in this position and keep the doors and gates of the streetcar closed until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (d) This subdivision does not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the highways. (e) A driver who fails to comply with paragraph (a), (b), or (c) is guilty of a petty misdemeanor and may be penalized according to section 169.89. (f) A driver who intentionally obstructs an emergency vehicle or otherwise intentionally fails to comply with paragraph (a), (b), or (c) is guilty of a misdemeanor. Subd. 5a.Arrest; citation; probable cause.(a) A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver

has operated the vehicle in violation of subdivision 5, paragraph (a), (b), or (f), within the four-hour period following the termination of the emergency incident or a receipt of a report under paragraph (c). The arrest may be made even though the violation was not committed in the presence of the peace officer. (b) A peace officer may issue a citation in lieu of arrest to the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 5. (c) Although probable cause may be otherwise satisfied by other evidentiary elements or factors, probable cause is sufficient for purposes of this subdivision when a member of the crew of an authorized emergency vehicle responding to an emergency incident makes a timely report of the violation of subdivision 5 and provides a description of the vehicle used to commit the offense and the vehicle's license plate number. For the purposes of an arrest under paragraph (a), "timely" means that the report must be made within a four-hour period following the termination of the emergency incident. Subd. 5b.Violation; penalty for owner or lessee.(a) If a motor vehicle is operated in violation of subdivision 5, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor. (b) Paragraph (a) does not apply if (1) a person other than the owner or lessee was operating the vehicle at the time the violation occurred, or (2) the owner presents written evidence that the motor vehicle had been reported to a law enforcement agency as stolen at the time of the violation. (c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee. (d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator who violates subdivision 5. (e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license. Subd. 6.Funeral procession.When any funeral procession identifies itself by using regular lights on all cars and by keeping all cars in close formation, the driver of every other vehicle, except an emergency vehicle, shall yield the right-of-way. Subd. 7.Transit bus; school bus.(a) The driver of a vehicle traveling in the right-hand lane of traffic shall yield the right-of-way to any transit bus attempting to enter that lane from a bus stop or shoulder, as indicated by a flashing left turn signal. (b) The driver of a vehicle traveling in the right-hand lane of traffic shall yield the right-of-way to any school bus attempting to enter that lane from a shoulder, right-turn lane, or other location where the school bus has stopped to load or unload passengers. The school bus must indicate the intent to enter the right-hand lane of traffic by activating a flashing left turn signal. Subd. 8.Roundabouts.If two vehicles with a total length in excess of 40 feet, a total width in excess of ten feet, or any combination of vehicles, approach or drive through a roundabout at approximately the same time or so closely as to constitute a hazard of collision, the operator of the vehicle or combination of vehicles on the right must yield the right-of-way to the vehicle or combination of vehicles on the left and, if necessary, must reduce speed or stop in order to so yield. (2720-196, 2720-197, 2720-198, 2720-199, 2720-200, 2720-201) 1937 c 464 s 46-51; 1939 c 430 s 9; 1947 c 428 s 17; 1955 c 595 s 1; 1965 c 423 s 1; 1967 c 268 s 1; 1978 c 739 s 10; 1985 c 249 s 1; 1986 c 444; 1987 c 383 s 9; 1990 c 503 s 2; 1993 c 83 s 2; 1993 c 304 s 1,2; 1997 c 239 art 3 s 1; 2001 c 24 s 2; 2002 c 319 s 2,3; 1Sp2019 c 3 art 3 s 40,41; 2022 c 55 art 1 s 62

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.201 — Yield Sign.

The driver of a vehicle approaching a yield sign shall slow to a speed that is reasonable for conditions of traffic and visibility, and stop if necessary, and yield the right-of-way to any pedestrian legally crossing the roadway, and to all vehicles on the intersecting street or highway which are so close as to constitute an immediate hazard. 1955 c 606 s 1; 1959 c 521 s 4; 1961 c 65 s 1; 1986 c 444

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.21 — Pedestrian.

Subdivision 1.Obey traffic-control signals.Pedestrians shall be subject to traffic-control signals at intersections as heretofore declared in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this section and section 169.22. Subd. 2.Rights in absence of signal.(a) Where traffic-control signals are not in place or in operation, the driver of a vehicle shall stop to yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk or at an intersection with no marked crosswalk. The driver must remain stopped until the pedestrian has passed the lane in which the vehicle is stopped. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions as otherwise provided in this subdivision. (b) When any vehicle is stopped at a marked crosswalk or at an intersection with no marked crosswalk to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle. (c) It is unlawful for any person to drive a motor vehicle through a column of school children crossing a street or highway or past a member of a school safety patrol or adult crossing guard, while the member of the school safety patrol or adult crossing guard is directing the movement of children across a street or highway and while the school safety patrol member or adult crossing guard is holding an official signal in the stop position. A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of this paragraph within the past four hours. (d) A person who violates this subdivision is guilty of a misdemeanor. A person who violates this subdivision a second or subsequent time within one year of a previous conviction under this subdivision is guilty of a gross misdemeanor. Subd. 3.Crossing between intersections.(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or at an intersection with no marked crosswalk shall yield the right-of-way to all vehicles upon the roadway. (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. (c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk. (d) Notwithstanding the other provisions of this section every driver of a vehicle

shall (1) exercise due care to avoid colliding with any bicycle or pedestrian upon any roadway and (2) give an audible signal when necessary and exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. Subd. 4.Use right half of crosswalk.Pedestrians shall move when practicable upon the right half of crosswalks. Subd. 5.Walk on left side of roadway.Pedestrians when walking or moving in a wheelchair along a roadway shall, when practicable, walk or move on the left side of the roadway or its shoulder giving way to oncoming traffic. Where sidewalks are provided and are accessible and usable it shall be unlawful for any pedestrian to walk or move in a wheelchair along and upon an adjacent roadway. Subd. 6.[Renumbered 171.0701, subd 1b] (2720-202, 2720-203, 2720-204, 2720-205, 2720-207) 1937 c 464 s 52-55,57; 1939 c 430 s 10; 1947 c 428 s 18; 1973 c 193 s 1; 1974 c 379 s 2; 1978 c 739 s 11; 1982 c 468 s 3; 1986 c 444; 1994 c 647 art 12 s 12; 1Sp1995 c 3 art 2 s 31; 1996 c 333 s 1; 1997 c 159 art 2 s 23; 2000 c 488 art 6 s 3,4; 2004 c 228 art 1 s 72; 2005 c 10 art 3 s 11; 2008 c 350 art 1 s 33;

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.212 — Operation Of Electric Personal Assistive Mobility Devices.

Subdivision 1.Rights and responsibilities of pedestrians.Except as otherwise provided by law, a person operating an electric personal assistive mobility device has the rights and responsibilities of a pedestrian. Subd. 2.Operation.(a) An electric personal assistive mobility device may be operated on a bicycle path. (b) No person may operate an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path at a rate of speed that is not reasonable and prudent under the conditions. Every person operating an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path is responsible for becoming and remaining aware of the actual and potential hazards then existing on the roadway or sidewalk and must use due care in operating the device. (c) An electric personal assistive mobility device may be operated on a roadway only: (1) while making a direct crossing of a roadway in a marked or unmarked crosswalk; (2) where no sidewalk is available; (3) where a sidewalk is so obstructed as to prevent safe use; (4) when so directed by a traffic-control device or by a peace officer; or (5) temporarily in order to gain access to a motor vehicle. (d) An electric personal assistive mobility device may not be operated at any time on a roadway with a speed limit of more than 35 miles per hour except to make a direct crossing of the roadway in a marked crosswalk. (e) An electric personal assistive mobility device may not be operated at any time while carrying more than one person. (f) A person operating an electric personal assistive mobility device on a sidewalk must yield the right-of-way to pedestrians at all times. A person operating an electric personal assistive mobility device on a bicycle path must yield the right-of-way to bicycles at all times. Subd. 3.Reflectors.An electric personal assistive mobility device may not be operated unless the device bears reflectorized material on the front, back, and wheels, visible at night from 600 feet when illuminated by the lower beams of headlamps of a motor vehicle. Subd. 4.Local regulation.A local road authority may not further regulate the operation of electric personal assistive mobility devices, except that a local road authority may allow and regulate the operation of these devices on roadways within its jurisdiction that have a speed limit of more than 35 miles per hour. 2002 c 285 s 4

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.215 — Crossing For Seniors Or Disabled Persons.

Subdivision 1.Designation of crossings.Local authorities may designate a crossing for senior citizens or disabled persons on any street or highway in the vicinity of a senior citizen housing project, senior citizen nursing home, or residential care facility for disabled persons on the basis of an engineering and traffic investigation prescribed by the commissioner and subject to the uniform specifications adopted pursuant to subdivision 2. Designation of a crossing for senior citizens or disabled persons on a trunk highway is subject to the written consent of the commissioner. Subd. 2.Uniform specifications.The commissioner shall adopt uniform specifications for crossings for senior citizens or disabled persons. The specifications shall include criteria for determining the need for a crossing and the type and design of traffic-control devices or signals that may be used at the crossing. The specifications shall be incorporated as a part of the Manual on Uniform Traffic Control Devices required pursuant to section 169.06. 1979 c 185 s 1; 1990 c 497 s 10

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.2151 — Pedestrian Safety Crossings.

A local road authority may provide by ordinance for the designation of pedestrian safety crossings on highways under the road authority's jurisdiction where pedestrian safety considerations require extra time for pedestrian crossing in addition to the time recommended under the Minnesota Manual on Uniform Traffic Control Devices for pedestrian signals. The ordinance may provide for timing of pedestrian signals for such crossings, consistent with the recommendations of the uniform manual for pedestrian signal timing at senior citizen and disabled pedestrian crossings. Cities other than cities of the first class may designate a pedestrian safety crossing only with the approval of the road authority having jurisdiction over the crossing. The authority of local road authorities to determine pedestrian signal timing under this section is in addition to any other control exercised by local road authorities over the timing of pedestrian signals. 2000 c 488 art 6 s 5; 2005 c 56 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.219 — Public Service Announcements.

The commissioner of public safety shall include in the department's series of public service announcements information that educates the public about traffic regulations that are frequently violated, including the requirement for a vehicle driver to stop to yield the right-of-way to a pedestrian in a crosswalk. The commissioner shall distribute these announcements for broadcast in this state on radio and television. 1996 c 333 s 3

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.22 — Hitchhiking; Solicitation Of Business.

Subdivision 1.Soliciting ride.No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. Subd. 2.Soliciting employment, business, or contributions.No person shall stand on a roadway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle. (2720-206) 1937 c 464 s 56; 1974 c 379 s 3

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.222 — Operation Of Bicycle.

Subdivision 1.Traffic laws apply.(a) Every person operating a bicycle has all of the rights and duties applicable to the driver of any other vehicle by this chapter, except in respect to those provisions in this chapter relating expressly to bicycles and in respect to those provisions of this chapter which by their nature cannot reasonably be applied to bicycles. This subdivision applies to a bicycle operating on the shoulder of a roadway. (b) A person lawfully operating a bicycle (1) on a sidewalk, or (2) across a roadway or shoulder while using a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances. Subd. 2.Manner and number riding.(a) For purposes of this subdivision,"bicycle" includes a tandem bicycle, electric-assisted bicycle, cargo or utility bicycle, or trailer. (b) No person may operate a bicycle while carrying more than the number of riders for which the bicycle is designed or equipped. (c) Notwithstanding paragraph (b), an adult bicycle operator may carry a child in a trailer or seat designed for carrying children that is securely attached to a bicycle. Subd. 3.Clinging to vehicle.Persons riding upon any bicycle, coaster, roller skates, toboggan, sled, skateboard, or toy vehicle shall not attach the same or themselves to any street car or vehicle upon a roadway. Subd. 4.Riding rules.(a) Every person operating a bicycle on a road must ride as close to the right-hand curb or edge of the road as the bicycle operator determines is safe. A person operating a bicycle is not required to ride as close to the right-hand curb or edge when: (1) overtaking and passing another vehicle proceeding in the same direction; (2) preparing for a left turn at an intersection or into a private road or driveway; (3) reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or edge, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow-width lanes; (4) operating on the shoulder of a roadway or in a bicycle lane; or (5) operating in a right-hand turn lane before entering an intersection. (b) If a bicycle is traveling on a shoulder of a roadway, the bicycle operator must travel in the same direction as adjacent vehicular traffic. (c) Persons riding bicycles upon a roadway or shoulder must not ride more than two abreast and, on a laned roadway, shall ride within a single lane. (d) A person operating a bicycle upon a sidewalk, or across a roadway or shoulder on a crosswalk, must yield the right-of-way to any pedestrian and give an audible signal when necessary before overtaking and passing any pedestrian. A person must not ride a bicycle upon a sidewalk within a business district unless permitted by local authorities. Local authorities may prohibit the operation of bicycles on any sidewalk or crosswalk under their jurisdiction. (e) An individual operating a bicycle or other vehicle on a bikeway must (1) give an audible signal a safe distance prior to overtaking a bicycle or individual, (2) leave a safe clearance distance when overtaking a bicycle or individual proceeding in the same direction, and (3) maintain clearance until safely past the overtaken bicycle or individual. (f) Notwithstanding section 169.06, subdivision 4, a bicycle operator may cross an intersection proceeding from the leftmost one-third of a dedicated right-hand turn lane without turning right. Subd. 4a.Stopping requirements.(a) For purposes of this subdivision, "in the vicinity" means located in an intersection or approaching an intersection in a manner that constitutes a hazard of collision during the time that a bicycle operator would occupy the intersection. (b) A bicycle operator who approaches a stop sign must slow to a speed that allows for stopping before entering the intersection or the nearest crosswalk. Notwithstanding subdivision 1 and section 169.06, subdivision 4, if there is not a vehicle in the vicinity, the operator may make a turn or proceed through the intersection without stopping. (c) Nothing in this subdivision alters the right-of-way requirements under section 169.20. The provisions under this subdivision do not apply when traffic is controlled by a peace officer or a person authorized to control traffic under section 169.06. Subd. 5.Carrying articles.No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handle bars or from properly operating the brakes of the bicycle. Subd. 6.Bicycle equipment.(a) No person shall operate a bicycle at nighttime unless the bicycle or its operator is equipped with (1) a lamp which emits a white light visible from a distance of at least 500 feet to the front; and (2) a red reflector of a type approved by the Department of Public Safety which is visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A bicycle equipped with lamps that are visible from a distance of at least 500 feet from both the front and the rear is deemed to fully comply with this paragraph. (b) No person may operate a bicycle at any time when there is not sufficient light to render persons and vehicles on the highway clearly discernible at a distance of 500 feet ahead unless the bicycle or its operator is equipped with reflective surfaces that shall be visible during the hours of darkness from 600 feet when viewed in front of lawful lower beams of headlamps on a motor vehicle. The reflective surfaces shall include reflective materials on each side of each pedal to indicate their presence from the front or the rear and with a minimum of 20 square inches of reflective material on each side of the bicycle or its operator. Any bicycle equipped with side reflectors as required by regulations for new bicycles prescribed by the United States Consumer Product Safety Commission shall be considered to meet the requirements for side reflectorization contained in this subdivision. (c) A bicycle may be equipped

with a front lamp that emits a white flashing signal, or a rear lamp that emits a red flashing signal, or both. (d) A bicycle may be equipped with tires having studs, spikes, or other protuberances designed to increase traction. (e) No person shall operate a bicycle unless it is equipped with a rear brake or front and rear brakes which will enable the operator to make a braked wheel skid on dry, level, clean pavement. A bicycle equipped with a direct or fixed gear that can make the rear wheel skid on dry, level, clean pavement shall be deemed to fully comply with this paragraph. (f) A bicycle may be equipped with a horn or bell designed to alert motor vehicles, other bicycles, and pedestrians of the bicycle's presence. (g) No person shall operate upon a highway any two-wheeled bicycle equipped with handlebars so raised that the operator must elevate the hands above the level of the shoulders in order to grasp the normal steering grip area. (h) No person shall operate upon a highway any bicycle which is of such a size as to prevent the operator from stopping the bicycle, supporting it with at least one foot on the highway surface and restarting in a safe manner. Subd. 6a.Electric-assisted bicycle; riding rules.(a) A person may operate an electric-assisted bicycle in the same manner as provided for operation of other bicycles, including but not limited to operation on the shoulder of a roadway, a bicycle lane, and a bicycle route, and operation without the motor engaged on a bikeway or bicycle trail. (b) A person may operate a class 1 or class 2 electric-assisted bicycle with the motor engaged on a bicycle path, bicycle trail, or shared use path unless prohibited under section 85.015, subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2, paragraph (b), as applicable. (c) A person may operate a class 3 electric-assisted bicycle or multiple mode electric-assisted bicycle with the motor engaged on a bicycle path, bicycle trail, or shared use path unless the local authority or state agency having jurisdiction over the bicycle path or trail prohibits the operation. (d) The local authority or state agency having jurisdiction over a trail or over a bike park that is designated as nonmotorized and that has a natural surface tread made by clearing and grading the native soil with no added surfacing materials may regulate the operation of an electric-assisted bicycle. (e) A person under the age of 15 must not operate an electric-assisted bicycle. Subd. 6b.Electric-assisted bicycle; equipment.(a) The manufacturer or distributor of an electric-assisted bicycle must apply a label to the bicycle that is permanently affixed in a prominent location. The label must contain the class number, top assisted speed, and motor wattage of the electric-assisted bicycle, and must be printed in a legible font with at least 9-point type. A multiple mode electric-assisted bicycle must have labeling that identifies the highest class or each of the electric-assisted bicycle classes in which it is capable of operating. (b) A person must not modify an electric-assisted bicycle to change the motor-powered speed capability or motor engagement so that the bicycle no longer meets the requirements for the applicable class, unless: (1) the person replaces the label required in paragraph (a) with revised information; or (2) for a vehicle that no longer meets the requirements for any electric-assisted bicycle class, the person removes the labeling as an electric-assisted bicycle. (c) An electric-assisted bicycle must operate in a manner so that the electric motor is disengaged or ceases to function: (1) when the brakes are applied; or (2) except for a class 2 electric-assisted bicycle or a multiple mode electric-assisted bicycle operating in class 2 mode, when the rider stops pedaling. (d) A class 3 electric-assisted bicycle or multiple mode electric-assisted bicycle must be equipped with a speedometer that displays the speed at which the bicycle is traveling in miles per hour. (e) A multiple mode electric-assisted bicycle equipped with a throttle must not be capable of exceeding 20 miles per hour on motorized propulsion alone in any mode when the throttle is engaged. Subd. 7.Sale with reflectors and other equipment.(a) No person shall sell or offer for sale any new bicycle unless it is equipped with reflectors and other equipment as required by subdivision 6, paragraphs (b) and (e) and by applicable regulations for new bicycles prescribed by the United States Consumer Product Safety Commission. (b) Notwithstanding paragraph (a), a new bicycle may be sold or offered for sale without pedals if the bicycle otherwise meets the requirements of paragraph (a). Subd. 8.Turning, lane change.An arm signal to turn right or left shall be given continuously during the last 100 feet traveled by the bicycle before turning, unless the arm is needed to control the bicycle, and shall be given while the bicycle is stopped waiting to turn. Subd. 9.Bicycle parking.(a) A person may park a bicycle on a sidewalk unless prohibited or restricted by local authorities. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic. (b) A bicycle may be parked on a roadway at any location where parking is allowed if it is parked in such a manner that it does not obstruct the movement of a legally parked motor vehicle. Subd. 10.Bicycle events.(a) Bicycle events, parades, contests, or racing on a highway shall not be unlawful when approved by state or local authorities having jurisdiction over that highway. Approval shall be granted only under conditions which assure reasonable safety for all participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users. (b) By agreement with the approving authority, participants in an approved bicycle highway event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users. Subd. 11.Peace officer operating bicycle.The provisions of this section governing operation of bicycles do not apply to bicycles operated by peace officers while performing their duties. 1978 c 739 s 12; 1986 c 444; 1987 c 255 s 14; 1993 c 326 art 4 s 2; art 7 s 2; 1995 c 72 s 2; 2012 c 287 art 3 s 29-31; art 4 s 20; 2013 c 127 s 31-34; 1Sp2021 c 5 art 4 s 57-60; 2023 c 68 art 4 s 47,48; 2024 c 127 art 3 s 55-57

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.223 — Motorized Bicycle.

Subdivision 1.Safety equipment; parking.Section 169.974 relating to motorcycles is applicable to motorized bicycles, except as otherwise provided in this section and except that: (1) protective headgear includes headgear that meets the standards under Code of Federal Regulations, title 16, part 1203, or successor requirements; (2) a motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles may be operated during nighttime hours; (3) protective headgear is not required for operators 18 years of age or older; and (4) the provisions of section 169.222, subdivision 9, governing the parking of bicycles apply to motorized bicycles. Subd. 2.License or permit.(a) A motorized bicycle may be operated under either a driver's

license or a motorized bicycle permit issued under section 171.02, subdivision 3. (b) A person under the age of 16 operating a motorized bicycle under a motorized bicycle permit is subject to the restrictions imposed by section 169.974, subdivision 2, on operation of a motorcycle under a two-wheel instruction permit, except that: (1) a parent or guardian of an operator under the age of 16 may also ride on the motorized bicycle as a passenger or operator if the motorized bicycle is equipped with a seat and footrests for a second passenger; (2) a motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles may be operated during nighttime hours; (3) protective headgear includes headgear described in subdivision 1; and (4) protective headgear is required only until the operator reaches the age of 18 years. Subd. 3.Sidewalk and passenger prohibitions.No person shall operate a motorized bicycle upon a sidewalk at any time, except when such operation is necessary for the most direct access to a roadway from a driveway, alley or building. No person shall operate a motorized bicycle that is carrying any person other than the operator, except as allowed under subdivision 2. Subd. 4.Headlight requirement.The provisions of section 169.974, subdivision 5, paragraph (k), apply to motorized bicycles that are equipped with headlights. A new motorized bicycle sold or offered for sale in Minnesota must be equipped with a headlight. [See Note.] Subd. 5.Other operation requirements and prohibitions.(a) A person operating a motorized bicycle on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway except in one of the following situations: (1) when overtaking and passing another vehicle proceeding in the same direction; (2) when preparing for a left turn at an intersection or into a private road or driveway; or (3) when reasonably necessary to avoid conditions, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make it unsafe to continue along the right-hand curb or edge. (b) Persons operating motorized bicycles on a roadway may not ride more than two abreast and may not impede the normal and reasonable movement of traffic. On a laned roadway, a person operating a motorized bicycle shall ride within a single lane. (c) This section does not permit the operation of a motorized bicycle on a bicycle path or bicycle lane that is reserved for the exclusive use of nonmotorized traffic. History:1977 c 214 s 8; 1979 c 227 s 1; 1987 c 269 s 5; 1989 c 331 s 22; 1996 c 435 s 15,16; 2012 c 287 art 3 s 32,33; 2023 c 25 s 80; 2024 c 127 art 3 s 58 NOTE:The amendment to subdivision 4 by Laws 2024, chapter 127, article 3, section 58, is effective July 1, 2025. Laws 2024, chapter 127, article 3, section 58, the effective date.

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.224 — Neighborhood And Medium-speed Electric Vehicles.

Subdivision 1.Definition.For purposes of this section, "road authority" means the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; and the governing body of a city, as to city streets. Subd. 2.Required equipment.Notwithstanding any other law, a neighborhood electric vehicle or a medium-speed electric vehicle may be operated on public streets and highways if it meets all equipment and vehicle safety requirements in Code of Federal Regulations, title 49, section 571.500, and successor requirements. Subd. 3.Operation.(a) A neighborhood electric vehicle or a medium-speed electric vehicle may not be operated on a street or highway with a speed limit greater than 35 miles per hour, except to make a direct crossing of that street or highway. (b) A person may operate a three-wheeled neighborhood electric vehicle without a motorcycle endorsement if the person has a valid driver's license issued under chapter 171. Subd. 4.Restrictions and prohibitions.(a) A road authority, including the commissioner of transportation by order, may prohibit or further restrict the operation of neighborhood electric vehicles and medium-speed electric vehicles on any street or highway under the road authority's jurisdiction. (b) Neither a neighborhood electric vehicle nor a medium-speed electric vehicle may be used to take any examination to demonstrate ability to exercise control in the operation of a motor vehicle as required under section 171.13. 2006 c 189 s 5; 2008 c 350 art 1 s 34; 1Sp2017 c 3 art 3 s 51; 2024 c 104 art 1 s 35

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.225 — Motorized Foot Scooter.

Subdivision 1.Application of traffic laws.Every person operating a motorized foot scooter shall have all rights and duties applicable to the operator of a bicycle, except in respect to those provisions relating expressly to motorized foot scooters and in respect to those provisions of law that by their nature cannot reasonably be applied to motorized foot scooters. Subd. 2.Sidewalk and passenger prohibition.No person may operate a motorized foot scooter upon a sidewalk, except when necessary to enter or leave adjacent property. No person may operate a motorized foot scooter that is carrying any person other than the operator. Subd. 3.Minimum age for operator.No person under the age of 12 years may operate a motorized foot scooter. Subd. 4.Protective headgear.No person under the age of 18 years may operate a motorized foot scooter without wearing properly fitted and fastened protective headgear that complies with standards established by the commissioner of public safety. Subd. 5.Required lighting equipment.A motorized foot scooter must be equipped with a headlight and a taillight that comply with standards established by the commissioner of public safety if the vehicle is operated under conditions when vehicle lights are required by law. Subd. 6.Operation requirements and prohibitions.(a) A person operating a motorized foot scooter on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway, except in the following situations: (1) when overtaking and passing another vehicle proceeding in the same direction; (2) when preparing for a left turn, in which case the operator shall stop and dismount at the right-hand curb or right edge of the roadway, and shall complete the turn by crossing the roadway on foot, subject to restrictions placed by law on pedestrians; or (3) when reasonably necessary to avoid impediments or conditions that make it unsafe to continue along the right-hand curb or edge, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes. (b) A person may operate a motorized foot scooter on a bicycle path, bicycle lane, bicycle trail, or bikeway that is not reserved for the

exclusive use of nonmotorized traffic, unless the local authority or governing body having jurisdiction over that path, lane, trail, or bikeway prohibits operation by law. 2005 c 135 s 6

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.26 — Special Stops At Railroad Crossing.

Subdivision 1.Requirements.(a) Except as provided in section 169.28, subdivision 1, when any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this paragraph, the driver shall stop the vehicle not less than ten feet from the nearest railroad track and shall not proceed until safe to do so and until the roadway is clear of traffic so that the vehicle can proceed without stopping until the rear of the vehicle is at least ten feet past the farthest railroad track. These requirements apply when: (1) a clearly visible electric or mechanical signal device warns of the immediate approach of a railroad train or other on-track equipment; or (2) an approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity. (b) The fact that a moving railroad train or other on-track equipment approaching a railroad grade crossing is visible from the crossing is prima facie evidence that it is not safe to proceed. (c) The driver of a vehicle shall stop and remain stopped and not traverse the grade crossing when (1) a human flagger signals the approach or passage of a railroad train or other on-track equipment, or (2) a crossing gate is lowered warning of the immediate approach or passage of a railroad train or other on-track equipment. No person may drive a vehicle past a flagger at a railroad crossing until the flagger signals that the way is clear to proceed or drive a vehicle past a lowered crossing gate. Subd. 1a.Violation.A police officer may arrest the driver of a motor vehicle if the police officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 1 within the past four hours. Subd. 2.Misdemeanor.(a) A driver who violates subdivision 1 is guilty of a misdemeanor. (b) The owner or, in the case of a leased vehicle, the lessee of a motor vehicle is guilty of a petty misdemeanor if a motor vehicle owned or leased by that person is operated in violation of subdivision 1. This paragraph does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee. This paragraph does not apply if the motor vehicle operator is prosecuted for violating subdivision 1. A violation of this paragraph does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license. Subd. 3.Driver training.All driver education courses approved by the commissioner of public safety must include instruction on railroad-highway grade crossing safety. The commissioner of public safety shall by rule establish minimum standards of course content relating to operation of vehicles at railroad-highway grade crossings. Subd. 4.Pedestrians; penalty.(a) A pedestrian shall not pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while the gate or barrier is closed or is being opened or closed. (b) A pedestrian shall not enter, remain upon, or traverse over a railroad track, grade crossing, or pedestrian walkway crossing a railroad track when an audible bell or clearly visible electric or mechanical signal device is operational and warning of the presence, approach, passage, or departure of a railroad train or other on-track equipment. (c) A person who violates this subdivision is subject to a fine of up to $100. (2720-211) 1937 c 464 s 61; 1986 c 444; 1990 c 468 s 2; 1991 c 298 art 2 s 2; 1Sp1995 c 3 art 16 s 13; 1998 c 403 s 13; 2002 c 371 art 1 s 43; 1Sp2003 c 9 art 10 s 7; 2004 c 229 s 1; 2010 c 351 s 30; 1Sp2019 c 3 art 3 s 42,43

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.28 — Certain Vehicles To Stop At Railroad Crossing.

Subdivision 1.Requirements.(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus whether carrying passengers or not, or of any Head Start bus whether carrying passengers or not, or of any vehicle that is required to stop at railroad grade crossings under Code of Federal Regulations, title 49, section 392.10, before crossing at grade any track or tracks of a railroad, shall stop the vehicle not less than 15 feet nor more than 50 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching railroad train or other on-track equipment, and for signals indicating the approach of a railroad train or other on-track equipment, except as otherwise provided in this section. The driver must not proceed until safe to do so and until the roadway is clear of traffic so that the vehicle can proceed without stopping until the rear of the vehicle is at least ten feet past the farthest railroad track. The driver must not shift gears while crossing the railroad tracks. (b) A school bus or Head Start bus shall not be flagged across railroad grade crossings except at those railroad grade crossings that the local school administrative officer may designate. (c) A type III vehicle, as defined in section 169.011, is exempt from the requirement of school buses to stop at railroad grade crossings. (d) The requirements of this subdivision do not apply to the crossing of light rail vehicle track or tracks that are located in a public street when: (1) the crossing occurs within the intersection of two or more public streets; (2) the intersection is controlled by a traffic-control signal; and (3) the intersection is marked with signs indicating to drivers that the requirements of this subdivision do not apply. Notwithstanding any other provision of law, the owner or operator of the track or tracks is authorized to place, maintain, and display the signs upon and in the view of the public street or streets. Subd. 2.Exempt crossing.(a) The commissioner may designate a crossing as an exempt crossing: (1) if the crossing is on a rail line on which service has been abandoned; (2) if the crossing is on a rail line that carries fewer than five railroad trains each year, traveling at speeds of ten miles per hour or less; or (3) as agreed to by the operating railroad and the Department of Transportation, following a diagnostic review of the crossing. (b) The commissioner shall direct the railroad to erect at the crossing signs bearing the word "Exempt" that conform to section 169.06. The installation or presence of an exempt sign does not relieve a driver of the duty to use due care. (c) A railroad train or other on-track equipment must not proceed across an exempt crossing unless a police officer is present to direct traffic or a railroad employee is on the ground to warn traffic until the railroad train enters the crossing. (d) A vehicle that must stop at grade crossings under subdivision 1 is not required to stop at a marked exempt crossing

unless directed otherwise by a police officer or a railroad employee. (2720-213) 1937 c 464 s 63; Ex1937 c 38 s 1; 1961 c 29 s 1; 1969 c 146 s 2; 1982 c 444 s 1; 1986 c 444; 1987 c 397 s 1; 1994 c 603 s 3; 2002 c 371 art 1 s 44; 1Sp2003 c 9 art 1 s 44; 2004 c 229 s 2; 2004 c 245 s 1; 1Sp2005 c 6 art 3 s 46; 2008 c 350 art 1 s 96; 1Sp2019 c 3 art 3 s 44

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.29 — Crossing Railroad Tracks With Certain Equipment.

(a) No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section. (b) Before making any crossing, the person operating or moving any vehicle or equipment set forth in this section shall first stop the same not less than ten, nor more than 50, feet from the nearest rail of the railway, and while so stopped shall listen and look in both directions along the track for any approaching railroad train or other on-track equipment and for signals indicating the approach of a railroad train or other on-track equipment, and shall not proceed until the crossing can be made safely. (c) No crossing shall be made when warning is given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or other on-track equipment or car. (d) A stop is not required at a crossing on a rail line on which service has been abandoned and where a sign erected in conformance with section 169.06 and bearing the word "Exempt" has been installed, unless directed otherwise by a flagger. The installation or presence of an exempt sign shall not relieve any driver of the duty to use due care. (2720-214) 1937 c 464 s 64; 1982 c 444 s 2; 1986 c 444; 1Sp2019 c 3 art 3 s 45

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.30 — Designation Of Through Highways.

(a) The commissioner, with reference to state trunk highways, and local authorities, with reference to other highways under their jurisdiction, may designate through highways by erecting stop signs or yield signs at entrances thereto or may designate any intersection as a stop or yield intersection by erecting like signs at one or more entrances to such intersection; provided, that local authorities, with the consent of the commissioner, may designate through highway or stop or yield intersections on state trunk highways. (b) Every driver of a vehicle shall stop at a stop sign or at a clearly marked stop line before entering the intersection, except when directed to proceed by a police officer or traffic-control signal. (2720-215) 1937 c 464 s 65; 1939 c 430 s 11; 1961 c 16 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.305 — Controlled-access Rules And Penalties.

Subdivision 1.Entrance and exit; crossover; use regulations; signs; rules.(a) No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority. (b) When special crossovers between the main roadways of a controlled-access highway are provided for emergency vehicles or maintenance equipment and such crossovers are signed to prohibit "U" turns, it shall be unlawful for any vehicle, except an emergency vehicle, maintenance equipment, construction equipment including contractor's and state-owned equipment when operating within a marked construction zone, or a vehicle operated by a commercial vehicle inspector of the Department of Public Safety, to use such crossover. Vehicles owned and operated by elderly and needy persons under contract with the commissioner of transportation pursuant to section 160.282 for maintenance services on highway rest stop and tourist centers outside the seven-county metropolitan area as defined in section 473.121, may also use these crossovers while those persons are proceeding to or from work in the rest area or tourist center if authorized by the commissioner, and the vehicle carries on its roof a distinctive flag designed and issued by the commissioner. For the purposes of this clause "emergency vehicle" includes a tow truck or towing vehicle if it is on the way to the location of an accident or a disabled vehicle. (c) The commissioner of transportation may by order, and any public authority may by ordinance, with respect to any controlled-access highway under their jurisdictions prohibit or regulate the use of any such highway by pedestrians, bicycles, or other nonmotorized traffic, or by motorized bicycles, or by any class or kind of traffic which is found to be incompatible with the normal and safe flow of traffic. (d) The commissioner of transportation or the public authority adopting any such prohibitory rules shall erect and maintain official signs on the controlled-access highway on which such rules are applicable and when so erected no person shall disobey the restrictions stated on such signs. Subd. 2.Backing.Except for a driver of an authorized emergency vehicle in the course of performing duties, no driver of a vehicle shall back the same upon the roadway or shoulder of any controlled-access highway. Subd. 3.Petty misdemeanor.Any person who violates the provisions of this section or any order or ordinance promulgated or enacted by the commissioner of transportation or a public authority pursuant thereto is guilty of a petty misdemeanor. 1959 c 439 s 1; 1961 c 72 s 1; 1971 c 236 s 1; Ex1971 c 27 s 9; 1974 c 406 s 39; 1976 c 166 s 7; 1977 c 214 s 9; 1978 c 494 s 2; 1980 c 533 s 12; 1985 c 248 s 70; 1986 c 444; 1991 c 112 s 5; 1995 c 186 s 119; 2014 c 312 art 11 s 9; 2022 c 55 art 1 s 63

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.306 — Use Of Shoulders By Buses.

(a) A road authority, as defined in section 160.02, subdivision 25, is authorized to permit transit buses and Metro Mobility buses use

of a shoulder, as designated by the road authority, of a freeway or expressway, as defined in section 160.02, in Minnesota. (b) If a road authority permits the use of a freeway or expressway shoulder by transit buses, the road authority shall permit the use on that shoulder of a bus (1) with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.012, subdivision 26, while operating in intrastate commerce or (2) providing regular route transit service, as defined in section 174.22, subdivision 8, or Metro Mobility services, and operated by or under contract with the Metropolitan Council, a local transit authority, or a transit authority created by the legislature. Drivers of these buses must have adequate training in the requirements of paragraph (c), as determined by the commissioner. (c) Buses authorized to use the shoulder under this section may be operated on the shoulder only when main-line traffic speeds are less than 35 miles per hour, except as provided for in paragraph (f). Drivers of buses being operated on the shoulder may not exceed the speed of main-line traffic by more than 15 miles per hour and may never exceed 35 miles per hour, except as provided for in paragraph (f). Drivers of buses being operated on the shoulder must yield to merging, entering, and exiting traffic and must yield to other vehicles on the shoulder. Buses operated on the shoulder must be registered with the Department of Transportation. (d) For the purposes of this section, the term "Metro Mobility bus" means a motor vehicle of not less than 20 feet in length engaged in providing special transportation services under section 473.386 that is: (1) operated by or under contract with a public or private entity receiving financial assistance to provide transit services from the Metropolitan Council or the commissioner of transportation; and (2) authorized by a road authority to use freeway or expressway shoulders. (e) This section does not apply to the operation of buses on dynamic shoulder lanes. (f) The commissioner may authorize different operating conditions and maximum speeds, not to exceed the posted speed limit, based upon an engineering study and recommendation by the road authority. The engineering study must be conducted by the road authority and must conform with the manual and specifications adopted under section 169.06, subdivision 1, and applicable state and federal standards. The road authority shall consult the public transit operator before recommending operating conditions different from those authorized by law. 2002 c 364 s 10; 2005 c 51 s 1; 2008 c 306 s 5; 2010 c 351 s 31; 2012 c 287 art 4 s 21

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.31 — Stop At Sidewalk.

The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area and shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk. (2720-216) 1937 c 464 s 66; 1978 c 739 s 13

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.315 — Opening And Closing Vehicle Door.

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic. No person shall allow any door on the side of a vehicle adjacent to moving traffic to remain open for a period of time longer than necessary to load or unload passengers. 1978 c 739 s 14

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.32 — Stopping, Standing, And Parking.

(a) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main-traveled part of the highway when it is practical to stop, park, or so leave such vehicle off such part of said highway, but in every event a clear and unobstructed width of at least 20 feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of 200 feet in each direction upon such highway. (b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main-traveled portion of a highway in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (c) This section shall not apply to the driver of a school bus stopped for the purpose of receiving or discharging any school child or school children provided the school bus is equipped and identified as provided in sections 169.441 and 169.442, subdivision 1, and is displaying the flashing red lamps and stop arm required therein. (2720-217) 1937 c 464 s 67; 1969 c 146 s 3; 1991 c 277 s 17

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.33 — Police May Move Vehicle.

(a) When any police officer finds a vehicle standing upon a highway in violation of any of the provisions of section 169.32, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main-traveled part of such highway. (b) When any police officer finds a vehicle unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle and remove the same to the nearest convenient garage or other place of safety. (2720-218) 1937 c 464 s 68; 1939 c 430 s 12

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.34 — Prohibitions; Stopping, Parking.

Subdivision 1.Prohibitions.(a) A person must not stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places: (1) on a sidewalk; (2) in front of a public or private driveway; (3) within an intersection; (4) within ten feet of a fire hydrant; (5) on a crosswalk; (6) within 20 feet of a crosswalk at an intersection; (7) within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway; (8) within 50 feet of the nearest rail of a railroad crossing; (9) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted; (10) alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic; (11) on the roadway side of any vehicle stopped or parked at the edge or curb of a street; (12) upon any bridge or other elevated structure upon a highway or within a highway tunnel, except as otherwise provided by ordinance; (13) within a bicycle lane, except when posted signs permit parking; or (14) at any place where official signs prohibit stopping. (b) A person must not move a vehicle not owned by the person into any prohibited area or away from a curb such distance as is unlawful. (c) A person must not, for camping purposes, leave or park a travel trailer on or within the limits of any highway or on any highway right-of-way, except where signs are erected designating the place as a campsite. (d) A person must not stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control, or regulate traffic. Subd. 2.Violation; penalty for owner or lessee.(a) If a motor vehicle is stopped, standing, or parked in violation of subdivision 1, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor. (b) The owner or lessee may not be fined under paragraph (a) if (1) another person is convicted for, or pleads guilty to, that violation, or (2) the motor vehicle was stolen at the time of the violation. (c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee. (d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator who violates subdivision 1. (e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license. (2720-219) 1937 c 464 s 69; Ex1937 c 38 s 1; 1939 c 430 s 13; 1989 c 342 s 16; 2008 c 287 art 1 s 46; 2013 c 127 s 35; 2022 c 55 art 1 s 64; 2024 c 104 art 1 s 36

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.342 — Good Samaritan; Exception To Stopping And Parking.

(a) A person who stops or parks that person's motor vehicle on any highway or street for the sole purpose of aiding another motorist who signals for assistance by raising the hood of the vehicle or displaying a flag, flare or similar signal is not in violation of any law, ordinance, or rule prohibiting the stopping or parking of a motor vehicle, and no peace officer shall issue a traffic ticket therefor if: (1) the motorist in distress is not already being given aid or assistance; (2) the person takes reasonable safety precautions in stopping and parking the vehicle, and conforms with other laws regulating the stopping and parking of vehicles; (3) the person is not in violation of traffic laws or rules other than the prohibition against stopping and parking; and (4) the person promptly leaves the scene if directed to leave by a peace officer. (b) This section does not apply to any person who stops or parks a vehicle next to an unattended vehicle. 1977 c 167 s 1; 1985 c 248 s 70; 1986 c 444

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.346 — Disability Parking Areas; Criteria, Enforcement.

Subdivision 1.Disability parking space prohibitions.A person shall not: (1) park a motor vehicle in or obstruct access to a parking space or associated access aisle designated and reserved for the physically disabled, on either private or public property; (2) park a motor vehicle in or obstruct access to an area designated by a local governmental unit as a transfer zone for disabled persons; (3) alter a certificate; (4) exercise the parking privilege provided in section 169.345, unless: (i) that person is a physically disabled person as defined in section 169.345, subdivision 2, or the person is transporting or parking a motor vehicle for a physically disabled person; and (ii) the motor vehicle visibly displays one of the following: a disability plate issued under section 168.021, a certificate issued under section 169.345, a permit valid for 30 days issued under section 168.021 or 169.345, or an equivalent certificate, insignia, or plate issued by another state, a foreign country, or one of its political subdivisions; or (5) park a motor vehicle in an area used as a regular route transit stopping point where a transit vehicle that is accessible to the physically disabled regularly stops and a sign that bears the international symbol of access in white on blue is posted. A sign posted under this clause may display other information relating to the regular route transit service. For purposes of this clause, an area used as a regular route transit stopping point consists of the 80 feet immediately preceding the sign described in this clause. Subd. 1a.Disability parking when designated spaces occupied or unavailable.In the event the designated disability parking spaces are either occupied or unavailable, a vehicle bearing a valid disability parking certificate issued under section 169.345 or license plates for physically disabled persons under section 168.021 may park at an angle and occupy two standard parking spaces. Subd. 2.Disability parking space signs.(a) Parking spaces reserved for physically disabled persons must be designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that violators are subject to a fine of up to $200. These parking spaces are reserved for disabled persons with motor vehicles displaying the required certificate, plates, permit valid for 30 days, or insignia. (b) For purposes of this subdivision, a parking space that is clearly identified as reserved for physically disabled persons by a permanently posted sign that does not meet all design standards, is considered designated and reserved for physically disabled persons. A sign posted for the purpose of this section must be visible from inside a motor vehicle parked in the space, be kept clear of snow or other obstructions which block its visibility, and be nonmovable. (c) By August 1, 2024, the Minnesota Council on Disability must select and propose a statewide uniform disability parking space sign that is consistent with the Americans with

Disabilities Act. The selected and proposed sign must not display any variation of the word "handicapped." As part of selecting and proposing a statewide uniform disability parking space sign, the Minnesota Council on Disability may encourage owners or managers of property to replace existing disability parking space signs at the owner's earliest opportunity once the sign is made available for distribution. (d) Beginning on August 1, 2025, an applicable owner or manager of property on which a disability parking sign may be located must install and display the new uniform disability parking sign required in paragraph (c) at: (1) newly created on-site parking facilities; and (2) existing on-site parking facilities when the manager or owner replaces existing disability parking space signs. Subd. 2a.Parking space free of obstruction; penalty.The owner or manager of the property on which the designated parking space is located must ensure that the parking space and associated access aisle are kept free of obstruction. If the owner or manager does not have the parking space properly posted or knowingly allows the parking space or access aisle to be blocked by plowed snow, merchandise, or similar obstructions, the owner or manager is guilty of a misdemeanor and subject to a fine of up to $500. Subd. 3.Misdemeanor; enforcement.A person who violates subdivision 1 is guilty of a misdemeanor and must be fined not less than $100 and not more than $200. This subdivision must be enforced in the same manner as parking ordinances or regulations in the governmental subdivision in which the violation occurs. Law enforcement officers may tag motor vehicles parked on either private or public property in violation of subdivision 1. Parking enforcement employees or agents of statutory or home rule charter cities or towns may tag or otherwise issue citations for motor vehicles parked on public property in violation of subdivision 1. If a holder of a disability certificate or disability plates allows a person who is not otherwise eligible to use the certificate or plates, then the holder is not eligible to be issued or to use a disability certificate or plates for 12 months after the date of violation. Except when the permit or certificate is expired by, or is otherwise invalid for, more than 90 days, a physically disabled person, or a person parking a motor vehicle for a disabled person, who is charged with violating subdivision 1 because the person parked in a parking space for physically disabled persons without the required certificate, license plates, or permit must not be convicted if the person (1) produces in court or before the court appearance the required certificate, permit, or evidence that the person has been issued plates under section 168.021, (2) surrenders the expired permit or certificate, and (3) demonstrates entitlement to the certificate, plates, or permit at the time of arrest or tagging. To be valid, the certificate or permit must show that it is owned by the same person that owned the expired certificate or permit displayed at the time the tag was issued. The registered vehicle owner is subject to the provisions of this subdivision. Subd. 4.Local ordinance; citizen enforcement program.A statutory or home rule charter city may, by ordinance, establish a program to enforce the parking restrictions of this section or any similar local ordinance, relating to parking spaces for the physically disabled, by using citizen volunteers to issue citations to violators. The ordinance shall contain a process for training program participants in the requirements of the law, the method of issuing citations, and other related matters. Program participants who satisfy the training requirements of the ordinance are authorized to issue citations for violations of this section and are exempt from any other training or licensure requirements imposed on law enforcement officers by chapter 626. Subd. 5.Local ordinance; long-term parking.A statutory or home rule charter city may enact an ordinance establishing a permit program for long-term disability parking. If a city enacts the ordinance, a permit program for long-term disability parking must establish as a minimum: (1) a limitation on disability parking of a maximum of four hours during the hours of enforcement, on one-hour, 90-minute, and two-hour parking meters; (2) a requirement for city parking lots and ramps to provide a 50 percent discount on monthly fees for contracted parkers with disabilities or a 50 percent reduction in the hourly rate for parkers with disabilities, with appropriate vehicle identification, who park in designated disability parking spaces; and (3) issuance of a special needs permit to an employed person with severe disability for an all-day, on-street parking permit that will accommodate the person's access needs. 1977 c 205 s 1; 1979 c 31 s 3; 1979 c 277 s 5-7; 1983 c 24 s 1; 1986 c 444; 1987 c 355 s 8; 1990 c 482 s 2; 1990 c 497 s 12; 1991 c 301 s 5,6; 1992 c 424 s 1; 1993 c 83 s 3; 1993 c 98 s 6-8; 1993 c 130 s 1; 1994 c 495 s 1; 1999 c 238 art 2 s 19,20; 2005 c 64 s 8-11; 2008 c 272 s 1; 2011 c 30 s 2; 2013 c 127 s 36,37; 2023 c 68 art 5 s 26; 2024 c 127 art 3 s 59

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.35 — Parking.

Subdivision 1.Parallel to curb.Except where angle parking is permitted by local ordinance, each vehicle stopped or parked upon a two-way roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of the vehicle parallel with and within 12 inches of the right-hand curb, provided, that such exception shall only apply to a state trunk highway after approval by the commissioner. Subd. 2.Where no curb.Upon streets and highways not having a curb each vehicle stopped or parked shall be stopped or parked parallel with and to the right of the paved or improved or main-traveled part of the street or highway. Subd. 3.One-way roadway.Local authorities with respect to streets and highways under their jurisdiction and with the consent of the commissioner with respect to state trunk highways may by ordinance permit parking of vehicles with the left hand wheels adjacent to and within 12 inches of the left hand curb of a one-way roadway. (2720-220) 1937 c 464 s 70; Ex1937 c 38 s 1; 1939 c 430 s 14; 1947 c 428 s 21

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.37 — Obstructing View Of Driver.

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle. No passenger in a vehicle or streetcar shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle or streetcar. (2720-222) 1937

c 464 s 72; 1986 c 444

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.40 — Fire Truck; Fire Station.

Subdivision 1.Following fire truck; parking at fire scene.The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet, or drive into or park such vehicle within the block where a fire apparatus has stopped in answer to a fire alarm. Subd. 2.Fire station entrance.No person shall drive a vehicle within 50 feet of the driveway entrance to any fire station while a fire apparatus is being driven into the fire station unless on official business. (2720-225) 1937 c 464 s 75; 1967 c 281 s 1; 1986 c 444

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.41 — Crossing Fire Hose.

No streetcar or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command. (2720-226) 1937 c 464 s 76

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.421 — Civil Liability For Littering.

Subdivision 1.Finding.The legislature finds that the cost of removal and disposal of solid waste, including litter, from vehicles is an onerous burden upon the public, and that the criminal law is not always adequate in dealing with the problem. This requires the imposition of civil liability as provided in this section. Subd. 2.Definition.For purposes of this section, "owner" as to a vehicle means the owner of the vehicle, but in the case of a leased vehicle means the lessee. Subd. 3.Civil liability imposed.If any solid waste, including litter, glass, nails, tacks, wire, cans, bottles, garbage, papers, refuse, trash, cigarette filters, debris from fireworks, or any form of offensive matter is thrown, deposited, placed, or dumped from a vehicle upon any street or highway, public land, or upon private land without the consent of the owner of the land, a violation of this subdivision occurs and civil liability is imposed upon the owner of the vehicle. The driver and passengers riding in a vehicle are constituted as the agents of the owner of the vehicle for purposes of this subdivision. It is a defense to any action brought pursuant to this section that the vehicle was stolen. This section is not applicable to the owner of a vehicle transporting persons for hire or transporting school children. Subd. 4.Civil penalty; damages.A person who violates this section is subject to the civil penalties for littering and an action for damages as specified in section 115A.99. Subd. 5.Procedures.A civil action may be commenced as is any civil action or by the issuance of a citation to the owner of the vehicle by any law enforcement officer who has reason to believe that a violation has occurred. Actions commenced by the issuance of a citation by a law enforcement officer shall be tried by the prosecuting authority responsible for misdemeanor prosecutions in the jurisdiction where a violation occurs. Any damages recovered in an action brought by a public agency shall be deposited in the treasury of the jurisdiction trying the action and distributed as provided in section 484.90. Any district court may establish a separate civil calendar for cases brought under this section. Subd. 6.Relationship to criminal law; election of remedy.If an act is a violation of this section and of a statute or ordinance providing a criminal penalty, a public agency elects its remedy by commencing either an action under this section or a criminal prosecution, and the commencement of one type of action by a public agency is a bar to its bringing of the other. Subd. 7.Payment.Any district court may establish a schedule of costs and civil damages, and procedures for payment, in cases brought by a public agency under which the defendant may consent to default judgment and make payment according to the schedule without making a personal appearance in court. Subd. 8.Citation.This section may be cited as the "Civil Litter Act." 1979 c 235 s 1; 1991 c 138 s 2; 1994 c 412 s 3; 1998 c 254 art 2 s 14,15; 2003 c 28 art 1 s 18; 2008 c 277 art 1 s 22

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.43 — Swinging Gate On Truck.

(a) No truck shall be operated on any highway with gate, loading rack, or partition carried in any manner on any part of the exterior of the truck, unless the top and bottom of such gate, loading rack or partition is securely attached to the truck, so as to prevent swinging or becoming loose. (b) No truck shall be driven or parked on any highway with tailgate or tailboard hanging down or projecting from the vehicle except while such vehicle is being loaded or unloaded, and except when a load on the tailboard renders impossible the closing of the tailboard. (2720-228, 2720-229) 1937 c 464 s 78,79; 1947 c 428 s 22; 1949 c 263; 1971 c 320 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.435 — Office Of Pupil Transportation Safety.

Subdivision 1.Responsibility; Department of Public Safety.The Department of Public Safety has the primary responsibility for school transportation safety. The Office of Pupil Transportation Safety is created as a section under the Division of State Patrol. The commissioner shall designate a director of pupil transportation. Subd. 2.[Expired] Subd. 3.Pupil transportation safety director.The duties of the pupil transportation safety director include: (1) overseeing all department activities related to school bus safety; (2) assisting in the development, interpretation, and implementation of laws and policies relating to school bus safety, in consultation

with a stakeholder group consisting of, but not limited to, representatives of the school board association, school superintendents, private bus contractors, directors of transportation, school bus employees or their exclusive bargaining representatives, and parent organizations; (3) supervising preparation of the School Bus Inspection Manual; (4) in conjunction with the Department of Education and the stakeholder group described in clause (2), assisting school districts in developing and implementing comprehensive transportation policies and establishing best practices for private contracts; (5) developing and maintaining a consistent record-keeping system to document school bus inspections, out-of-service school transportation vehicles, driver turnover rate, and driver files; and (6) conducting periodic audits of selected school districts to determine compliance with federal law and state statute concerning (i) school bus driver requirements and driver employee background and license checks, including controlled substance and alcohol testing requirements; and (ii) duty to report violations to the commissioner of public safety. Audit results must be documented and retained by the Office of Pupil Transportation Safety, and any statutory violations documented in the audit must be reported to the commissioners of public safety and education. Subd. 4.Staff.In addition to the pupil transportation safety director, who must be a state trooper, the Office of Pupil Transportation Safety must be staffed by a minimum of: (1) three state troopers, each of whom must be assigned to the metropolitan area, northern Minnesota, or southern Minnesota; and (2) 15 school bus vehicle inspectors, one of whom must be designated chief inspector. The school bus vehicle inspectors shall perform annual and spot inspections of school buses and Head Start buses as required by law. 1994 c 647 art 12 s 13; 1Sp1995 c 3 art 16 s 13; 1Sp1997 c 4 art 12 s 6; 1Sp2003 c 9 art 12 s 17; 2008 c 350 art 1 s 36

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.443 — Safety Of School Children; Bus Driver's Duties.

Subdivision 1.Using bus signals.A driver of a school bus shall activate the prewarning flashing amber signals of the bus before stopping to load or unload school children. The driver shall activate and continuously operate the amber signals for a distance of at least 100 feet before stopping in a speed zone of 35 miles per hour or less and at least 300 feet before stopping in a speed zone of more than 35 miles per hour. On stopping for this purpose, the driver shall extend the stop-signal arm system and activate the flashing red signals. The driver shall not retract the stop-signal arm system nor extinguish the flashing red signals until loading or unloading is completed, students are seated, and children who must cross the roadway are safely across. Subd. 2.Use of stop-signal arm.(a) The stop-signal arm system of a school bus must be used in conjunction with the flashing red signals only when the school bus is stopped on a street or highway to load or unload school children. (b) A local authority, including the governing body of an Indian tribe, may by ordinance require that a school bus activate the stop-signal arm system and flashing red signals while stopped to unload school children at a location other than a location on a street or highway. The ordinance must designate each location where the requirement is imposed. The requirement is effective only if the local authority has erected signs at or near the location to provide adequate notice that other vehicles are required to obey section 169.444, subdivision 1, when those signals are activated. (c) A school bus driver is prohibited from loading or unloading passengers in a designated right-turn lane or in a lane immediately adjacent to a designated right-turn lane unless: (1) a school bus stop designated by the district transportation safety director is located in the right-turn lane; (2) the driver stops the bus at the extreme right side of the right-turn lane; and (3) the driver activates the prewarning flashing amber signals, flashing red signals, and stop-signal arm, unless the school board or its designee, based on safety considerations, provides written direction to the driver not to do so. After loading or unloading passengers, the school bus driver may re-enter the right-hand lane of traffic without turning right. The school bus must indicate the intent to enter the right-hand lane of traffic by activating a flashing left turn signal. Subd. 3.When signals not used.School bus drivers shall not activate the prewarning flashing amber signals or flashing red signals and shall not use the stop arm signal: (1) in special school bus loading areas where the bus is entirely off the traveled portion of the roadway and where no other motor vehicle traffic is moving or is likely to be moving within 20 feet of the bus; (2) when directed not to do so, in writing, by the local school board; (3) when a school bus is being used on a street or highway for purposes other than the actual transportation of school children to or from school or a school-approved activity, except as provided in subdivision 8; (4) at railroad grade crossings; (5) when operating the bus under section 169.4475; and (6) when loading and unloading people at designated school bus stops where people are not required to cross the street or highway, while the bus is completely off the traveled portion of a roadway that has adequate shoulders. The driver shall drive the bus completely off the traveled portion of this roadway before loading or unloading people. A school bus stop is designated under this clause if the transportation director of the school district in which the bus stop is located, in consultation with the road authority, certifies the integrity of the shoulder and the safety of the location for loading and unloading people. Each designated school bus stop must be documented and approved by the school board. Subd. 4.Street crossings.Where school children must cross a roadway before getting on or after getting off the school bus, the driver of the school bus or a school bus patrol may supervise the crossing, using the standard school patrol flag or signal as approved and prescribed by the commissioner of public safety. Before moving the school bus, the driver of the bus shall visually determine that all children have crossed the roadway and that those who are to do so have boarded the school bus. Subd. 5.Moving bus after children unloaded.When children are getting off a school bus or Head Start bus, the driver shall visually determine that they are a safe distance from the bus before moving the bus. Subd. 6.Type III vehicles.The driver of a type III vehicle shall load or unload school children or Head Start passengers only from the right-hand side of the vehicle, provided that on a one-way street the driver shall load or unload school children or Head Start passengers only from the curb side of the vehicle. When loading or unloading school children or Head Start passengers, the driver shall activate the vehicle's four-way hazard lights described in section 169.59, subdivision 4. Subd. 7.Misdemeanor.A person who violates this section is guilty of a misdemeanor. Subd. 8.Use for recreational or educational activity.A school bus that transports over

regular routes and on regular schedules persons age 18 or under to and from a regularly scheduled recreational or educational activity must comply with subdivisions 1 and 7. Notwithstanding section 169.441, subdivision 3, a school bus may provide such transportation only if (1) the "school bus" sign is plainly visible; (2) the school bus has a valid certificate of inspection under section 169.451; (3) the driver of the school bus possesses a driver's license with a valid school bus endorsement under section 171.10; and (4) the entity that organizes the recreational or educational activity, or the contractor who provides the school buses to the entity, consults with the superintendent of the school district in which the activity is located or the superintendent's designee on the safety of the regular routes used. Subd. 9.Personal cellular phone call prohibition.(a) As used in this subdivision, "school bus" has the meaning given in section 169.011, subdivision 71. In addition, the term includes type III vehicles as defined in section 169.011, subdivision 71, when driven by employees or agents of school districts. (b) A school bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether handheld or hands free, when the vehicle is in motion or a part of traffic. 1991 c 277 s 5; 1992 c 516 s 2,3; 1993 c 78 s 1; 1994 c 465 art 1 s 25; 1994 c 603 s 7,8; 1994 c 647 art 12 s 17; 1Sp1997 c 4 art 12 s 7; 2000 c 426 s 25; 2004 c 294 art 2 s 21,22; 2007 c 146 art 8 s 4; 2008 c 271 s 1; 2008 c 350 art 1 s 96; 2009 c 96 art 8 s 3; 2013 c 102 s 4; 2013 c 127 s 38; 1Sp2017 c 3 art 3 s 55; 1Sp2019 c 3 art 3 s 48

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.444 — Safety Of School Children; Duties Of Other Drivers.

Subdivision 1.Children getting on or off school bus.When a school bus is stopped on a street or highway, or other location where signs have been erected under section 169.443, subdivision 2, paragraph (b), and is displaying an extended stop-signal arm and flashing red lights, the driver of a vehicle approaching the bus shall stop the vehicle at least 20 feet away from the bus. The vehicle driver shall not allow the vehicle to move until the school bus stop-signal arm is retracted and the red lights are no longer flashing. Subd. 1a.Passing on right.No person may pass or attempt to pass a school bus in a motor vehicle on the right-hand, passenger-door side of the bus when the school bus is displaying the prewarning flashing amber signals as required in section 169.443, subdivision 1. Subd. 2.Violations by drivers; penalties.(a) A person who fails to stop a vehicle or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, is guilty of a misdemeanor punishable by a fine of not less than $500. (b) A person is guilty of a gross misdemeanor if the person fails to stop a motor vehicle or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, and commits either or both of the following acts: (1) passes or attempts to pass the school bus in a motor vehicle on the right-hand, passenger-door side of the bus; or (2) passes or attempts to pass the school bus in a motor vehicle when a school child is outside of and on the street or highway used by the school bus or on the adjacent sidewalk. Subd. 3.Prosecutor.(a) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section. (b) When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior convictions under this section from a court, the court must furnish the information without charge. Subd. 4.Exception for separated roadway.(a) A person driving a vehicle on a street or highway with separated roadways is not required to stop the vehicle when approaching or meeting a school bus that is on a different roadway. (b) "Separated roadway" means a road that is separated from a parallel road by a physical barrier, raised median, or depressed median. Subd. 5.Cause for arrest.A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 1 or 1a within the past four hours. Subd. 6.Violation; penalty for owner or lessee.(a) If a motor vehicle is operated in violation of subdivision 1 or 1a, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor. (b) The owner or lessee may not be fined under paragraph (a) if (1) another person is convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation. (c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee. (d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator for violating subdivision 1 or 1a. (e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license. Subd. 7.Evidentiary presumption.(a) There is a rebuttable presumption that signals described in section 169.442 were in working order and operable when a violation of subdivision 1, 1a, 2, or 5 was allegedly committed, if the signals of the applicable school bus were inspected and visually found to be in working order and operable within 12 hours preceding the incident giving rise to the violation. (b) There is a rebuttable presumption that a motor vehicle outwardly equipped and identified as a school bus satisfies all of the identification and equipment requirements of section 169.441 when a violation of subdivision 1, 1a, 2, or 5 was allegedly committed, if the applicable school bus bears a current inspection certificate issued under section 169.451. Subd. 8.Scheduling cases.When necessary or desirable to ensure that a school bus driver who witnessed or otherwise can provide relevant information concerning a violation of this section is available to be present at a court proceeding held to determine an alleged violation of this section, the court administrator shall schedule the proceeding to be held between the hours of 10:00 a.m. and 2:00 p.m. 1991 c 277 s 6; 1993 c 78 s 2; 1Sp1995 c 3 art 2 s 32; 1997 c 159 art 2 s 24-28; 1Sp2017 c 3 art 3 s 56; 2024 c 104 art 1 s 37

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.4475 — Special Event School Bus Use.

Subdivision 1.Temporary use authority.A pupil transport entity that meets the requirements of this section may operate a school bus for which the entity has paid registration tax under section 168.013, subdivision 18, to provide transportation that is not pupil transportation without reregistration of the bus, issuance of new plates, or payment of additional taxes and fees under chapter 168.

Subd. 2.Requirements.A pupil transport entity may operate a school bus under this section if: (1) the transportation is performed under an agreement with a tax exempt entity under section 501(c) of the Internal Revenue Code, as defined in section 289A.02, subdivision 7, solely to transport participants in conjunction with a special event of up to two days organized or substantially sponsored by the tax exempt entity; and (2) the pupil transportation entity meets the requirements of a motor carrier of passengers under chapter 221, including but not limited to use of a temporary vehicle identification card under section 221.132 for the school bus. Subd. 3.School bus equipment.Notwithstanding section 169.448, subdivision 1, a school bus operated under this section may: (1) be painted national school bus glossy yellow; and (2) be equipped with a stop-signal arm, prewarning flashing amber signals, and flashing red signals. 2013 c 102 s 5

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.448 — Other Buses.

Subdivision 1.Restrictions on appearance; misdemeanor.(a) A bus that is not used as a school bus must not be operated on a street or highway unless it is painted a color significantly different than national school bus glossy yellow. (b) A bus that is not used as a school bus or Head Start bus may not be operated if it is equipped with school bus or Head Start bus-related equipment and printing. (c) A violation of this subdivision is a misdemeanor. (d) This subdivision does not apply to a school bus owned by or under contract to a school district operated as a charter or leased bus. (e) This subdivision does not apply to a school bus operated by a licensed child care provider if: (1) the stop-signal arm is removed; (2) the lighting systems for prewarning flashing amber signals, flashing red signals, and supplemental warnings under section 169.4503, subdivision 31, are deactivated; (3) the school bus is identified as a "child care bus" in letters at least eight inches high on the front and rear top of the bus; (4) the name, address, and telephone number of the owner or operator of the bus is identified on each front door of the bus in letters not less than three inches high; and (5) the conditions under section 171.02, subdivision 2a, paragraphs (a) to (j) and (l), have been met. Subd. 2.School motor coach.(a) A school district may not acquire a motor coach for transportation purposes. (b) A motor coach acquired by a school district before March 26, 1986, may be used by it only to transport students participating in school activities, their instructors, and supporting personnel to and from school activities. A motor coach may not be outwardly equipped and identified as a school bus. A motor coach operated under this subdivision is not a school bus for purposes of section 123B.92. The commissioner of education shall implement rules governing the equipment, identification, operation, inspection, and certification of motor coaches operated under this subdivision. (c) After January 1, 1998, a school district may not own or operate a motor coach for any purpose. Subd. 3.Head Start vehicle.Notwithstanding subdivision 1, a vehicle used to transport students under Public Law 99-425, the Head Start Act, may be equipped as a school bus or Head Start bus. Subd. 4.Day activity center buses.Notwithstanding subdivision 1, a vehicle used to transport adults to and from a day activity center may be equipped with prewarning flashing amber signals and a stop-signal arm, and the operator of the vehicle may activate this equipment, under the following circumstances: (1) the operator possesses a commercial driver's license with a school bus endorsement; (2) the vehicle is engaged in picking up or dropping off adults at locations predesignated by the day activity center that owns or leases the bus; (3) the vehicle is identified as a "day activity center bus" in letters at least eight inches high on the front and rear top of the bus; and (4) the name, address, and telephone number of the owner and operator of the bus is identified on each front door of the bus in letters not less than three inches high. The provisions of section 169.444 relating to duties of care of a motorist to a school bus, and violations thereof, apply to a vehicle described in this section when the vehicle is operated in conformity with this subdivision. The provisions of section 169.443 relating to bus driver's duties apply to a vehicle described in this section except those that by their nature have no application. 1991 c 277 s 10; 1994 c 603 s 10,11; 1996 c 398 s 56; 1998 c 397 art 11 s 3; 1998 c 398 art 5 s 55; 2000 c 489 art 6 s 29; 2001 c 97 s 2; 2003 c 130 s 12; 1Sp2003 c 19 art 2 s 28; 1Sp2005 c 6 art 3 s 47; 2008 c 277 art 1 s 23; 1Sp2019 c 3 art 3 s 49

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.449 — School Bus Operation.

Subdivision 1.Rules.The commissioner of public safety shall adopt rules governing the operation of school buses used for transportation of school children, when owned or operated by a school or privately owned and operated under a contract with a school. Each school, its officers and employees, and each person employed under the contract is subject to these rules. Subd. 2.Enforcement.The operation of a school bus on the public streets or highways in violation of rules concerning the operation of school buses adopted by the commissioner under subdivision 1 is a misdemeanor. The State Patrol shall enforce rules adopted under subdivision 1 when a school bus is operated on a public street or highway. 1994 c 647 art 12 s 22; 1Sp2003 c 9 art 12 s 18; 1Sp2017 c 3 art 3 s 57

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.4501 — School Bus Equipment Standards.

Subdivision 1.National standards adopted.Except as provided in sections 169.4502 and 169.4503, the construction, design, equipment, and color of types A, B, C, D school buses and multifunction school activity buses used for the transportation of school children shall meet the requirements of the "bus body and chassis specifications" in the most recent edition of the "National School Transportation Specifications and Procedures" adopted by the National Congress on School Transportation. Except as provided in section 169.4504, the construction, design, and equipment of types A, B, C, D school buses and multifunction school activity buses used for the transportation of students with disabilities also shall meet the requirements of the "specially equipped school bus

specifications" in the National School Transportation Specifications and Procedures. The "bus body and chassis specifications" and "specially equipped school bus specifications" sections of the most recent edition of the "National School Transportation Specifications and Procedures," adopted by the National Congress on School Transportation, are incorporated by reference in this chapter. Subd. 2.Applicability.(a) The standards adopted in this section and sections 169.4502 and 169.4503, govern the construction, design, equipment, and color of school buses used for the transportation of school children, when owned or leased and operated by a school or privately owned or leased and operated under a contract with a school. Each school, its officers and employees, and each person employed under the contract is subject to these standards. (b) The standards apply to school buses manufactured after August 1 of the year following a year in which a revised edition of the National School Transportation Specifications and Procedures is adopted. Buses complying with the standards when manufactured need not comply with standards established later except as specifically provided for by law. (c) A school bus manufactured on or before the date provided by paragraph (b) must conform to the Minnesota standards in effect on the date the vehicle was manufactured except as specifically provided for in law. (d) A new bus body may be remounted on a used chassis provided that the remounted vehicle meets state and federal standards for new buses which are current at the time of the remounting. Permission must be obtained from the commissioner of public safety before the remounting is done. A used bus body may not be remounted on a new or used chassis. Subd. 3.Inspection manual.The Department of Public Safety shall develop a School Bus Inspection Manual based on the national standards adopted in subdivision 1 and Minnesota standards adopted in sections 169.4502 to 169.4504. The Minnesota State Patrol shall use the manual as the basis for inspecting buses as provided in section 169.451. The Department of Public Safety has no rulemaking authority to alter the standards upon which school buses are inspected. Subd. 4.Variance.The commissioner of public safety may grant a variance to any of the school bus standards to accommodate testing of new equipment related to school buses. A variance from the standards must be for the sole purpose of testing and evaluating new equipment for increased safety, efficiency, and economy of pupil transportation. The variance expires 18 months from the date on which it is granted unless the commissioner specifies an earlier expiration date. 1994 c 647 art 12 s 23; 1Sp1997 c 4 art 12 s 9,10; 1Sp2003 c 9 art 12 s 19,20; 2004 c 294 art 2 s 23,24; 2007 c 146 art 8 s 6,7; 2009 c 96 art 8 s 4; 2012 c 137 s 1,2; 1Sp2017 c 3 art 3 s 58,59

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.4504 — Additional Standards For Specially Equipped Bus.

Subdivision 1.Relation to national standards.The specially equipped school bus standards contained in this section are required in addition to those required by section 169.4501. When a Minnesota standard contained in this section conflicts with a national standard adopted in section 169.4501, the Minnesota standard contained in this section is controlling. Subd. 2.Communications.All vehicles used to transport disabled students shall be equipped with a two-way communication system. Subd. 3.Restraining devices.Special restraining devices such as shoulder harnesses, lap belts, and chest restraint systems may be installed to the seats if the devices do not require the alteration in any form of the seat, seat cushion, framework, or related seat components. The restraints must be for the sole purpose of restraining students with disabilities. Subd. 4.Securement system for mobile seating.Wheelchair securement devices must comply with all requirements for wheelchair securement systems contained in federal regulation in effect on the later of the date the bus was manufactured or the date that a wheelchair securement system was added to the bus. Subd. 5.Aisle width.All school buses equipped with a power lift shall provide at least a 12-inch aisle leading from wheelchair position to at least one emergency door and the lift area. Subd. 6.Securement and restraint system.The securement and restraint system must be located and installed so that when an occupied wheelchair or other mobility aid is secured, the installation meets the requirements of the applicable federal motor vehicle safety standard. 1994 c 647 art 12 s 38; 1996 c 412 art 2 s 15; 1Sp1997 c 4 art 12 s 28,29

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.451 — Inspecting School And Head Start Buses; Rules; Misdemeanor.

Subdivision 1.Annual requirement.The Minnesota State Patrol shall inspect every school bus and every Head Start bus annually to ascertain whether its construction, design, equipment, and color comply with all provisions of law. Subd. 2.Inspection certificate.Except as provided in subdivision 2a, no person shall drive, or no owner shall knowingly permit or cause to be driven, any school bus or Head Start bus unless there is displayed thereon a certificate issued by the commissioner of public safety stating that, in the month specified on the certificate, a member of the Minnesota State Patrol inspected the bus and found that on the date of inspection the bus complied with the applicable provisions of state law relating to construction, design, equipment, and color. The certificate is valid for 12 months after the month specified on the certificate. Subd. 2a.Interim inspection; certificate.In lieu of the certificate required in subdivision 2, a new or used school bus being sold by a dealer in this state may display an interim inspection certificate. The school bus dealer completing the preregistration certificate required in section 168.102 may inspect the bus to determine if the bus complies with the applicable provisions of state law relating to construction, design, equipment, and color. If the bus complies with the applicable provisions of state law, the dealer may affix the interim inspection certificate to the school bus, indicating that on the date of the inspection, the bus complied with the applicable provisions of state law relating to construction, design, equipment, and color. The interim certificate must include the date of the inspection and must be valid until the owner's next scheduled annual inspection, but must not be valid for more than 12 months following the month of the initial inspection. The commissioner must provide the prescribed interim inspection certificates at no cost to the dealer. Subd. 3.Inspection criteria.(a) The commissioner of public safety must inspect school buses in accordance with the School Bus Inspection Manual as prescribed in section 169.4501, subdivision 3. Upon completion of an inspection, the commissioner must provide a printed or electronic vehicle

examination report to the carrier or school district. (b) A school bus displaying a defect as defined in the "School Bus Recommended Out-of-Service Criteria" in the most recent edition of the "National School Transportation Specification and Procedures" adopted by the National Congress on School Transportation is deemed unsafe for student transportation. A member of the State Patrol must affix a rejection sticker to the lower left corner of the windshield. A person may remove the rejection sticker only upon authorization from a member of the State Patrol who has determined that all defects have been corrected. Pending reinspection and certification of the vehicle by a member of the State Patrol, a bus bearing a rejection sticker may be used to transport students for up to 30 days provided the defects have been corrected and the vehicle examination report is signed by the owner or a designee certifying that all defects have been corrected. The signed report must be carried in the first aid kit on the bus. (c) A school bus that has had an inspection completed in which no out-of-service defects were identified has passed the inspection and a member of the State Patrol must affix an inspection certificate to the lower left corner of the windshield. All defects identified must be repaired within 14 days of the inspection. The person completing the repairs must sign and date the inspection report indicating the repairs were made. The inspection report must be retained at the principal place of business of the carrier or school district for 12 months following the inspection and must be available for review by a representative of the commissioner of public safety. (d) A defect discovered during an inspection that was identified by a member of the State Patrol during a previous inspection but has not been corrected results in a failed inspection. A member of the State Patrol must affix a rejection sticker to the lower left corner of the windshield. Subd. 4.Violations; penalties.(a) The State Patrol must enforce subdivisions 2 to 3. (b) A person who operates a school bus without a valid inspection certificate issued pursuant to subdivision 2 or an interim inspection certificate issued pursuant to subdivision 2a is guilty of a misdemeanor. (c) A person who operates, or an owner who knowingly permits the operation of, a school bus displaying a rejection sticker issued in accordance with subdivision 3, paragraph (b), and has not fulfilled all the requirements specified in subdivision 3, paragraph (b), is guilty of a gross misdemeanor. Subd. 5.Random spot inspection.In addition to the annual inspection, the Minnesota State Patrol has authority to conduct random, unannounced spot inspections of any school bus or Head Start bus being operated within the state to ascertain whether it is in compliance with provisions of law, including the Minnesota school bus equipment standards in sections 169.4501 to 169.4504, subject to the procedures approved by the commissioner. Subd. 6.Member of the State Patrol.For purposes of this section, a member of the State Patrol includes an employee of the Department of Public Safety described in section 299D.06. 1971 c 327 s 1; 1973 c 80 s 1; 1974 c 332 s 3; 1981 c 37 s 2; 1981 c 357 s 61; 1983 c 216 art 1 s 28; 1991 c 277 s 12; 1994 c 603 s 12; 1Sp1995 c 3 art 2 s 35; 1998 c 398 art 6 s 31; 2020 c 100 s 8-10; 1Sp2021 c 5 art 4 s 61,62; 2023 c 68 art 5 s 27-29

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.4511 — School Bus Accident And Subsequent Operation.

Subdivision 1.Postcrash inspection.(a) A peace officer responding to an accident involving a school bus or Head Start bus must immediately notify the State Patrol if the accident results in: (1) a fatality; (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring a motor vehicle to be transported away from the scene by tow truck or other motor vehicle. (b) No person shall drive or knowingly permit or cause to be driven, for the purpose of transporting students, any school bus or Head Start bus after such an accident unless: (1) the vehicle has been inspected by the Minnesota State Patrol and the State Patrol has determined that the vehicle may safely be operated; or (2) a waiver has been granted under subdivision 2. (c) A violation of this section is a misdemeanor. Subd. 2.Waiver.A state trooper or designee of the Minnesota State Patrol called to the scene of an accident by a responding peace officer under subdivision 1 may waive the inspection requirement of subdivision 1 if the trooper or State Patrol designee determines that a postcrash inspection is not needed or cannot be accomplished without unreasonable delay. The trooper or State Patrol designee granting a waiver must provide to the driver of the school bus for which the waiver is granted a written statement that the inspection has been waived. The written statement must include the incident report number assigned to the accident by the State Patrol. 1Sp1995 c 3 art 2 s 36; 2009 c 113 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.4581 — Criminal Conduct On School Bus.

Each local law enforcement agency shall adopt a written policy regarding procedures for responding to criminal incidents on school buses. In adopting a policy, each law enforcement agency shall consult with local school officials, with representatives of private companies that contract with school districts to provide transportation, and with parents of students. The policy must recognize that responding to reports of criminal conduct on school buses is the responsibility of law enforcement officials. 1994 c 647 art 12 s 26; 2023 c 25 s 81

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.4582 — Reportable Offense On School Bus.

Subdivision 1.Reportable offense; definition."Reportable offense" means misbehavior causing an immediate and substantial danger to self or surrounding persons or property under section 121A.45. Subd. 2.Duty to report; school official.Consistent with the school bus safety policy under section 123B.91, subdivision 1, the school principal, the school transportation safety director, or other designated school official shall immediately report to the local law enforcement agency having jurisdiction where the misbehavior occurred and to the school superintendent if the reporting school official knows or has reason to believe that a student has committed

a reportable offense on a school bus or in a bus loading or unloading area. The reporting school official shall issue a report to the commissioner of public safety concerning the incident upon request of the commissioner. 1994 c 647 art 12 s 27; 1998 c 397 art 11 s 3; 2012 c 137 s 8

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.46 — Hitching Behind Vehicle.

No person shall hitch a toboggan, hand sled, bicycle, or other similar device onto any motor vehicle or streetcar while being used on a highway. (2720-232) 1937 c 464 s 82; 2001 c 24 s 3

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.467 — Motor Vehicle Safety Standards; Definitions.

Subdivision 1.Scope.As used in sections 169.467 to 169.469, the terms defined in this section have the meanings given them. Subd. 2.Motor vehicle."Motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads and highways, except any vehicle operated exclusively on a rail or rails. Subd. 3.New motor vehicle; new vehicle."New motor vehicle" or "new vehicle" means a motor vehicle as defined herein heretofore unregistered. Subd. 4.New item of motor vehicle equipment."New item of motor vehicle equipment" or "new equipment" means any option, device, accessory or other equipment in the possession of a retail merchant including an automobile dealer prior to its initial retail sale designed to be attached to a motor vehicle as a part thereof or to be used in conjunction therewith. Subd. 5.Motor vehicle safety standard."Motor vehicle safety standard" means a minimum standard for motor vehicle performance, or motor vehicle equipment performance which is practicable, which meets the need for motor vehicle safety and which provides objective criteria. 1974 c 21 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.468 — Vehicle Safety Rules; Federal Safety Standards.

Subdivision 1.Federal motor vehicle safety standards.The commissioner of public safety, pursuant to the Administrative Procedure Act, may adopt and enforce rules in substantial conformity with federal motor vehicle safety standards established by the United States Secretary of Transportation pursuant to the national Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563) with respect to any new motor vehicle or new item of motor vehicle equipment applicable to the same aspect of performance of such new vehicle or new equipment. Subd. 2.Other safety standards; fee for testing and approval.In the absence of a motor vehicle safety standard adopted pursuant to the national Traffic and Motor Vehicle Safety Act of 1966 or if any such standard is not applicable to new vehicles or new equipment manufactured and first sold in the state of Minnesota, the commissioner of public safety may require new vehicles and specific types of new equipment to be tested and approved for compliance with the requirements of this chapter, or any rule adopted pursuant to this chapter. The commissioner shall approve or disapprove of the vehicle or equipment within a reasonable time after it is submitted. Approval may be based upon a certificate of approval or test report furnished to the commissioner by the American Association of Motor Vehicle Administrators. If such new vehicle or new equipment does not conform to the provisions of this chapter, or to such rules adopted by the commissioner of public safety, no person shall sell, offer for sale, or use any such new vehicle or new equipment. The commissioner of public safety is authorized to set and collect a reasonable fee from the manufacturer or distributor for the testing and approval of all new vehicles and specific types of new equipment upon which approval is required under this section. Such fee may be sufficient in amount to reimburse the Department of Public Safety for all costs connected with such test and approval. The commissioner shall waive the fee for any approval based on a certificate of approval or test report furnished by the American Association of Motor Vehicle Administrators. Subd. 3.Conflicts of laws.A federal motor vehicle safety standard adopted by the commissioner of public safety which conflicts with an equipment provision of this chapter, applicable to the same aspect of performance, shall supersede, on its effective date, the conflicting equipment provision of this chapter, with respect to new motor vehicles. Subd. 4.Misdemeanor.Any person who violates the provisions of this section is guilty of a misdemeanor. 1974 c 21 s 2; 1978 c 494 s 3; 1985 c 248 s 70; 2022 c 55 art 1 s 66

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.469 — Injunction.

Subdivision 1.Authority of district court.The district courts of this state have the authority to restrain or enjoin a violation or threatened violation of section 169.468. Subd. 2.Injunctive power of attorney general.Whenever it appears to the satisfaction of the attorney general that any party has sold or offered for sale or is selling or offering for sale any such new motor vehicle or new item of motor vehicle equipment in violation of this section, the attorney general may, in the name of the state, seek injunctive relief in any court of competent jurisdiction against any such violation or threatened violation. 1974 c 21 s 3; 1986 c 444

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.471 — Television; Headphones.

Subdivision 1.Television screen in vehicle.No television screen shall be installed or used in any motor vehicle where images from the screen are visible to the driver while operating the motor vehicle except: (1) video screens installed in law enforcement vehicles; (2) closed-circuit video systems used exclusively to aid the driver's visibility to the front, rear, or sides of the vehicle; and (3) video

screens installed as part of a vehicle control system or used in intelligent vehicle highway applications. Subd. 2.Use of headphones in vehicle.(a) No person, while operating a motor vehicle, shall wear headphones or earphones that are used in both ears simultaneously for purposes of receiving or listening to broadcasts or reproductions from radios, tape decks, or other sound-producing or transmitting devices. (b) Paragraph (a) does not prohibit: (1) the use of a hearing aid device by a person who needs the device; (2) the use of a communication headset by a firefighter while operating a fire department emergency vehicle in response to an emergency; or (3) the use of a communication headset by an emergency medical services person while operating an ambulance subject to section 144E.101. 1949 c 78 s 1,2; Ex1971 c 27 s 12; 1974 c 460 s 1; 1993 c 26 s 4; 1999 c 131 s 2; 2006 c 208 s 1; 2008 c 287 art 1 s 47

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.475 — Use Of Wireless Communications Device.

Subdivision 1.Definitions.(a) For purposes of this section, the following terms have the meanings given. (b) "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to: email; a text message; an instant message; a command or request to access a web page; a voice mail message; a transmitted image; transmitted video content, including through video calling; transmitted gaming data; and other data transmitted using a commonly recognized electronic communications protocol. An electronic message does not include: voice or audio data transmitted as a result of making a phone call; data transmitted between a motor vehicle and a wireless communications device located in the vehicle; data transmitted by a two-way radio, citizens band radio, or amateur radio used in accordance with Federal Communications Commission rules and regulations; or data transmitted automatically without direct initiation by a person. (c) "Voice-activated or hands-free mode" means an attachment, accessory, wirelessly paired or tethered capability, application, wireless connection, or built-in feature of a wireless communications device or a motor vehicle that allows the person to use verbal or single touch commands to: (1) activate or deactivate the device; and (2) activate or deactivate a function or software application of the device. Voice-activated or hands-free mode does not include typing or scrolling on a device. (d) For purposes of this section, a motor vehicle is not in motion or a part of traffic if the vehicle is lawfully stopped, is in a location that is not designed or ordinarily used for vehicular travel, and is not obstructing traffic. Subd. 2.Prohibition on use; penalty.(a) Except as provided in subdivision 3, when a motor vehicle is in motion or a part of traffic, the person operating the vehicle upon a street or highway is prohibited from: (1) holding a wireless communications device with one or both hands; or (2) using a wireless communications device to: (i) initiate, compose, send, retrieve, or read an electronic message; (ii) engage in a cellular phone call, including initiating a call, talking or listening, and participating in video calling; and (iii) access the following types of content stored on the device: video content, audio content, images, games, or software applications. (b) A person who violates paragraph (a) a second or subsequent time must pay a fine of $275. Subd. 3.Exceptions.(a) The prohibitions in subdivision 2 do not apply if a person uses a wireless communications device: (1) solely in a voice-activated or hands-free mode to (i) initiate or participate in a cellular phone call, provided that the person does not hold the device with one or both hands; or (ii) initiate, compose, send, or listen to an electronic message; (2) to view or operate a global positioning system or navigation system in a manner that does not require the driver to type while the vehicle is in motion or a part of traffic, provided that the person does not hold the device with one or both hands; (3) to listen to audio-based content in a manner that does not require the driver to scroll or type while the vehicle is in motion or a part of traffic, provided that the person does not hold the device with one or both hands; (4) to obtain emergency assistance to (i) report a traffic accident, medical emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed; (5) in the reasonable belief that a person's life or safety is in immediate danger; or (6) in an authorized emergency vehicle while in the performance of official duties. (b) The exception in paragraph (a), clause (1), does not apply to accessing nonnavigation video content, engaging in video calling, engaging in live-streaming, accessing gaming data, or reading electronic messages. 2008 c 350 art 1 s 38; 2015 c 75 art 2 s 22; 2019 c 11 s 2; 2023 c 68 art 4 s 50,51

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.48 — Vehicle Lighting.

Subdivision 1.Lights to be displayed.(a) Every vehicle upon a highway within this state: (1) at any time from sunset to sunrise; (2) at any time when it is raining, snowing, sleeting, or hailing; and (3) at any other time when visibility is impaired by weather, smoke, fog or other conditions or there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead; shall display lighted headlamps, lighted tail lamps, and illuminating devices, as hereinafter, respectively, required for different classes of vehicles, subject to exceptions with respect to parked vehicles and law enforcement vehicles, as hereinafter stated. In addition to the other requirements of this paragraph, every school bus transporting children upon a highway within this state, at any time from a half hour before sunrise to a half hour after sunset, shall display lighted headlamps, lighted tail lamps, and illuminating devices as required by this paragraph, except that the operator shall use the lowermost distribution of light specified in section 169.60 unless conditions warrant otherwise. (b) When requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, these provisions shall apply during the time stated in this section upon a straight level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated and unless otherwise specified the location of lamps and devices shall refer to the center of such lamps or devices. Parking lamps shall not be used in lieu of headlamps to satisfy the requirements of this section. Subd. 2.Certain violations; negligence.Notwithstanding section 169.96, a violation of subdivision 1, paragraph (a), clause (2), is not

negligence per se or prima facie evidence of negligence. (2720-234) 1937 c 464 s 84; 1967 c 218 s 1; 1974 c 134 s 1; 1990 c 482 s 1; 1990 c 555 s 8; 2003 c 45 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.49 — Headlamps.

(a) Every motor vehicle other than a motorcycle must be equipped with at least two headlamps, including at least one on each side of the front of the motor vehicle. Headlamps must comply with the requirements and limitations set forth in sections 169.47 to 169.66. (b) Every motorcycle must be equipped with at least one and not more than four headlamps, which must comply with the requirements and limitations of sections 169.47 to 169.66. (2720-235) 1937 c 464 s 85; 1957 c 754 s 1; 2015 c 75 art 2 s 23

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.50 — Rear Lamps.

Subdivision 1.Requirements; exception.(a) Every motor vehicle and every vehicle that is being drawn at the end of a train of vehicles must be equipped with at least one tail lamp, exhibiting a red light plainly visible from a distance of 500 feet to the rear. (b) Every motor vehicle, other than a truck-tractor, and every vehicle that is being drawn at the end of a train of vehicles, registered in this state and manufactured or assembled after January 1, 1960, must be equipped with at least two tail lamps mounted on the rear and on the same level and as widely spaced laterally as practicable. When lighted, the tail lamps must comply with the provisions of this section. (c) An implement of husbandry being towed by a motor vehicle at a speed of not more than 30 miles per hour, displaying a slow-moving vehicle emblem, and complying with section 169.55, subdivision 2, paragraph (a), clause (4), is not subject to the requirements of this section. Subd. 2.License plates.Either such rear lamp or separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it legible from a distance of 50 feet to the rear. Any rear lamp or rear lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted. Subd. 3.Reflectors.On and after January 1, 1960, each new motor vehicle, trailer, or semitrailer, hereafter sold and each such vehicle hereafter operated on a highway, shall carry at the rear either as a part of the rear lamp, or separately, at least two reflectors. The reflectors shall be of a type approved by the commissioner of public safety and shall be mounted as close as is practicable to the extreme edges of the vehicle at a height not more than 60, nor less than 20 inches above the surface upon which the vehicle stands. Each such reflector shall be so designed and maintained as to be visible at night from all distances within 300 to 50 feet from the vehicle, except that on a commercial vehicle the reflectors shall be visible from all distances within 500 to 50 feet from the vehicle, when directly in front of a motor vehicle displaying lawfully lighted headlamps. (2720-236) 1937 c 464 s 86; 1947 c 428 s 25; 1953 c 201 s 1; 1957 c 754 s 2; 1959 c 215 s 1; 1959 c 521 s 6,7; 1971 c 491 s 15; 2001 c 43 s 1; 2005 c 10 art 1 s 29

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.51 — Clearance And Marker Lamps.

(a) Every motor vehicle or motor-drawn vehicle designed or used for the transportation of property, or for the transportation of passengers for compensation, shall display lighted lamps, as required in this section. (b) Every such vehicle having a width, including load thereon, at any part in excess of 80 inches shall be equipped with four clearance lamps, two located on the front at opposite sides and not more than six inches from the extreme outer edge of the vehicle or load, displaying a white or amber light visible from a distance of 500 feet to the front of the vehicle, and two located on the rear on opposite sides not more than six inches from the extreme outer edge of the vehicle or load, displaying a red light visible from a distance of 500 feet to the rear of the vehicle. The front clearance lamps shall be located at a height of not less than 24 inches above the headlamp centers. The rear clearance lamps shall be in addition to the red rear lamp hereinbefore required. (c) Every such vehicle or combination of such vehicles which exceeds 30 feet in overall length shall be equipped with at least four side marker lamps, one on each side near the front and one on each side near the rear. Such lamps shall be at a height of not less than 24 inches above the surface upon which the vehicle stands. The lamps near the front shall display a white or amber light and lamps near the rear shall display a red light, each visible from a distance of 500 feet to the side of the vehicle on which it is located. If the clearance lamps on the right and left sides of the vehicle, as hereinbefore required, display lights visible from a distance of 500 feet at right angles to the right and left side, respectively, of the vehicle, they shall be deemed to meet the requirements as to marker lamps, provided an additional marker lamp, white or amber, is displayed approximately midway between the above specified marker lamps. (2720-237) 1937 c 464 s 87

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.515 — Lights On Grant Program.

Subdivision 1.Definition.For purposes of this section, "high poverty area" means a census tract as reported in the most recently completed decennial census published by the United States Bureau of the Census that has a poverty area rate of at least 20 percent or in which the median family income does not exceed 80 percent of the greater of the statewide or metropolitan median family income. Subd. 2.Grant program established.The Lights On grant program is established under this section to provide drivers on Minnesota roads with vouchers of up to $250 to use at participating auto repair shops to repair or replace broken or malfunctioning lighting equipment required under sections 169.49 to 169.51. Subd. 3.Eligibility.Counties, cities, towns, the State Patrol, and local

law enforcement agencies, including law enforcement agencies of a federally recognized Tribe, as defined in United States Code, title 25, section 5304(e), are eligible to apply for grants under this section. Subd. 4.Application.(a) The commissioner of public safety must develop application materials and procedures for the Lights On grant program. (b) The application must describe the type or types of intended vouchers, the amount of money requested, and any other information deemed necessary by the commissioner. (c) Applicants must submit an application under this section in the form and manner prescribed by the commissioner. (d) Applicants must describe how grant money will be used to provide and distribute vouchers to drivers. Subd. 5.Use of grant award.(a) Applicants must keep records of vouchers distributed and records of all expenses associated with awarded grant money. (b) Applicants must not use awarded grant money for administrative costs. A nonstate organization that contracts with the commissioner to operate the program must not retain any of the grant money for administrative costs. Subd. 6.Vouchers.(a) An applicant must not distribute more than one voucher per motor vehicle in a 90-day period. (b) A voucher that is distributed to a driver must contain the following information: (1) the motor vehicle license plate number; (2) the date of issuance; and (3) the badge number of the peace officer distributing the voucher. Subd. 7.Grant criteria.Preference for grant awards must be given to applicants whose proposals provide resources and vouchers to individuals residing in geographic areas that (1) have higher crash rates or higher numbers of tickets issued for broken or malfunctioning lighting equipment, or (2) are high poverty areas. Subd. 8.Reporting.(a) By February 1 each year, grant recipients must submit a report to the commissioner itemizing all expenditures made using grant money during the previous calendar year, the purpose of each expenditure, and the disposition of each contact made with drivers with malfunctioning or broken lighting equipment. The report must be in the form and manner prescribed by the commissioner. (b) By March 15 each year, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance. The report must list, for the previous calendar year: (1) the participating grant recipients and the total number and dollar amount of vouchers that each grant recipient distributed; and (2) the participating auto repair shops and the total number and dollar amount of vouchers that each received. Grant recipients and any program organization contracted by the commissioner must provide information as requested by the commissioner to complete the report required under this paragraph. 2024 c 127 art 3 s 60

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.52 — Projecting Load; Light Or Flag.

When the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times when lighted lamps on vehicles are required in this chapter, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The light or lantern required under this section shall be in addition to the rear light required upon every vehicle. At any time when no lights are required there shall be displayed at the extreme rear end of such load a red, yellow or orange flag or cloth not less than 16 inches square. (2720-238) 1937 c 464 s 88; 1973 c 56 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.522 — Slow-moving Vehicle, Sign Required.

Subdivision 1.Displaying emblem; rules.(a) All animal-drawn vehicles, motorized golf carts when operated on designated roadways pursuant to section 169.045, implements of husbandry, and other machinery, including all road construction machinery, which are designed for operation at a speed of 30 miles per hour or less, must display a triangular slow-moving vehicle emblem, except (1) when being used in actual construction and maintenance work and traveling within the limits of a construction area marked in accordance with the Manual on Uniform Traffic Control Devices, as set forth in section 169.06, or (2) for a towed implement of husbandry that is empty and that is not self-propelled, in which case it may be towed at lawful speeds greater than 30 miles per hour without removing the slow-moving vehicle emblem. The emblem must consist of a fluorescent or illuminated red-orange triangle with a dark red reflective border and be mounted so as to be visible from a distance of not less than 600 feet to the rear. When a primary power unit towing an implement of husbandry or other machinery displays a slow-moving vehicle emblem visible from a distance of 600 feet to the rear, it is not necessary to display a similar emblem on the secondary unit. All slow-moving vehicle emblems sold in this state must be so designed that when properly mounted they are visible from a distance of not less than 600 feet to the rear when directly in front of lawful lower beam of headlamps on a motor vehicle. The commissioner of public safety shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem. Such standards and specifications must be adopted by rule in accordance with the Administrative Procedure Act. (b) An alternate slow-moving vehicle emblem consisting of a dull black triangle with a white reflective border may be used after obtaining a permit from the commissioner under rules of the commissioner. A person with a permit to use an alternate slow-moving vehicle emblem must: (1) carry in the vehicle a regular slow-moving vehicle emblem and display the emblem when operating a vehicle between sunset and sunrise, and at any other time when visibility is impaired by weather, smoke, fog, or other conditions; and (2) permanently affix to the rear of the slow-moving vehicle at least 72 square inches of reflective tape that reflects the color red. (c) In addition to the emblem requirement under this subdivision, an animal-drawn vehicle must comply with section 169.58, subdivision 6. Subd. 2.Prohibition on use.The use of this emblem is restricted to the slow-moving vehicles specified in subdivision 1 and its use on any other type of vehicle or stationary object on the highway is prohibited. Subd. 3.Display required.No person shall sell, lease, rent, or operate any slow-moving vehicle, as defined in subdivision 1, except motorized golf carts and except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after July 1, 1967, unless the vehicle is

equipped with a slow-moving vehicle emblem-mounting device as specified in subdivision 1. Provided however, a slow-moving vehicle must not be operated without such slow-moving vehicle emblem. 1967 c 309 s 1; 1971 c 491 s 16; 1974 c 57 s 1; 1982 c 549 s 3; 1985 c 248 s 70; 1987 c 101 s 1; 1993 c 187 s 6; 1994 c 600 s 3; 1997 c 143 s 14; 1Sp2005 c 6 art 3 s 48; 1Sp2021 c 5 art 4 s 63

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.53 — Lights For Parked Vehicles.

When a vehicle is parked or stopped upon a highway or shoulder adjacent thereto during the times when lighted lamps on vehicles are required, it shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of the vehicle and a red light visible from a distance of 500 feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon a vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to clearly reveal any person or object within a distance of 500 feet upon the highway. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed. (2720-239) 1937 c 464 s 89; 1947 c 428 s 26; 1959 c 96 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.541 — Lighting Exemption For Law Enforcement; Standards.

Subdivision 1.Exemption.Sections 84.87, 84.928, 86B.511, and 169.48 to 169.65, relating to lighting of vehicles and watercraft, do not apply to a licensed peace officer, as defined in section 626.84, subdivision 1, paragraph (c), while operating a motor vehicle or watercraft owned, leased, or otherwise the property of the state or a political subdivision, in the performance of the officer's law enforcement duties if the officer's conduct is reasonable and is consistent with the standards adopted under subdivision 2, and if the officer reasonably believes that operating the vehicle without lights is necessary under the circumstances to investigate a criminal violation or suspected criminal violation of state laws, rules, or orders or local laws, ordinances, or regulations. Subd. 2.POST Board standards.The Peace Officer Standards and Training Board shall adopt standards governing situations in which licensed peace officers as defined in section 626.84, subdivision 1, paragraph (c), may operate a vehicle or watercraft without lights as provided in subdivision 1. 1990 c 391 art 10 s 3; 1990 c 555 s 9; 2022 c 55 art 1 s 67

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.55 — Lights On All Vehicles.

Subdivision 1.Lights or reflectors required.At the times when lighted lamps on vehicles are required each vehicle including an animal-drawn vehicle and any vehicle specifically excepted in sections 169.47 to 169.79, with respect to equipment and not previously required to be equipped with lamps, must be equipped with one or more lighted lamps or lanterns projecting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear, except that reflectors meeting the maximum requirements of this chapter may be used in lieu of the lights required in this subdivision. Subd. 2.Implement of husbandry.(a) At the times when lighted lamps on vehicles are required: (1) every self-propelled implement of husbandry must be equipped with at least one lamp displaying a white light to the front, and at least one lamp displaying a red light to the rear; (2) every self-propelled implement of husbandry must also display two red reflectors visible to the rear; (3) every combination of a self-propelled and towed implement of husbandry must be equipped with at least one lamp mounted to indicate as nearly as practicable the extreme left projection of the combination and displaying a white or amber light to the front and a red or amber light to the rear of the self-propelled implement of husbandry; and (4) the last unit of every combination of implements of husbandry must display two red reflectors visible to the rear. (b) The reflectors must be of the type approved for use upon commercial vehicles. The reflectors must be mounted as close as practicable to the extreme edges of the implement of husbandry. The reflectors must be reflex reflectors that are visible at night from all distances within 600 feet to 100 feet when directly in front of lawful lower beams of headlamps. Subd. 3.Implement of husbandry; hazard warning lights.No person may operate a self-propelled implement of husbandry manufactured after January 1, 1970, on a highway unless the implement of husbandry displays vehicular hazard warning lights visible to the front and rear in normal sunlight. (2720-241) 1937 c 464 s 91; 1947 c 428 s 27; 1949 c 574; 1959 c 410 s 1; 1979 c 185 s 2; 1981 c 44 s 1; 1993 c 187 s 7,8; 1999 c 238 art 2 s 21,93; 2000 c 479 art 1 s 12; 1Sp2019 c 3 art 3 s 53

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.56 — Auxiliary Lights.

Subdivision 1.Spotlight.Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed on the road surface to the left of the center of the vehicle, nor more than 100 feet ahead of the vehicle upon which such lamps are mounted. Subd. 2.Fog light.Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams as specified in section 169.60. Subd. 3.Auxiliary low-beam

light.Except as provided in subdivision 5, any motor vehicle may be equipped with not to exceed two auxiliary low-beam lamps mounted on the front at a height of not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of section 169.60 shall apply to any combination of headlamps and auxiliary low-beam lamps. Subd. 4.Auxiliary driving light.Except as provided in subdivision 5, any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of section 169.60 shall apply to any combination of headlamps and auxiliary driving lamps. Subd. 5.Exception for light obstructed by snowplow blade.(a) The auxiliary lamps permitted in subdivision 3 may be mounted more than 42 inches high on any truck equipped with a snowplow blade that obstructs the required headlights. The lights may not be illuminated when a snowplow blade is not mounted on the vehicle. (b) No other vehicle may be operated on a public highway unless the auxiliary lamps permitted in subdivisions 3 and 4 comply with the height requirements or are completely covered with an opaque material. Subd. 6.Motorcycle ground light.Notwithstanding section 169.64, subdivision 4a, a motorcycle may be equipped with white ground lights mounted under the motorcycle if: (1) the bulbs or strips are not visible to operators of other vehicles; and (2) the lights are aimed so as to project a steady, nonflashing beam not more than six feet in radius directly onto the roadway and illuminate an area around the motorcycle. (2720-242) 1937 c 464 s 92; 1945 c 207 s 2; 1959 c 521 s 5; 1993 c 26 s 5-7; 1994 c 600 s 4; 2024 c 104 art 1 s 39

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.57 — Vehicle Signals.

Subdivision 1.Stoplights.(a) Any vehicle may be equipped and when required under this chapter, shall be equipped with at least two stop lamps on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may, but need not be, incorporated with the tail lamps and which shall be plainly visible and understandable from a distance of 100 feet to the rear during normal sunlight and at night. (b) No person shall sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1960, unless it is equipped with at least two stop lamps meeting the requirements of this subdivision, except that a motorcycle, motor-driven cycle, or truck-tractor manufactured or assembled after said date shall be equipped with at least one stop lamp meeting the requirements of this subdivision. Subd. 2.Turn signal.(a) Any vehicle may be equipped, and when required under this chapter shall be equipped, with a lamp or lamps or mechanical signal device of such color as may be approved by the commissioner of public safety and capable of clearly indicating any intention to turn either to the right or to the left and shall be visible and understandable during both daytime and nighttime from a distance of 100 feet both to the front and rear. (b) It is unlawful for any person to sell or offer for sale any new motor vehicle, excepting motorcycles, motor scooters, and bicycles with motor attached, unless it is equipped with turn signals meeting the requirements of this chapter. Subd. 3.Maintenance.(a) When a vehicle is equipped with stop lamps or signal lamps, the lamps must at all times be maintained in good working condition. (b) All mechanical signal devices must be self-illumined when in use at the times when lighted lamps on vehicles are required. Subd. 4.Alteration of stop lamp prohibited.On a vehicle that must be equipped with a single center high-mounted stop lamp under federal motor vehicle safety standards, and on any other vehicle equipped with a similar stop lamp, a person may not alter the stop lamp by the addition of an overlay or other device, or install a replacement lens, if the alteration or installation alters or obscures any portion of the lamp or affects the intensity of light emitted. (2720-243) 1937 c 464 s 93; 1945 c 207 s 3; 1947 c 428 s 28; 1949 c 90 s 2; 1959 c 521 s 8; 1971 c 328 s 1; 1987 c 383 s 13; 1Sp2019 c 3 art 3 s 54; 2022 c 55 art 1 s 68

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.58 — Identification Lamps.

Subdivision 1.Wide or long vehicle.Any vehicle or combination of vehicles having a width including load thereon at any part in excess of 80 inches or which exceeds 30 feet in overall length may be equipped with identification lamps on the front displaying three amber or white lights and identification lamps on the rear displaying three red lights, and when so equipped the lights in each such group shall be evenly spaced not less than 6 nor more than 12 inches apart, along a horizontal line as near to the top of the vehicle as practicable, and these lights shall be visible from a distance of 500 feet to the front and rear, respectively, of the vehicle. Subd. 2.Red lamp; permit for volunteer emergency responders.Upon obtaining a permit from the commissioner of public safety, any motor vehicles operated by an active member of a volunteer fire department authorized by or contracting with any city, town, or township in this state, an emergency medical first responder, or an ambulance crew member may be equipped with a lamp emitting a red light to the front of such vehicle. The lens of such lamp shall be not more than three inches in diameter. Such lamp shall be lighted only when the member of the volunteer fire department, ambulance crew member, or emergency medical first responder is responding to an emergency call in connection with duties as a volunteer firefighter, ambulance crew member, or responder. The commissioner of public safety is hereby authorized to issue permits on applications of a member of a volunteer fire department properly certified to by the chief of said volunteer fire department, and on applications for emergency medical first responders or ambulance crew members. The commissioner of public safety must be notified immediately upon the termination of membership in a volunteer fire department or when an ambulance or permitted emergency medical first responder ceases operations. Subd. 3.Volunteer ambulance driver.The commissioner of public safety, upon application therefor, may issue a permit to any certificated volunteer ambulance driver authorizing the driver to equip any privately owned motor vehicle operated by the driver with a lamp emitting a red light to the front of the vehicle. The lamps shall conform to specifications adopted by the commissioner. The lamp

shall be lighted only when the driver is proceeding to the location of an ambulance in response to an emergency call. The application shall be in the form prescribed by the commissioner and shall contain verification satisfactory to the commissioner of the applicant's status as a certificated volunteer ambulance driver. Any permit issued shall expire immediately upon termination of the permittee's employment as a volunteer ambulance driver. Subd. 4.Lighted sign on vehicle.A vehicle engaged in deliveries to residences may display a lighting device mounted on the vehicle, which may project a red light to the front if the sign projects one or more additional colors to the front. Subd. 5.Transportation network company vehicle.(a) For purposes of this subdivision, the definitions in section 65B.472, subdivision 1, apply except that "transportation network company vehicle" has the meaning given to "personal vehicle" in section 65B.472, subdivision 1, paragraph (c). (b) A transportation network company vehicle may be equipped with no more than two removable, interior-mounted, trade dress identifying devices as provided by the transportation network company that are designed to assist riders in identifying and communicating with drivers. The identifying device may be illuminated and emit a steady beam of solid colored light in any direction when the driver is logged into the digital network. The identifying device must not: (1) display the colors red, amber, or blue; (2) project a flashing, oscillating, alternating, or rotating light; or (3) project a glaring or dazzling light. Subd. 6.Animal-drawn vehicles.(a) An animal-drawn vehicle must be equipped with an identification lamp or lamps that indicate the vehicle's presence and are visible from a distance of at least 500 feet from both the front and the rear. The lighting requirement under this subdivision may be met using a lamp powered by energy generated from the vehicle's movement. (b) This subdivision does not apply to an animal-drawn vehicle that: (1) operates exclusively between the hours of sunrise and sunset and never during periods of reduced visibility, inclement weather, or insufficient light; or (2) never operates on a public roadway. (2720-244) 1937 c 464 s 94; 1945 c 207 s 4; 1949 c 349; 1971 c 491 s 17; 1973 c 123 art 5 s 7; 1977 c 429 s 63; 1980 c 404 s 1; 1986 c 444; 1991 c 112 s 2; 1999 c 238 art 2 s 22,93; 2000 c 479 art 1 s 12; 1Sp2019 c 3 art 3 s 55; 1Sp2021 c 5 art 4 s 64

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.59 — Warning Lights.

Subdivision 1.Fender lights.Any vehicle may be equipped with not more than two side cowl or fender lamps, one on each side which shall emit a white light without glare. Subd. 2.Running board light.Any vehicle may be equipped with not more than one running board courtesy lamp on each side thereof, which shall emit a white or yellow light without glare. Subd. 3.Backup light.Any vehicle may be equipped with not more than two backup lamps, either separately or in combination with another lamp, and not more than two rear cornering lamps, except that the lamps must not be continuously lighted when the vehicle is in forward motion, nor shall it project a glaring light. Subd. 4.Flashing warning light.Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing, and when so equipped may display such warning in addition to any other warning signals required by this section or section 169.50, subdivision 1 or 3; 169.56, subdivision 1, 2, 3, or 4; 169.57, subdivision 1; or 169.64, subdivision 3. The lamps used to display such warnings to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneous flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warnings to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. Instead of a pair of lamps that flash simultaneously, either one or two strobe lights or rotating beacon lights with an amber or yellow lens may be used both to the front and rear of the vehicle. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night. (2720-245) 1937 c 464 s 95; 1959 c 521 s 9; 1984 c 549 s 30; 1996 c 456 s 21; 2005 c 10 art 1 s 30

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.60 — Distribution Of Light.

Except as hereinafter provided, the headlamps, the auxiliary low-beam lamps, or the auxiliary driving lamps, or combinations thereof, on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, subject to the following requirements and limitations: (a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading. (b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver. (c) All road-lighting equipment manufactured and installed on and after January 1, 1938, shall be so arranged that when any beam is used which is not in conformity with paragraph (b), means shall be provided for indicating to the driver when such beams are being used. (2720-246) 1937 c 464 s 96; Ex1937 c 38 s 1; 1955 c 53 s 1; 1993 c 26 s 8

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.61 — Composite Beam.

(a) When a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times when lighted lamps on vehicles are required in this chapter, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations. (b) When the driver of a vehicle approaches a vehicle within 1,000 feet, such driver shall use a distribution of light,

or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. (c) When the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 169.60. (2720-247) 1937 c 464 s 97; 1945 c 207 s 5; 1953 c 330 s 1; 1955 c 52 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.62 — Certain Lights Permitted On Old Motor Vehicles.

Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to January 1, 1938, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations: (a) The headlamps shall be so aimed that when the vehicle is fully loaded none of the high-intensity portion of the lamp beam rises above a horizontal plane passing through the headlamp centers parallel to the level surface upon which the vehicle stands, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 and more feet ahead. (b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet. (2720-248) 1937 c 464 s 98

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.63 — Number Of Lamps.

(a) At all times when lighted lamps on vehicles are required in this chapter, at least two lighted headlamps shall be displayed, one on each side at the front of every motor vehicle, other than a motorcycle; provided, that under adverse weather conditions two lighted auxiliary lamps, one on each side at the front of the vehicle, may be used in lieu of two lighted headlamps, except when such vehicle is parked subject to the rules governing lights on parked vehicles. (b) When a motor vehicle equipped with headlamps, as herein required, is also equipped with any auxiliary lamps, spot lamps or any other lamps on the front thereof projecting a beam of intensity greater than 300-candle power, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. (c) The maximum beam candle power from any combination of lamps used at any time for road lighting shall not exceed that authorized by the commissioner of public safety. (2720-249) 1937 c 464 s 99; 1939 c 430 s 18; 1971 c 491 s 18; 1985 c 248 s 70

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.65 — Specifications For Lighting And Other Devices.

(a) The commissioner of public safety is hereby authorized and required to adopt and enforce standard specifications as to the amount, color and direction of light to be emitted or reflected by lighting devices and as to the general construction and mounting on the vehicle for compliance with the requirements and limitations of this chapter. (b) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a vehicle, trailer or semitrailer, or use upon any such vehicle, any headlamp, auxiliary driving lamp, rear lamp, signal lamp, spot lamp, clearance lamp, marker lamp or reflector, or parts of any of the foregoing, unless of a type which has been submitted to and approved by the commissioner of public safety. (c) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a vehicle, trailer or semitrailer, or bicycle, or use upon any such vehicle, any lamp or device mentioned in this section, which has been approved by the commissioner of public safety unless such lamp or device bears thereon the trademark or name and model designation all permanently marked under which it is approved so as to be legible when installed. (d) No person shall use upon any vehicle, trailer or semitrailer or bicycle any lamps mentioned in this section unless such lamps are equipped with bulbs of a type approved by the commissioner of public safety, having a rated candle power, and are mounted and adjusted as to focus and aim in accordance with instructions of the commissioner of public safety. (e) The commissioner of public safety is hereby authorized to approve or disapprove lighting devices. (f) The commissioner of public safety is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted. (g) The commissioner of public safety is further authorized to set up a procedure which shall be followed when any device is submitted for approval. (h) The commissioner of public safety is authorized to set and collect a reasonable fee for the testing and approval of all types of devices upon which approval is required in this chapter. Such fee may be sufficient in amount to reimburse the Department of Public Safety for all costs connected with such test and approval. (i) The commissioner of public safety, upon approving any such lamp or device, shall issue to the applicant a certificate of approval, together with any instructions determined by the commissioner of public safety. (j) The commissioner of public safety shall publish lists of all lamps and devices by name and type which have been approved by the commissioner of public safety, together with instructions as to the permissible candlepower rating of the bulbs which the commissioner of public safety has determined for use therein and such other instructions as to adjustment as the commissioner of public safety may deem necessary. No person shall sell for use or use on any vehicle any reconverted lamp or any device redesigned for a use other than for which it was originally approved unless authorized by the commissioner of public safety. (2720-251, 2720-252, 2720-253) 1937 c 464 s 101-103; 1945 c 207 s 6; 1971 c 491 s 21; 1978 c 494 s 4; 1986 c 444

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.66 — Hearing On Specifications.

(a) With reason to believe that an approved device which is being sold commercially does not comply with the requirements of this chapter, the commissioner of public safety may, after giving 30 days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of the approved device. After the hearing the commissioner of public safety shall determine whether the approved device meets the requirements of this chapter. If it does not meet the requirements of this chapter, the commissioner of public safety shall give notice to the person holding the certificate of approval for such device in this state. (b) If, at the expiration of 90 days after such notice, the person holding the certificate of approval for such device has failed to satisfy the commissioner of public safety that the approved device as thereafter to be sold meets the requirements of this chapter, the commissioner of public safety shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter, and may require that all such devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The commissioner of public safety may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the commissioner of public safety may refuse to renew the certificate of approval of such device. (2720-254) 1937 c 464 s 104; 1971 c 491 s 22; 1986 c 444

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.68 — Horn, Siren.

(a) Every motor vehicle when operated upon a highway must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet. However, the horn or other warning device must not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with the horn, but shall not otherwise use the horn when upon a highway. (b) A vehicle must not be equipped with, and a person shall not use upon a vehicle, any siren, whistle, or bell, except as otherwise permitted in this section. (c) It is permissible, but not required, for any commercial vehicle to be equipped with a theft alarm signal device, so arranged that it cannot be used by the driver as an ordinary warning signal. (d) All authorized emergency vehicles must be equipped with a siren capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type conforming to the federal certification standards for sirens, as determined by the General Services Administration. However, the siren must not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the vehicle's approach. (e) It is permissible, but not required, for a bicycle to be equipped with a horn or bell designed to alert motor vehicles, other bicycles, and pedestrians of the bicycle's presence. (2720-257) 1937 c 464 s 107; 1971 c 491 s 24; 1986 c 444; 2000 c 426 s 26; 2013 c 127 s 41

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.684 — Seat Belt; Declaration Of Policy.

It is the policy of this state that enactment of a mandatory automobile seat belt usage law is intended to be compatible with support for federal safety standards requiring automatic crash protection and should not be used in any manner to rescind federal automatic crash protection system requirements for new vehicles. 1986 c 310 s 2

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.685 — Seat Belt; Passenger Restraint System For Children.

Subdivision 1.Requirement; exemptions.After January 1, 1964, all new motor vehicles, not exempt from Minnesota license fees, other than a bus, school bus, motorcycle, motorized bicycle, farm tractor, road tractor, and truck, sold or offered for sale or registered in Minnesota shall be equipped to permit the installation of seat belts in the front seat thereof. Subd. 2.Required after registration.Within 30 days after the registration of such motor vehicle, it shall be equipped with seat belts installed for use in the left front and right front seats thereof. Subd. 3.Standards.The specifications and requirements for seat belts or seat belt assemblies shall conform with the minimum standards for seat belts or seat belt assemblies heretofore adopted by the Society of Automotive Engineers and in effect on January 1, 1963. Subd. 3a.Definitions.(a) For purposes of this section, the following terms have the meanings given. (b) "Booster seat" means a child passenger restraint system that meets applicable federal motor vehicle safety standards and is designed to provide belt-positioning that elevates a child to be properly seated with a safety belt. (c) "Child passenger restraint system" means a device that: (1) meets applicable federal motor vehicle safety standards of the United States Department of Transportation and complies with any other applicable federal regulations; (2) is designed to restrain, seat, or position children; and (3) is appropriate to the age of the child being restrained. Child passenger restraint system includes a booster seat. (d) "Properly restrained" means restrained or secured according to the instructions of both the motor vehicle manufacturer and the child passenger restraint system manufacturer. (e) "Secured with a safety belt" means restrained or secured by a seat belt that (1) meets applicable federal motor vehicle safety standards, and (2) is properly adjusted and fastened, including both the shoulder and lap straps when equipped in the vehicle. Subd. 4.Admissibility into evidence.(a) Except as provided in paragraph (b), proof of the use or failure to use seat belts or a child passenger restraint system as described in subdivision 4a, or proof of the installation or failure of installation of seat belts or a child passenger restraint system as described in subdivision 4a is not admissible in evidence in any litigation involving personal injuries or property damage resulting from the use or operation of any motor vehicle. (b) Paragraph (a)

does not affect the right of a person to bring an action for damages arising out of an incident that involves a defectively designed, manufactured, installed, or operating seat belt or child passenger restraint system. Paragraph (a) does not prohibit the introduction of evidence pertaining to the use of a seat belt or child passenger restraint system in an action described in this paragraph. Subd. 4a.Child passenger restraint systems.(a) Except as provided in paragraph (c), every driver in this state who transports a child or children under the age of 18 years in a motor vehicle that is in motion or a part of traffic and is required under federal motor vehicle safety standards to be equipped with a safety belt or lower anchors and tethers for children in a passenger seating position must have the child or children secured as follows: (1) a child who is younger than two years of age must be properly restrained in a rear-facing child passenger restraint system with an internal harness, until the child reaches the weight or height limit of the child passenger restraint system; (2) a child who is at least two years of age and exceeds the rear-facing weight or height limit of the child passenger restraint system must be properly restrained in a forward-facing child passenger restraint system with an internal harness, until the child reaches the weight or height limit of the child passenger restraint system; (3) a child who is at least four years of age and exceeds the weight or height limit of the forward-facing child passenger restraint system must be properly restrained in a booster seat and secured with a safety belt; (4) a child who is at least nine years of age or exceeds the weight or height limit of the child passenger restraint system or the booster seat must be secured with a safety belt adjusted and fastened around the child's body to fit correctly. The safety belt fits correctly when the child sits all the way back against the vehicle seat, the child's knees bend over the edge of the vehicle seat, the lap strap fits snugly across the child's thighs and lower hips and not the child's abdomen, and the shoulder strap snugly crosses the center of the child's chest and not the child's neck; (5) a child who is younger than 13 years of age must be transported in the rear seat of a motor vehicle, when available, and must be properly restrained in a child passenger restraint system or booster seat or secured with a safety belt; and (6) a child who, because of age or weight, can be placed in more than one category under this paragraph must be placed in the more protective category, where clause (1) provides for the most protective and clause (5) provides for the least protective. (b) The driver of a motor vehicle transporting a child who is younger than six years of age or weighs less than 60 pounds must transport the child in a rear seat if: (1) the vehicle is equipped with a passenger side air bag supplemental restraint system; (2) the air bag system is activated; and (3) a rear seat is available. (c) When the number of children in the motor vehicle under 13 years of age exceeds the number of age- or size-appropriate child passenger restraint systems and safety belts available in the motor vehicle, the unrestrained children must be seated in a rear seat, if rear seats are available. (d) The weight and height limits of a child passenger restraint system under this subdivision are as established by the child passenger restraint system manufacturer. Subd. 5.Violation; petty misdemeanor.(a) Any motor vehicle operator who violates subdivision 4a is guilty of a petty misdemeanor and may be sentenced to pay a fine of not more than $50. The fine may be waived or the amount reduced if the motor vehicle operator produces evidence that within 14 days after the date of the violation a child passenger restraint system meeting federal motor vehicle safety standards was purchased or obtained for the exclusive use of the operator. (b) At the time of issuance of a citation under this subdivision, a peace officer may provide to the violator information on obtaining a free or low-cost child passenger restraint system. (c) The fines collected for violations of this subdivision must be deposited in the Minnesota child passenger restraint and education account. Subd. 6.Exceptions.(a) This section does not apply to: (1) a person transporting a child in an emergency medical vehicle while in the performance of official duties and when the physical or medical needs of the child make the use of a child passenger restraint system unreasonable or when a child passenger restraint system is not available; (2) a peace officer transporting a child while in the performance of official duties and when a child passenger restraint system is not available, provided that a seat belt must be substituted; (3) a person while operating a motor vehicle for hire, including a taxi, airport limousine, and bus, but excluding a rented, leased, or borrowed motor vehicle; and (4) a person while operating a school bus that has a gross vehicle weight rating of greater than 10,000 pounds. (b) A child passenger restraint system is not required for a child who cannot, in the judgment of a licensed physician, be safely transported in a child passenger restraint system because of a medical condition, body size, or physical disability. A motor vehicle operator claiming exemption for a child under this paragraph must possess a typewritten statement from the physician stating that the child cannot be safely transported in a child passenger restraint system. The statement must give the name and birth date of the child, be dated within the previous six months, and be made on the physician's letterhead or contain the physician's name, address, and telephone number. A person charged with violating subdivision 5 may not be convicted if the person produces the physician's statement in court or in the office of the arresting officer. (c) A person offering a motor vehicle for rent or lease shall provide a child passenger restraint device to a customer renting or leasing the motor vehicle who requests the device. A reasonable rent or fee may be charged for use of the child passenger restraint device. Subd. 7.Appropriation; special account.The Minnesota child passenger restraint and education account is created in the special revenue fund, consisting of fines collected under subdivision 5 and other money appropriated or donated. The money in the account is annually appropriated to the commissioner of public safety to be used to provide child passenger restraint systems to families in financial need, school districts and child care providers that provide for the transportation of pupils to and from school using type III vehicles or school buses with a gross vehicle weight rating of 10,000 pounds or less, and to provide an educational program on the need for and proper use of child passenger restraint systems. Information on the commissioner's activities and expenditure of funds under this section must be available upon request. 1963 c 93 s 1; 1979 c 227 s 2; 1981 c 37 s 2; 1981 c 56 s 1,2; 1983 c 261 s 1; 1986 c 444; 1987 c 73 s 1,2; 1988 c 415 s 1; 1993 c 74 s 1; 1994 c 635 art 1 s 14,15; 1999 c 106 s 1; 2009 c 82 s 1; 2010 c 356 s 2; 2012 c 287 art 4 s 23,24; 2014 c 255 s 18; 2024 c 104 art 1 s 40-44

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.686 — Seat Belt Use Required; Penalty.

Subdivision 1.Seat belt requirement.(a) Except as provided in section 169.685, a properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by the driver and passengers of a passenger vehicle, commercial motor vehicle, type III vehicle, and type III Head Start vehicle. Notwithstanding the equipment exemption in section 169.685, subdivision 1, this paragraph applies to the driver and passengers of an autocycle equipped with seat belts. (b) A person who is 15 years of age or older and who violates paragraph (a) is subject to a fine of $25. The driver of the vehicle in which a violation occurs is subject to a $25 fine for each violation of paragraph (a) by the driver or by a passenger under the age of 15, but the court may not impose more than one surcharge under section 357.021, subdivision 6, on the driver. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record. (c) The driver of a bus is not subject to the fine under paragraph (b) for a violation of paragraph (a) by a passenger under the age of 15. This paragraph does not apply to (1) a school bus, including a type III vehicle; and (2) a Head Start bus, including a type III Head Start vehicle. Subd. 1a.Definitions.(a) For purposes of this section, the following terms have the meanings given. (b) "Passenger vehicle" means: (1) a passenger automobile defined in section 168.002, subdivision 24; (2) a pickup truck; (3) a van; (4) a commuter van, as defined in section 168.126; and (5) a recreational vehicle, as defined in section 168.002, subdivision 27. (c) "Passenger vehicle" does not include a motorcycle, motorized bicycle, bus, school bus, a vehicle designed to operate exclusively on railroad tracks, a farm truck as defined in section 168.002, subdivision 8, or special mobile equipment as defined in section 168.002, subdivision 31. (d) "Pickup truck" means a truck, regardless of manufacturer's nominal rated carrying capacity, that is commonly known as a pickup truck. (e) "Van" means a vehicle, regardless of the manufacturer's nominal rated carrying capacity, of a box-like design that (1) has no barrier or separation between the operator's area and the remainder of the cargo-carrying area, or (2) is designed to carry 15 or fewer passengers, including the driver. Subd. 2.Seat belt exemptions.This section shall not apply to: (1) a person driving a passenger vehicle in reverse; (2) a person riding in a vehicle in which all the seating positions equipped with safety belts are occupied by other persons in safety belts; (3) a person who is in possession of a written certificate from a licensed physician verifying that because of medical unfitness or physical disability the person is unable to wear a seat belt; (4) a person who is actually engaged in work that requires the person to alight from and reenter a motor vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour; (5) a rural mail carrier of the United States Postal Service or a newspaper delivery person while in the performance of duties; (6) a person driving or riding in a passenger vehicle manufactured before January 1, 1965; and (7) a person driving or riding in a pickup truck while engaged in normal farming work or activity. Subd. 3.Appropriation; special account.The fines collected for a violation of subdivision 1 must be deposited in the state treasury and credited to a special account to be known as the emergency medical services relief account. Ninety percent of the money in the account shall be distributed to the eight regional emergency medical services systems designated by the director of the Office of Emergency Medical Services under section 144E.50, for personnel education and training, equipment and vehicle purchases, and operational expenses of emergency life support transportation services. The board of directors of each emergency medical services region shall establish criteria for funding. Ten percent of the money in the account shall be distributed to the commissioner of public safety for the expenses of traffic safety educational programs conducted by State Patrol troopers. 1986 c 310 s 3; 1986 c 444; 1988 c 648 s 1,2; 1989 c 288 s 1; 1991 c 204 s 1,2; 1993 c 26 s 9; 1994 c 600 s 5; 1996 c 324 s 4; 1997 c 199 s 14; 2003 c 92 s 1; 2009 c 82 s 2; 2009 c 165 s 2-4; 2009 c 168 s 6,7,14; 2011 c 76 art 1 s 80; 2016 c 114 s 3; 2016 c 169 s 2; 2024 c 122 art 1 s 24; 2024 c 127 art 63 s 22

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.69 — Muffler.

Every motor vehicle shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a street or highway. The exhaust system shall not emit or produce a sharp popping or crackling sound. Every motor vehicle shall at all times be equipped with such parts and equipment so arranged and kept in such state of repair as to prevent carbon monoxide gas from entering the interior of the vehicle. No person shall have for sale, sell or offer for sale or use on any motor vehicle any muffler that fails to comply with the specifications as required by the commissioner of public safety. (2720-258) 1937 c 464 s 108; 1939 c 430 s 20; 1953 c 306 s 1; 1971 c 491 s 25

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.693 — Motor Vehicle Noise Limits.

It is unlawful to operate a motor vehicle in violation of motor vehicle noise rules adopted by the Pollution Control Agency. 1974 c 500 s 1; 1985 c 248 s 70

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.70 — Rear View Mirror.

Every motor vehicle constructed, loaded, or connected with another vehicle that obstructs the driver's view to the rear from the driver's position must be equipped with a mirror or other technology that reflects or displays to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle. (2720-259) 1937 c 464 s 109; 2023 c 68 art 5 s 31

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.71 —

Windshield.

Subdivision 1.Prohibitions generally; exceptions.(a) A person shall not drive or operate any motor vehicle with: (1) a windshield cracked or discolored to an extent to limit or obstruct proper vision; (2) any objects suspended between the driver and the windshield, other than: (i) sun visors; (ii) rearview mirrors; (iii) driver feedback and safety monitoring equipment when mounted immediately behind, slightly above, or slightly below the rearview mirror; (iv) global positioning systems or navigation systems when mounted or located near the bottommost portion of the windshield; (v) electronic toll collection devices; and (vi) an identifying device as provided in section 169.58, subdivision 5, when the device is mounted or located near the bottommost portion of the windshield; or (3) any sign, poster, or other nontransparent material upon the front windshield, sidewings, or side or rear windows of the vehicle, other than a certificate or other paper required to be so displayed by law or authorized by the state director of the Division of Emergency Management or the commissioner of public safety. (b) Paragraph (a), clauses (2) and (3), do not apply to law enforcement vehicles. (c) Paragraph (a), clause (2), does not apply to authorized emergency vehicles. Subd. 2.Windshield wiper.The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. Subd. 3.Defrosting requirement.No person shall drive any motor vehicle with the windshield or front side windows covered with steam or frost to such an extent as to prevent proper vision. Subd. 4.Glazing material; prohibitions.A person must not drive or operate any motor vehicle required to be registered in the state of Minnesota upon any street or highway under the following conditions: (1) when the windshield is composed of, covered by, or treated with any material which has the effect of making the windshield more reflective or in any other way reducing light transmittance through the windshield; (2) when any window on the vehicle is composed of, covered by, or treated with any material that has a highly reflective or mirrored appearance; (3) when any side window or rear window is composed of or treated with any material so as to obstruct or substantially reduce the driver's clear view through the window or has a light transmittance of less than 50 percent plus or minus three percent in the visible light range or a luminous reflectance of more than 20 percent plus or minus three percent; or (4) when any material has been applied after August 1, 1985, to any motor vehicle window without an accompanying permanent marking which indicates the percent of transmittance and the percent of reflectance afforded by the material. The marking must be in a manner so as not to obscure vision and be readable when installed on the vehicle. Subd. 4a.Glazing material; exceptions.(a) Subdivision 4 does not apply to glazing materials that: (1) have not been modified since the original installation, nor to original replacement windows and windshields, that were originally installed or replaced in conformity with Federal Motor Vehicle Safety Standard 205; (2) are required to satisfy prescription or medical needs, provided: (i) the vehicle's driver or a passenger possesses a prescription or a physician's statement of medical need; (ii) the prescription or statement specifically states the minimum percentage that light transmittance may be reduced to satisfy the prescription or medical needs of the patient; and (iii) the prescription or statement contains an expiration date, which must be no more than two years after the date the prescription or statement was issued; or (3) are applied to: (i) the rear windows of a pickup truck as defined in section 168.002, subdivision 26; (ii) the rear windows or the side windows on either side behind the driver's seat of a van as defined in section 168.002, subdivision 40; (iii) the side and rear windows of a vehicle used to transport human remains by a funeral establishment holding a license under section 149A.50; (iv) the side and rear windows of a limousine as defined in section 168.002, subdivision 15; or (v) the rear and side windows of a police vehicle. (b) For the purposes of paragraph (a), clause (2), a driver of a vehicle may rely on a prescription or physician's statement of medical need issued to a person not present in the vehicle if: (1) the prescription or physician's statement of medical need is issued to (i) the driver's parent, child, grandparent, grandchild, sibling, or spouse, or (ii) a person for whom the driver is a personal care attendant; (2) the prescription or physician's statement of medical need specifies the make, model, and license plate of one or two vehicles that will have tinted windows; and (3) the driver is in possession of the prescription or physician's statement of medical need. Subd. 5.Glazing material; prohibitions on sale.(a) No person shall sell or offer for sale or use on any motor vehicle, windows or windshields that are composed of, covered by, or treated with material that fails to comply with the provisions of subdivision 4. No person shall apply or offer to apply, as part of a business transaction, material to motor vehicle windows or windshields that fails to comply with the provisions of subdivision 4. (b) Violation of this subdivision is a misdemeanor. (c) This subdivision does not apply to sale or offers for sale of a motor vehicle containing windows or windshields composed of, covered by, or treated with material that fails to comply with the provisions of subdivision 4. (2720-260) 1937 c 464 s 110; 1939 c 430 s 21; 1947 c 428 s 30; 1953 c 745 s 4; 1959 c 174 s 1; 1959 c 521 s 11; 1961 c 34 s 1; 1971 c 491 s 26; 1974 c 428 s 5; 1983 c 234 s 1; 1987 c 71 s 2; 1988 c 636 s 10; 1991 c 301 s 7; 1993 c 26 s 10; 1997 c 215 s 44; 2005 c 136 art 8 s 2; 2008 c 186 s 1; 2008 c 235 s 2; 2009 c 59 art 5 s 5; 2010 c 304 s 1; 2010 c 351 s 32; 1Sp2019 c 3 art 3 s 59-61

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.721 — Unsafe Tires; Definitions.

Subdivision 1.Scope.As used in sections 169.721 to 169.727, the terms defined in this section have the meanings given them. Subd. 2.Passenger automobile."Passenger automobile" means any motor vehicle designed and used for the carrying of not more than nine persons, excluding motorcycles and motor scooters, but including within its meaning station wagons or other highway use motor vehicles using passenger automobile type tires. Subd. 3.Commissioner."Commissioner" means the commissioner of public safety. 1976 c 35 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.722 — Rules

For Tire Safety.

The commissioner shall promulgate rules pursuant to chapter 14 providing for the safe operating conditions of tires for use on passenger automobiles. The rules shall be so promulgated that a law enforcement officer may determine whether or not a tire is in compliance by visual inspection or by the use of simple measuring gauges. The rules shall be based on and include effects of tread wear and depth of tread, and shall incorporate all of the provisions of section 169.723. 1976 c 35 s 2; 1982 c 424 s 130

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.723 — Tires Considered Unsafe.

A tire shall be considered unsafe if it has: (1) any part of the ply or cord exposed; or (2) any bump, bulge or separation; or (3) a tread design depth of less than 2/32 (1/16) of an inch measured in the tread groove nearest the center of the tire at three locations equally spaced around the circumference of the tire, exclusive of tie bars or for those tires with tread wear indicators; or (4) been worn to the level of the tread wear indicators in any two tread grooves at three locations; or (5) a marking "not for highway use," or "for racing purposes only," or "unsafe for highway use;" or (6) tread or sidewall cracks, cuts or snags deep enough to expose the body cords; or (7) been regrooved or recut below the original tread design depth, except special taxicab tires which have extra undertread rubber and are identified as such. 1976 c 35 s 3

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.724 — Prohibition; Operating Automobile With Unsafe Tires.

No person shall drive, move or cause to be driven or moved any passenger automobile upon the highways of this state, unless such passenger automobile is equipped with tires in safe operating condition in accordance with rules promulgated by the commissioner. 1976 c 35 s 4

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.726 — Automobile Sale Prohibited Unless Tires Are Safe.

No person or organization shall sell or offer for sale, other than to a motor vehicle dealer, any passenger automobile for use on the public highways of this state, unless the passenger automobile is equipped with tires that are in compliance with the rules promulgated by the commissioner under authority of section 169.722. If the tires are not in compliance with the rules, the person or organization selling or offering to sell the passenger automobile shall cause, prior to sale, the tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the rules; unless the vehicle is towed or hauled away. No person, firm, corporation or organization shall sell or offer for sale, other than to a tire dealer, tires for highway use not in compliance with these rules. 1976 c 35 s 6

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.727 — Unsafe Tires; Misdemeanor.

Any person who violates the provisions of sections 169.721 to 169.727 or any rule promulgated pursuant thereto is guilty of a petty misdemeanor. 1976 c 35 s 7

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.734 — Automobile Fenders.

Every passenger automobile shall have fenders, or other devices, that are designed to prevent, as far as practicable, water, dirt, or other material being thrown up and to the rear by the wheels of the vehicle. 1975 c 68 s 2

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.74 — Safety Glass.

Subdivision 1.Required.No person shall sell any new motor vehicle, nor shall any new motor vehicle be registered thereafter unless the vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields. Subd. 2.Definition."Safety glass" means any product composed of glass, or other material, as may be approved by the commissioner of public safety, as safety glass. Subd. 3.Replacement.All glass replacement in doors, windows, and windshields or partitions of motor vehicles shall be made with materials meeting the requirements of this chapter for safety glass if glass is used therefor. Subd. 4.Other material prohibited.No glazing material other than of a type meeting the requirements of this chapter shall be sold, offered for sale, offered for use, or used for installation in doors, windows or windshields of motor vehicles or of passenger-carrying trailers or semitrailers. Subd. 5.Frostshield.Nothing in this section shall be construed to include frostshields. (2720-263) 1937 c 464 s 113; 1947 c 428 s 31; 1971 c 491 s 27

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.75 — Flares, Flags, Or Reflectors Required.

Subdivision 1.Number required.No person shall operate any motor vehicle towing a travel trailer, any passenger bus, or any other motor vehicle or combination of vehicles of an actual gross weight or manufacturer's rated gross weight of more than 10,000 pounds

at any location upon an interstate highway or freeway or upon any other highway outside of a business or residence district at any time from a half-hour after sunset to a half-hour before sunrise, unless there shall be carried in such vehicle the following equipment except as otherwise provided in subdivision 2. At least three flares or three red electric lanterns or three emergency reflective triangles or three portable red reflector devices, each of which shall be capable of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions at nighttime. Subd. 2.Flammables.No person shall at any time operate a motor vehicle transporting flammable liquids in bulk or compressed flammable gases as cargo or part of cargo upon a highway unless it carries three electric lanterns or three emergency reflective triangles or three portable reflector units to be used in lieu of flares and no open burning flares shall be carried on or placed adjacent to such vehicle. Subd. 3.Flags and reflectors.No person shall operate any motor vehicle towing a travel trailer, any passenger bus, or any other motor vehicle or combination of vehicles of an actual gross weight or manufacturer's rated gross weight of more than 10,000 pounds at any location upon any interstate highway or freeway or upon any other highway outside of a business or residence district unless there shall be carried in such vehicle at least three emergency reflective triangles or two red, yellow, or orange flags not less than 12 inches square which shall be displayed at any time from one-half hour before sunrise to one-half hour after sunset under circumstances which would require the use of warning lights at night and in the manner and position governing the use of warning lights as prescribed in subdivision 5, except a flag or reflector is not required to be displayed at the ten-foot distance. Subd. 4.Approved type.Every flare, lantern, signal, reflective triangle or reflector required in this section shall be of a type approved by the commissioner of public safety. Subd. 5.When used.When any vehicle subject to the provisions of subdivision 1 or 3 is disabled upon the roadway or shoulder at any location upon an interstate highway or freeway, or upon any other highway outside of a business or residence district during the period when lighted lamps must be displayed on vehicles and such motor vehicle cannot immediately be removed from the main-traveled portion of the highway or from the shoulder, the driver or other person in charge of the vehicle shall promptly cause flares, lanterns, or other signals to be lighted and placed as warning lights upon the highway, one at the traffic side of the standing vehicle approximately ten feet rearward or forward thereof in the direction of greatest hazard to traffic, one at a distance of approximately 100 feet to the rear of the vehicle in the center of the lane occupied by such vehicle, and one at a distance of approximately 100 feet to the front of the vehicle in the center of the traffic lane occupied by such vehicle, except: (1) if disablement of any vehicle occurs within 500 feet of a curve, crest of a hill or other obstruction to view, the driver or other person in charge shall so place the warning signal in that direction so as to offer ample warning to other users of the highway but in no case less than 100 feet nor more than 500 feet from the disabled vehicle; (2) if disablement of the vehicle occurs upon the roadway or shoulder of any one-way roadway of any highway, the driver or other person in charge shall place one warning signal at the traffic side of the vehicle not more than ten feet to the rear of the vehicle, one placed 100 feet to the rear of the vehicle in the center of the lane occupied by the standing vehicle, and one such signal at a distance of approximately 200 feet to the rear of the vehicle. (2720-264) 1937 c 464 s 114; 1939 c 430 s 23; 1947 c 428 s 32; 1949 c 656; 1967 c 383 s 1-3; 1971 c 491 s 28; 1978 c 494 s 5; 1989 c 342 s 18,19

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.751 — Definitions.

(a) For the purposes of sections 169.751 to 169.753 the following words have the meanings given. (b) "First aid equipment" means equipment for the purpose of rendering first aid to sick or injured persons as prescribed by the Department of Public Safety for its State Patrol vehicles, including materials for the application of splints to fractures. (c) "Patrol motor vehicles" means the State Patrol motor vehicles used in law enforcement of the Department of Public Safety, the county sheriffs, and the various city, town, and other local police departments. 1953 c 651 s 1; 1971 c 491 s 29; 1973 c 123 art 5 s 7; 1980 c 509 s 59; 1981 c 37 s 2; 2014 c 255 s 19; 2023 c 25 s 83

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.752 — Patrol Motor Vehicles, First Aid Equipment.

Every patrol motor vehicle shall be equipped with and carry first aid equipment. 1953 c 651 s 2

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.753 — Law Enforcement Officers Trained In First Aid.

Law enforcement officers operating patrol motor vehicles shall be trained in the use and application of first aid equipment. 1953 c 651 s 3

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.762 — Pressurized Flammable Gas.

Subdivision 1.Marking required.Any vehicle within this state which carries liquefied petroleum gas fuel or natural gas in a tank attached to the vehicle in any concealed area, including but not limited to trunks, compartments, or under the vehicle, shall display on the exterior of the vehicle the words "Pressurized Flammable Gas," or a standard abbreviation or symbol as determined by the Department of Public Safety, in block letters at least two inches high. The letters shall be of contrasting colors and shall be placed as near as possible to the area where the tank is located. Subd. 2.Dispensing prohibition.No person shall dispense liquefied petroleum gas fuel or natural gas into any tank in a concealed area of a vehicle unless the vehicle is in compliance with the requirements of

subdivision 1. Subd. 3.Penalty.Any owner convicted of violating the provisions of subdivision 1 or 2 is guilty of a misdemeanor. 1982 c 617 s 8

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.771 — Spot-check Of Motor Vehicle.

Subdivision 1.Inspection program.The intent of this section is to establish a motor vehicle inspection program administered by the commissioner of public safety evidencing substantial compliance with the federal Highway Safety Act of 1966, Public Law 89-564. Subd. 2.Inspection by state trooper.(a) The commissioner of public safety is directed to accelerate spot-check inspections for unsafe motor vehicles and motor vehicle equipment. Such inspections shall be conducted by the personnel of the State Patrol who shall give the operator of a commercial motor vehicle a signed and dated document as evidence of the inspection. (b) However, personnel of the State Patrol may not conduct another spot inspection of a commercial motor vehicle if (1) the operator of the vehicle can show evidence of an inspection, which is free of critical defects, conducted in Minnesota according to this section or section 169.781 within the previous 90 days and (2) a state trooper does not have probable cause to believe the vehicle or its equipment is unsafe or that the operator has engaged in illegal activity. In addition, if the operator shows the state trooper evidence that the commercial motor vehicle has been inspected within the previous 90 days, but the officer has probable cause to believe the vehicle or its equipment is unsafe or to suspect illegal activity, then the vehicle may be inspected to confirm the existence or absence of an unsafe condition or of the suspected illegal activity. (c) A vehicle stopped under this section and determined to be a covered farm vehicle as defined in Code of Federal Regulations, title 49, section 390.5, and not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with Code of Federal Regulations, title 49, section 172.504, is exempt from further inspection under this section. If probable cause exists to believe the vehicle or its equipment is unsafe or illegal activity is suspected, enforcement action may be initiated. Subd. 3.Rules.The commissioner of public safety may establish such reasonable rules as are necessary to carry out the provisions of this section, but all spot-check inspections shall be held in compliance with subdivision 2 and in such a manner that the motor vehicle operators, either private or commercial, shall not be unnecessarily inconvenienced either by extended detours, unnecessary delays, or any other unreasonable cause. Subd. 4.Implied consent to inspection.Use of the highways and streets of this state shall constitute consent to spot-check inspections as provided herein. 1967 c 887 s 6 subd 1-4; 1969 c 1129 art 1 s 4; 1971 c 491 s 32; 1981 c 37 s 2; 1985 c 248 s 70; 2002 c 364 s 11,12; 2002 c 371 art 3 s 3,4; 2011 c 76 art 1 s 24; 2014 c 287 s 12

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.781 — Annual Commercial Vehicle Inspection; Inspectors, Fee, Penalty.

Subdivision 1.Definitions.For purposes of sections 169.781 to 169.783: (a) "Commercial motor vehicle": (1) means a motor vehicle as defined in section 169.011, subdivision 16, paragraph (a), or combination of motor vehicles used to transport passengers or property if the motor vehicle: (i) has a gross vehicle weight of more than 26,000 pounds; (ii) is a vehicle in a combination of more than 26,000 pounds; (iii) is a bus; or (iv) is of any size and is used in the transportation of hazardous materials that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185; and (2) does not include (i) a school bus or Head Start bus displaying a certificate under section 169.451, or (ii) a bus operated by the Metropolitan Council or by a local transit commission created in chapter 458A. (b) "Commissioner" means the commissioner of public safety. (c) "Owner" means a person who owns, or has control, under a lease of more than 30 days' duration, of one or more commercial motor vehicles. Subd. 2.Inspection required.(a) It is unlawful for a person to operate or permit the operation, in violation of the requirements of paragraph (b), of: (1) a commercial motor vehicle registered in Minnesota; (2) special mobile equipment as defined in section 168.002, subdivision 31, and which is self-propelled, if it is mounted on a commercial motor vehicle chassis; or (3) a vehicle used to transport passengers by a motor carrier of railroad employees under section 221.0255. (b) A vehicle described in paragraph (a): (1) must display a valid safety inspection decal issued by an inspector certified by the commissioner; or (2) must carry (i) proof that the vehicle complies with federal motor vehicle inspection requirements for vehicles in interstate commerce, and (ii) a certificate of compliance with federal requirements issued by the commissioner under subdivision 9. Subd. 3.Inspector certification; suspension and revocation; hearing.(a) An inspection required by this section may be performed only by: (1) an employee of the Department of Public Safety or Transportation who has been certified by the commissioner after having received training provided by the State Patrol; or (2) another person who has been certified by the commissioner after having received training provided by the State Patrol or other training approved by the commissioner. (b) A person who is not an employee of the Department of Public Safety or Transportation may be certified by the commissioner if the person is: (1) an owner, or employee of the owner, of one or more commercial motor vehicles that are power units; (2) a dealer licensed under section 168.27 and engaged in the business of buying and selling commercial motor vehicles, or an employee of the dealer; (3) engaged in the business of repairing and servicing commercial motor vehicles; or (4) employed by a governmental agency that owns commercial vehicles. (c) Certification of persons described in paragraph (b), clauses (1) to (4), is effective for two years from the date of certification. The commissioner may require biennial retraining of persons holding a certificate under paragraph (b) as a condition of renewal of the certificate. The commissioner may charge a fee of not more than $10 for each certificate issued and renewed. A certified person described in paragraph (b), clauses (1) to (4), may charge a reasonable fee for each inspection of a vehicle not owned by the person or the person's employer. (d) Except as otherwise provided in subdivision 5, the standards adopted by the commissioner for commercial motor vehicle inspections under sections 169.781 to 169.783 must be the standards prescribed in Code of Federal Regulations, title 49, section 396.17, and in chapter

III, subchapter B, appendix A. (e) The commissioner may classify types of vehicles for inspection purposes and may issue separate classes of inspector certificates for each class. (f) The commissioner, after notice and an opportunity for a hearing, may suspend a certificate issued under paragraph (b) for failure to meet annual certification requirements prescribed by the commissioner or failure to inspect commercial motor vehicles in accordance with inspection procedures established by the State Patrol. The commissioner shall revoke a certificate issued under paragraph (b) if the commissioner determines after notice and an opportunity for a hearing that the certified person issued an inspection decal for a commercial motor vehicle when the person knew or reasonably should have known that the vehicle was in such a state of repair that it would have been declared out of service if inspected by an employee of the State Patrol. Suspension and revocation of certificates under this subdivision are not subject to sections 14.57 to 14.69. Subd. 4.Inspection report.(a) A person performing an inspection under this section shall issue an inspection report to the owner of the commercial motor vehicle inspected. The report must include: (1) the full name of the person performing the inspection, and the person's inspector certification number; (2) the name of the owner of the vehicle and, if applicable, the United States Department of Transportation carrier number issued to the owner of the vehicle, or to the operator of the vehicle if other than the owner; (3) the vehicle identification number and, if applicable, the license plate number of the vehicle; (4) the date and location of the inspection; (5) the vehicle components inspected and a description of the findings of the inspection, including identification of the components not in compliance with federal motor carrier safety regulations; and (6) the inspector's certification that the inspection was complete, accurate, and in compliance with the requirements of this section. (b) The owner must retain a copy of the inspection report for at least 14 months at a location in the state where the vehicle is domiciled or maintained. The inspector must maintain a copy of the inspection report for a period of 14 months following the inspection in a location in the state where the inspector conducts business. During this period the report must be available for inspection by an authorized federal, state, or local official. (c) The commissioner shall prescribe the form of the inspection report and revise it as necessary to comply with state and federal law and regulations. The adoption of the report form is not subject to the Administrative Procedure Act. Subd. 5.Inspection decal; violation, penalty.(a) A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. The commissioners of public safety and transportation shall make decals available, at a fee of not more than $2 for each decal, to persons certified to perform inspections under subdivision 3, paragraph (b). Decals are issued to inspectors by serial number and are not transferable unless approved by the commissioner. (b) A person who, with the intent to defraud, falsely makes, duplicates, alters, or forges a decal or other writing or thing purporting to be a Minnesota inspection decal described in this subdivision is guilty of a gross misdemeanor. A person who, with the intent to defraud, possesses a decal or other writing or thing falsely purporting to be a Minnesota inspection decal described in this subdivision is guilty of a gross misdemeanor. Subd. 6.Record review; random inspection; audit.Employees of the State Patrol and motor transportation representatives of the Department of Transportation may review records required to be kept under subdivision 4, paragraph (b), and conduct random vehicle inspections and audits at the facility of an owner of a commercial motor vehicle. Subd. 7.Disposition of revenues.The commissioner shall pay all revenues received under this section to the commissioner of management and budget for deposit in the trunk highway fund. Subd. 8.Violation; misdemeanor.A violation of this section is a misdemeanor. Subd. 9.Proof of federal inspection.An owner of a commercial motor vehicle that is subject to and in compliance with federal motor vehicle inspection requirements for vehicles in interstate commerce may apply to the commissioner for a certificate of compliance with federal requirements. On payment of a fee equal to the fee for an inspection decal under subdivision 5, the commissioner shall issue the certificate to the applicant. This subdivision only applies to Minnesota-licensed vehicles that are not housed or maintained in Minnesota. Subd. 10.Exemptions.(a) This section does not apply to a vehicle operated by a motor carrier of passengers, as defined in section 221.012, subdivision 26, if the vehicle has been inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within the previous 12 months. (b) This section does not apply to a covered farm vehicle, as defined in Code of Federal Regulations, title 49, section 390.5, that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with Code of Federal Regulations, title 49, section 172.504. 1990 c 563 s 1; 1991 c 174 s 1-6; 1992 c 578 s 5,6; 1992 c 581 s 13; 1993 c 187 s 14; 1994 c 603 s 14; 1994 c 628 art 3 s 12; 1995 c 120 s 3; 2000 c 426 s 27; 2000 c 479 art 1 s 17; 2001 c 188 s 2,3; 2002 c 371 art 1 s 45; 2003 c 112 art 2 s 50; 2006 c 212 art 1 s 10; 2008 c 287 art 1 s 48; 2008 c 350 art 1 s 40-42; 2008 c 366 art 9 s 8,9; 2009 c 101 art 2 s 109; 2014 c 287 s 13; 2014 c 300 s 1; 2015 c 21 art 1 s 31,32; 2023 c 68 art 5 s 32

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.782 — Daily Commercial Vehicle Inspection; Penalty.

Subdivision 1.Driver; daily inspection, report.(a) The driver of a commercial motor vehicle shall inspect daily each commercial motor vehicle the driver has operated. A person who owns one or more commercial motor vehicles and who employs drivers for those commercial motor vehicles must require each driver to submit a written report at the completion of each day's work as required by this section. The driver of a commercial motor vehicle subject to this section is not required to prepare and submit a written report if no defect or deficiency is discovered by or reported to the driver, except that the driver of a passenger-carrying commercial motor vehicle shall prepare and submit a written report regardless of whether any defect or deficiency is discovered by or reported to the driver. (b) The inspection and report must cover the following parts and accessories: service brakes, including trailer and semitrailer brake connections; parking (hand) brake; steering mechanism; lighting devices and reflectors; tires; horn; windshield wiper or wipers; rear vision mirror or mirrors; coupling devices; wheels and rims; and emergency equipment. (c) The

report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver that would affect the safe operation of the vehicle or result in its mechanical breakdown. If no defect or deficiency is discovered by or reported to the driver, the report must so indicate. The driver must sign the report after completing it. In the case of a commercial motor vehicle operated by two drivers, the signature of one of the drivers satisfies the requirements of this subdivision if both drivers agree concerning the defects or deficiencies. If a driver operates more than one commercial motor vehicle during a day's work, a report must be prepared for each vehicle operated. (d) Before operating or allowing the operation of a commercial motor vehicle on which a report has been prepared under this subdivision, the owner of the vehicle or the owner's agent must repair defects or deficiencies listed on the report that would likely affect the safe operation of the vehicle. Before allowing the commercial motor vehicle to be operated again, the owner or the owner's agent must certify, on the report listing the defect or deficiency, that the defect or deficiency has been corrected or that correction is unnecessary. A motor carrier must keep the original vehicle inspection report for at least three months after the date of inspection. The report must be available for inspection by an authorized federal, state, or local official at any time during this period. (e) A copy of the vehicle inspection report, including a certification of corrections resulting from the report, must be carried in the commercial motor vehicle, or in the power unit of a commercial motor vehicle combination, at all times when the vehicle or power unit is operated until the next inspection report is completed under this subdivision. The copy must be made available on demand to (1) a peace officer, (2) a person authorized under section 221.221, and (3) a person described in section 299D.06. Subd. 2.Driver; pretrip inspection.(a) Prior to the first operation of a commercial motor vehicle following completion of a daily inspection report under subdivision 1, a driver must: (1) review the most recent vehicle inspection report on the vehicle; (2) determine that the vehicle is in safe operating condition; and (3) sign the inspection report in the vehicle. (b) The driver shall sign the report only if all defects and deficiencies listed in the report have been certified as having been corrected or as not requiring correction. Subd. 3.Operation prohibited.It is a misdemeanor to drive or to cause another person to drive a commercial motor vehicle that does not contain a copy of an inspection report complying with this section. Subd. 4.Exceptions.(a) This section does not apply to a commercial motor vehicle that is a farm truck that may be operated by a person not holding a commercial driver's license, provided that before driving the vehicle, a driver must determine that the vehicle is in safe operating condition. (b) This section does not apply to a commercial motor vehicle held for resale by a motor vehicle dealer licensed under section 168.27. (c) This section does not apply to a covered farm vehicle as defined in Code of Federal Regulations, title 49, section 390.5, that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with Code of Federal Regulations, title 49, section 172.504. 1990 c 563 s 2; 2008 c 287 art 1 s 49; 2014 c 287 s 14; 2015 c 75 art 2 s 24-26

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.783 — Commercial Vehicle Accident; Reinspection.

Subdivision 1.Postcrash inspection.(a) A peace officer responding to an accident involving a commercial motor vehicle must immediately notify the State Patrol if the accident results in: (1) a fatality; (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicles to be transported away from the scene by tow truck or other motor vehicle. (b) It is a misdemeanor for a person to drive or cause to be driven a commercial motor vehicle after such an accident unless the vehicle: (1) has been inspected by a state trooper or other person authorized to conduct inspections under section 169.781, subdivision 3, paragraph (a), who is an employee of the Department of Public Safety or Transportation, and the person inspecting the vehicle has determined that the vehicle may safely be operated; or (2) a waiver has been granted under subdivision 2. Subd. 2.Waiver.A state trooper or other authorized person called to the scene of an accident by a responding peace officer under subdivision 1 may waive the inspection requirement of that subdivision if the person determines that a postcrash inspection is not needed or cannot be accomplished without unreasonable delay. A person who grants a waiver must provide to the driver of the commercial motor vehicle for which the waiver is granted a written statement that the inspection has been waived. The written statement must include the incident report number assigned to the accident by the State Patrol. 1990 c 563 s 3; 1991 c 174 s 7; 2008 c 287 art 1 s 50

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.79 — Vehicle Registration; Displaying License Plates.

Subdivision 1.Registration required.No person shall operate, drive, or park a motor vehicle on any highway unless the vehicle is registered in accordance with the laws of this state and has the number plates or permit confirming that valid registration or operating authority has been obtained, except as provided in sections 168.10 and 168.12, subdivision 2f, as assigned to it by the commissioner of public safety, conspicuously displayed thereon in a manner that the view of any plate or permit is not obstructed. A plate issued under section 168.27 or a permit issued under chapter 168 may be displayed on a vehicle in conjunction with expired registration whether or not it displays the license plate to which the last registration was issued. Subd. 2.Semitrailer.If the vehicle is a semitrailer, the number plate displayed must be assigned to the registered owner and correlate to the documentation on file with the department. Subd. 3.Rear display of single plate.If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer registered at greater than 3,000 pounds gross vehicle weight (GVW), semitrailer, or vehicle displaying a dealer plate, then one license plate must be displayed horizontally or vertically, for a motorcycle issued vertical license plates under section 168.12, subdivision 2a, with the identifying numbers and letters facing outward from the vehicle and must be mounted on the rear of the vehicle. Subd. 3a.Small trailer.If the vehicle is a trailer with 3,000 pounds or less GVW with lifetime registration, the numbered

plate or sticker must be adhered to the side of the trailer frame tongue near the hitch. Subd. 3b.Roadable aircraft.Notwithstanding subdivision 1 and section 168.09, subdivision 1, a roadable aircraft is not required to display a license plate. Subd. 4.Collector's vehicle.If the vehicle is (1) a collector's vehicle with a pioneer, classic car, collector, or street rod license; (2) a vehicle that meets the requirements of a pioneer, classic, or street rod vehicle except that the vehicle is used for general transportation purposes; or (3) a vehicle that is of model year 1972 or earlier, not registered under section 168.10, subdivision 1c, and is used for general transportation purposes, then one plate must be displayed on the rear of the vehicle, or one plate on the front and one on the rear, at the discretion of the owner. Subd. 5.Truck-tractor, road-tractor, or farm truck.If the vehicle is a truck-tractor, road-tractor, or farm truck, as defined in section 168.002, subdivision 8, but excluding from that definition semitrailers and trailers, then one plate must be displayed on the front of the vehicle. Subd. 6.Other motor vehicles.If the motor vehicle is any kind of motor vehicle other than those provided for in subdivisions 2 to 4, one plate must be displayed on the front and one on the rear of the vehicle. Subd. 7.Plate fastened and visible.All plates must be (1) securely fastened so as to prevent them from swinging, (2) displayed horizontally with the identifying numbers and letters facing outward from the vehicle, and (3) mounted in the upright position. The person driving the motor vehicle shall keep the plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering is plainly visible at all times. It is unlawful to cover any assigned letters and numbers or the name of the state of origin of a license plate with any material whatever, including any clear or colorless material that affects the plate's visibility or reflectivity. Subd. 8.Plate registration stickers.As viewed facing the plates: (a) License plates issued to vehicles registered under section 168.017 must display the month of expiration in the lower left corner of each plate and the year of expiration in the lower right corner of each plate. (b) License plates issued to vehicles registered under section 168.127 must display either fleet registration validation stickers in the lower right corner of each plate or distinctive license plates, issued by the registrar, with "FLEET REG" displayed on the bottom center portion of each plate. (c) License plates issued after July 1, 2008, requiring validation must display the month of expiration in the lower left corner of each plate and the year of expiration in the lower right corner of the plate. Subd. 9.Tax-exempt vehicle marking.Vehicles displaying tax-exempt plates issued under section 16B.581 or 168.012 must have vehicle markings that comply with section 168.012, subdivision 1. (2720-268) 1937 c 464 s 118; 1961 c 622 s 1; 1967 c 464 s 2; 1977 c 248 s 4; 1981 c 357 s 62; 1981 c 363 s 27; 1985 c 291 s 18; 1995 c 120 s 4; 1995 c 145 s 2; 1997 c 240 s 5; 1997 c 250 s 6; 2000 c 280 s 1; 1Sp2001 c 8 art 2 s 45; 2002 c 371 art 1 s 46-48; 2008 c 350 art 1 s 43; 2010 c 351 s 33; 2024 c 104 art 1 s 45

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.791 — Criminal Penalty For Failure To Produce Proof Of Insurance.

Subdivision 1.Terms defined.(a) For purposes of this section and sections 169.792 to 169.798, the following terms have the meanings given. (b) "Commissioner" means the commissioner of public safety. (c) "District court administrator" or "court administrator" means the district court administrator or a deputy district court administrator of the district court that has jurisdiction of a violation of this section. (d) "Insurance identification card" means a card, including in an electronic format as provided in section 65B.482, subdivision 1, issued by an obligor to an insured stating that security as required by section 65B.48 has been provided for the insured's vehicle. (e) "Law enforcement agency" means the law enforcement agency that employed the peace officer who demanded proof of insurance under this section or section 169.792. (f) "Peace officer" or "officer" means an employee of a political subdivision or state law enforcement agency, including the Minnesota State Patrol, who is licensed by the Minnesota Board of Peace Officer Standards and Training and is authorized to make arrests for violations of traffic laws. (g) "Proof of insurance" means an insurance identification card, written statement, or insurance policy as defined by section 65B.14, subdivision 2. (h) "Vehicle" means a motor vehicle as defined in section 65B.43, subdivision 2, or a motorcycle as defined in section 65B.43, subdivision 13. (i) "Written statement" means a written statement by a licensed insurance agent stating the name and address of the insured, the vehicle identification number of the insured's vehicle, that a plan of reparation security as required by section 65B.48 has been provided for the insured's vehicle, and the dates of the coverage. (j) The definitions in section 65B.43 apply to sections 169.792 to 169.798. Subd. 2.Requirement for driver, whether or not owner.(a) Every driver shall have in possession at all times when operating a vehicle and shall produce on demand of a peace officer proof of insurance in force at the time of the demand covering the vehicle being operated. If the driver does not produce the required proof of insurance upon the demand of a peace officer, the driver is guilty of a misdemeanor. A person is guilty of a gross misdemeanor who violates this section within ten years of the first of two prior convictions under this section, section 169.797, or a statute or ordinance in conformity with one of those sections. The same prosecuting authority who is responsible for prosecuting misdemeanor violations of this section is responsible for prosecuting gross misdemeanor violations of this section. A driver who is not the owner of the vehicle may not be convicted under this section unless the driver knew or had reason to know that the owner did not have proof of insurance required by this section, provided that the driver provides the officer with the name and address of the owner at the time of the demand or complies with subdivision 3. (b) The use of an electronic device to display proof of insurance does not constitute consent for a peace officer to access other contents of the electronic device. (c) If a person uses an electronic device to display proof of insurance, a peace officer is immune from liability for any damage to the device, unless the peace officer does not exercise due care in handling the device. Subd. 2a.Later production of proof by driver who is owner.A driver who is the owner of the vehicle may, no later than the date and time specified in the citation for the driver's first court appearance, produce proof of insurance stating that security had been provided for the vehicle that was being operated at the time of the demand to the court administrator. The required proof of insurance may be sent by mail by the driver as long as it is received no later than the date and time specified in the citation for the driver's first court appearance. If a citation is issued, no person shall be convicted of violating this section if the court administrator

receives the required proof of insurance no later than the date and time specified in the citation for the driver's first court appearance. If the charge is made other than by citation, no person shall be convicted of violating this section if the person presents the required proof of insurance at the person's first court appearance after the charge is made. Subd. 3.Later production of information by driver who is not owner.If the driver is not the owner of the vehicle, the driver shall, no later than the date and time specified in the citation for the driver's first court appearance, provide the district court administrator with proof of insurance or the name and address of the owner. Upon receipt of the name and address of the owner, the district court administrator shall communicate the information to the law enforcement agency. Subd. 4.Requirement for owner who is not driver.If the driver is not the owner of the vehicle, the officer may send or provide a notice to the owner of the vehicle requiring the owner to produce proof of insurance for the vehicle that was being operated at the time of the demand. Notice by mail is presumed to be received five days after mailing and shall be sent to the owner's current address or the address listed on the owner's driver's license. Within ten days after receipt of the notice, the owner shall produce the required proof of insurance to the place stated in the notice received by the owner. The required proof of insurance may be sent by mail by the owner as long as it is received within ten days. Any owner who fails to produce proof of insurance within ten days of an officer's request under this subdivision is guilty of a misdemeanor. The peace officer may mail the citation to the owner's current address or address stated on the owner's driver's license. It is an affirmative defense to a charge against the owner that the driver used the owner's vehicle without consent, if insurance would not have been required in the absence of the unauthorized use by the driver. It is not a defense that a person failed to notify the Department of Public Safety of a change of name or address as required under section 171.11. The citation may be sent after the ten-day period. Subd. 5.Exemptions.Buses or other commercial vehicles operated by the Metropolitan Council, commercial vehicles required to file proof of insurance pursuant to chapter 221, and school buses as defined in section 171.01, subdivision 46, are exempt from this section. Subd. 5a.Consecutive sentences.The court may impose consecutive sentences for offenses arising out of a single course of conduct as permitted in section 609.035, subdivision 2. Subd. 6.Penalty.In addition to any sentence of imprisonment that the court may impose, the court shall impose a fine of not less than $200 nor more than the maximum fine applicable to misdemeanors upon conviction under this section. The court may allow community service in lieu of any fine imposed if the defendant is indigent. In addition to criminal penalties, a person convicted under this section is subject to revocation of a driver's license or permit to drive under section 169.792, subdivision 7, and to revocation of motor vehicle registration under section 169.792, subdivision 12. Subd. 7.False information; penalty.Any person who knowingly provides false information to an officer or district court administrator under this section is guilty of a misdemeanor. 1989 c 321 s 10; 1992 c 571 art 14 s 2,13; 1994 c 615 s 17; 1994 c 628 art 3 s 13; 1996 c 408 art 3 s 2-4; 1996 c 442 s 19; 1Sp2003 c 19 art 2 s 29; 2015 c 53 s 1,2; 2020 c 83 art 1 s 54

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.793 — Vehicle Insurance; Unlawful Acts, Penalties.

Subdivision 1.Acts.It shall be unlawful for any person: (1) to issue, to display, or cause or permit to be displayed, or have in possession, an insurance identification card, policy, or written statement knowing or having reason to know that the insurance is not in force or is not in force as to the vehicle in question; (2) to alter or make a fictitious insurance identification card, policy, or written statement; and (3) to display an altered or fictitious insurance identification card, insurance policy, or written statement knowing or having reason to know that the proof has been altered or is fictitious. Subd. 2.Penalty.Any person who violates any of the provisions of subdivision 1 is guilty of a misdemeanor. In addition to any sentence of imprisonment that the court may impose, the court shall impose a fine of not less than $200 nor more than the maximum fine applicable to misdemeanors. The court may allow community service in lieu of any fine imposed if the defendant is indigent. 1989 c 321 s 12; 1992 c 571 art 14 s 4

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.795 — Vehicle Insurance Rules.

The commissioner of public safety shall adopt rules necessary to implement sections 168.041, subdivision 4; 169.09, subdivision 14; and 169.791 to 169.796. 1989 c 321 s 14; 1991 c 301 s 8; 1992 c 571 art 14 s 5

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.797 — Penalties For Failure To Provide Vehicle Insurance.

Subdivision 1.Tort liability.Every owner of a vehicle for which security has not been provided as required by section 65B.48, shall not by the provisions of chapter 65B be relieved of tort liability arising out of the operation, ownership, maintenance, or use of the vehicle. Subd. 2.Violation by owner.Any owner of a vehicle with respect to which security is required under sections 65B.41 to 65B.71 who operates the vehicle or permits it to be operated upon a public highway, street, or road in this state and who knows or has reason to know that the vehicle does not have security complying with the terms of section 65B.48 is guilty of a crime and shall be sentenced as provided in subdivision 4. Subd. 3.Violation by driver.Any person who operates a vehicle upon a public highway, street, or road in this state who knows or has reason to know that the owner does not have security complying with the terms of section 65B.48 in full force and effect is guilty of a crime and shall be sentenced as provided in subdivision 4. Subd. 3a.False statements.Any owner of a vehicle who falsely claims to have a plan of reparation security in effect at the time of registration of a vehicle pursuant to section 65B.48 is guilty of a crime and shall be sentenced as provided in subdivision 4. Subd. 4.Penalty.(a) A person who violates this section is guilty of a misdemeanor. A person is guilty of a gross misdemeanor who violates this section within ten years of the first of two prior convictions under this section, section 169.791, or a statute or ordinance in conformity with

one of those sections. The operator of a vehicle who violates subdivision 3 and who causes or contributes to causing a vehicle accident that results in the death of any person or in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, is guilty of a gross misdemeanor. The same prosecuting authority who is responsible for prosecuting misdemeanor violations of this section is responsible for prosecuting gross misdemeanor violations of this section. In addition to any sentence of imprisonment that the court may impose on a person convicted of violating this section, the court shall impose a fine of not less than $200 nor more than the maximum amount authorized by law. The court may allow community service in lieu of any fine imposed if the defendant is indigent. (b) A driver who is the owner of the vehicle may, no later than the date and time specified in the citation for the driver's first court appearance, produce proof of insurance stating that security had been provided for the vehicle that was being operated at the time of demand to the court administrator. The required proof of insurance may be sent by mail by the driver as long as it is received no later than the date and time specified in the citation for the driver's first court appearance. If a citation is issued, no person shall be convicted of violating this section if the court administrator receives the required proof of insurance no later than the date and time specified in the citation for the driver's first court appearance. If the charge is made other than by citation, no person shall be convicted of violating this section if the person presents the required proof of insurance at the person's first court appearance after the charge is made. (c) If the driver is not the owner of the vehicle, the driver shall, no later than the date and time specified in the citation for the driver's first court appearance, provide the district court administrator with proof of insurance or the name and address of the owner. Upon receipt of the name and address of the owner, the district court administrator shall communicate the information to the law enforcement agency. (d) If the driver is not the owner of the vehicle, the officer may send or provide a notice to the owner of the vehicle requiring the owner to produce proof of insurance for the vehicle that was being operated at the time of the demand. Notice by mail is presumed to be received five days after mailing and shall be sent to the owner's current address or the address listed on the owner's driver's license. Within ten days after receipt of the notice, the owner shall produce the required proof of insurance to the place stated in the notice received by the owner. The required proof of insurance may be sent by mail by the owner as long as it is received within ten days. Any owner who fails to produce proof of insurance within ten days of an officer's request under this subdivision is guilty of a misdemeanor. The peace officer may mail the citation to the owner's current address or address stated on the owner's driver's license. It is an affirmative defense to a charge against the owner that the driver used the owner's vehicle without consent, if insurance would not have been required in the absence of the unauthorized use by the driver. It is not a defense that a person failed to notify the Department of Public Safety of a change of name or address as required under section 171.11. The citation may be sent after the ten-day period. (e) The court may impose consecutive sentences for offenses arising out of a single course of conduct as permitted in section 609.035, subdivision 2. (f) In addition to the criminal penalty, the driver's license of an operator convicted under this section shall be revoked for not more than 12 months. If the operator is also an owner of the vehicle, the registration of the vehicle shall also be revoked for not more than 12 months. Before reinstatement of a driver's license or registration, the operator shall file with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in this state stating that security has been provided by the operator as required by section 65B.48. (g) The commissioner shall include a notice of the penalties contained in this section on all forms for registration of vehicles required to maintain a plan of reparation security. Subd. 4a.Registration revocation and license suspension.The commissioner of public safety shall revoke the registration of any vehicle and shall suspend the driver's license of any operator, without preliminary hearing upon a showing by department records, including accident reports required to be submitted by section 169.09, or other sufficient evidence that security required by section 65B.48 has not been provided and maintained. Before reinstatement of the registration, there shall be filed with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in the state stating that security has been provided as required by section 65B.48. The commissioner of public safety may require the certificate of insurance provided to satisfy this subdivision to be certified by the insurance carrier to be noncancelable for a period not to exceed one year. The commissioner of public safety may also require a certificate of insurance to be filed with respect to all vehicles required to be insured under section 65B.48 and owned by any person whose driving privileges have been suspended or revoked as provided in this section before reinstating the person's driver's license. Subd. 5.Nonresident.When a nonresident's operating privilege is suspended pursuant to this section, the commissioner of public safety or a designee shall transmit a copy of the record of the action to the official in charge of the issuance of licenses in the state in which the nonresident resides. Subd. 6.License suspension.Upon receipt of notification that the operating privilege of a resident of this state has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a vehicle accident, or for failure to provide security covering a vehicle if required by the laws of that state, the commissioner of public safety shall suspend the operator's license of the resident until the resident furnishes evidence of compliance with the laws of this state and if applicable the laws of the other state. Subd. 7.Notice of suspension.A driver's license suspension under this section is subject to the notice requirements of section 171.18, subdivision 2. 1992 c 571 art 14 s 7; 1993 c 13 art 1 s 30; 1996 c 346 s 1; 1996 c 442 s 20; 1997 c 239 art 3 s 2; 1Sp2003 c 19 art 2 s 31; 1Sp2011 c 1 art 3 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.798 — Rules Of Commissioner Of Public Safety.

Subdivision 1.Authority.The commissioner of public safety shall have the power and perform the duties imposed by this section and sections 65B.41 to 65B.71 and 169.797 and may adopt rules to implement and provide effective administration of the provisions requiring security and governing termination of security. Subd. 2.Evidence of security required.The commissioner of public safety

may by rule provide that vehicles owned by certain persons may not be registered in this state unless satisfactory evidence is furnished that security has been provided as required by section 65B.48. If a person who is required to furnish evidence ceases to maintain security, the person shall immediately surrender the registration certificate and license plates for the vehicle. These requirements may be imposed if: (1) the registrant has not previously registered a vehicle in this state; or (2) an owner or operator of the vehicle has previously failed to comply with the security requirements of sections 65B.41 to 65B.71 or of prior law; or (3) the driving record of an owner or operator of the vehicle evidences a continuing disregard of the laws of this state enacted to protect the public safety; or (4) other circumstances indicate that action is necessary to effectuate the purposes of sections 65B.41 to 65B.71. Subd. 3.Security not required.No owner of a boat, snowmobile, or utility trailer registered for a gross weight of 3,000 pounds or less shall be required by the commissioner of public safety to furnish evidence that the security required by section 65B.48 has been provided. Subd. 4.Insurance information required.Every owner, when applying for motor vehicle or motorcycle registration, reregistration, or transfer of ownership, must provide information showing that the motor vehicle or motorcycle is covered by an insurance policy. Information required under this subdivision consists of the insurance company's name, the policy number, and the policy expiration date for the subject motor vehicle or motorcycle. 1992 c 571 art 14 s 8; 1Sp2003 c 19 art 2 s 32,33; 2015 c 75 art 2 s 27

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.7995 — Failure To Produce Rental Or Lease Agreement.

Subdivision 1.Definitions.As used in this section: (1) "rental or lease agreement" means a written agreement to rent or lease a motor vehicle that contains the name, address, and driver's license number of the renter or lessee; and (2) "person" has the meaning given the term in section 645.44, subdivision 7. Subd. 2.Requirement.Every person who rents or leases a motor vehicle in this state for a time period of less than 180 days shall have the rental or lease agreement covering the vehicle in possession at all times when operating the vehicle and shall produce it upon the demand of a peace officer. If the person is unable to produce the rental or lease agreement upon the demand of a peace officer, the person shall, within 14 days after the demand, produce the rental or lease agreement to the place stated in the notice provided by the peace officer. The rental or lease agreement may be mailed by the person as long as it is received within 14 days. Subd. 3.Penalty.A person who fails to produce a rental or lease agreement as required by this section is guilty of a misdemeanor. The peace officer may mail the citation to the address given by the person or to the address stated on the driver's license, and this service by mail is valid notwithstanding section 629.34. It is not a defense that the person failed to notify the Department of Public Safety of a change of name or address as required under section 171.11. The citation may be sent after the 14-day period. Subd. 4.False or fictitious rental or lease agreement.It is a misdemeanor for any person to alter or make a fictitious rental or lease agreement, or to display an altered or fictitious rental or lease agreement knowing or having reason to know the agreement is altered or fictitious. 1992 c 571 art 15 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.801 — Implement Of Husbandry.

Subdivision 1.Exemption from size, weight, load provisions.Except as provided in this section and section 169.82, the provisions of sections 169.80 to 169.88 that govern size, weight, and load do not apply to an implement of husbandry while operated in compliance with this section. Subd. 2.Weight restrictions.(a) An implement of husbandry that is not self-propelled and is equipped with pneumatic tires may not be operated on a public highway with a maximum wheel load that exceeds 500 pounds per inch of tire width. (b) A person operating or towing an implement of husbandry on a bridge must comply with the gross weight limitations provided in section 169.824. Subd. 3.Hitches.A towed implement of husbandry must be equipped with (1) safety chains that meet the requirements of section 169.82, subdivision 3, paragraph (b); (2) a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety; or (3) a hitch pin or other hitching device with a retainer that prevents accidental unhitching. Subd. 4.Bridge posting.Despite subdivision 2, a person operating or towing an implement of husbandry must comply with a sign that limits the maximum weight allowed on a bridge. Subd. 5.Height and width.A person operating or towing an implement of husbandry that is higher than 13 feet six inches or wider than allowed under section 169.80, subdivision 2, must ensure that the operation or transportation does not damage a highway structure, utility line or structure, or other fixture adjacent to or over a public highway. Subd. 6.Speed.No person may operate or tow an implement of husbandry at a speed of more than 30 miles per hour. Subd. 7.Driving rules.(a) An implement of husbandry may not be operated or towed on an interstate highway. (b) An implement of husbandry may be operated or towed to the left of the center of a roadway only if the operation does not extend into the left half of the roadway more than is necessary and: (1) the operation is for the purpose of avoiding an obstacle on the right-hand side of the road and the following requirements are met: (i) the implement crosses the center line for as brief a period of time as necessary to avoid the obstacle; (ii) the implement returns to the right half of the roadway immediately after passing the obstacle and when safe to do so; and (iii) no other vehicles are approaching from the opposite direction such that the approaching vehicle would be within the immediate vicinity of the implement before the implement returns to the right-hand side of the road; or (2) the implement is escorted at the front by a vehicle displaying hazard warning lights visible in normal sunlight. (c) An implement of husbandry, when operating in compliance with the requirements of this section and under paragraph (b), is not subject to the escort requirements in section 169.812, subdivision 2. Subd. 8.Lights.An implement of husbandry must be equipped with lights that comply with section 169.55, subdivisions 2 and 3. Subd. 9.Slow-moving vehicle emblem.An implement of husbandry must comply with section 169.522. Subd. 10.Brakes.Notwithstanding section 169.67: (a) A self-propelled implement of husbandry must be equipped with brakes adequate to

control its movement and to stop and hold it and any vehicle it is towing. (b) A towed implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it, unless the implement of husbandry is in a combination of vehicles that meets the requirements of section 169.67, subdivision 5. (c) If a towed implement of husbandry with a gross vehicle weight of more than 6,000 pounds, or more than 3,000 pounds if manufactured after January 1, 2011, is required under paragraph (b) to have brakes, it must also be equipped with brakes adequate to stop and hold it if it becomes detached from the towing vehicle. 1993 c 187 s 17; 1997 c 143 s 15; 2008 c 350 art 1 s 44; 2009 c 64 s 4; 2010 c 320 art 1 s 1,2; 2012 c 172 s 1; 2022 c 55 art 1 s 71; 2024 c 104 art 1 s 47

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.812 — Escort Vehicles For Overdimensional Loads; Definitions; Requirements.

Subdivision 1.Definitions.(a) For purposes of this section, the following terms have the meanings given. (b) "Licensed peace officer" means a law enforcement officer licensed under sections 626.84 to 626.863, who holds a certificate under section 299D.085, and who may operate an authorized emergency vehicle and direct and control traffic and require traffic to yield to an overdimensional load. (c) "Escort driver" means an individual who holds a certificate under section 299D.085 and is authorized to control and direct traffic as a flagger during the movement of an overdimensional load following the Manual on Uniform Traffic Control Devices standards as defined by the Federal Highway Administration and section 169.06, subdivision 4. (d) "Flagger" means a person who actively controls the flow of vehicular traffic into, through, or into and through a temporary traffic control zone using hand-signaling devices or an automated flagger assistance device. (e) "Overdimensional load" is a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter, or otherwise not in conformity with the provisions of this chapter. Subd. 2.Escort vehicles required; width.(a) Except as provided in paragraphs (d) and (e), no escort vehicle is required if the width of an overdimensional load is 15 feet or less as measured at the bottom of the load or is 16 feet or less as measured at the top of the load. (b) Only one rear escort vehicle is required on a multilane divided roadway if the width of an overdimensional load is more than 15 feet as measured at the bottom of the load or is more than 16 feet as measured at the top of the load. (c) Only one lead escort vehicle and one rear escort vehicle is required on any undivided roadway if the width of an overdimensional load is more than 15 feet as measured at the bottom of the load or is more than 16 feet as measured at the top of the load. (d) One lead escort vehicle, one rear escort vehicle, and one lead licensed peace officer is required when any part of an overdimensional load or a vehicle transporting an overdimensional load extends beyond the left of the centerline on an undivided roadway. (e) The commissioner may require additional escorts when deemed necessary to protect public safety or to ensure against undue damage to the road foundations, surfaces, or structures. The commissioner must specify in the permit (1) the number of additional escorts required; and (2) whether the operators of the escort vehicles must be licensed peace officers or may be escort drivers, as defined in subdivision 1. Subd. 3.Escort vehicles required; length.(a) When a vehicle transporting an overdimensional load is operated on a multilane divided roadway: (1) only one rear escort vehicle is required if the overdimensional load has an overall length exceeding 110 feet; or (2) only one lead escort vehicle and one rear escort vehicle is required if the overdimensional load has an overall length exceeding 150 feet. (b) One lead escort vehicle and one rear escort vehicle is required on any undivided roadway if the overall length of the overdimensional load exceeds 110 feet. (c) Notwithstanding paragraphs (a) and (b), the commissioner may require additional escorts when deemed necessary to protect public safety or to ensure against undue damage to the road foundations, surfaces, or structures. The commissioner must specify in the permit (1) the number of additional escorts required; and (2) whether the operators of the escort vehicles must be licensed peace officers or may be escort drivers, as defined in subdivision 1. 2020 c 100 s 11; 1Sp2021 c 5 art 4 s 65

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.82 — Trailer Equipment.

Subdivision 1.Connection to towing vehicle.(a) When one vehicle is towing another the drawbar or other connection must be of sufficient strength to pull the weight being towed. (b) The drawbar or other connection may not exceed 15 feet from one vehicle to the other. This paragraph does not apply to the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered. Subd. 2.Marking.When one vehicle is towing another and the connection consists of a chain, rope, or cable, the connection must display a white, red, yellow, or orange flag or cloth not less than 12 inches square. Subd. 3.Hitch, chain, or cable.(a) Every trailer or semitrailer must be hitched to the towing motor vehicle by a device approved by the commissioner of public safety. (b) Every trailer and semitrailer must be equipped with safety chains or cables permanently attached to the trailer except in cases where the coupling device is a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety. In towing, the chains or cables must be attached to the vehicles near the points of bumper attachments to the chassis of each vehicle, and must be of sufficient strength to control the trailer in the event of failure of the towing device. The length of chain or cable must be no more than necessary to permit free turning of the vehicles. A minimum fine of $25 must be imposed for a violation of this paragraph. (c) This subdivision does not apply to towed implements of husbandry. (d) No person may be charged with a violation of this section solely by reason of violating a maximum speed prescribed in section 169.67 or 169.801. (2720-274) 1937 c 464 s 124; 1939 c 430 s 26; 1943 c 226 s 2; 1945 c 207 s 8; 1971 c 491 s 33; 1973 c 10 s 1; 1988 c 636 s 11; 1993 c 187 s 18; 1996 c 455 art 3 s 20; 1998 c 403 s 16; 2008 c 350 art 1 s 46

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.822 —

Weight Limitations; Definitions.

Subdivision 1.Scope.The terms in sections 169.822 to 169.829 shall have the meanings given them. Subd. 2.Gross weight."Gross weight" means the weight on any single wheel, single axle or group of consecutive axles and the gross vehicle weight. Subd. 3.Single axle."Single axle" includes all wheels whose centers may be included within two parallel transverse vertical planes 40 inches apart. Subd. 4.Single wheel."Single wheel" includes two or more wheels with centers less than 48 inches apart on an axle. Subd. 5.Tandem axles."Tandem axles" means two consecutive axles whose centers are spaced more than 40 inches and not more than 96 inches apart. Subd. 6.Tire width."Tire width" means the manufacturer's width as shown on the tire or the width at the widest part of the tire excluding protective side ribs, bars and decorations. Subd. 7.Tridem axles."Tridem axles" mean three axles spaced within 9 feet or less. Subd. 8.Variable load axle."Variable load axle" means any axle which is specifically designed so that, through use of an actuating control, the wheels may be lifted so that the wheels do not contact the road surface or may be lowered to carry loads of varying weights when in contact with the road surface. 1981 c 321 s 4; 1982 c 424 s 42; 1982 c 617 s 11-13; 1983 c 198 s 9; 1986 c 398 art 13 s 6-9; 1986 c 452 s 20; 1Sp1986 c 3 art 4 s 13; 1991 c 112 s 4; 1991 c 333 s 18,19; 1992 c 578 s 7-10; 1994 c 635 art 1 s 16; 1998 c 372 art 1 s 8; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.823 — Tire Weight Limits.

Subdivision 1.Pneumatic-tired vehicle.No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state: (1) where the gross weight on any wheel exceeds 9,000 pounds on an unpaved street or highway or 10,000 pounds on a paved street or highway, unless posted to a lesser weight under section 169.87, subdivision 1; (2) where the gross weight on any single axle exceeds 18,000 pounds on an unpaved street or highway or 20,000 pounds on a paved street or highway, unless posted to a lesser weight under section 169.87, subdivision 1; (3) where the maximum wheel load: (i) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less; or (ii) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's recommended load, whichever is less; or (4) where the gross weight on any group of axles exceeds the weights permitted under sections 169.823 to 169.829 with any or all of the interior axles disregarded, and with an exterior axle disregarded if the exterior axle is a variable load axle that is not carrying its intended weight, and their gross weights subtracted from the gross weight of all axles of the group under consideration. Subd. 2.Vehicle not equipped with pneumatic tires.A vehicle or combination of vehicles not equipped with pneumatic tires shall be governed by the provisions of sections 169.823 to 169.829, except that the gross weight limitations shall be reduced by 40 percent. 1981 c 321 s 4; 1982 c 424 s 42; 1982 c 617 s 11-13; 1983 c 198 s 9; 1986 c 398 art 13 s 6-9; 1986 c 452 s 20; 1Sp1986 c 3 art 4 s 13; 1991 c 112 s 4; 1991 c 333 s 18,19; 1992 c 578 s 7-10; 1994 c 635 art 1 s 16; 1998 c 372 art 1 s 8; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13; 2008 c 287 art 1 s 53; 2009 c 64 s 5; 2010 c 320 art 2 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.824 — Gross Weight Schedule.

Subdivision 1.Table of axle weight limits.(a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following axle weight limits table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration. Unless otherwise noted, the distance between axles must be measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used. (b) The maximum gross weight on a group of three consecutive axles, where the distance between centers of foremost and rearmost axles of any axle group is seven feet or eight feet, is 34,000 pounds, except for vehicles manufactured before August 1, 1991. Notwithstanding any lesser weight shown in the axle weight limits table, for vehicles manufactured before August 1, 1991: (1) the maximum gross weight on a group of three consecutive axles, where the distance between centers of foremost and rearmost axles of any axle group is seven feet, is 37,000 pounds; and (2) the maximum gross weight on a group of three consecutive axles, where the distance between centers of foremost and rearmost axles of any axle group is eight feet, is 38,500 pounds. (c) "8 plus" refers to any distance greater than eight feet but less than nine feet. (d) The gross weights shown without parentheses in the axle weight limits table are allowed on unpaved streets and highways, unless posted to a lesser weight under section 169.87, subdivision 1. The gross weights shown in this table, whether within or without parentheses, are allowed on paved streets and highways, unless posted to a lesser weight under section 169.87, subdivision 1. Gross weights in excess of 80,000 pounds require an overweight permit under this chapter, unless otherwise allowed under section 169.826. (e) Notwithstanding any lesser weight shown in the axle weight limits table, but subject to the restrictions on gross vehicle weights in subdivision 2, clauses (1) and (2), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more. Subd. 2.Gross vehicle weight of all axles.The gross vehicle weight of all axles of a vehicle or combination of vehicles must not exceed: (1) 80,000 pounds for any vehicle or combination of vehicles on all streets and highways, unless posted at a lower axle weight under section 169.87, subdivision 1; and (2) 88,000 pounds for any vehicle or combination of vehicles with six or more axles while exclusively engaged in hauling livestock on all state trunk highways other than interstate

highways, if the vehicle has a permit under section 169.86, subdivision 5, paragraph (j). Subd. 3.Weight limit credits; idle- and emissions-reduction technology; natural gas vehicles.(a) Notwithstanding the maximum weight provisions of this section, the maximum gross vehicle weight limits and the axle weight limits for any motor vehicle subject to sections 169.80 to 169.88 that is equipped with idle-reduction technology or emissions-reduction technology are increased by the amount of weight necessary to compensate for the weight of the idle-reduction technology or emissions-reduction technology, not to exceed 550 pounds. (b) Notwithstanding the maximum weight provisions of this section, the maximum gross vehicle weight limits and the axle weight limits for any motor vehicle that is a natural gas vehicle and subject to sections 169.80 to 169.88 are increased by the amount of weight calculated as provided under United States Code, title 23, section 127(s), not to exceed 2,000 pounds. (c) The weight limit increases under paragraphs (a) and (b) are cumulative. (d) At the request of an authorized representative of the Department of Transportation or the Department of Public Safety, the vehicle operator must provide proof through documentation or demonstration that the vehicle meets the requirements of this subdivision. 1981 c 321 s 4; 1982 c 424 s 42; 1982 c 617 s 11-13; 1983 c 198 s 9; 1986 c 398 art 13 s 6-9; 1986 c 452 s 20; 1Sp1986 c 3 art 4 s 13; 1991 c 112 s 4; 1991 c 333 s 18,19; 1992 c 578 s 7-10; 1994 c 635 art 1 s 16; 1998 c 372 art 1 s 8; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13; 1Sp2005 c 1 art 4 s 36; 2008 c 287 art 1 s 54; 2009 c 64 s 6; 2010 c 320 art 1 s 4,5; 2013 c 127 s 42; 2016 c 142 s 1,2; 2022 c 55 art 1 s 72

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.8261 — Forest Products Special Permit.

Subdivision 1.Definition.For purposes of this section, "raw or unfinished forest products" include wood chips, paper, pulp, oriented strand board, laminated strand lumber, hardboard, treated lumber, untreated lumber, or barrel staves. Subd. 1a.Six-axle and over-width vehicle permit.(a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of six or more axles to haul raw or unfinished forest products by the most direct route to the nearest paved highway on any highway with gross weights permitted under sections 169.823 to 169.829 and be operated with: (1) a gross vehicle weight of up to: (i) 90,000 pounds; and (ii) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1; and (2) a total outside width of the vehicle or the load that does not exceed 114 inches. (b) In addition to the conditions in subdivision 2, a vehicle or combination of vehicles that is operated with a permit under this subdivision and transporting a load that exceeds 108 inches must: (1) display red or orange flags, 18 inches square, as markers at the front and rear and on both sides of the load; and (2) not be operated on any road in a metropolitan county, as defined in section 473.121, subdivision 4. (c) A vehicle or combination of vehicles with a permit under this subdivision may only be operated on an interstate highway: (1) as provided under United States Code, title 23, section 127(q), for operation on the specified segment of marked Interstate Highway 35; or (2) if the gross vehicle weight does not exceed 80,000 pounds. Subd. 2.Conditions.(a) A vehicle or combination of vehicles operated under this section must: (1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2; (2) comply with bridge load limits posted under section 169.84; (3) be equipped and operated with six or more axles and brakes on all wheels; (4) be operated under a permit issued by each road authority having jurisdiction over a road on which the vehicle is operated, if required by the road authority; (5) obey all road and bridge postings, including those pertaining to lane or roadway width; and (6) not exceed 20,000 pounds gross weight on any single axle. (b) A vehicle operated under this section may exceed the legal axle weight limits listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may be exceeded by not more than 23.75 percent during the time when seasonal increases are authorized under section 169.826, subdivision 1. Subd. 3.Expiration date.Upon request of the permit applicant, the expiration date for a permit issued under this section must be the same as the expiration date of the permitted vehicle's registration. 2004 c 295 art 1 s 10; 1Sp2005 c 6 art 3 s 50; 2008 c 287 art 1 s 55; 2009 c 64 s 7; 2010 c 320 art 1 s 6; art 2 s 3; 2014 c 312 art 11 s 11; 1Sp2019 c 3 art 3 s 64; 2023 c 68 art 4 s 52

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.827 — Gross Weight Reduction On Restricted Route.

The maximum weight on any single axle, two consecutive axles spaced within eight feet or less, three consecutive axles spaced within nine feet or less, or four consecutive axles spaced within 14 feet or less shall not exceed 18,000 pounds, 34,000 pounds, 43,000 pounds, or 51,500 pounds respectively multiplied by a factor of the axle weight in tons allowed on the restricted route divided by nine. 1981 c 321 s 4; 1982 c 424 s 42; 1982 c 617 s 11-13; 1983 c 198 s 9; 1986 c 398 art 13 s 6-9; 1986 c 452 s 20; 1Sp1986 c 3 art 4 s 13; 1991 c 112 s 4; 1991 c 333 s 18,19; 1992 c 578 s 7-10; 1994 c 635 art 1 s 16; 1998 c 372 art 1 s 8; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13; 2009 c 64 s 8

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.828 — Axle Restrictions.

Subdivision 1.Consecutive axle weight and number of axles.No vehicle alone nor any single vehicle of a combination of vehicles shall be equipped with more than four axles unless the additional axles are steering axles or castering axles; provided that the limitation on the number of axles as provided in sections 169.823 to 169.829 shall not apply to any vehicle operated under permit pursuant to section 169.86. No vehicle alone nor any single vehicle of a combination of vehicles shall exceed the posted weight limit for a single vehicle. Subd. 2.Variable load axle.A vehicle or combination of vehicles equipped with one or more variable load axles shall have the pressure control preset so that the weight carried on the variable load axle may not be varied by the operator during transport of any load. The actuating control for the axle shall function only as an on-and-off switch. The provisions of this

subdivision do not apply to any farm truck registered prior to July 1, 1981, under section 168.013, subdivision 1c, for 57,000 pounds or less. This subdivision does not apply to rear-loading refuse-compactor vehicles, except that any refuse-compactor vehicle having a tridem rear axle must comply with this subdivision before being issued a special permit under section 169.86, subdivision 5, paragraph (h). 1981 c 321 s 4; 1982 c 424 s 42; 1982 c 617 s 11-13; 1983 c 198 s 9; 1986 c 398 art 13 s 6-9; 1986 c 452 s 20; 1Sp1986 c 3 art 4 s 13; 1991 c 112 s 4; 1991 c 333 s 18,19; 1992 c 578 s 7-10; 1994 c 635 art 1 s 16; 1998 c 372 art 1 s 8; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13; 2010 c 320 art 2 s 4

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.8295 — Weight Limits; Vehicles Transporting Milk.

Subdivision 1.Weight limits increase.(a) The weight limitations under sections 169.823 to 169.829 are increased by ten percent for a single-unit vehicle transporting fluid milk from the point of production to (1) another point of production for additional loading, or (2) the point of first processing. (b) Notwithstanding sections 169.824, subdivision 1, paragraph (d); 169.826, subdivision 3; or other law to the contrary, a permit is not required to operate a vehicle under this section. (c) The seasonal weight increases under section 169.826, subdivision 1, do not apply to a vehicle operated under this section. Subd. 2.Requirements; restrictions.A vehicle operated under this section: (1) is subject to seasonal load restrictions under section 169.87, except as otherwise provided under section 169.87, subdivision 4; (2) is subject to bridge load limits posted under section 169.84; and (3) must not be operated with a load that exceeds the tire manufacturer's recommended load, the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating under Code of Federal Regulations, title 49, sections 567.4 to 567.7. 2017 c 86 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.8296 — Weight Limits; Towing And Recovery Vehicle.

Subdivision 1.Annual permit.The commissioner may issue permits to an applicant who pays a single $300 annual fee to cover all tow trucks and towing vehicles owned by the applicant and who meets any other conditions prescribed by the commissioner. The proceeds of this fee must be deposited in the trunk highway fund. The permit authorizes the tow truck or towing vehicle, when towing a disabled or damaged vehicle to a place of repair or safekeeping, to exceed the length and weight limitations of this chapter. Subd. 2.Applicability with urgent movement.Sections 169.823 to 169.828 do not apply to a tow truck or towing vehicle when towing a disabled or damaged vehicle and the movement is urgent and for the purpose of removing the disabled vehicle from the roadway to a place of repair or safekeeping. A permit is not required for a vehicle operating under this subdivision. Subd. 3.Seasonal load restrictions; exemption.(a) For purposes of this subdivision, "recovery vehicle" means a vehicle equipped with a boom that is used to move or recover an inoperable vehicle. (b) The seasonal load restrictions under section 169.87, subdivisions 1 and 2, do not apply to a tow truck, towing vehicle, or a recovery vehicle that does not exceed a weight of 20,000 pounds per single axle and is being operated for the purpose of towing or recovering another vehicle that: (1) is involved in a vehicle crash or is inoperable and is located within a public road right-of-way; or (2) has entered a public body of water adjacent to the roadway. 2023 c 68 art 4 s 53

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.84 — Load Limit On Bridge.

Subject to the limitations upon wheel and axle loads prescribed in this chapter, the gross weight of any vehicle or combination of vehicles driven onto or over a bridge on any highway shall not exceed the safe capacity of the bridge, as may be indicated by warning posted on the bridge or the approaches thereto. (2720-276) 1937 c 464 s 126; 1953 c 22 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.85 — Weighing; Penalty.

Subdivision 1.Driver to stop for weighing.(a) The driver of a vehicle that has been lawfully stopped may be required by an officer to submit the vehicle and load to a weighing by means of portable or stationary scales. (b) In addition, the officer may require that the vehicle be driven to the nearest available scales, but only if: (1) the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales; and (2) if the vehicle is a commercial motor vehicle, no more than two other commercial motor vehicles are waiting to be inspected at the scale. (c) Official traffic-control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale. (d) When a truck weight enforcement operation is conducted by means of portable or stationary scales, signs giving notice of the operation must be posted within the highway right-of-way and adjacent to the roadway within two miles of the operation. The driver of a truck or combination of vehicles registered for or with a gross vehicle weight exceeding 10,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection. Subd. 2.Unloading.(a) Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph (b), or sections 169.823 to 169.829, whichever is the lesser violation, if any. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule, or ordinance. (b) Except as provided in paragraph (c), a driver may be required to unload a vehicle only if the weighing officer determines that (1) on routes subject to the provisions of sections 169.823 to 169.829, the weight on an axle exceeds the

lawful gross weight prescribed by sections 169.823 to 169.829, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by sections 169.823 to 169.829, by 4,000 pounds or more; or (2) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver. (c) The driver is not required to unload under paragraph (b) when the gross weight of the vehicle does not exceed: (1) the sum of the vehicle's registered gross weight, the weight allowance set forth in section 168.013, subdivision 3, paragraph (b), and, if applicable, the weight allowance permitted under section 169.826; or (2) the weight allowed by special permit issued under section 169.86 for a vehicle that is operated in conformity with the limitations and conditions of the permit. Subd. 3.Misdemeanor.A driver of a vehicle who (1) fails or refuses to stop and submit the vehicle and load to a weighing as required in this section, (2) fails or refuses, when directed by an officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, or (3) fails to comply with an official traffic-control device as authorized by section 169.06 that directs the driver to the nearest scale is guilty of a misdemeanor. Subd. 4.Arrest.A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 3 within the past four hours. Subd. 5.Identification of driver.A person who owns or leases a motor vehicle that a peace officer has probable cause to believe has been operated in violation of subdivision 3 must identify the driver of the motor vehicle upon request of the peace officer. Violation of this subdivision is a petty misdemeanor. Subd. 6.Officer defined.When used in this section, the word "officer" means a member of the State Patrol, an employee of the Department of Public Safety described in section 299D.06, or a peace officer or person under the officer's direction and control employed by a local unit of government who is trained in weight enforcement by the Department of Public Safety. (2720-277) 1937 c 464 s 127; 1951 c 212 s 1; 1953 c 719 s 1; 1975 c 68 s 3; 1977 c 248 s 9; 1981 c 321 s 6; 1983 c 198 s 11; 1996 c 455 art 3 s 21; 1997 c 159 art 2 s 30; 1997 c 230 s 3; 2002 c 364 s 14,15; 2002 c 371 art 3 s 5,6; 1Sp2003 c 19 art 2 s 36; 2004 c 228 art 1 s 76; 1Sp2005 c 1 art 4 s 37,38; 2008 c 350 art 1 s 48; 2009 c 64 s 9; 2010 c 320 art 2 s 6; 2012 c 287 art 4 s 25

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.851 — Weight Record.

Subdivision 1.Definitions.For the purposes of this section and sections 169.862, 169.871, and 169.872, the terms defined in subdivisions 2 and 3 have the meanings given to them. Subd. 2.Document."Document" includes a bill of lading, freight bill, weight certification, or other similar document. Subd. 3.First haul."First haul" has the meaning given it in section 168.013, subdivision 3, paragraph (d), clause (3). Subd. 4.Relevant evidence.(a) A document evidencing the receipt of goods issued by the person consigning the goods for shipment or a person engaged in the business of transporting or forwarding goods, which states a gross weight of the vehicle and load or the weight of the load when combined with the empty weight of the vehicle that is in excess of the prescribed maximum weight limitation permitted by this chapter, is relevant evidence that the weight of the vehicle and load is unlawful. (b) For the purposes of this section and sections 169.871 and 169.872, a document required to be kept under section 169.872 indicating a unit of measure that, when converted to weight and combined with the weight of the empty vehicle, indicates a gross weight in excess of the prescribed maximum weight limitation permitted by this chapter, is relevant evidence that the weight of the vehicle and load is unlawful. (c) The provisions in paragraphs (a) and (b) do not limit the introduction of other competent evidence bearing upon the question of whether or not there is a violation of the prescribed maximum weight limitations permitted by this chapter. Subd. 5.Exception for farm and forest products.Subdivision 4 does not apply to the first haul of unprocessed or raw farm products and the transportation of raw and unfinished forest products, including wood chips, when the maximum weight limitations permitted under sections 169.823 to 169.829 are not exceeded by more than ten percent. 1980 c 485 s 1; 1981 c 321 s 7; 1994 c 600 s 7; 1995 c 174 s 1; 2002 c 364 s 16; 2002 c 371 art 3 s 7; 1Sp2005 c 6 art 3 s 51; 2010 c 320 art 2 s 7; 2022 c 55 art 1 s 73

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.862 — Permit For Baled Farm Product To Exceed Height Or Width.

Subdivision 1.Annual permit authority; restrictions.The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying bales of hay, straw, or cornstalks, with a total outside width of the vehicle or the load not exceeding 12 feet, and a total height of the loaded vehicle not exceeding 15 feet, to be operated on public streets and highways. Loaded vehicles operating on interstate highways within the seven-county metropolitan area may not exceed a total height of 14-1/2 feet. Subd. 2.Additional restrictions.Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions: (a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. (b) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide. (c) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle. (d) A vehicle operated under the permit must display red, orange, or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

(e) Farm vehicles not for hire carrying baled hay, straw, or cornstalks less than 20 miles are exempt from the requirement to obtain a permit. All other requirements of this section apply to vehicles transporting baled hay, straw, or cornstalks. 1979 c 44 s 1; 1983 c 198 s 12; 1983 c 293 s 68; 1985 c 299 s 11; 1986 c 398 art 13 s 13; 1995 c 174 s 2; 1996 c 455 art 3 s 22; 2008 c 287 art 1 s 59; 2009 c 64 s 10; 2010 c 320 art 1 s 8,9

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.863 — Special Pulpwood Vehicle Permit.

Subdivision 1.Special vehicle.The commissioner may issue a permit for a vehicle that meets the following requirements: (a) There must be no more than two support points for the vehicle or for each vehicle of a vehicle combination. The support point of each axle group must be capable of distributing the load equally to each axle of the group with a variance of no more than 3,000 pounds between any two axles of the group. (b) The maximum wheel load may not exceed the tire manufacturer's recommended load or the following weight limits, whichever is less: (1) front steering axles, 550 pounds per inch; (2) other single axles, 500 pounds per inch; (3) tandem axles, 450 pounds per inch; and (4) tridem or quad axle groups, 425 pounds per inch. (c) The axle group weights must comply with the limitations of section 169.824. (d) The vehicle may not be equipped with a variable load axle, unless the variable load axle cannot be operated from the cab of the vehicle. (e) The vehicle transports pole-length pulpwood, carries a gross vehicle weight of not more than 82,000 pounds, and has six or more axles. Subd. 2.Permit restrictions.A vehicle operating under a permit issued under this section may not travel on an interstate highway. The permit does not authorize the vehicle to exceed allowable gross weights that restrict travel on a highway or bridge under the authority of the commissioner or a local road authority. Subd. 3.Expiration date.Upon request of the permit applicant, the expiration date for a permit issued under this section must be the same as the expiration date of the permitted vehicle's registration. 1989 c 299 s 2; 2010 c 320 art 1 s 10; 2014 c 312 art 11 s 13

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.864 — Special Products Vehicle Permits.

Subdivision 1.Special three-unit vehicle permit.The commissioner may issue a permit for a vehicle that transports paper products, finished forest products, or iron ore tailings and meets the following requirements: (1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional semitrailer, which may be equipped with an auxiliary dolly, and no semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2 feet; (2) has a maximum gross vehicle weight of 108,000 pounds; (3) complies with the axle weight limits in section 169.824; (4) complies with the tire weight limits in section 169.823 or the tire manufacturer's recommended load, whichever is less; (5) is operated only in this state on Trunk Highway marked 2 between Grand Rapids and the port of Duluth; on Trunk Highway marked 169 between Grand Rapids and its junction with Trunk Highway marked 53; on Trunk Highway marked 194 between Trunk Highway marked 2 and Trunk Highway marked 53; and on Trunk Highway marked 53; and (6) the seasonal weight increases authorized under section 169.826, subdivision 1, do not apply. Subd. 2.Special two-unit vehicle permit.The commissioner may issue a permit for a vehicle that transports paper products, finished forest products, or iron ore tailings and meets the following requirements: (1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer that may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet; (2) has a maximum gross vehicle weight of 90,000 pounds if the vehicle combination has a total of six or more axles or 97,000 pounds if the vehicle combination has a total of seven or more axles; (3) has a maximum gross vehicle weight of 99,000 pounds during the time when seasonal weight increases authorized under section 169.826, subdivision 1, are in effect; (4) complies with the axle weight limits in section 169.824; (5) complies with the tire weight limits in section 169.823 or the tire manufacturer's recommended load, whichever is less; and (6) is operated only on the highways specified in subdivision 1, clause (5). Subd. 2a.Special tire-hauling permit.(a) The commissioner may issue a permit authorizing a vehicle used exclusively to haul earthmover tires, if the vehicle: (1) is a combination of vehicles with seven or more axles, consisting of a truck with loader and trailer, which may be equipped with an auxiliary dolly; (2) has a maximum gross vehicle weight of 108,000 pounds; (3) has a maximum width of 144 inches; (4) does not exceed the axle weight limits in sections 169.823, subdivision 1, clause (2), and 169.824, by more than 22 percent; (5) complies with the tire weight limits in section 169.823, or the tire manufacturer's recommended load, whichever is less; and (6) is operated only on the highways specified in subdivision 1, clause (5). (b) The seasonal weight increases authorized under section 169.826, subdivision 1, do not apply to permits issued under this subdivision. Subd. 3.Restrictions.Vehicles issued permits under subdivisions 1, 2, and 2a, must comply with the following restrictions: (1) the vehicle must be operated in compliance with seasonal load restrictions under section 169.87; (2) the vehicle may not be operated on the interstate highway system; and (3) the vehicle may be operated on streets or highways under the control of local authorities only upon the approval of the local authority; however, vehicles may have reasonable access to terminals and facilities for food, fuel, repairs, and rest and for continuity of route within one mile of the national network as provided by section 169.81, subdivision 3, and by Code of Federal Regulations, title 23, section 658.19. Subd. 4.Permit fee; appropriation.Vehicle permits issued under subdivision 1, clause (1), must be annual permits. The fee is $850 for each vehicle combination and must be deposited in the trunk highway fund. The fee for annual permits issued under subdivision 2 is $300 for a 90,000-pound vehicle combination or $500 for a 97,000-pound vehicle combination. The fee for annual permits issued under subdivision 2a is $850. An amount sufficient to administer the permit program is appropriated from the trunk highway fund to the commissioner for the costs of administering the permit program. 1Sp2005 c 1 art 4 s 39; 2008 c 287 art 1 s 60,61,113; 2008 c 370 s 16; 2009 c 64 s 11,12; 2010 c 320 art 1 s 11,12; 1Sp2017 c 3 art 3 s 68-70; 1Sp2019 c 3 art 3 s 66

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.865 — Special Farm Products Permits.

Subdivision 1.[Renumbered subd 1b] Subd. 1a.Definition.For purposes of this section, "qualifying agricultural products" means: (1) agricultural crops, including but not limited to corn, soybeans, oats, grain, and by-products of agricultural crops; (2) livestock, including but not limited to cattle, hogs, and poultry; (3) food crops, including but not limited to sugar beets, potatoes, carrots, and onions; (4) fluid milk; (5) seed and material used for or in livestock and poultry feed; (6) livestock manure; and (7) raw or processed grass seed. Subd. 1b.Six-axle vehicles.(a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of six or more axles to haul qualifying agricultural products and be operated with a gross vehicle weight of up to: (1) 90,000 pounds; and (2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1. (b) Notwithstanding subdivision 3, paragraph (a), clause (4), a vehicle or combination of vehicles operated under this subdivision and transporting only sealed intermodal containers may be operated on an interstate highway if allowed by the United States Department of Transportation. (c) The fee for a permit issued under this subdivision is $300, or a proportional amount as provided in section 169.86, subdivision 5. Subd. 2.Seven-axle vehicles.(a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of seven or more axles to haul qualifying agricultural products and be operated with a gross weight of up to: (1) 97,000 pounds; and (2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1. (b) Drivers of vehicles operating under this subdivision must comply with driver qualification requirements adopted under section 221.0314, subdivisions 2 to 5, and Code of Federal Regulations, title 49, parts 40 and 382, unless exempt under section 221.031, subdivision 2c. (c) The fee for a permit issued under this subdivision is $500, or a proportional amount as provided in section 169.86, subdivision 5. Subd. 3.Requirements; restrictions.(a) A vehicle or combination of vehicles operating under this section: (1) is subject to axle weight limitations under section 169.824, subdivision 1; (2) is subject to seasonal load restrictions under section 169.87; (3) is subject to bridge load limits posted under section 169.84; (4) may only be operated on paved streets and highways other than interstate highways; (5) may not be operated with loads that exceed the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating complying with Code of Federal Regulations, title 49, sections 567.4 to 567.7; (6) must be issued a permit from each road authority having jurisdiction over a road on which the vehicle is operated, if required; (7) must comply with the requirements of section 169.851, subdivision 4; and (8) must have brakes on all wheels. (b) The percentage allowances for exceeding gross weights if transporting unfinished forest products under section 168.013, subdivision 3, paragraph (b), or for the first haul of unprocessed or raw farm products or unfinished forest products under section 168.013, subdivision 3, paragraph (d), clause (3), do not apply to a vehicle or combination of vehicles operated under this section. (c) Notwithstanding paragraph (a), clause (4), a vehicle or combination of vehicles hauling fluid milk under a permit issued by the commissioner of transportation may also operate on interstate highways as provided under United States Code, title 23, section 127. Subd. 4.Deposit of revenues.Revenue from the permits issued by the commissioner under this section must be deposited in the bridge inspection and signing account as provided under section 169.86, subdivision 5b. Subd. 5.Expiration date.Upon request of the permit applicant, the expiration date for a permit issued under this section must be the same as the expiration date of the permitted vehicle's registration. 2008 c 287 art 1 s 62; 2008 c 370 s 9; 2009 c 64 s 13-16; 2010 c 320 art 1 s 13; 2010 c 351 s 34; 2010 c 382 s 41; 2012 c 287 art 3 s 37; 2014 c 287 s 15; 2014 c 312 art 11 s 14-16; 1Sp2017 c 3 art 3 s 71; 1Sp2019 c 3 art 3 s 67-69,139; 2023 c 68 art 4 s 54

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.8655 — Special Sugar Beet Hauling Vehicle Permit.

Subdivision 1.122,000-pound vehicles; East Grand Forks.A road authority may issue a permit for a vehicle or combination of vehicles that transports sugar beets and meets the following requirements: (1) does not exceed a maximum gross vehicle weight of 122,000 pounds; (2) does not use a semitrailer in a combination of vehicles that has an overall length in excess of 28-1/2 feet; and (3) is only for operation on the following roads in East Grand Forks: (i) U.S. Highway 2 between the North Dakota border and Fifth Avenue Northeast; (ii) Fifth Avenue Northeast between U.S. Highway 2 and Business Highway 2; and (iii) Business Highway 2 from Fifth Avenue Northeast to the sugar beet processing facility on Business Highway 2. Subd. 2.Requirements; restrictions.(a) A vehicle or combination of vehicles issued a permit under subdivision 1: (1) is subject to axle weight limitations under section 169.824, subdivision 1; (2) is subject to seasonal load restrictions under section 169.87; (3) is subject to bridge load limits posted under section 169.84; (4) may not be operated with a load that exceeds the tire manufacturer's recommended load limit under section 169.823, the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross weight rating under Code of Federal Regulations, title 49, sections 567.4 to 567.7; and (5) may not be operated on the interstate highway system. (b) The seasonal weight increases authorized under section 169.826 do not apply to a vehicle or combination of vehicles operating under this section. Subd. 3.Permit fee.A permit issued under this section must be an annual permit. A permit issued under this section may only be issued before July 1, 2027. The fee for permits issued under this section is $300 and must be deposited in the trunk highway fund. 2024 c 104 art 1 s 49

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.866 — Special Canola-hauling Vehicle Permit.

Subdivision 1.Special three-unit vehicle permit.The commissioner may issue a permit for a vehicle that meets the following

requirements: (1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional trailer or semitrailer, and no semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2 feet; (2) has a maximum gross vehicle weight of 105,500 pounds; (3) complies with the axle weight limits in section 169.824; (4) complies with the tire weight limits in section 169.823, or the tire manufacturers' recommended load, whichever is less; (5) is operated only in this state on marked Trunk Highway 175 from Hallock to the North Dakota border, on U.S. Highway 75 from Hallock to Donaldson, and on marked Trunk Highway 11 from Donaldson to the North Dakota border; and (6) the seasonal weight increases authorized under section 169.826, subdivision 1, do not apply. Subd. 2.Restrictions.Vehicles issued permits under subdivision 1 must comply with the following restrictions: (1) the vehicle must be operated in compliance with seasonal load restrictions under section 169.87; (2) the vehicle may not be operated on the interstate highway system or national network highways; and (3) the vehicle may be operated on streets or highways under the control of local authorities only upon the approval of the local authority; however, vehicles may have reasonable access to terminals and facilities for food, fuel, repairs, and rest, and for continuity of route within one mile of the national network as provided by section 169.81, subdivision 3, and by the Code of Federal Regulations, title 23, section 658.19. Subd. 3.Permit fee; appropriation.Vehicle permits issued under subdivision 1 must be annual permits. The fee is $850 for each vehicle, or a proportional amount as provided in section 169.86, subdivision 5, and must be deposited in the trunk highway fund. An amount sufficient to administer the permit program is appropriated from the trunk highway fund to the commissioner for the costs of administering the permit program. Subd. 4.Expiration date.Upon request of the permit applicant, the expiration date for a permit issued under this section must be the same as the expiration date of the permitted vehicle's registration. 2008 c 350 art 1 s 50; 2009 c 64 s 17; 2014 c 312 art 11 s 17,18

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.8665 — Special Soybean Meal-hauling Vehicle Permit.

Subdivision 1.Special three-unit vehicle permit.The commissioner may issue a permit for a vehicle that transports soybean meal and meets the following requirements: (1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional semitrailer, and no semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2 feet; (2) does not exceed a maximum gross vehicle weight of 106,000 pounds; and (3) is operated only in this state on marked U.S. Highway 75 in Crookston to marked U.S. Highway 2, and on marked U.S. Highway 2 from Crookston to the North Dakota border. Subd. 2.Special two-unit vehicle permit.The commissioner may issue a permit for a vehicle that transports soybean meal and meets the following requirements: (1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer that may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet; (2) does not exceed a maximum gross vehicle weight of 106,000 pounds; and (3) is operated only on the highways specified in subdivision 1, clause (3). Subd. 3.Restrictions.(a) A vehicle issued a permit under subdivision 1 or 2: (1) is subject to the axle weight limits in section 169.824; (2) is subject to bridge load limits posted pursuant to section 169.84; (3) is subject to seasonal load restrictions under section 169.87; (4) may not be operated with a load that exceeds the tire manufacturer's recommended load under section 169.823, the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross weight rating under Code of Federal Regulations, title 49, sections 567.4 to 567.7; (5) may not be operated on the interstate highway system; and (6) may be operated on streets or highways under the control of a local authority only upon the approval of the local authority. However, vehicles may have reasonable access to terminals and facilities for food, fuel, repairs, and rest, and for continuity of route within one mile of the national network as provided by section 169.81, subdivision 3, and Code of Federal Regulations, title 23, section 658.19. (b) The seasonal weight increases authorized under section 169.826 do not apply to permits issued under this section. Subd. 4.Permit fee; appropriation.Vehicle permits issued under subdivision 1 must be annual permits. The fee is $850 for each vehicle, or a proportional amount as provided in section 169.86, subdivision 5, and must be deposited in the trunk highway fund. An amount sufficient to administer the permit program is appropriated from the trunk highway fund to the commissioner for the costs of administering the permit program. Subd. 5.Expiration date.Upon request of the permit applicant, the expiration date for a permit issued under this section must be the same as the expiration date of the permitted vehicle's registration. 1Sp2021 c 5 art 4 s 66; 2022 c 55 art 1 s 76

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.868 — Special Freight Distribution Permit.

Subdivision 1.Six-axle vehicles.(a) A road authority may issue an annual permit for a vehicle or combination of vehicles with a combination of six or more axles to haul freight and to be operated with a gross vehicle weight up to: (1) 90,000 pounds; and (2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1. (b) The fee for a permit issued under this subdivision is $300. Subd. 2.Seven-axle vehicles.(a) A road authority may issue an annual permit for a vehicle or combination of vehicles with a combination of seven or more axles to haul freight and to be operated with a gross vehicle weight up to: (1) 97,000 pounds; and (2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1. (b) The fee for a permit issued under this subdivision is $500. Subd. 3.Restrictions.Vehicles issued permits under this section must comply with all requirements and restrictions in section 169.865, subdivision 3. A vehicle may be operated under a permit issued under this section only to haul freight to or from a distribution facility that is: (1) constructed on or after July 1, 2013; and (2) located within the Department of Transportation District 4. Subd. 4.Deposit of revenues.Revenue from the permits issued by the commissioner under this section must be deposited in the bridge inspection and signing account as provided under section 169.86, subdivision 5b.

2013 c 140 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.869 — Road Construction Materials Special Permit.

Subdivision 1.Definition.For purposes of this section, "road construction materials" means street or highway construction materials, including but not limited to aggregate material as defined in section 298.75, subdivision 1, paragraph (a), hot mix asphalt, plastic concrete, cementitious materials, concrete admixtures, asphalt cement, and recycled road materials. Subd. 2.Six-axle vehicles.(a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of six or more axles to haul road construction materials and be operated with a gross vehicle weight of up to: (1) 90,000 pounds; and (2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1. (b) The fee for a permit issued under this subdivision is $300, or a proportional amount as provided in section 169.86, subdivision 5. Subd. 3.Seven-axle vehicles.(a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of seven or more axles to haul road construction materials and be operated with a gross vehicle weight of up to: (1) 97,000 pounds; and (2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1. (b) The fee for a permit issued under this subdivision is $500, or a proportional amount as provided in section 169.86, subdivision 5. Subd. 4.Authority; restrictions.A vehicle or combination of vehicles operating under this section: (1) may only be operated on paved or unpaved streets and highways, other than interstate highways; (2) must comply with the requirements and restrictions in section 169.865, subdivision 3, paragraph (a), clauses (1) to (3), (5), (7), and (8); and (3) must be operated in compliance with truck route requirements and vehicle weight restrictions, as established under section 169.87, subdivision 1, by a local road authority or the commissioner. Subd. 5.Revenues.Revenue from the permits issued by the commissioner under this section must be deposited in the bridge inspection and signing account under section 169.86, subdivision 5b. Subd. 6.Expiration date.Upon request of the permit applicant, the expiration date for a permit issued under this section must be the same as the expiration date of the permitted vehicle's registration. Subd. 7.Permit information.The commissioner must make information available to local road authorities on an Internet website that identifies permit issuances under this section and the counties in which a vehicle with a permit is intended to be operated. Subd. 8.Local preferred routes.A local road authority may identify local preferred routes for operating a vehicle on local streets and highways under a permit issued in this section. A holder of a permit issued in this section and any person seeking to apply for a permit are encouraged to: (1) upon request of a local road authority, provide comment on identification of preferred routes; and (2) make reasonable efforts to operate a vehicle on the preferred routes when operating under the permit. 1Sp2017 c 3 art 3 s 72

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.87 — Seasonal Load Restriction; Route Designation.

Subdivision 1.Optional power.(a) Local authorities, with respect to highways under their jurisdiction, may prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, whenever any such highway, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. (b) The local authority enacting any such prohibition or restriction shall erect or cause to be erected and maintained signs plainly indicating the prohibition or restriction at each end of that portion of any highway affected thereby, and the prohibition or restriction shall not be effective unless and until such signs are erected and maintained. (c) Municipalities, with respect to highways under their jurisdiction, may also, by ordinance, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. (d) The commissioner shall likewise have authority, as hereinabove granted to local authorities, to determine and to impose prohibitions or restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of the commissioner, and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such action. (e) When a local authority petitions the commissioner to establish a truck route for travel into, through, or out of the territory under its jurisdiction, the commissioner shall investigate the matter. If the commissioner determines from investigation that the operation of trucks into, through, or out of the territory involves unusual hazards because of any or all of the following factors; load carried, type of truck used, or topographic or weather conditions, the commissioner may, by order, designate certain highways under the commissioner's jurisdiction as truck routes into, through, or out of such territory. When these highways have been marked as truck routes pursuant to the order, trucks traveling into, through, or out of the territory shall comply with the order. Subd. 2.Seasonal load restriction.(a) Unless restricted as provided in subdivision 1, between the dates set by the commissioner of transportation each year, the weight on any single axle shall not exceed: (1) five tons on an unpaved street or highway; or (2) ten tons on a paved street or highway. (b) The gross weight on consecutive axles on an unpaved street or highway shall not exceed the gross weight allowed in sections 169.823 to 169.829 multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight. Subd. 3.School bus and Head Start bus.Weight restrictions imposed pursuant to subdivisions 1 and 2 do not apply to a school bus or Head Start bus transporting students, Head Start children, or Head Start parents when the gross weight on a single axle of the school bus or Head Start bus does not exceed 14,000 pounds; provided that, road authorities may restrict any highway under their jurisdiction to a lesser axle weight by written order to school boards and Head Start grantees 24 hours in advance of required compliance with such reduced axle weight. Subd. 4.Vehicle transporting milk.A weight restriction imposed under subdivision 1 by the commissioner of transportation or a local road authority, or imposed by subdivision 2, does not apply to a vehicle transporting

milk from the point of production to the point of first processing if, at the time the weight restriction is exceeded, the vehicle is carrying milk loaded at only one point of production. This subdivision does not authorize a vehicle described in this subdivision to exceed a weight restriction of five tons per axle by more than two tons per axle. Subd. 5.Utility vehicles.(a) Weight restrictions imposed by the commissioner under subdivisions 1 and 2 do not apply to a two-axle or three-axle utility vehicle that does not exceed a weight of 20,000 pounds per single axle and 36,000 pounds gross vehicle weight for a two-axle vehicle or 48,000 pounds gross vehicle weight for a three-axle vehicle, if the vehicle is owned by: (1) a public utility as defined in section 216B.02; (2) a municipality or municipal utility that operates the vehicle for its municipal electric, gas, or water system; or (3) a cooperative electric association organized under chapter 308A. (b) The exemption in this subdivision applies only when the vehicle is performing service restoration or other work necessary to prevent an imminent loss of service. Subd. 6.Recycling, garbage, and waste collection vehicles.(a) While a vehicle is engaged in the type of collection the vehicle was designed to perform, weight restrictions imposed under subdivisions 1 and 2 do not apply to: (1) a vehicle that does not exceed 20,000 pounds per single axle and is designed and used exclusively for recycling, while operating in a political subdivision that mandates curbside recycling pickup; (2) a vehicle that does not exceed 14,000 pounds per single axle and is used exclusively for recycling; (3) a vehicle that does not exceed 14,000 pounds per single axle and is designed and used exclusively for collecting mixed municipal solid waste, as defined in section 115A.03, subdivision 21; (4) a portable toilet service vehicle that does not exceed 14,000 pounds per single axle or 26,000 pounds gross vehicle weight, and is designed and used exclusively for collecting liquid waste from portable toilets; or (5) a sewage septic tank truck while performing emergency pumping services as defined in section 169.829, subdivision 5, that does not exceed 20,000 pounds per single axle and is designed and used exclusively to haul sewage from septic or holding tanks. (b) Notwithstanding section 169.80, subdivision 1, the owner or operator of a vehicle that violates the weight restrictions imposed under subdivisions 1 and 2 is not subject to criminal penalties but is subject to a civil penalty for excess weight under section 169.871 if the vehicle meets the requirements under paragraph (a) and is engaged in the type of collection the vehicle was designed to perform. Subd. 7.Cargo tank vehicles.(a) Weight restrictions imposed by the commissioner under subdivisions 1 and 2 do not apply to cargo tank vehicles with two or three permanent axles when delivering propane for heating or dyed fuel oil on seasonally weight-restricted roads if the vehicle is loaded at no more than 50 percent capacity of the cargo tank. (b) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle used for propane must have an operating gauge on the cargo tank that shows the amount of propane as a percent of capacity of the cargo tank. Documentation of the capacity of the cargo tank must be available on the cargo tank or in the cab of the vehicle. For purposes of this subdivision, propane weighs 4.2 pounds per gallon. (c) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle used for dyed fuel oil must utilize the forward two tank compartments and must carry documentation of the empty weight of the cargo tank vehicle from a certified scale in the cab of the vehicle. For purposes of this subdivision, dyed fuel oil weighs seven pounds per gallon. (d) To the extent practicable, cargo tank vehicles that are exempt from weight restrictions under paragraph (a) shall complete deliveries on seasonally weight-restricted roads by 12:00 p.m. and before the last week of April. (2720-279) 1937 c 464 s 129; 1947 c 505 s 1; 1949 c 695 s 1; 1951 c 445 s 1; 1967 c 12 s 1; 1967 c 467 s 1; 1973 c 85 s 1; 1981 c 321 s 9; 1982 c 617 s 15; 1986 c 444; 1994 c 603 s 15; 1999 c 154 s 2; 1999 c 230 s 16; 2000 c 433 s 2-4; 2003 c 97 s 3; 1Sp2003 c 19 art 2 s 63; 2004 c 205 s 1; 2004 c 228 art 1 s 69; 2005 c 21 s 1; 2005 c 34 s 1; 1Sp2005 c 1 art 1 s 82; 2008 c 159 s 1; 2009 c 64 s 18; 2010 c 320 art 2 s 9; 2010 c 351 s 35; 2015 c 75 art 2 s 29; 2024 c 104 art 1 s 50

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.871 — Excess Weight; Civil Penalty.

Subdivision 1.Civil liability.(a) The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections 169.823 to 169.8295, 169.84 to 169.851, and 169.87 or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit imposed under sections 169.823 to 169.8295, 169.84 to 169.851, and 169.87 is liable for a civil penalty as follows: (1) if the total gross excess weight is not more than 1,000 pounds, one cent per pound for each pound in excess of the legal limit; (2) if the total gross excess weight is more than 1,000 pounds but not more than 3,000 pounds, $10 plus five cents per pound for each pound in excess of 1,000 pounds; (3) if the total gross excess weight is more than 3,000 pounds but not more than 5,000 pounds, $110 plus ten cents per pound for each pound in excess of 3,000 pounds; (4) if the total gross excess weight is more than 5,000 pounds but not more than 7,000 pounds, $310 plus 15 cents per pound for each pound in excess of 5,000 pounds; (5) if the total gross excess weight is more than 7,000 pounds, $610 plus 20 cents per pound for each pound in excess of 7,000 pounds. (b) Notwithstanding any other law to the contrary, if a person found guilty of a violation of a weight limit imposed under this section or sections 169.823 to 169.8295, 169.84 to 169.851, or 169.87 is also found by the court to have knowingly and contemporaneously attempted to evade a fixed weigh station or to otherwise avoid weighing by means of stationary scales under section 169.85 or other law, the court must impose a penalty of twice the amount otherwise authorized under paragraph (a). (c) Any penalty imposed upon a defendant under this subdivision must not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation is applied toward payment of the civil penalty under this subdivision. A peace officer or Department of Public Safety employee described in section 299D.06 who cites a driver for a violation of the weight limitations established by sections 169.81 to 169.851 and 169.87 must give written notice to the driver that the driver or another may also be liable for the civil penalties provided herein in the same or separate proceedings. (d) A penalty imposed upon the owner or lessee of a vehicle that is based on violations identified by the use of shippers' weight records under section 169.872 must not exceed an aggregate of $10,000. Subd. 1a.Special permit violations.(a) The owner or lessee of a vehicle that is operated with a gross weight in excess of an adjusted weight limit and a shipper who ships or

tenders goods for shipment in a single truck or combination vehicle that exceeds an adjusted weight limit is liable for a civil penalty. The civil penalty is the greater of (1) as calculated at a rate of five cents per pound for each pound in excess of the highest weight allowed by the permit or under section 169.826, subdivision 1, or (2) $100. (b) Any penalty imposed upon a defendant under this subdivision shall not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation may not be applied toward payment of the civil penalty under this subdivision. A peace officer or Department of Public Safety employee described in section 299D.06 who cites a driver for a violation of the adjusted weight limit shall give written notice to the driver that the driver or another may also be liable for the civil penalty provided in this subdivision in the same or separate proceedings. (c) For purposes of this subdivision, "adjusted weight limit" means a weight limit (1) imposed by a permit issued under this chapter, or (2) imposed under section 169.826, subdivision 1. Subd. 1b.Civil penalty for first two violations.Notwithstanding subdivision 1, paragraph (a), clauses (1) to (5), a civil penalty under subdivision 1 for a violation in a motor vehicle in the course of a first haul as defined in section 168.013, subdivision 3, paragraph (d), clause (3), of a weight limit imposed under sections 169.823 to 169.829, 169.84 to 169.851, and 169.87 that is not preceded by two or more violations of the gross weight limits in those sections in that motor vehicle within the previous 12 months, may not exceed $150. Subd. 2.Jurisdiction.The district court may hear, try and determine actions commenced under this section. Trials under this section shall be to the court, sitting without a jury. Trials to the court under this section shall, if possible, be conducted at the same time as pretrial motions or trials in the criminal prosecution under sections 169.81 to 169.87, if any, subject to the agreement of the defendant. Subd. 3.Appearance.Notwithstanding the provisions of section 8.01, county or city attorneys may appear in civil actions commenced under this section at the request of the attorney general. Subd. 4.Venue.Civil actions under this section may be commenced in any county in which the vehicle was loaded, unloaded or operated in violation of subdivision 1 unless there is agreement that the action may be tried in another county or municipality. Subd. 5.Fines; proceeds allocated.Any penalty imposed and fines collected pursuant to this section shall be disposed of as provided in section 299D.03, subdivision 5, with the following exceptions: (a) If the violation occurs in the county, and the county attorney appears in the action, the remaining five-eighths shall be credited to the highway user tax distribution fund. (b) If the violation occurs within the municipality, and the city attorney appears in the action, the remaining one-third shall be paid to the highway user tax distribution fund. (c) Except as provided in paragraph (d), when the attorney general appears in the action, all penalties imposed and fines collected shall be credited to the highway user tax distribution fund. (d) If the violation occurs in Hennepin County, and the arrest or apprehension is made by the county sheriff, three-eighths of the civil penalty shall be credited to the general revenue fund of the county and the remaining five-eighths shall be credited to the highway user tax distribution fund. Subd. 6.Costs and disbursements.The prevailing party in any action commenced under this section shall be entitled to reasonable costs incurred in the action. Subd. 7.Shipper's good-faith exception.(a) The penalty imposed by subdivision 1 shall not be imposed on a shipper who in good faith ships goods or tenders goods for shipment in a vehicle that does not exceed the maximum gross weight for which the truck is licensed under section 168.013, subdivision 1e. (b) For purposes of this section, "good faith" means that (1) the vehicle is licensed pursuant to section 168.013, subdivision 1e, (2) the operator of the vehicle is not under the control of the shipper, (3) the operator has requested that the vehicle be loaded to the maximum gross weight for which the vehicle is licensed, and (4) the road leading from the shipper's immediate place of shipment may be legally used for the allowed gross weight of the vehicle with its legally maximum load. 1980 c 485 s 2; 1980 c 618 s 10; 1981 c 321 s 10; 3Sp1981 c 2 art 1 s 14,15; 1983 c 198 s 13,14; 1985 c 299 s 12; 1986 c 444; 1988 c 606 s 1,2; 1996 c 455 art 3 s 23; 1997 c 230 s 4,5; 1998 c 254 art 2 s 16; 2002 c 297 s 1; 2010 c 320 art 1 s 15-17; 2017 c 86 s 2; 2022 c 55 art 1 s 77

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.872 — Receipt Of Certain Overweight Loads.

Subdivision 1.Record keeping.A person who weighs goods before or after unloading or a person who loads or unloads goods on the basis of liquid volume measure shall keep a written record of the origin, weight, and composition of each shipment, the date of loading or receipt, the name and address of the shipper, the total number of axles on the vehicle or combination of vehicles, and the registration number of the power unit or some other means of identification by which the shipment was transported. The record shall be retained for 14 days and shall be open to inspection and copying by a state law enforcement officer or motor transport representative, except state conservation officers, upon demand. No search warrant is required to inspect or copy the record. This subdivision does not apply to a person weighing goods who is not involved in the shipping, receiving, and transporting of those goods, or to a person weighing raw and unfinished farm products transported in a single-unit vehicle with not more than three axles or by a trailer towed by a farm tractor when the transportation is the first haul of the product. Subd. 1a.Limit on civil penalties.A civil penalty for excessive weight under section 169.871 may be imposed based on a record of a shipment under this section only if a state law enforcement officer or motor transportation representative: (1) has inspected and copied the record within 14 days of the date the shipment was received by the person keeping the record; and (2) has assessed the penalty within 90 days of the date the officer or representative inspected and copied the record. Subd. 2.Evidence.Except for records relating to the loading and unloading of the first haul of unprocessed or raw farm products and the transportation of raw and unfinished forest products, a record kept and maintained as provided in subdivision 1 that shows that a vehicle has exceeded a gross weight limit imposed by this chapter is relevant evidence of a violation of this chapter. The foregoing provisions do not limit the introduction of other competent evidence bearing upon the question of whether or not there is a violation of the prescribed maximum weight limitation permitted by this chapter. Subd. 3.Misdemeanor.A person who fails to keep, maintain, or open for inspection and copying, those documents as

required in subdivision 1 is guilty of a misdemeanor. A person who does not accurately record the information required to be contained in those documents required in subdivision 1 is guilty of a misdemeanor. 1980 c 485 s 3; 1981 c 321 s 11; 3Sp1981 c 2 art 1 s 16; 1985 c 299 s 13; 2002 c 297 s 2,3; 2012 c 287 art 3 s 38

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.88 — Damages; Liability.

(a) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which the highway or highway structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in this chapter but authorized by a special permit issued as provided in sections 169.80 to 169.88. (b) When such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage. (c) Any person who by willful acts or failure to exercise due care, damages any road, street, or highway or highway structure shall be liable for the amount thereof. (d) Damages under this section may be recovered in a civil action brought by the authorities in control of such highway or highway structure. (2720-280) 1937 c 464 s 130; 1967 c 509 s 1; 1986 c 444

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.881 — Vehicle Platoons.

Subdivision 1.Vehicle platoon plan.(a) A person may apply to the commissioner for approval of a plan to use a platooning system on freeways and expressways, as defined in section 160.02, on the trunk highway system. A platooning system may only be used if a plan has been approved by the commissioner. The commissioner must consult with the commissioner of public safety prior to approving the plan, regarding identifiable public safety concerns. (b) A plan is valid for one year from the date of issuance, unless the plan is for a shorter period of time, in which case the plan is valid for the shorter time period. Subd. 2.Required information.The plan must include but is not limited to the following information submitted in the manner prescribed by the commissioner: (1) total length of the vehicle platoon; (2) the configuration of the vehicle platoon, including spacing between vehicles; (3) proposed route and section of freeway or expressway; (4) proposed time frames the vehicle platoon will be operating; (5) certification that each human driver in the vehicle platoon has a valid driver's license for the type or class of vehicle being driven; (6) certification that the vehicle height, width, and weight limits conform to this chapter; and (7) vehicle identification information. Subd. 3.Authority to approve plan.(a) The commissioner may grant or deny a vehicle platoon plan. The approved plan may include reasonable conditions and restrictions to ensure public safety, minimize congestion, or prevent undue damage to roads or structures. (b) The commissioner must provide written notice to the applicant and to the commissioner of public safety if a plan is denied and must list the reasons for the denial. The commissioner must approve or deny a plan within 60 days. Subd. 4.Requirements.Vehicle platoons must meet the following requirements: (1) the platoon must not include more than three vehicles; (2) each vehicle in the vehicle platoon must have a platooning system installed; (3) while platooning, each vehicle must have the platooning system engaged; (4) each vehicle in the vehicle platoon must have a human driver present and in the driver seat who is monitoring performance of the vehicle at all times and who holds a valid driver's license for the type or class of vehicle being driven; (5) each vehicle in the vehicle platoon must meet the vehicle height, width, and weight limits under this chapter; (6) each vehicle in the platoon must be covered by minimum liability insurance; and (7) each vehicle in the platoon must have a paper or electronic copy of the approved plan in the vehicle. Subd. 5.Operations.Notwithstanding any other law to the contrary, a vehicle platoon must allow reasonable access for the movement of other motor vehicles to change lanes and enter or exit the roadway. 1Sp2019 c 3 art 3 s 70; 2020 c 83 art 1 s 55

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.89 — Penalties.

Subdivision 1.Violation; when petty misdemeanor enhanced to misdemeanor.Unless otherwise declared in this chapter with respect to particular offenses, it is a petty misdemeanor for any person to do any act forbidden or fail to perform any act required by this chapter; except that: (1) a violation which is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property; or (2) exclusive of violations relating to the standing or parking of an unattended vehicle, a violation of any of the provisions of this chapter, classified therein as a petty misdemeanor, when preceded by two or more petty misdemeanor convictions within the immediate preceding 12-month period; is a misdemeanor to which the provisions of subdivision 2 shall not apply. Subd. 2.Petty misdemeanor penalty; no jury trial.A person charged with a petty misdemeanor is not entitled to a jury trial but shall be tried by a judge without a jury. If convicted, the person is not subject to imprisonment but shall be punished by a fine of not more than $300. Subd. 3.[Obsolete] Subd. 4.Driver's record.When a person is arrested for a violation of any provision of this chapter, or a violation of any provision of a city ordinance regulating traffic, the court before whom the matter is heard shall determine the driver's record of the person from the commissioner of public safety before pronouncing sentence and the expense incident to the procurement of this information is taxable as costs upon the conviction. Subd. 5.Driver improvement clinic; attendance.In conjunction with or in lieu of other penalties provided by law for violation of this chapter or a municipal ordinance enacted in conformance thereto, the trial court may in its judgment of conviction order the convicted person to attend and satisfactorily complete a course of study at an approved driver improvement clinic or youth-oriented driver improvement clinic. The commissioner of public safety may, upon the motion of the commissioner of public safety or upon recommendation of the court,

suspend, for a period of not to exceed 30 days, the operator's license, provisional license, permit, or nonresident operating privilege of any person who fails or refuses to comply with an order to attend an approved driver improvement clinic or youth-oriented driver improvement clinic. The requirement of attendance at an approved driver improvement clinic or youth-oriented driver improvement clinic is not a fine, imprisonment, or sentence within the meaning of section 609.02. The court may not order a convicted person to attend any driver improvement clinic or youth-oriented driver improvement clinic which is located more than 35 miles from the person's residence. For the purposes of this section "an approved driver improvement clinic or youth-oriented driver improvement clinic" means a clinic whose curriculum and mode of instruction conform to standards promulgated by the commissioner of public safety. (2720-281) 1937 c 464 s 131; 1939 c 430 s 27; 1947 c 428 s 34; 1965 c 711 s 5; 1969 c 118 s 1; 1969 c 1129 art 1 s 18; Ex1971 c 27 s 15; 1973 c 123 art 5 s 7; 1973 c 421 s 2; 1979 c 233 s 1; 1980 c 520 s 2; 1986 c 444; 1994 c 636 art 2 s 3; 1998 c 388 s 2; 2000 c 488 art 5 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.891 — Jurisdiction; Limitation Of Actions.

Subdivision 1.Petty misdemeanors.Courts which heretofore have had jurisdiction over misdemeanors have the same jurisdiction over petty misdemeanors. Subd. 2.Limitation.The period for commencing an action against any person for a petty misdemeanor shall be the same as that for a misdemeanor. Ex1971 c 27 s 16

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.90 — Offenses.

Subdivision 1.Attempt, conspire, aid, cause, or permit offense.Every person who commits or attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be an offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this chapter, is likewise guilty of such offense. Subd. 2.Require or permit offense by another.It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law. Subd. 3.MS 1969 [Renumbered 169.42, subd 2] (2720-282, 2720-283) 1937 c 464 s 132,133; Ex1971 c 27 s 17

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.905 — Traffic Stop; Questioning Limited.

A peace officer making a traffic stop for a violation of this chapter or chapter 168 must not ask if the operator can identify the reason for the stop. A peace officer making such a traffic stop must inform the vehicle's operator of a reason for the stop unless it would be unreasonable to do so under the totality of the circumstances. A peace officer's failure to comply with this section must not serve as the basis for exclusion of evidence or dismissal of a charge or citation. Section 645.241 does not apply to violations of this section. 2024 c 123 art 3 s 1

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.92 — Failure To Appear.

Subdivision 1.Appearance by counsel.A person may appear in court either in person or through an appearance by counsel. A person is not required to sign a written promise to appear. Subd. 2.Notice to commissioner.When a person fails to appear in court in response to a notice to appear prepared under section 169.91, subdivision 3, or fails to comply with other orders of the court regarding the appearance or proceedings, the court shall notify the commissioner of public safety of the nonappearance or noncompliance upon a form provided by the commissioner. Subd. 3.Nonappearance by nonresident.Upon receipt of notice from the court that a nonresident did not appear in court, the commissioner of public safety shall forward a copy of the report to the driver licensing authority of the state, district, territory, possession, or province of residence of the person. Subd. 4.MS 2020 [Renumbered 171.16, subd 3a] (2720-286) 1937 c 464 s 136; 1978 c 783 s 4; 1985 c 248 s 70; 1986 c 444; 1988 c 681 s 11; 1989 c 228 s 1; 1989 c 333 s 6; 1996 c 346 s 2; 1Sp2021 c 5 art 4 s 67,149

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.93 — Arrest Without Warrant.

The provisions of sections 169.90 to 169.95 shall govern all police officers in making arrests without a warrant for violations of this chapter for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade. (2720-287) 1937 c 464 s 137

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.94 — Record Of Conviction.

Subdivision 1.Not admissible as evidence.No record of the conviction of any person for any violation of this chapter shall be admissible as evidence in any court in any civil action. Subd. 2.Not to affect credibility as witness.The conviction of a person upon a

charge of violating any provision of this chapter or other traffic rule less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding. (2720-288, 2720-289) 1937 c 464 s 138,139; 1985 c 248 s 70

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.95 — Court To Keep Separate Records Of Violations.

(a) Every court administrator shall keep a full record of every case in which a person is charged with a violation of any law or ordinance, regulating the operation of vehicles on highways. (b) Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provisions of any law or ordinance, regulating the operation of vehicles on highways, the court administrator of the court in which the conviction was had or bail was forfeited, shall immediately forward to the Department of Public Safety an abstract of the record of the court covering the case in which the person was convicted or forfeited bail. The abstract must be certified by the person required to prepare it to be true and correct. (c) The abstract must be made upon a form furnished by the Department of Public Safety, and shall include the name and address of the party charged, the driver's license number of the person involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited, and the amount of the fine or forfeiture, as the case may be. (d) Every court shall also forward a report to the Department of Public Safety reporting the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used. (e) The failure, refusal, or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in the office and shall be grounds for removal. (2720-290) 1937 c 464 s 140; 1969 c 1129 art 1 s 18; 1973 c 123 art 5 s 7; 1981 c 363 s 28; 1983 c 359 s 13; 1Sp1986 c 3 art 1 s 82

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.96 — Interpretation And Effect.

(a) This chapter shall be interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. (b) In all civil actions, a violation of any of the provisions of this chapter, by either or any of the parties to such action or actions shall not be negligence per se but shall be prima facie evidence of negligence only. (2720-291) 1937 c 464 s 141; 1939 c 430 s 30

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.965 — University Regents To Regulate Traffic And Parking.

Subdivision 1.Authority.The regents of the University of Minnesota may, from time to time, make, adopt, and enforce such rules, regulations, or ordinances as it may find expedient or necessary relating to the regulation of traffic and parking, upon parking facilities, highways, streets, private roads, and roadways situated on property owned, leased, or occupied by the regents of the University of Minnesota or the University of Minnesota. Subd. 2.Petty misdemeanor.Any person who violates such rule, regulation, or ordinance shall be guilty of a petty misdemeanor and subject to the provisions of sections 169.891 and 169.90, subdivision 1. Subd. 3.Prosecution.The prosecution may be before a district court having jurisdiction over the place where the violation occurs. Subd. 4.Enforcement.Every sheriff, police officer, or other peace officer shall see that all rules, regulations, and ordinances are obeyed, and shall arrest and prosecute offenders. Subd. 5.Enforcement powers.The regents of the University of Minnesota are hereby authorized to appoint and employ, and fix the compensation to be paid out of funds of the regents of the University of Minnesota, persons who shall have and may exercise on property owned, leased, or occupied by the regents of the University of Minnesota or the University of Minnesota the same powers of arrest for violation of rules, regulations, or ordinances adopted by the regents of the University of Minnesota pursuant to the Highway Traffic Regulation Act, chapters 169 and 169A, as amended, as possessed by a sheriff, police officer, or peace officer. Subd. 6.Judicial notice.All persons shall take notice of such rules, regulations, and ordinances without pleading and proof of the same. Subd. 7.Notice, hearing, filing, and effect.(a) The regents of the University of Minnesota shall fix a date for a public hearing on the adoption of any such proposed rule, regulation, or ordinance. Notice of such hearing shall be published in a legal newspaper in the county in which the property affected by the rule, regulation, or ordinance is located. The publication shall be at least 15 days and not more than 45 days before the date of the hearing. (b) If, after the public hearing, the proposed rule, regulation, or ordinance shall be adopted by a majority of the members of the Board of Regents of the University of Minnesota, the same shall be considered to have been enacted by the regents of the University of Minnesota. A copy of the same shall be signed by the president, attested by the secretary, and filed with the secretary of state of the state of Minnesota, together with proof of publication. Upon such filing, the rule, regulation, or ordinance, as the case may be, shall thenceforth be in full force and effect. Subd. 8.Allocation of fines.The fines collected in Hennepin, St. Louis, and Stevens Counties shall be paid into the treasury of the University of Minnesota, except that the portion of the fines necessary to cover all costs and disbursements incurred in processing and prosecuting the violations in the court shall be retained by the court administrator in Hennepin and St. Louis Counties and by the city of Morris in Stevens County. 1957 c 456 s 1-7; Ex1971 c 27 s 19; 1977 c 82 s 3; 1983 c 359 s 14; 1992 c 513 art 1 s 21; 1992 c 603 s 3; 1998 c 254 art 2 s 17; 2000 c 478 art 2 s 7; 2005 c 10 art 2 s 4; 2022 c 55 art 1 s 78

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.966 — Board To Regulate Traffic On State Universities.

Subdivision 1.Authority.The Board of Trustees of the Minnesota State Colleges and Universities may from time to time make,

adopt, and enforce such rules or ordinances not inconsistent with this chapter, as it may find expedient or necessary relating to the regulation of traffic and parking upon parking facilities and private roads and roadways situated on property owned, leased, occupied, or operated by state universities. Subd. 1a.Parking facilities.The Board of Trustees may establish rents, charges, or fees for the use of parking facilities owned, leased, occupied, or operated by the board. The money collected by the board as rents, charges, or fees in accordance with this subdivision shall be deposited in the university activity fund and is annually appropriated to the Board of Trustees for state university purposes and to maintain and operate parking lots and parking facilities. Subd. 2.Petty misdemeanor.Any person who violates such rule or ordinance shall be guilty of a petty misdemeanor and subject to the provisions of sections 169.891 and 169.90, subdivision 1. Subd. 3.Prosecution.The prosecution may be before a district court having jurisdiction over the place where the violation occurs. Subd. 4.Enforcement.Every sheriff, police officer, or other peace officer shall see that all rules and ordinances are obeyed and shall arrest and prosecute offenders. Subd. 5.Enforcement powers.The Board of Trustees may appoint and employ, and fix the compensation to be paid out of funds which may be available for such purposes, persons who shall have and may exercise on property owned, leased, or occupied by the state universities the same powers of arrest for violation of rules or ordinances adopted by the board as possessed by a sheriff, police officer, or peace officer. Subd. 6.Judicial notice.All persons shall take notice of such rules and ordinances without pleading and proof of the same. Subd. 7.Notice, hearing, filing, and effect.(a) The Board of Trustees shall fix a date for a public hearing on the adoption of any such proposed rule or ordinance. Notice of such hearing shall be published in a legal newspaper in the county in which the property affected by the rule or ordinance is located. The publication shall be at least 15 days and not more than 45 days before the date of the hearing. (b) If, after the public hearing, the proposed rule or ordinance shall be adopted by a majority of the members of the board, the same shall be considered to have been enacted by the board. A copy of the same shall be signed by the president and filed with the county recorder of each county where the rule or ordinance shall be in effect, together with proof of publication. Upon such filing, the rule or ordinance, as the case may be, shall thenceforth be in full force and effect. Subd. 8.Delegation.The Board of Trustees may delegate its responsibilities under this section to a state university president. Actions of the president shall be presumed to be those of the board. The university president shall file with the board president the results of any public hearings and the subsequent adoption of any proposed rule or ordinance enacted pursuant thereto. 1961 c 278 s 1; 1969 c 701 s 2,3; 1971 c 23 s 16; Ex1971 c 27 s 20; 1975 c 321 s 2; 1983 c 359 s 15; 1984 c 618 s 6; 1984 c 654 art 4 s 25,26; 1985 c 248 s 70; 1998 c 254 art 2 s 18; 1Sp2001 c 1 art 2 s 19; 2005 c 10 art 2 s 4; 2022 c 55 art 1 s 79

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.97 — Citation; Highway Traffic Regulation Act.

This chapter shall be cited as the "Highway Traffic Regulation Act." (2720-292) 1937 c 464 s 142

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.971 — Driver Improvement Clinics; Definitions.

Subdivision 1.Scope.For the purposes of sections 169.971 to 169.973, the terms defined in this section have the meanings given them. Subd. 2.Driver improvement clinic."Driver improvement clinic" means a formal course of study established under section 169.972, designed primarily to assist persons convicted of traffic violations in correcting improper driving habits and to familiarize them with the provisions of the Highway Traffic Regulation Act. Subd. 2a.Youth-oriented driver improvement clinic."Youth-oriented driver improvement clinic" means a driver improvement clinic designed for traffic violators age 18 and under to assist them in correcting improper driving practices and review provisions of traffic law with a focus on driving problems common to young and novice drivers. Subd. 3.Municipality."Municipality" means any city, however organized, and any county or town. Subd. 4.Court."Court" means a district court. Subd. 5.Commissioner."Commissioner" means the commissioner of public safety. 1965 c 711 s 1; 1969 c 1129 art 1 s 18; 1973 c 123 art 5 s 7; 1983 c 359 s 16; 1998 c 254 art 2 s 19; 1998 c 388 s 3,4

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.972 — Establishment Of Driver Improvement Clinic; Fees.

Subdivision 1.Authority to establish clinic.Subject to sections 169.971 to 169.973 and 171.20, subdivision 3, any court, municipality, association of municipalities, or any regularly established safety organization may establish and conduct a driver improvement clinic or a youth-oriented driver improvement clinic. Subd. 2.Fees.The court, municipality or organization conducting a driver improvement clinic or a youth-oriented driver improvement clinic may establish reasonable tuition fees not to exceed $50, but not to exceed the actual cost of the course. 1965 c 711 s 2; 1973 c 194 s 1; 1984 c 385 s 1; 1998 c 388 s 5

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.973 — Regulation Of Clinic; Director.

Subdivision 1.Commissioner's authority; rules; curriculum.The commissioner of public safety shall supervise the administration and conduct of driver improvement clinics and youth-oriented driver improvement clinics. The commissioner of public safety shall promulgate rules setting forth standards for the curriculum and mode of instruction of driver improvement clinics and youth-oriented driver improvement clinics and such other matters as the commissioner of public safety considers necessary for the proper administration of such clinics. In the preparation of such standards the commissioner of public safety shall consult with the state

associations of judges. A driver improvement clinic established under sections 169.971 to 169.973 and 171.20, subdivision 3, shall conform to the standards promulgated by the commissioner of public safety. The course of study at a driver improvement clinic and youth-oriented driver improvement clinic may not exceed a cumulative total of nine hours with no single class session lasting more than three hours. The course of study at a driver improvement clinic and youth-oriented driver improvement clinic shall include instruction in railroad crossing safety. Subd. 2.Director.The commissioner of public safety may appoint a driver improvement clinic director within the Department of Public Safety and such other employees as are necessary to accomplish the purposes of Laws 1965, chapter 711. 1965 c 711 s 3; 1969 c 1129 art 1 s 18; 1971 c 491 s 34; 1985 c 248 s 70; 1986 c 444; 1990 c 468 s 3; 1Sp1995 c 3 art 16 s 13; 1998 c 388 s 6; 1Sp2003 c 9 art 10 s 8

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.975 — Operation Of Roadable Aircraft.

Subdivision 1.Definitions.(a) For purposes of this section, the following terms have the meanings given. (b) "Aircraft" has the meaning given in section 360.013, subdivision 37. (c) "Airport" has the meaning given in section 360.013, subdivision 39, and includes a personal-use airport as defined in Minnesota Rules, part 8800.0100, subpart 22a. (d) "Restricted landing area" has the meaning given in section 360.013, subdivision 57. (e) "Unlicensed landing area" has the meaning given in Minnesota Rules, part 8800.0100, subpart 32a. Subd. 2.Operation.(a) A roadable aircraft is considered a motor vehicle when in operation, including on a public highway, except when the vehicle is (1) at an airport, (2) on a restricted landing area, (3) on an unlicensed landing area, or (4) in flight. When operating a roadable aircraft as a motor vehicle, an operator must comply with all rules and requirements set forth in this chapter governing the operation and insurance of a motor vehicle. (b) When in operation at an airport, a restricted landing area, an unlicensed landing area, or in flight, a roadable aircraft is considered an aircraft and the operator must comply with all rules and requirements set forth in chapter 360. An owner of a roadable aircraft registered in Minnesota must comply with all rules and requirements of chapter 360 governing the registration, taxation, and insurance of aircraft. (c) A roadable aircraft may only take off or land at an airport, unlicensed landing area, or restricted landing area. 2024 c 104 art 1 s 52

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.98 — Police, Patrol, Or Security Guard Vehicle.

Subdivision 1.Colors and markings.(a) Except as provided in subdivisions 2 and 2a, all motor vehicles which are primarily used in the enforcement of highway traffic rules by the State Patrol or for general uniform patrol assignment by any municipal police department or other law enforcement agency, except conservation officers, shall have uniform colors and markings as provided in this subdivision. Motor vehicles of: (1) municipal police departments, including the University of Minnesota Police Department and park police units, shall be predominantly blue, brown, green, black, or white; (2) the State Patrol shall be predominantly maroon; and (3) the county sheriff's office shall be predominantly brown, black, gold, or white. (b) The identity of the governmental unit operating the vehicle shall be displayed on both front door panels and on the rear of the vehicle. The identity may be in the form of a shield or emblem, or may be the word "police," "sheriff," or the words "State Patrol" or "conservation officer," as appropriate, with letters not less than 2-1/2 inches high, one-inch wide and of a three-eighths inch brush stroke. The identity shall be of a color contrasting with the background color so that the motor vehicle is easily identifiable as belonging to a specific type of law enforcement agency. Each vehicle shall be marked with its own identifying number on the rear of the vehicle. The number shall be printed in the same size and color required pursuant to this subdivision for identifying words which may be displayed on the vehicle. Subd. 1a.Vehicle stop authority.Only a person who is licensed as a peace officer or part-time peace officer under sections 626.84 to 626.863 may use a motor vehicle governed by subdivision 1 to stop a vehicle as defined in section 169.011, subdivision 92. In addition, a hazardous materials specialist employed by the Department of Transportation may, in the course of responding to an emergency, use a motor vehicle governed by subdivision 1 to stop a vehicle as defined in section 169.011, subdivision 92. Subd. 1b.Operation of marked vehicle.Except as otherwise permitted under sections 221.221 and 299D.06, a motor vehicle governed by subdivision 1 may only be operated by a person licensed as a peace officer or part-time peace officer under sections 626.84 to 626.863. This prohibition does not apply to the following: (1) a marked vehicle that is operated for maintenance purposes only; (2) a marked vehicle that is operated during a skills course approved by the Peace Officer Standards and Training Board; (3) a marked vehicle that is operated to transport prisoners or equipment; or (4) a marked vehicle that is operated by a reserve officer providing supplementary assistance at the direction of the chief law enforcement officer or the officer's designee, when a licensed peace officer as defined in section 626.84, subdivision 1, paragraph (c), who is employed by that political subdivision, is on duty within the political subdivision. Subd. 2.Specially marked patrol vehicle.The commissioner of public safety may authorize the use of specially marked State Patrol vehicles, that have only a marking composed of a shield on the right door with the words inscribed thereon "Minnesota State Patrol" for primary use in the enforcement of highway traffic rules when in the judgment of the commissioner of public safety the use of specially marked State Patrol vehicles will contribute to the safety of the traveling public. The number of such specially marked State Patrol vehicles used in the enforcement of highway traffic rules shall not exceed ten percent of the total number of State Patrol vehicles used in traffic law enforcement. All specially marked State Patrol vehicles shall be operated by uniformed members of the State Patrol and so equipped and operated as to clearly indicate to the driver of a car which is signaled to stop that the specially marked State Patrol vehicle is being operated by the State Patrol. Subd. 2a.Specially marked police or sheriff vehicle.The chief of police of a home rule or statutory city, and the sheriff of a county, may authorize within the jurisdiction the use of specially marked police or sheriff's vehicles for primary use in the enforcement of highway traffic laws and ordinances when in

the judgment of the chief of police or sheriff the use of specially marked vehicles will contribute to the safety of the traveling public. A specially marked vehicle is a vehicle that is marked only with the shield of the city or county and the name of the proper authority on the right front door of the vehicle. The number of specially marked vehicles owned by a police department of a city of the first class may not exceed ten percent of the total number of vehicles used by that police department in traffic law enforcement, and a city or county that uses fewer than 11 vehicles in traffic law enforcement may not own more than one specially marked vehicle. A specially marked vehicle may be operated only by a uniformed officer and must be equipped and operated to indicate clearly to the driver of a vehicle signaled to stop that the specially marked vehicle is being operated by a police department or sheriff's office. Subd. 3.Security guard vehicle.(a) All motor vehicles which are used by security guards in the course of their employment may have any color other than those specified in subdivision 1 for law enforcement vehicles. The identity of the security service shall be displayed on the motor vehicle as required for law enforcement vehicles. (b) Notwithstanding subdivision 1, paragraph (a), clause (1), a security guard may continue to use a motor vehicle that is predominantly black in the course of the guard's employment if the vehicle was being used in this manner before August 1, 2002. (c) Notwithstanding subdivision 1, paragraph (a), clause (3), a security guard may continue to use a motor vehicle that is predominantly gold in the course of the guard's employment if the vehicle was being used in this manner before August 1, 2012. Subd. 3a.Bondsman or bail enforcement agent vehicle.All motor vehicles that are used by a bondsman or bail enforcement agent as defined in section 626.88, subdivision 1, paragraph (d), may have any color other than those specified in subdivision 1 for law enforcement vehicles. A bondsman or bail enforcement agent may not display markings on the vehicle in the form of a police shield, star, or any similar emblem that is typically associated with a marked law enforcement vehicle. Subd. 4.Effective date.Subdivisions 1 to 3 shall apply to those motor vehicles purchased subsequent to January 1, 1981. Subd. 5.Vehicle security barrier; exemption.Marked State Patrol vehicles are exempt from compliance with any rule requiring a security barrier between the front and rear seats of the vehicle. A State Patrol vehicle shall be equipped with a security barrier at the option of the officer assigned the vehicle. 1959 c 554 s 1,2; 1961 c 458 s 1; 1969 c 1129 art 1 s 4; 1971 c 491 s 36; 1980 c 578 s 10; 1981 c 37 s 2; 1985 c 248 s 70; 1986 c 444; 1987 c 162 s 1,2; 1987 c 334 s 1,2; 1989 c 17 s 1; 1993 c 326 art 7 s 3; 2002 c 267 s 1-4; 2012 c 287 art 3 s 39,40; 2015 c 65 art 3 s 6

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.985 — Traffic Citation Quota Prohibited.

A law enforcement agency may not order, mandate, require, or suggest to a peace officer a quota for the issuance of traffic citations, including administrative citations authorized under section 169.999, on a daily, weekly, monthly, quarterly, or yearly basis. 1990 c 482 s 3; 2009 c 158 s 4

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.99 — Uniform Traffic Ticket.

Subdivision 1.Form.(a) Except as provided in subdivision 3; section 169.147, subdivision 8; and section 169.999, subdivision 3, there shall be a uniform ticket issued throughout the state by the police and peace officers or by any other person for violations of this chapter and ordinances in conformity thereto. Such uniform traffic ticket shall be in the form and have the effect of a summons and complaint. Except as provided in paragraph (b), the uniform ticket shall state that if the defendant fails to appear in court in response to the ticket, an arrest warrant may be issued. The uniform traffic ticket shall consist of four parts, on paper sensitized so that copies may be made without the use of carbon paper, as follows: (1) the complaint, with reverse side for officer's notes for testifying in court, driver's past record, and court's action, printed on white paper; (2) the abstract of court record for the Department of Public Safety, which shall be a copy of the complaint with the certificate of conviction on the reverse side, printed on yellow paper; (3) the police record, which shall be a copy of the complaint and of the reverse side of copy (1), printed on pink paper; and (4) the summons, with, on the reverse side, such information as the court may wish to give concerning the Traffic Violations Bureau, and a plea of guilty and waiver, printed on off-white tag stock. (b) If the offense is a petty misdemeanor, the uniform ticket must state that a failure to appear will be considered a plea of guilty and waiver of the right to trial, unless the failure to appear is due to circumstances beyond the person's control. [See Note.] Subd. 1a.Endangerment.In every charge of a violation of any provision of this chapter, the uniform traffic ticket shall contain a blank or space wherein the officer shall specify the officer's opinion as to whether or not an offense which is otherwise a petty misdemeanor was committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property. Subd. 1b.Speed.(a) For a citation issued before August 1, 2014, the uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of a speed limit of 55 or 60 miles per hour must specify whether the speed was greater than ten miles per hour in excess of the speed limit. (b) For a citation issued on or after August 1, 2014, the uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of a speed limit of 55 or 60 miles per hour must specify whether the speed was greater than ten miles per hour in excess of a 55 miles per hour speed limit, or more than five miles per hour in excess of a 60 miles per hour speed limit. Subd. 1c.Notice of surcharge.All parts of the uniform traffic ticket must provide conspicuous notice that, if convicted, the person to whom it was issued may be required to pay a state-imposed surcharge under section 357.021, subdivision 6, and the current amount of the required surcharge. Subd. 1d.Financial hardship.The first paragraph on the reverse side of the summons on the uniform traffic ticket must include the following, or substantially similar, language: "All or part of the cost of this summons may be waived on a showing of indigency or undue hardship on you or your family. You may schedule a court appearance to request a waiver based on your ability to pay by calling the Minnesota Court Payment Center (CPC) [followed by the Court Payment Center telephone number]. For

more information, call the CPC or visit www.mncourts.gov/fines." Subd. 2.Commissioner prescribes form.The commissioner of public safety shall prescribe the detailed form of the uniform traffic ticket, and shall revise the uniform ticket on such subsequent occasions as necessary and proper to keep the uniform ticket in conformity with state and federal law. Subd. 3.Alteration by local government.Any city of the first class, through its governing body, may alter by deletion or addition the uniform traffic ticket in such manner as it deems advisable for use in such city, provided that it includes the notice required by subdivision 1, paragraph (b). In respect to any public corporation organized and existing pursuant to sections 473.601 to 473.679, whose ordinances and regulations for the control of traffic are enforced through prosecution in the district court having jurisdiction in one or the other of the cities of the first class included within such public corporation, the traffic ticket used in such enforcement shall conform to that used by the city of the first class in the district court having jurisdiction where its ordinances and regulations are enforced, except as to color and as to information uniquely applying to such public corporation and to its ordinances and regulations. History:Ex1961 c 19 s 1-3; 1963 c 3 s 1; 1971 c 491 s 37; Ex1971 c 27 s 21; 1980 c 509 s 60; 1983 c 216 art 1 s 31; 1985 c 248 s 70; 1986 c 444; 1986 c 454 s 20; 1988 c 681 s 12,13; 1989 c 333 s 2,3; 1996 c 455 art 1 s 8; 1997 c 187 art 2 s 8; 1998 c 254 art 2 s 20; 1Sp2005 c 6 art 3 s 53; 2008 c 350 art 1 s 51; 2009 c 158 s 5; 2012 c 287 art 4 s 30; 1Sp2021 c 11 art 3 s 8,9; 2024 c 127 art 3 s 62 NOTE:The amendments to subdivision 1 by Laws 2024, chapter 127, article 3, section 62, are effective August 1, 2025, and expire August 1, 2029. Laws 2024, chapter 127, article 3, section 62, the effective date.

2024 Minnesota StatutesChapters 160 - 174A — TransportationChapter 169 — Traffic RegulationsSection 169.999 — Administrative Citations For Certain Traffic Offenses.

Subdivision 1.Authority.(a) Except for peace officers employed by the state patrol, prior to a peace officer issuing an administrative citation under this section, the governing body for the local unit of government that employs the peace officer must pass a resolution that: (1) authorizes issuance of administrative citations; (2) obligates the local unit of government to provide a neutral third party to hear and rule on challenges to administrative citations; and (3) bars peace officers from issuing administrative citations in violation of this section. (b) A peace officer may issue an administrative citation to a vehicle operator who: (1) violates section 169.14, and the violation consists of a speed under ten miles per hour in excess of the lawful speed limit; (2) fails to obey a stop line in violation of section 169.30; or (3) operates a vehicle that is in violation of sections 169.46 to 169.68 and 169.69 to 169.75. (c) The authority to issue an administrative citation is exclusively limited to those offenses listed in this subdivision. (d) A peace officer who issues an administrative citation for the infraction of speeding under ten miles per hour over the speed limit must use the actual speed a violator's vehicle was traveling at the time of the infraction and may not reduce the recorded speed for purposes of qualifying the offense for an administrative citation. An administrative citation issued for speeding must list the actual speed the vehicle was traveling at the time of the infraction. (e) A local unit of government shall notify the commissioner of public safety after it passes a resolution described in paragraph (a). Subd. 2.Officer's authority.The authority to issue an administrative citation is reserved exclusively to licensed peace officers. An officer may not be required by ordinance or otherwise to issue a citation under this section instead of a criminal citation. Subd. 3.Uniform citation.There must be a uniform administrative citation issued throughout the state by licensed peace officers for violations of this section. No other citation is authorized for violations of this section. The commissioner of public safety shall prescribe the detailed form of the uniform administrative citation and shall revise the uniform administrative citation on such subsequent occasions as necessary and proper. The uniform administrative citation must include notification that the person has the right to contest the citation. Subd. 4.Right to contest citation.(a) A peace officer who issues an administrative citation must inform the vehicle operator that the person has the right to contest the citation. (b) Except as provided in paragraph (c), the local unit of government that employs the peace officer who issues an administrative citation must provide a civil process for a person to contest the administrative citation. The person must be allowed to challenge the citation before a neutral third party. A local unit of government may employ a person to hear and rule on challenges to administrative citations or contract with another local unit of government or a private entity to provide the service. (c) The state patrol may contract with local units of government or private entities to collect administrative fines and to provide a neutral third party to hear and rule on challenges to administrative citations. An administrative citation issued by a state patrol trooper must clearly state how and where a violator can challenge the citation. Subd. 5.Fines; disbursement.(a) A person who commits an administrative violation under subdivision 1 must pay a fine of $60. (b) Except as provided in paragraph (c), two-thirds of a fine collected under this section must be credited to the general revenue fund of the local unit of government that employs the peace officer who issued the citation and one-third must be transferred to the commissioner of management and budget to be deposited in the state general fund. A local unit of government receiving fine proceeds under this section must use at least one-half of the funds for law enforcement purposes. The funds must be used to supplement but not supplant any existing law enforcement funding. (c) For fines collected under this section from administrative citations issued by state patrol troopers, one-third must be credited to the general fund of the local unit of government or entity that collects the fine and provides a hearing officer and two-thirds must be transferred to the commissioner of management and budget to be deposited in the state general fund. Subd. 6.Commercial drivers' licenses and commercial vehicles; exceptions.An administrative citation may not be issued under this section to (1) the holder of a commercial driver's license, or (2) the driver of a commercial vehicle in which the administrative violation was committed. Subd. 7.Driving records.A violation under this section may not be recorded by the Department of Public Safety on the violator's driving record and does not constitute grounds for revocation or suspension of the violator's driver's license. Subd. 8.Administrative penalty reporting.(a) A county, statutory or home rule city, or town that employs peace officers who issue administrative citations and that collects administrative fines under this section must include that information and the amount collected as separate categories in any financial report, summary, or audit. (b)

The state auditor shall annually report to the commissioner of public safety information concerning administrative fines collected by local units of government under this section. Upon request, the commissioner of public safety shall report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy and funding summarizing the reports the commissioner received under this paragraph. Subd. 9.Local preemption.The authority to issue an administrative citation is exclusively limited to those offenses listed in subdivision 1. Notwithstanding any contrary charter provision or ordinance, no statutory or home rule charter city, county, or town may impose administrative penalties to enforce any other provision of this chapter. 2009 c 101 art 2 s 109; 2009 c 158 s 6

Title: chapters-324-342/chapter-340a

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.101 — Definitions.

Subdivision 1.Terms.For purposes of this chapter the following terms have the meanings given them. Subd. 2.Alcoholic beverage."Alcoholic beverage" is any beverage containing more than one-half of one percent alcohol by volume. Subd. 3.Affiliate or subsidiary company."Affiliate or subsidiary company" is a company in which a manufacturer or its stockholders own a majority of the stock. Subd. 3a.Brew pub."Brew pub" is a brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in section 340A.24, subdivision 2. Subd. 4.Brewer."Brewer" is a person who manufactures malt liquor for sale. Subd. 4a.Bulk distilled spirits."Bulk distilled spirits" means distilled spirits in a container having a capacity in excess of one gallon. Subd. 4b.Bulk wine."Bulk wine" means wine in a container having a capacity of five or more gallons. Subd. 5.City."City" is a home rule charter or statutory city unless otherwise specified. Subd. 6.Commissioner."Commissioner" is the commissioner of public safety except as otherwise provided. Subd. 7.Club."Club" is an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which: (1) has more than 30 members; (2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members; (3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body. Subd. 8.Department."Department" is the Department of Public Safety except as otherwise provided. Subd. 9.Distilled spirits."Distilled spirits" is ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use. Subd. 9a.Distilled spirits manufacturer."Distilled spirits manufacturer" means a distillery operated within the state producing distilled spirits in a total quantity exceeding the proof gallons limit for a microdistillery in a calendar year. Subd. 10.Exclusive liquor store."Exclusive liquor store" is an establishment used exclusively for the sale of those items authorized in section 340A.412, subdivision 14. Subd. 10a.Fortified wine."Fortified wine" is wine to which brandy, or neutral grape spirits, has been added during or after fermentation resulting in a beverage containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Subd. 11.Farm winery."Farm winery" is a winery operated by the owner of a Minnesota farm and producing table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota. [See Note.] Subd. 12.General food store."General food store" is a business primarily engaged in selling food and grocery supplies to the public for off-premise consumption. Subd. 12a.Home brewing equipment."Home brewing equipment" means portable equipment designed for use in home manufacturing of malt liquor in quantities of ten gallons or less and supplies and ingredients for home manufacture of malt liquor. Subd. 13.Hotel."Hotel" is an establishment where food and lodging are regularly furnished to transients and which has: (1) a dining room serving the general public at tables and having facilities for seating at least 30 guests at one time; or (2) guest rooms in the following minimum numbers: in first class cities, 50; in second class cities, 15; in all other cities and unincorporated areas, 10. Subd. 14.Intoxicating liquor."Intoxicating liquor" is ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight. Subd. 15.Licensed premises."Licensed premises" is the premises described in the approved license application, subject to the provisions of section 340A.410, subdivision 7. In the case of a restaurant, club, or exclusive liquor store licensed for on-sales of alcoholic beverages and located on a golf course, "licensed premises" means the entire golf course except for areas where motor vehicles are regularly parked or operated. Subd. 15a.Low-alcohol malt liquor."Low-alcohol malt liquor" is a fermented malt beverage containing two percent or less of alcohol by weight. Notwithstanding any law or rule to the contrary, if either; (a) the term "low alcohol" appears on the label of the beverage container; or (b) a brewer has provided written certification to the Department of Public Safety establishing an alcoholic content of two percent or less by weight; no further label shall be required on that container. Subd. 15b.Liqueur-filled candy."Liqueur-filled candy" is any confectionery containing more than one-half of one percent alcohol by volume in liquid form that is intended for or capable of beverage use. Subd. 16.Malt liquor."Malt liquor" is any beverage made from malt by fermentation, or by the fermentation of malt substitutes, including rice, grain of any kind, glucose, sugar, molasses, or other malt substitute that has not undergone distillation, and that contains not less than one-half of one percent alcohol by volume. "Beer" means any beverage meeting the definition of malt liquor under this subdivision. Subd. 17.Manufacturer."Manufacturer" is a person who, by a process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different

materials, prepares or produces intoxicating liquor for sale. Subd. 17a.Microdistillery."Microdistillery" is a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year. Subd. 18.Municipality."Municipality" is a city, county or, for purposes of licensing under section 340A.404, subdivision 7, the Metropolitan Airports Commission. Subd. 19.3.2 percent malt liquor."3.2 percent malt liquor" is malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight. Subd. 20.Off-sale."Off-sale" is the sale of alcoholic beverages in original packages for consumption off the licensed premises only. Subd. 21.On-sale."On-sale" is the sale of alcoholic beverages for consumption on the licensed premises only. Subd. 22.Package."Package" is a sealed or corked container of alcoholic beverages. Subd. 23.Person."Person" has the meaning given it in section 645.44, subdivision 7. Subd. 24.Population."Population" is determined by the most recent federal decennial census or a special census taken under law. Subd. 24a.MS 2010 [Renumbered subd 24b] Subd. 24a.Proof gallon.A "proof gallon" is one liquid gallon of distilled spirits that is 50 percent alcohol at 60 degrees Fahrenheit. Subd. 24b.Public facility."Public facility" is a park, community center, or other accommodation or facility owned or managed by or on behalf of a subdivision of the state, including any county, city, town, township, or independent district of the state. Subd. 25.Restaurant."Restaurant" is an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, and having a minimum seating capacity for guests as prescribed by the appropriate license issuing authority. Subd. 26.Retail."Retail" is sale for consumption. Subd. 27.Table or sparkling wine."Table or sparkling wine" is a beverage made without rectification or fortification and containing not more than 25 percent of alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey. Subd. 27a.Theater."Theater" means a building containing an auditorium in which live dramatic, musical, dance, or literary performances are regularly presented to holders of tickets for those performances. Subd. 28.Wholesaler."Wholesaler" is a person who sells alcoholic beverages to persons to whom sale is permitted under section 340A.310, from a stock maintained in a warehouse in the state. Subd. 29.Wine."Wine" is the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits as defined in subdivision 9. Subd. 30.MS 2008 [Renumbered subd 10a] History:1985 c 117 s 3; 1985 c 305 art 3 s 1; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 152 art 1 s 1; 1987 c 381 s 2; 1988 c 443 s 1; 1990 c 554 s 2,3; 1991 c 249 s 31; 1992 c 486 s 5,6; 1993 c 350 s 4-6; 1994 c 611 s 6; 1995 c 198 s 1-3; 2000 c 440 s 2; 2003 c 126 s 1; 2006 c 210 s 1,2; 2009 c 120 s 1; 2011 c 55 s 1,2; 2014 c 240 s 3,4; 2015 c 9 art 1 s 1; 2022 c 86 art 1 s 1,2; 2024 c 114 art 5 s 1 NOTE:Subdivision 11 was declared facially unconstitutional in violation of the interstate dormant Commerce Clause of the United States Constitution inAlexis Bailly Vineyard, Inc. v. Harrington, 482 F.Supp.3d 820 (D. Minn. 2020).

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.201 — Liquor Control Authority.

Subdivision 1.1976 successor.The commissioner of public safety is the successor to the commissioner of liquor control with respect to the powers and duties vested in the latter as of February 6, 1976, except for those powers and duties transferred to the commissioner of revenue. Any proceeding, court action, prosecution, or other business undertaken or commenced as of February 6, 1976, by the commissioner of liquor control is assigned to the commissioners of public safety and revenue as appropriate and may be completed by them. Subd. 2.Delegation; 1996 consolidation; division director.Effective October 1, 1996, the duties and powers vested previously in the commissioner of public safety and delegated to the department's Division of Liquor Control are delegated and transferred to, and consolidated with, the Division of Alcohol and Gambling Enforcement of the Department of Public Safety, under the supervision of a director appointed by the commissioner and serving in the unclassified service at the pleasure of the commissioner. 1985 c 305 art 4 s 1; 1987 c 152 art 1 s 1; 1997 c 129 art 2 s 13

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.22 — Microdistilleries; Distilled Spirit Manufacturers.

Subdivision 1.Activities.(a) A microdistillery licensed under this chapter may provide on its premises samples of distilled spirits manufactured on its premises, in an amount not to exceed 15 milliliters per variety per person. No more than 45 milliliters may be sampled under this paragraph by any person on any day. (b) A microdistillery or distilled spirits manufacturer can sell cocktails to the public, pursuant to subdivision 2. (c) A microdistillery or distilled spirits manufacturer may not operate a cocktail room under subdivision 2 or conduct sales at off-sale under subdivision 4 unless at least 50 percent of the annual production of the licensee is processed and distilled on premises. (d) For purposes of calculating annual production under paragraph (c), distilled spirits that are bottled by the licensee under a contract bottling agreement with a third party are excluded from the licensee's annual production if the: (1) third-party contractor is an independent entity that is not owned or controlled by the licensee; (2) distilled spirits bottled under a third-party contract are not available for sale or marketed by the licensee or the third party at any location licensed under subdivision 2 or 4; and (3) distilled spirits bottled under a third-party contract are available for distribution by wholesalers. (e) Distilled spirits produced or in production prior to July 1, 2017, are not counted as part of the calculations under paragraph (c). Subd. 2.Cocktail room license.(a) A municipality, including a city with a municipal liquor store, may issue the holder of a microdistillery license or distilled spirits manufacturer license under this chapter a microdistillery or distilled spirits manufacturer cocktail room license. A microdistillery or distilled spirits manufacturer cocktail room license authorizes on-sale of distilled liquor

produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller. Notwithstanding section 340A.504, subdivision 3, a cocktail room may be open and may conduct on-sale business on Sundays if authorized by the municipality. Nothing in this subdivision precludes the holder of a microdistillery or distilled spirits manufacturer cocktail room license from also holding a license to operate a restaurant at the distillery. Section 340A.409 shall apply to a license issued under this subdivision. All provisions of this chapter that apply to a retail liquor license shall apply to a license issued under this subdivision unless the provision is explicitly inconsistent with this subdivision. (b) A distiller may only have one cocktail room license under this subdivision. (c) The municipality shall impose a licensing fee on a distiller holding a microdistillery or distilled spirits manufacturer cocktail room license under this subdivision, subject to limitations applicable to license fees under section 340A.408, subdivision 2, paragraph (a). (d) A municipality shall, within ten days of the issuance of a license under this subdivision, inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license. The municipality shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period. (e) No single entity may hold both a cocktail room and taproom license, and a cocktail room and taproom may not be colocated. Subd. 3.License; fee.The commissioner shall establish a fee for licensing microdistilleries that adequately covers the cost of issuing the license and other inspection requirements. The fees shall be deposited in an account in the special revenue fund and are appropriated to the commissioner for the purposes of this subdivision. All other requirements of section 340A.301 apply to a license under this section. Subd. 4.Off-sale license.(a) A microdistillery may be issued a license by the local licensing authority for off-sale of distilled spirits, with the approval of the commissioner. The license may allow the sale of up to a total of 750 milliliters per customer per day of product manufactured on site, in any size container or combination of containers approved under paragraph (b), subject to the following requirements: (1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in the licensing municipality; and (2) no brand may be sold at the microdistillery unless it is also available for distribution by wholesalers. (b) The commissioner may approve any standard fill as approved by the Alcohol and Tobacco Tax and Trade Bureau. (c) The commissioner may by rule establish reporting requirements for microdistilleries making off-sales of distilled spirits under this subdivision to ensure compliance with the 750 milliliter limit in paragraph (a). 2014 c 240 s 5; 2015 c 9 art 1 s 2; art 2 s 1; 1Sp2017 c 4 art 5 s 2,3; 1Sp2019 c 5 art 2 s 7; 2022 c 86 art 1 s 3

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.24 — Brew Pubs.

Subdivision 1.On-sale license.A brew pub may be issued an on-sale intoxicating liquor or 3.2 percent malt liquor license by a municipality for a restaurant operated in the place of manufacture. Subd. 2.Off-sale license.Notwithstanding section 340A.405, a brew pub that holds an on-sale license issued pursuant to this section may, with the approval of the commissioner, be issued a license by a municipality for off-sale of malt liquor produced and packaged on the licensed premises. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brew pub is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores, except that malt liquor in growlers only may be sold at off-sale on Sundays. Sunday sales must be approved by the licensing jurisdiction and hours may be established by those jurisdictions. Packaging of malt liquor for off-sale under this subdivision must comply with section 340A.285. Subd. 3.Total retail sales.A brew pub's total retail sales at on- or off-sale under this section may not exceed 3,500 barrels per year, provided that off-sales may not total more than 750 barrels. Subd. 4.Interest in other license.(a) A brew pub may hold or have an interest in other retail on-sale licenses, but may not have an ownership interest in whole or in part, or be an officer, director, agent, or employee of, any other manufacturer, brewer, importer, or wholesaler, or be an affiliate thereof whether the affiliation is corporate or by management, direction, or control. (b) Notwithstanding this prohibition, a brew pub may be an affiliate or subsidiary company of a brewer licensed in Minnesota or elsewhere if that brewer's only manufacture of malt liquor is: (1) manufacture licensed under section 340A.301, subdivision 6, clause (d); (2) manufacture in another state for consumption exclusively in a restaurant located in the place of manufacture; or (3) manufacture in another state for consumption primarily in a restaurant located in or immediately adjacent to the place of manufacture if the brewer was licensed under section 340A.301, subdivision 6, clause (d), on January 1, 1995. Subd. 5.Prohibition.A brew pub licensed under this chapter may not be licensed as an importer under section 340A.302. 2015 c 9 art 1 s 3,8; art 2 s 3; 1Sp2017 c 4 art 5 s 4

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.26 — Brewer Taprooms.

Subdivision 1.Brewer taproom license.(a) A municipality, including a city with a municipal liquor store, may issue the holder of a brewer's license under section 340A.301, subdivision 6, clause (c), (i), or (j), a brewer taproom license. A brewer taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. Nothing in this subdivision precludes the holder of a brewer taproom license from also holding a license to operate a restaurant at the brewery. Section 340A.409 shall apply to a license issued under this subdivision. All provisions of this chapter that apply to a retail liquor license shall apply to a license issued under this subdivision unless the provision is explicitly inconsistent with this subdivision. (b) A brewer may only have one taproom license under this subdivision, and may not have an ownership interest in a brew pub. Subd. 2.Prohibition.A municipality may not issue a brewer taproom license to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces

more than 250,000 gallons of wine annually. Subd. 3.Fee.The municipality shall impose a licensing fee on a brewer holding a brewer taproom license under this subdivision, subject to limitations applicable to license fees under section 340A.408, subdivision 2, paragraph (a). Subd. 4.Municipality to inform commissioner.A municipality shall, within ten days of the issuance of a license under this subdivision, inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license. The municipality shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period. Subd. 5.Sunday on-sale.Notwithstanding section 340A.504, subdivision 3, a taproom may be open and may conduct on-sale business on Sundays if authorized by the municipality. 2015 c 9 art 1 s 4

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.28 — Small Brewer Off-sale.

Subdivision 1.License; limitations.A brewer licensed under section 340A.301, subdivision 6, clause (c), (i), or (j), may be issued a license by a municipality for off-sale of malt liquor at its licensed premises that has been produced and packaged by the brewer. The license must be approved by the commissioner. A brewer may only have one license under this subdivision. The amount of malt liquor sold at off-sale may not exceed 750 barrels annually. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores, except that malt liquor in growlers only may be sold at off-sale on Sundays. Sunday sales must be approved by the licensing jurisdiction and hours may be established by those jurisdictions. Packaging of malt liquor for off-sale under this subdivision must comply with section 340A.285. Subd. 2.Prohibition.A municipality may not issue a license under this section to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 150,000 barrels of its own brands of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually. Subd. 3.Fee.The municipality shall impose a licensing fee on a brewer holding a license under this subdivision, subject to limitations applicable to license fees under section 340A.408, subdivision 3, paragraph (a). 2015 c 9 art 1 s 5,8; art 2 s 2; 1Sp2017 c 4 art 5 s 5; 2022 c 86 art 1 s 4

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.285 — Growlers.

(a) Malt liquor authorized for off-sale pursuant to section 340A.24 or 340A.28 shall be packaged in 64-ounce containers commonly known as "growlers" or in 750 milliliter bottles. The containers or bottles shall bear a twist-type closure, cork, stopper, or plug. At the time of sale, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extended over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brew pub or brewer selling the malt liquor, and shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100. (b) A brew pub or brewer may, but is not required to, refill any container or bottle with malt liquor for off-sale at the request of the customer. A brew pub or brewer refilling a container or bottle must do so at its licensed premises and the container or bottle must be filled at the tap at the time of sale. A container or bottle refilled under this paragraph must be sealed and labeled in the manner described in paragraph (a). 2015 c 9 art 1 s 6

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.29 — Off-sale Packaging Requirements For Certain Small Brewers.

Subdivision 1.Certain off-sale authorized.Notwithstanding any law to the contrary, and in addition to the off-sale of malt liquor allowed under section 340A.28, a brewer licensed under section 340A.301, subdivision 6, clause (c), (i), or (j), that produces 7,500 barrels or less of malt liquor annually may be issued a license by a municipality for off-sale at its licensed premises of up to 128 ounces per customer per day of malt liquor that has been produced and packaged by the brewer, as provided in subdivision 2. The license must be approved by the commissioner. The amount of malt liquor sold at off-sale under this section must be included in calculating the annual barrel limit imposed in section 340A.28, subdivision 1. Subd. 2.Packaging.Malt liquor authorized for off-sale pursuant to subdivision 1 must be packaged in a container or combination of containers that is in compliance with the provisions of Minnesota Rules, parts 7515.1080 to 7515.1120. Subd. 3.Off-sale not exclusive to brewery premises.Any brand sold under this section must be made available for sale to a malt liquor wholesaler, other than a wholesaler owned in whole or in part by a brewer as allowed in section 340A.301, subdivision 9. Subd. 4.Exception; production in 2021.Notwithstanding the 7,500 barrel limit in subdivision 1, a brewer licensed under section 340A.301, subdivision 6, clause (c), (i), or (j), that produced more than 5,500 barrels but not more than 13,500 barrels of malt liquor in calendar year 2021, as demonstrated by records from the Department of Revenue, may be issued a license under this section, provided that a brewer is only allowed to make the sales authorized in this section until the brewer's production exceeds its 2021 production amount by 2,000 barrels. Subd. 5.Reporting.The commissioner may by rule establish reporting requirements for brewers making off-sales of malt liquor under this section to ensure compliance with the 128 ounce limit in subdivision 1. Subd. 6.Other laws.All other requirements of this chapter not inconsistent with this section apply. 2022 c 86 art 1 s 5

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.3021 — Importation Restrictions.

Subdivision 1.Delivery to wholesaler only.(a) No person may consign, ship, or deliver alcoholic beverages to any place in Minnesota except to a licensed wholesaler's warehouse, if the alcoholic beverages: (1) were manufactured outside Minnesota; and (2) have not previously been unloaded into a licensed wholesaler's warehouse in Minnesota. (b) No person may ship or consign into Minnesota any alcoholic beverages manufactured outside the state unless the alcoholic beverages are continuously in the possession of a motor carrier of property as defined in section 221.012, subdivision 27, or a common carrier as defined in section 218.011, subdivision 10, or are carried in a motor vehicle owned, leased, or rented by a wholesaler licensed under this chapter, between the time the alcoholic beverages are introduced into Minnesota and the time they are unloaded into a licensed wholesaler's warehouse. Subd. 2.Exceptions.Subdivision 1 does not apply to: (1) alcoholic beverages passing through Minnesota in interstate commerce; (2) alcoholic beverages imported into Minnesota by individuals for personal use in the amounts permitted under section 297G.07, subdivision 2, or 340A.417; and (3) a holder of a manufacturer's warehouse permit. Subd. 3.Conformity with federal and state regulations.No manufacturer, importer, or wholesaler licensed under this chapter may introduce into Minnesota or sell in Minnesota any bottle or other container containing alcoholic beverages unless the alcoholic beverages are packaged, labeled, and sold in conformity with all applicable federal and state regulations. Subd. 4.Solicitations prohibited.No person may send or mail, or cause to be sent or mailed any letter, postcard, circular, catalog, pamphlet, or similar publication for delivery into Minnesota that is intended to solicit an order for alcoholic beverages to be shipped to any location into Minnesota other than a licensed wholesaler's warehouse. Subd. 5.Cause of action.In addition to any penalties provided in this chapter, a person who is adversely affected by a violation of this section may bring an action in a court of appropriate jurisdiction to seek damages or injunctive relief. On a finding by the court that a person has violated or is violating this section, the court may enjoin the violation or violations. Any person licensed under this chapter is presumed to be adversely affected by a violation of this section. 1997 c 129 art 1 s 1; 1999 c 86 art 1 s 68

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.303 — Transfers.

A license under section 340A.301 or 340A.302 may be transferred only with the commissioner's consent. When a licensee is a corporation a change in ownership of more than ten percent of its stock must be reported to the commissioner within ten days of the change. 1985 c 305 art 5 s 3; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.304 — License Suspension And Revocation.

The commissioner shall revoke, or suspend for up to 60 days, a license issued under section 340A.301 or 340A.302, or impose a fine of up to $2,000 for each violation, on a finding that the licensee has violated a state law or rule of the commissioner relating to the possession, sale, transportation, or importation of alcoholic beverages. A license revocation or suspension under this section is a contested case under sections 14.57 to 14.69 of the Administrative Procedure Act. 1985 c 305 art 5 s 4; 1985 c 309 s 11; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 152 art 1 s 1; 1987 c 384 art 2 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.305 — Warehousing.

Subdivision 1.Facilities.All licensed wholesalers must own or lease warehouse space within the state and must have adequate delivery facilities to perform the function of a wholesaler. Subd. 2.Unloading.Except as provided in this chapter alcoholic beverages manufactured outside the state may be shipped into the state only to licensed wholesalers and must be unloaded into the wholesaler's warehouse located in the state. Licensed wholesalers may distribute alcoholic beverages only from the warehouse. Subd. 3.Reciprocity.The provisions of this section relating to warehousing do not apply to a wholesaler of malt liquor located in an adjoining state which permits wholesalers licensed in Minnesota to deliver malt liquor to retailers without warehousing in that state. Subd. 4.Direct shipment.Notwithstanding the provisions of this section, a manufacturer or United States importer of intoxicating liquor manufactured outside Minnesota may authorize, on a form the commissioner prescribes, a Minnesota-licensed manufacturer or wholesaler to purchase intoxicating liquor for direct shipment to another state, or may appoint a Minnesota-licensed manufacturer or wholesaler as its agent to sell or deliver intoxicating liquor to purchasers in other states from the Minnesota warehouse inventory of the Minnesota manufacturer or wholesaler. 1985 c 305 art 5 s 5; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.3055 — Manufacturer's Warehouse Permit.

Subdivision 1.Permit required.No brewer, malt liquor manufacturer, or intoxicating liquor manufacturer may import alcoholic beverages to a central warehouse, central distribution center, or holding area in Minnesota that the brewer or manufacturer owns or leases unless the brewer or manufacturer has obtained from the commissioner a manufacturer's warehouse permit for the facility. A manufacturer's warehouse permit allows a brewer or manufacturer to import alcoholic beverages for storage at the facility for which the permit is issued. No person other than a licensed wholesaler, or a motor carrier of property as defined in section 221.012, subdivision 27, or a common carrier as defined in section 218.011, subdivision 10, acting on behalf of a brewer, malt liquor

manufacturer, intoxicating liquor manufacturer, or licensed wholesaler, may accept delivery from or pick up alcoholic beverages from the facility. A licensed wholesaler may distribute alcoholic beverages only from the wholesaler's warehouse. Subd. 2.Eligibility.A permit under this section may be issued only to a brewer, malt liquor manufacturer, or intoxicating liquor manufacturer: (1) whose manufacturing facility or facilities are located outside Minnesota; and (2) who holds a valid importer's license under section 340A.302. Subd. 3.Fee.The annual fee for a permit under this section is $1,000. Subd. 4.Restriction on sale and deliveries.A holder of a permit under this section may sell alcoholic beverages stored in a facility to which a permit has been issued under this section only to: (1) a wholesaler licensed under this chapter; (2) a wholesaler licensed in another state; or (3) an out-of-state or out-of-country entity that sells alcoholic beverages at wholesale or retail. Subd. 5.Reports.A holder of a permit under this section must report monthly to the commissioner of revenue, in a form and at a time the commissioner prescribes: (1) all alcoholic beverages imported into Minnesota and delivered to the permit holder's facility; and (2) all sales of alcoholic beverages made from the facility. Reports to the commissioner of revenue under this subdivision shall remain confidential unless a manufacturer authorizes the release of a report. 1997 c 129 art 1 s 2

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.306 — Fraudulent Shipments.

(a) It is unlawful for: (1) any person to knowingly deliver or cause to be delivered to a common carrier alcoholic beverages under a false title, name, brand, or trademark; or (2) any person, or a common carrier, or an agent of either to knowingly receive a fraudulent shipment under clause (1). (b) A peace officer may examine the books and way bills of a common carrier for the purpose of tracing a fraudulent shipment to a shipper or receiver. 1985 c 305 art 5 s 6; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.308 — Prohibited Transactions.

(a) Except as otherwise provided in section 340A.301, no brewer or malt liquor wholesaler may directly or indirectly, or through an affiliate or subsidiary company, or through an officer, director, stockholder, or partner: (1) give, or lend money, credit, or other thing of value to a retailer; (2) give, lend, lease, or sell furnishing or equipment to a retailer; (3) have an interest in a retail license; or (4) be bound for the repayment of a loan to a retailer. (b) No retailer may solicit any equipment, fixture, supplies, money, or other thing of value from a brewer or malt liquor wholesaler if furnishing of these items by the brewer or wholesaler is prohibited by law and the retailer knew or had reason to know that the furnishing is prohibited by law. (c) This section does not prohibit a manufacturer or wholesaler from: (1) furnishing, lending, or renting to a retailer outside signs, of a cost of up to $400 excluding installation and repair costs; (2) furnishing, lending, or renting to a retailer inside signs and other promotional material, of a cost of up to $300 in a year; (3) furnishing to or maintaining for a retailer equipment for dispensing malt liquor, including tap trailers, cold plates and other dispensing equipment, of a cost of up to $100 per tap in a year; (4) using or renting property owned continually since November 1, 1933, for the purpose of selling intoxicating or 3.2 percent malt liquor at retail; (5) extending customary commercial credit to a retailer in connection with a sale of nonalcoholic beverages only, or engaging in cooperative advertising agreements with a retailer in connection with the sale of nonalcoholic beverages only; or (6) in the case of a wholesaler, with the prior written consent of the commissioner, selling beer on consignment to a holder of a temporary license under section 340A.403, subdivision 2, or 340A.404, subdivision 10. 1985 c 88 s 1,2; 1985 c 201 s 1,2; 1985 c 305 art 5 s 8; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 152 art 1 s 1; 1987 c 310 s 3; 1987 c 328 s 1; 1988 c 556 s 1; 1991 c 249 s 31; 1994 c 611 s 11; 2003 c 126 s 4

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.309 — Exclusive Contracts.

A manufacturer, brewer, or wholesaler may not directly or indirectly make an agreement with a retailer which binds the retailer to purchase the products of one manufacturer or brewer to the exclusion of the products of other manufacturers and brewers. A retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a violation. 1985 c 305 art 5 s 9; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.310 — Sales By Wholesalers.

A wholesaler may sell intoxicating liquor or 3.2 percent malt liquor only to municipal liquor stores, government instrumentalities, or holders of alcoholic beverage licenses issued under this chapter. 1985 c 305 art 5 s 10; 1987 c 152 art 1 s 1; 1991 c 249 s 31

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.311 — Brand Registration.

(a) A brand of intoxicating liquor or 3.2 percent malt liquor may not be manufactured, imported into, or sold in the state unless the brand label has been registered with and approved by the commissioner. A brand registration must be renewed every three years in order to remain in effect. The fee for an initial brand registration is $40. The fee for brand registration renewal is $30. The brand label of a brand of intoxicating liquor or 3.2 percent malt liquor for which the brand registration has expired, is conclusively deemed abandoned by the manufacturer or importer. (b) In this section "brand" and "brand label" include trademarks and designs used in

connection with labels. (c) The label of any brand of wine or intoxicating or nonintoxicating malt beverage may be registered only by the brand owner or authorized agent. No such brand may be imported into the state for sale without the consent of the brand owner or authorized agent. This section does not limit the provisions of section 340A.307. (d) The commissioner shall refuse to register a malt liquor brand label, and shall revoke the registration of a malt liquor brand label already registered, if the brand label states or implies in a false or misleading manner a connection with an actual living or dead American Indian leader. This paragraph does not apply to a brand label registered for the first time in Minnesota before January 1, 1992. History:1985 c 305 art 5 s 11; 1987 c 152 art 1 s 1; 1991 c 249 s 2,31; 1992 c 513 art 3 s 55; 1994 c 611 s 12; 2005 c 136 art 8 s 14 NOTE:Paragraph (d) was found unconstitutional in the case ofHornell Brewing Co., Inc. v. Minnesota Department of Public Safety, Liquor Control Division, 553 N.W.2d 713 (Minn. Ct. App. 1996).

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.312 — Joint Purchases; Volume Prices.

Subdivision 1.Joint purchases.The joint purchase by two or more licensed retailers of up to 300, 1.75 liter or smaller, bottles of distilled spirits or wine for resale to the public is lawful. Subd. 2.Volume prices.A variable volume price offered by a wholesaler to a licensed retailer on sales of distilled spirits or wine may not be for a quantity of more than 25 cases. 1985 c 305 art 5 s 12; 1987 c 152 art 1 s 1; 1987 c 310 s 4

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.314 — Suggested Retail Prices.

No wholesaler or other person may communicate in any manner to an off-sale licensee a suggested retail price for the sale of intoxicating liquor. 1985 c 305 art 5 s 14; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.316 — Sacramental Wine.

The commissioner may issue a license to a bona fide religious book or supply store for the importation and sale of wine exclusively for sacramental purposes. The holder of a sacramental wine license may sell wine intended by the manufacturer or the wholesaler for sacramental purposes only to a rabbi, priest, or minister of a church, or other established religious organization, if the purchaser certifies in writing that the wine will be used exclusively for sacramental purposes in religious ceremonies. The annual fee for a sacramental wine license is $50, inclusive of a retail card required under Minnesota Rules, part 7515.0210. A seller of sacramental wine does not need insurance required under section 340A.409. A rabbi, priest, or minister of a church or other established religious organization may import wine exclusively for sacramental purposes without a license. 1985 c 305 art 5 s 16; 1987 c 152 art 1 s 1; 1991 c 326 s 17; 1992 c 513 art 3 s 57; 1996 c 418 s 2; 2014 c 240 s 14

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.317 — Licensing Of Brokers.

Subdivision 1.Definition."Broker" means a person who represents a distillery, winery, or importer, and is not an employee of the distillery, winery, or importer. Subd. 2.License required.All brokers and their employees must obtain a license from the commissioner. The annual license fee for a broker is $600, for an employee of a broker the license fee is $20. An application for a broker's license must be accompanied by a written statement from the distillery, winery, or importer the applicant proposes to represent verifying the applicant's contractual arrangement, and must contain a statement that the distillery, winery, or importer is responsible for the actions of the broker. The license shall be issued for one year. The broker, or employee of the broker may promote a vendor's product and may call upon licensed retailers to insure product identification, give advance notice of new products or product changes, and share other pertinent market information. The commissioner may revoke or suspend for up to 60 days a broker's license or the license of an employee of a broker if the broker or employee has violated any provision of this chapter, or a rule of the commissioner relating to alcoholic beverages. The commissioner may suspend for up to 60 days, the importation license of a distillery or winery on a finding by the commissioner that its broker or employee of its broker has violated any provision of this chapter, or rule of the commissioner relating to alcoholic beverages. Subd. 3.Reports.A distillery, winery, or broker must furnish within 60 days after the end of each month a report to the commissioner specifying for that month the type, quantity, date, and licensed retailers who received samples from the distillery, winery, or broker. 1985 c 308 s 3; 1987 c 152 art 1 s 1; 1992 c 513 art 3 s 58

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.318 — Credit Extensions Restricted.

Subdivision 1.Restriction.Except as provided in this section, no retail licensee may accept or receive credit, other than merchandising credit in the ordinary course of business for a period not to exceed 30 days, from a distiller, manufacturer, or wholesaler of distilled spirits or wine, or agent or employee thereof. No distiller, manufacturer or wholesaler may extend the prohibited credit to a retail licensee. No retail licensee delinquent beyond the 30-day period shall solicit, accept or receive credit or purchase or acquire distilled spirits or wine directly or indirectly, and no distiller, manufacturer or wholesaler shall knowingly grant

or extend credit nor sell, furnish or supply distilled spirits or wine to a retail licensee who has been posted delinquent under subdivision 3. No right of action shall exist for the collection of any claim based upon credit extended contrary to the provisions of this section. Subd. 2.Reporting.Every distiller, manufacturer or wholesaler selling to retailers shall submit to the commissioner in triplicate not later than Thursday of each calendar week a verified list of the names and addresses of each retail licensee purchasing distilled spirits or wine from that distiller, manufacturer, or wholesaler who, on the first day of that calendar week, was delinquent beyond the 30-day period, or a verified statement that no delinquencies exist which are required to be reported. The name and address of each retail licensee who makes payment with a postdated check, or a check that is dishonored on presentment, must also be submitted to the commissioner at that time. If a retail licensee previously reported as delinquent cures the delinquency by payment, the name and address of that licensee shall be submitted in triplicate to the commissioner not later than the close of the second full business day following the day the delinquency was cured. Subd. 3.Posting; notice.Verified lists or statements required by subdivision 2 shall be posted by the commissioner in offices of the department in places available for public inspection not later than the Monday following receipt. Documents posted shall constitute notice to every distiller, manufacturer, or wholesaler of the information posted. Actual notice, however received, also constitutes notice. Subd. 4.Miscellaneous provisions.The 30-day merchandising period allowed by this section shall commence with the day immediately following the date of invoice and shall include all successive days, including Sundays and holidays, to and including the 30th successive day. In addition to other legal methods, payment by check during the period for which merchandising credit may be extended shall be considered payment. All checks received in payment for distilled spirits or wine shall be deposited promptly for collection. A postdated check or a check dishonored on presentation for payment does not constitute payment. A retail licensee shall not be deemed delinquent for any alleged sale in any instance where there exists a bona fide dispute between the licensee and the distiller, manufacturer or wholesaler as to the amount owing as a result of the alleged sale. A delinquent retail licensee who engages in the retail liquor business at two or more locations shall be deemed to be delinquent with respect to each location. A retail licensee who engages in the retail liquor business at two or more locations means "a person or group of persons possessing 50 percent or more ownership in two or more locations." Subd. 5.License suspension or revocation.The license of any retail licensee, distiller, manufacturer or wholesaler violating any provision of this section shall be subject to suspension or revocation in the manner provided by this chapter. 1986 c 465 art 2 s 7; 1987 c 152 art 1 s 1; 1987 c 310 s 5-7; 2003 c 126 s 5

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.319 — Reports By Brewers.

The commissioner may require a brewer that manufactures 25,000 or fewer barrels of malt liquor in any year to report to the commissioner, on a form and at the frequency the commissioner prescribes, on the total amount of malt liquor brewed by the brewer. 1994 c 611 s 13

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.33 — Brew On Premises Store.

Notwithstanding anything in this chapter, the owner of a brew on premises store shall not be considered a brewer, manufacturer, wholesaler, or retailer of intoxicating liquor if the owner complies with this section and with Code of Federal Regulations, title 27, part 25, subpart L, sections 25.205 and 25.206. For purposes of this section, a brew on premises store is a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Alcoholic beverages may not be sold or otherwise provided to customers of a brew on premises store, unless the owner of the brew on premises store holds the appropriate liquor license, except that the tasting of malt liquor that is brewed by a customer or employee at the brew on premises store shall be permitted, if the malt liquor is not sold or offered for sale. Customers using the brew on premises store must be of the minimum age required to purchase intoxicating liquor. Malt liquor brewed by a customer in the store must not be sold and must be used by the customer solely for personal or family use. 1995 c 198 s 6; 2018 c 202 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.34 — Winemaking On Premises Store.

A commercial establishment in which individuals make wine on the premises for personal and family use only and not for resale, using ingredients or materials or both supplied by the establishment, is not required to be licensed under this chapter if the establishment is operated in accordance with Code of Federal Regulations, title 27, section 24.75. No person under the age of 21 years may participate in the making of wine in such an establishment. Alcoholic beverages may not be sold or otherwise provided to customers of an establishment described in this section unless the establishment holds the appropriate license for such sale or provision, except that the tasting of wine that is made by a customer or employee at the winemaking on premises store shall be permitted, if the wine is not sold or offered for sale. 2000 c 440 s 4; 2018 c 202 s 2

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.401 — License Required.

Except as provided in this chapter, no person may directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession, or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained the

required license or permit. Rental of or permission to use a public facility is not a commercial transaction for the purposes of this chapter. 1985 c 305 art 6 s 1; 1987 c 152 art 1 s 1; 1995 c 198 s 7; 1996 c 418 s 3; 2009 c 120 s 5

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.4011 — Bed And Breakfast Facilities; When License Not Required.

Subdivision 1.Definition.For purposes of this section, "bed and breakfast facility" means a place of lodging that: (1) provides not more than eight rooms for rent to no more than 20 guests at a time; (2) is located on the same property as the owner's personal residence; (3) provides no meals, other than breakfast served to persons who rent rooms; and (4) was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging. Subd. 2.License not required.(a) Notwithstanding section 340A.401, no license under this chapter is required for a bed and breakfast facility to provide at no additional charge to a person renting a room at the facility not more than two glasses per day each containing not more than four fluid ounces of wine, or not more than one glass per day containing not more than 12 ounces of Minnesota-produced beer. Wine or beer so furnished may be consumed only on the premises of the bed and breakfast facility. (b) A bed and breakfast facility may furnish wine or beer under paragraph (a) only if the facility is registered with the commissioner. Application for such registration must be on a form the commissioner provides. The commissioner may revoke registration under this paragraph for any violation of this chapter or a rule adopted under this chapter. 1996 c 418 s 4; 2011 c 55 s 6

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.402 — Persons Eligible.

Subdivision 1.Disqualifiers.No retail license may be issued to: (1) a person under 21 years of age; (2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; (3) a person not of good moral character and repute; (4) a person who: (i) has had a license or registration issued pursuant to chapter 342 or section 151.72, subdivision 5b, revoked; (ii) has been convicted of an offense under section 151.72, subdivision 7; or (iii) has been convicted under any other statute for the illegal sale of marijuana, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products and the sale took place on the premises of a business that sells intoxicating liquor or 3.2 percent malt liquor to customers; or (5) a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler. In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage. The Alcohol and Gambling Enforcement Division or licensing authority may require that fingerprints be taken and forwarded to the Federal Bureau of Investigation for purposes of a criminal history check. Subd. 2.Background check.(a) A retail liquor license may be issued by a city, a county, or the commissioner. The chief of police is responsible for the background checks prior to a city issuing a retail liquor license. A county sheriff is responsible for the background checks prior to the county issuing a retail liquor license and for those cities that do not have a police department. The commissioner is responsible for the background checks prior to the state issuing a retail liquor license. (b) The applicant for a retail license must provide the appropriate authority with the applicant's signed, written informed consent to conduct a background check. The appropriate authority is authorized to query the Minnesota criminal history repository for records on the applicant. If the appropriate authority conducts a national criminal history records check, the appropriate authority must obtain fingerprints from the applicant and forward the fingerprints and the required fee to the superintendent of the Bureau of Criminal Apprehension. The superintendent may exchange the fingerprints with the Federal Bureau of Investigation for purposes of obtaining the applicant's national criminal history record information. The superintendent shall return the results of the national criminal history records check to the appropriate authority for the purpose of determining if the applicant is qualified to receive a license. 1985 c 305 art 6 s 2; 1986 c 330 s 5; 1987 c 152 art 1 s 1; 1989 c 49 s 1; 1991 c 249 s 3; 1993 c 350 s 9; 1994 c 611 s 15; 1996 c 323 s 4; 2002 c 321 s 6; 2013 c 82 s 35; 2023 c 63 art 6 s 50

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.4022 — Retail License Not Prohibited; Lower-potency Hemp Edibles.

(a) Nothing in this chapter: (1) prohibits the issuance of a retail license or permit to a person also holding a hemp business license authorizing the manufacture or retail sale of lower-potency hemp edibles; (2) allows any agreement between a licensing authority and retail license or permit holder that prohibits the license or permit holder from also holding a lower-potency hemp edible manufacturer or retailer license; or (3) allows the revocation or suspension of a retail license or permit, or the imposition of a penalty on a retail license or permit holder, due to the retail license or permit holder also holding a lower-potency hemp edible manufacturer or retailer license. (b) For purposes of this section, "hemp business license authorizing manufacture or retail sale of lower-potency hemp edibles" means a license issued by the Office of Cannabis Management pursuant to sections 342.43 to 342.46. 2023 c 63 art 6 s 51

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection

340A.403 — 3.2 Percent Malt Liquor Licenses.

Subdivision 1.Issuance by county or city.The governing body of a city or county may issue off-sale or on-sale licenses for the sale of 3.2 percent malt liquor within their respective jurisdictions. Subd. 2.Temporary licenses.(a) A club or charitable, religious, or nonprofit organization may be issued a temporary on-sale license for the sale of 3.2 percent malt liquor. (b) The temporary license may authorize the sale of 3.2 percent malt liquor in any school or school buildings. (c) Temporary licenses are subject to the terms set by the issuing county or city. Subd. 3.Exemption.(a) Any person licensed to sell intoxicating liquor at on-sale shall not be required to obtain an on-sale license under this section, and may sell nonintoxicating malt beverages at on-sale without further license. (b) Any person licensed to sell intoxicating liquor at off-sale shall not be required to obtain an off-sale license under this section, and may sell nonintoxicating malt beverages at off-sale without further license. Subd. 4.Notice to commissioner.Within ten days of the issuance of a license under this section, a municipality shall inform the commissioner, on a form the commissioner prescribes, of the licensee's name and address and trade name, the effective date and expiration date of the license, and any other information on the license the commissioner requires. 1985 c 117 s 1,2; 1985 c 305 art 6 s 3; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 152 art 1 s 1; 1991 c 249 s 31; 1Sp2003 c 19 art 2 s 57,79

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.4041 — Culinary Classes; On-sale License.

Subdivision 1.License authorized.A city or county may issue a limited on-sale intoxicating liquor license to a business establishment: (1) not otherwise eligible for an on-sale intoxicating liquor license; and (2) that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only. Subd. 2.Fee.The issuing authority shall set the fee for a license under this section, subject to section 340A.408, subdivision 2, paragraph (a). Subd. 3.Application of other law.All provisions of this chapter that apply to on-sale intoxicating liquor licenses, other than provisions inconsistent with this section, apply to licenses issued under this section, except that section 340A.409 shall not apply. 2006 c 210 s 10

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.4042 — Wine Or Malt Liquor Educator; On-sale License.

Subdivision 1.Wine educator license.The commissioner may issue an on-sale license to a person meeting the requirements specified in sections 340A.402 and 340A.409, at an annual cost of $250 per license to a wine educator and $50 per permit for each employee of the wine educator that will be pouring wine, under the following conditions: (1) the license may be used to purchase wine at retail and serve wine for educational purposes in any part of the state, unless a political subdivision adopts an ordinance prohibiting wine education; (2) all events conducted pursuant to this license must be conducted through advance registration, and no walk-in access to the general public is permitted; (3) licensees must possess certification that is satisfactory to the commissioner, including, but not limited to, a certified specialist of wine or certified wine educator status as conferred by the Society of Wine Educators, a Wine and Spirits Education Trust Diploma, status as a certified sommelier, or the completion of a wine industry program at a technical college or culinary school. A wine educator must also complete Training for Intervention Procedures (TIPS) or other certified alcohol training programs and have a valid certificate on file with the commissioner; (4) a license holder shall not sell alcohol for off-premises consumption and no orders may be taken for future sales; (5) classes shall not be conducted at retail businesses that do not have a liquor license during business hours; and (6) prior to providing a class authorized under this section, the licensee shall notify the police chief of the city where the class will take place, if the event will take place within the corporate limits of a city. If the city has no police department, the licensee shall notify the city's clerk. If the class will take place outside the corporate limits of any city, the licensee shall notify the sheriff of the county where the class will take place. Subd. 2.Malt liquor educator license.The commissioner may issue an on-sale license to a person meeting the requirements specified in sections 340A.402 and 340A.409, at an annual cost of $250 per license to a malt liquor educator and $50 per permit for each employee of the malt liquor educator that will be pouring malt liquor, under the following conditions: (1) the license may be used to purchase malt liquor at retail and serve malt liquor for educational purposes in any part of the state, unless a political subdivision adopts an ordinance prohibiting malt liquor education; (2) all events conducted pursuant to this license must be conducted through advance registration, and no walk-in access to the general public is permitted; (3) licensees must possess certification that is satisfactory to the commissioner, including, but not limited to, certification as a cicerone, completion of coursework from the Master Brewers Association of the Americas, or other brewer or brewing certification program acceptable to the commissioner. A malt liquor educator must also complete Training for Intervention Procedures (TIPS) or other certified alcohol training programs and have a valid certificate on file with the commissioner; (4) a license holder shall not sell alcohol for off-premises consumption and no orders may be taken for future sales; (5) classes shall not be conducted at retail businesses that do not have a liquor license during business hours; and (6) prior to providing a class authorized under this section, the licensee shall notify the police chief of the city where the class will take place, if the event will take place within the corporate limits of a city. If the city has no police department, the licensee shall notify the city's clerk. If the class will take place outside the corporate limits of any city, the licensee shall notify the sheriff of the county where the class will take place. 2012 c 235 s 5; 2013 c 42 s 6

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.4055 — Licenses In Indian Country.

Notwithstanding any law to the contrary, on-sale or off-sale licenses for the sale of intoxicating liquor or 3.2 percent malt liquor issued by the governing body of an Indian tribe in accordance with United States Code, title 18, section 1161, to an Indian tribal member or Indian tribal entity for an establishment located within Indian country as defined under United States Code, title 18, section 1154, are valid. When a license is issued under this section, the issuing authority shall notify the commissioner of public safety of the name and address of the licensee. Upon receipt of the notice, the commissioner shall issue a retailer's identification card to the licensee to permit the licensee to purchase distilled spirits, wine, or malt beverages. An establishment issued a license under this section is not required to obtain a license from any municipality, county, or town. 1985 c 308 s 2; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 152 art 1 s 1; 1991 c 249 s 10,31; 1992 c 464 art 1 s 37

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.406 — Intoxicating Liquor; Combination Licenses.

A city of the fourth class or a statutory city of 10,000 or fewer population may issue an off-sale and on-sale intoxicating liquor license to the same licensee or, in lieu of issuing on-sale and off-sale licenses separately to a licensee, may issue a combination on-sale and off-sale license. A city may continue to issue licenses under this subdivision when the population of the city exceeds 10,000 population. 1985 c 305 art 6 s 6; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.407 — Common Carriers.

The commissioner may issue an on-sale license to a person certificated by either the state or the United States of America, or an agency thereof, as a common carrier engaged in the business of transporting persons for hire in interstate or intrastate commerce to sell intoxicating or 3.2 percent malt liquor in a place where meals are sold. A license issued under this subdivision only authorizes the sale of intoxicating or 3.2 percent malt liquor to a bona fide passenger who is actually being transported in interstate or intrastate commerce. 1985 c 305 art 6 s 7; 1987 c 152 art 1 s 1; 1991 c 249 s 31

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.408 — Retail License Fees.

Subdivision 1.3.2 percent malt liquor.(a) The license fee for an on-sale and off-sale 3.2 percent malt liquor license is the fee set by the county or city issuing the license. (b) One-half of the license fee received by a county for a retail license to sell 3.2 percent malt liquor within any town in the county shall be paid to the town board where the business is located. Subd. 2.Intoxicating liquor; on-sale.(a) The license fee for a retail on-sale intoxicating liquor license is the fee set by the city or county issuing the license subject to the limitations imposed under this subdivision. The license fee is intended to cover the costs of issuing and inspecting and other directly related costs of enforcement. (b) The annual license fee for an on-sale intoxicating liquor license issued by a municipality to a club must be no greater than: (1) $300 for a club with under 200 members; (2) $500 for a club with between 201 and 500 members; (3) $650 for a club with between 501 and 1,000 members; (4) $800 for a club with between 1,001 and 2,000 members; (5) $1,000 for a club with between 2,001 and 4,000 members; (6) $2,000 for a club with between 4,001 and 6,000 members; or (7) $3,000 for a club with over 6,000 members. (c) The license fee for the issuance of a wine license may not exceed one-half of the license fee charged for an on-sale intoxicating liquor license, or $2,000, whichever is less. (d) The town board of a town in which an on-sale establishment has been licensed by a county may impose an additional license fee on each such establishment in an amount not to exceed 20 percent of the county license fee. Subd. 3.Intoxicating liquor; off-sale.(a) The annual license fee for an off-sale intoxicating liquor license issued by a city, when combined with any occupation tax imposed by the city, may not exceed the following limits: (1) $1,500 for cities of the first class; (2) $560 for cities over 10,000 population located outside of the seven-county metropolitan area other than cities of the first class; (3) $380 for cities over 10,000 population other than cities of the first class or cities described in clause (2); (4) $310 for cities of between 5,000 and 10,000 population; and (5) $240 for cities with less than 5,000 population. (b) The annual license fee for an off-sale intoxicating liquor license issued by a county or town shall not exceed $800. (c) The fee set by the jurisdiction issuing the license shall be reduced by $100 if the following conditions are met: (1) the licensee agrees to have a private vendor train all employees within 60 days of hire and annually thereafter in laws pertaining to the sale of alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors; (2) the licensee agrees to post a policy requiring identification checks for all persons appearing to be 30 years old or less; and (3) a cash award and incentive program is established by the licensee, to award employees who catch underage drinkers, and a penalty program is established to punish employees in the event of a failed compliance check. (d) Population for purposes of this subdivision shall be as determined by the state demographer. Subd. 3a.Fee increases; notice, hearing.No city, town, or county shall increase the fee for a liquor license governed by subdivision 1, 2, or 3, except after notice and hearing on the proposed increase. Notice of the proposed increase must be mailed to all affected licensees at least 30 days before the date set for the hearing. This subdivision supersedes any inconsistent provision of law or charter. Subd. 4.Lake Superior, St. Croix River, and Mississippi River tour boats; common carriers.(a) The annual license fee for licensing of Lake Superior, St. Croix River, and Mississippi River tour boats under section 340A.404, subdivision 8, shall be $1,500. The commissioner shall transmit one-half of this fee to the governing

body of the city that is the home port of the tour boat or to the county in which the home port is located if the home port is outside a city. (b) The annual license fee for common carriers licensed under section 340A.407 is: (1) $50 for 3.2 percent malt liquor, and $20 for a duplicate license; and (2) $250 for intoxicating liquor, and $30 for a duplicate license. Subd. 5.Refunds.A pro rata share of an annual license fee for a retail license to sell intoxicating or 3.2 percent malt liquor, either on-sale or off-sale, may be refunded to the licensee or to the licensee's estate if: (1) the business ceases to operate because of destruction or damage; (2) the licensee dies; (3) the business ceases to be lawful for a reason other than a license revocation; or (4) the licensee ceases to carry on the licensed business under the license. 1985 c 305 art 6 s 8; 1987 c 152 art 1 s 1; 1989 c 104 s 1; 1991 c 249 s 11,31; 1992 c 486 s 8; 1992 c 513 art 3 s 59; 1996 c 418 s 7; 2005 c 136 art 8 s 16; 2007 c 89 s 6

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.409 — Liability Insurance.

Subdivision 1.Insurance required.(a) No retail license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by section 340A.801. The issuing authority must submit to the commissioner the applicant's proof of financial responsibility. This subdivision does not prohibit a local unit of government from requiring higher insurance or bond coverages, or a larger deposit of cash or securities. The minimum requirement for proof of financial responsibility may be given by filing: (1) a certificate that there is in effect for the license period an insurance policy issued by an insurer required to be licensed under section 60A.07, subdivision 4, or by an insurer recognized as an eligible surplus lines carrier pursuant to section 60A.206 or pool providing at least $50,000 of coverage because of bodily injury to any one person in any one occurrence, $100,000 because of bodily injury to two or more persons in any one occurrence, $10,000 because of injury to or destruction of property of others in any one occurrence, $50,000 for loss of means of support of any one person in any one occurrence, $100,000 for loss of means of support of two or more persons in any one occurrence, $50,000 for other pecuniary loss of any one person in any one occurrence, and $100,000 for other pecuniary loss of two or more persons in any one occurrence; (2) a bond of a surety company with minimum coverages as provided in clause (1); or (3) a certificate of the commissioner of management and budget that the licensee has deposited with the commissioner of management and budget $100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000. (b) This subdivision does not prohibit an insurer from providing the coverage required by this subdivision in combination with other insurance coverage. (c) An annual aggregate policy limit for dram shop insurance of not less than $310,000 per policy year may be included in the policy provisions. (d) A liability insurance policy required by this section must provide that it may not be canceled for: (1) any cause, except for nonpayment of premium, by either the insured or the insurer unless the canceling party has first given 60 days' notice in writing to the insured of intent to cancel the policy; and (2) nonpayment of premium unless the canceling party has first given ten days' notice in writing to the insured of intent to cancel the policy. (e) In the event of a policy cancellation, the insurer will send notice to the issuing authority at the same time that a cancellation request is received from or a notice is sent to the insured. (f) All insurance policies which provide coverage with regard to any liability imposed by section 340A.801 must contain at least the minimum coverage required by this section. Subd. 2.Market assistance.The market assistance plan of the Minnesota Joint Underwriting Association shall assist licensees in obtaining insurance coverage. Subd. 3.Minnesota Joint Underwriting Association.(a) The Minnesota Joint Underwriting Association shall provide coverage required by subdivision 1 to persons rejected under this subdivision. (b) A liquor vendor shall be denied or terminated from coverage through the Minnesota Joint Underwriting Association if the liquor vendor disregards safety standards, laws, rules, or ordinances pertaining to the offer, sale, or other distribution of liquor. Subd. 3a.Notification by insurer of status of claim.Upon the request of the insured, an insurer who is providing coverage required by subdivision 1 shall inform the insured of the status of any claims made under the policy. The information must include: (1) the employees of the insured that may be involved and the nature of their involvement; (2) any amount the insurer is holding in reserve for payment of a claim or has paid in the disposition of the claim; and (3) any amount paid in the defense of the claim. This subdivision does not require disclosure of otherwise nondiscoverable information to an adverse party in litigation. Subd. 4.Insurance not required.Subdivision 1 does not apply to licensees who by affidavit establish that: (1) they are on-sale 3.2 percent malt liquor licensees with sales of less than $25,000 of 3.2 percent malt liquor for the preceding year; (2) they are off-sale 3.2 percent malt liquor licensees with sales of less than $50,000 of 3.2 percent malt liquor for the preceding year; (3) they are holders of on-sale wine licenses with sales of less than $25,000 for wine for the preceding year; (4) they are holders of temporary wine licenses issued under law; or (5) they are wholesalers who donate wine to an organization for a wine tasting conducted under section 340A.418 or 340A.419. 1985 c 200 s 2; 1985 c 305 art 6 s 9; 1985 c 309 s 7-9; 1Sp1985 c 16 art 2 s 3 subd 1; 1Sp1986 c 3 art 1 s 38; 1987 c 107 s 1; 1987 c 152 art 1 s 1; 1988 c 534 s 1; 1991 c 249 s 31; 1994 c 485 s 61,62; 1997 c 129 art 1 s 5,6; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109; 2010 c 255 s 4,5; 2010 c 384 s 96; 2017 c 40 art 1 s 110

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.411 — License Restrictions; 3.2 Percent Malt Liquor Licenses.

Subdivision 1.On-sale licenses.On-sale 3.2 percent malt liquor licenses may only be issued to drugstores, restaurants, hotels, clubs, bowling centers, golf courses, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks. Subd. 2.License duration.All retail 3.2 percent malt liquor licenses must be issued for one year, except that for the purpose of coordinating the time of expiration of licenses in general, licenses may be issued for a shorter time, in which case a pro rata license fee must be charged. Subd. 3.Terminology.A political subdivision may not issue a 3.2 percent malt liquor license

that includes the term "nonintoxicating liquor." 1985 c 305 art 6 s 11; 1987 c 5 s 3; 1987 c 152 art 1 s 1; 1991 c 249 s 31; 1996 c 323 s 2,3; 2003 c 126 s 8

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.413 — Restrictions On Number Of Intoxicating Liquor Licenses That May Be Issued.

Subdivision 1.On-sale licenses.No on-sale intoxicating liquor license may be issued in any city except as provided in this section in excess of the following limits: (1) in cities of the first class, one license for every 1,500 population, up to 200 licenses; (2) in cities of the second class, not more than 18 licenses plus one for every 2,500 population over 45,000; (3) in cities of the third class, not more than 12 licenses; (4) in cities of the fourth class, including cities whose acts of incorporation were repealed by Laws 1973, chapter 123, article V, section 5, not more than seven licenses; (5) in statutory cities of 5,000 to 10,000 population, not more than six licenses; (6) in statutory cities of 2,500 to 5,000 population, not more than five licenses; (7) in statutory cities of 500 to 2,500 population, not more than four licenses; and (8) in statutory cities under 500 population, not more than three licenses. Subd. 2.Additional on-sale licenses permitted for cities in St. Louis County.For cities in St. Louis County no on-sale liquor license may be issued in excess of the following limits, without the approval of the commissioner: (1) in cities of the third class, not more than 15 licenses; (2) in cities of the fourth class, not more than nine licenses; and (3) in statutory cities of 2,500 to 5,000 population, not more than six licenses. Subd. 3.Referendum for additional on-sale licenses.(a) The governing body of a city may issue on-sale intoxicating liquor licenses over the number permitted under subdivision 1 when authorized by the voters of the city at a general or special election. (b) The governing body may direct that either of the following questions be placed on the ballot: (1) "Shall the city council be allowed to issue 'on-sale' licenses for the sale of intoxicating liquor at retail in excess of the number permitted by law? (2) "Shall the city council be allowed to issue (a number to be determined by the governing body) 'on-sale' licenses for the sale of intoxicating liquor at retail in excess of the number now permitted by law? (c) If a majority of voters voting on the question in clause (1) vote yes, the governing body may issue an unlimited number of on-sale licenses. If a majority of voters voting on the question in clause (2) vote yes, the governing body may issue additional on-sale licenses in the number stated in the question. Subd. 4.Exclusions from license limits.On-sale intoxicating liquor licenses may be issued to the following entities by a city, in addition to the number authorized by this section: (1) clubs, or congressionally chartered veterans organizations; (2) restaurants; (3) establishments that are issued licenses to sell wine under section 340A.404, subdivision 5; (4) theaters that are issued licenses under section 340A.404; (5) hotels; and (6) bowling centers. Subd. 5.Off-sale licenses.No off-sale intoxicating liquor license may be issued in any city, except as provided in this section, in excess of the following limits: (1) in cities of the first class, not more than one off-sale license for each 5,000 population; and (2) in all other cities the limit shall be determined by the governing body of the city. Subd. 6.Area that has been annexed or consolidated.A license validly issued within the number prescribed in this section is not rendered invalid or illegal by reason of the consolidation or annexation of territory to a city and may continue to remain in effect and be renewed, except that the limitations as to ownership under section 340A.412, subdivision 2. 1985 c 305 art 6 s 13; 1987 c 152 art 1 s 1; 1990 c 554 s 13; 1991 c 249 s 16; 1996 c 418 s 9; 2003 c 126 s 9

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.414 — Consumption And Display Permits.

Subdivision 1.Permit required.No business establishment or club which does not hold an on-sale intoxicating liquor license may directly or indirectly allow the consumption and display of alcoholic beverages or knowingly serve any liquid for the purpose of mixing with intoxicating liquor without first having obtained a permit from the commissioner. Rental of a public facility does not make a subdivision or the facility a "business establishment" for the purposes of this chapter. Subd. 1a.Additional authorization.A holder of a consumption and display permit under this section who wishes to allow the consumption and display of intoxicating liquor between the hours of 1:00 a.m. and 2:00 a.m. must obtain authorization to do so from the commissioner. The authorization may be provided in a document issued to the permit holder by the commissioner, or by a notation on the permit holder's permit. Authorizations are valid for one year from the date of issuance. The annual fee for obtaining authorization is $200. The commissioner shall deposit all fees received under this subdivision in the alcohol enforcement account in the special revenue fund. A person who holds a consumption and display permit and who also holds a license to sell alcoholic beverages at on-sale at the same location is not required to obtain an authorization under this subdivision. Subd. 2.Eligibility for permit.(a) The commissioner may issue a permit under this section only to: (1) an applicant who has not, within five years prior to the application, been convicted of a felony or of violating any provision of this chapter or rule adopted under this chapter; (2) a restaurant; (3) a hotel; (4) an establishment licensed for the sale of 3.2 percent malt liquor; (5) a resort as defined in section 157.15; (6) a club as defined in section 340A.101, subdivision 7, or an unincorporated club otherwise meeting that definition; and (7) a bed and breakfast facility as defined in section 340A.4011, subdivision 1. (b) The commissioner may not issue a permit to a club holding an on-sale intoxicating liquor license. Subd. 3.Only authorized to permit the consumption and display.A permit issued under this section authorizes the establishment to permit the consumption and display of intoxicating liquor on the premises. The permit does not authorize the sale of intoxicating liquor. Subd. 4.Permit expiration.All permits issued under this section expire on March 31 of each year. Subd. 5.Local consent required.A permit issued under this section is not effective until approved by the governing body of the city or county where the establishment is located. Subd. 6.Permit fees.The annual fee for issuance of a permit under this section is $250. The governing body of a city or county where the establishment is located may impose an additional fee of not more than $300. Subd. 7.Inspection.An establishment holding a permit under this section is open for inspection by the commissioner and the

commissioner's representative and by peace officers, who may enter and inspect during reasonable hours. Intoxicating liquor sold, served, or displayed in violation of law may be seized and may be disposed of under section 297G.20. Subd. 8.Lockers.A club issued a permit under this section may allow members to bring and keep a personal supply of intoxicating liquor in lockers on the club's premises. All bottles kept on the premises must have attached to it a label signed by the member. No person under 21 years of age may keep a supply of intoxicating liquor on club premises. Subd. 9.One-day city permits.A city may issue a one-day permit for the consumption and display of intoxicating liquor under this section to a nonprofit organization in conjunction with a social activity in the city sponsored by the organization. The permit must be approved by the commissioner and is valid only for the day indicated on the permit. The fee for the permit may not exceed $25. A city may not issue more than ten permits under this section in any one year. 1985 c 305 art 6 s 14; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 152 art 1 s 1; 1989 c 209 art 1 s 34; 1991 c 249 s 17,18,31; 1995 c 198 s 11; 1995 c 207 art 9 s 60; 1997 c 179 art 2 s 4; 1Sp2003 c 19 art 2 s 58,79; 2005 c 136 art 8 s 17; 2006 c 210 s 12; 2007 c 13 art 3 s 24; 2009 c 120 s 10

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.415 — License Revocation Or Suspension; Civil Penalty.

On a finding that the license or permit holder has (1) sold alcoholic beverages to another retail licensee for the purpose of resale, (2) purchased alcoholic beverages from another retail licensee for the purpose of resale, (3) conducted or permitted the conduct of gambling on the licensed premises in violation of the law, (4) failed to remove or dispose of alcoholic beverages when ordered by the commissioner to do so under section 340A.508, subdivision 3, or (5) failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages or the operation of the licensed establishment, or failed to comply with a lawful license condition duly imposed by the authority issuing the license or permit or agreed to by the license or permit holder, the commissioner or the authority issuing a retail license or permit under this chapter may revoke the license or permit, suspend the license or permit for up to 60 days, impose a civil penalty of up to $2,000 for each violation, or impose any combination of these sanctions. No suspension or revocation takes effect until the license or permit holder has been given an opportunity for a hearing under sections 14.57 to 14.69 of the Administrative Procedure Act. This section does not require a political subdivision to conduct the hearing before an employee of the Office of Administrative Hearings. Imposition of a penalty or suspension by either the issuing authority or the commissioner does not preclude imposition of an additional penalty or suspension by the other so long as the total penalty or suspension does not exceed the stated maximum. Nothing in this section shall be construed to limit the applicability of section 340A.509, except that a local authority may not charge a penalty greater than that allowed in this section. 1985 c 248 s 70; 1985 c 305 art 6 s 15; 1985 c 309 s 11; 1Sp1985 c 16 art 2 s 3 subd 1; 1Sp1986 c 3 art 1 s 42; 1987 c 152 art 1 s 1; 1987 c 310 s 12; 1988 c 534 s 2; 1991 c 249 s 19; 1993 c 350 s 11; 1994 c 611 s 23; 2014 c 240 s 17

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.416 — Local Option Election.

Subdivision 1.Petition.Upon receipt of a petition signed by 30 percent of the persons voting at the last city election or 200 registered voters residing in the city, whichever is less, a statutory city or home rule charter city of the fourth class shall place before the voters of the city the question of whether the city will issue intoxicating liquor licenses. Subd. 2.Ballot question.The form of the question of the referendum under this section must be either "Shall the city issue ... intoxicating liquor licenses?" or "Shall the city discontinue issuing intoxicating liquor licenses?". Subd. 3.Effect of election results.If a majority of persons voting on the referendum question vote to discontinue issuing licenses, the city may not issue intoxicating liquor licenses until the results of the referendum have been reversed at a subsequent election where the question has been submitted as provided in this section. Subd. 4.Certification.The clerk or recorder must certify results of a referendum held under this section within ten days of the election. Subd. 5.Challenge of election.Where the results of a referendum under this section are challenged by any voter, the county attorney of the county where the election was held must appear in defense of the validity of the election. 1985 c 305 art 6 s 16; 1987 c 152 art 1 s 1; 1994 c 611 s 24; 2004 c 251 s 18; 2013 c 131 art 2 s 76,77

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.417 — Shipments Into Minnesota.

(a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter, a winery licensed in a state other than Minnesota, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than two cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. Delivery of a shipment under this section may not be deemed a sale in this state. (b) The shipping container of any wine sent under this section must be clearly marked "Alcoholic Beverages: adult signature (over 21 years of age) required." (c) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use. (d) No criminal penalty may be imposed on a person for a violation of this section other than a violation described in paragraph (e) or (f). Whenever it appears to the commissioner that any person has engaged in any act or practice constituting a violation of this section, and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than seven days after the request for the hearing is received by

the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true. (e) Any person who violates this section within two years of a violation for which a cease and desist order was issued under paragraph (d), is guilty of a misdemeanor. (f) Any person who commits a third or subsequent violation of this section within any subsequent two-year period is guilty of a gross misdemeanor. 1993 c 350 s 12; 1997 c 129 art 1 s 7; 1997 c 179 art 2 s 5; 1999 c 202 s 6; 2005 c 131 s 5; 2009 c 120 s 11

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.4175 — Wine Festival.

A municipality with the approval of the commissioner may issue a temporary license to a bona fide association of owners and operators of wineries sponsoring an annual festival to showcase wines produced by members of the association. The commissioner may only approve one temporary license in a calendar year for each qualified association under this subdivision. The license issued under this subdivision authorizes the sale of table, sparkling, or fortified wines produced by the wineries at on-sale by the glass, provided that no more than two glasses per customer may be sold, and off-sale by the bottle, provided that no more than six bottles in total per customer may be sold. The license also authorizes the dispensing of free samples of the wines offered for sale within designated premises of the festival. A license issued under this subdivision is subject to all laws and ordinances governing the sale, possession, and consumption of table, sparkling, or fortified wines. For purposes of this subdivision, a "bona fide association of owners and operators of wineries" means an association of more than ten wineries that has been in existence for more than two years at the time of application for the temporary license. 2011 c 55 s 8; 2012 c 235 s 4,12

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.418 — Alcoholic Beverage Tastings.

Subdivision 1.Definition.For purposes of this section, an "alcoholic beverage tasting" or "tasting" means an event at which persons pay a fee or donation to participate, and are allowed to consume wine, malt liquor, or both, by the glass without paying a separate charge for each glass. Subd. 2.Tastings authorized.(a) A charitable, religious, or other nonprofit organization may conduct a tasting of not more than four hours duration on premises the organization owns or leases or has use donated to it, or on the licensed premises of a holder of an on-sale intoxicating liquor license that is not a temporary license, if the organization holds a temporary on-sale intoxicating liquor license under section 340A.404, subdivision 10, and complies with this section. An organization holding a temporary license may be assisted in conducting the tasting by another nonprofit organization. (b) An organization that conducts a tasting under this section may use the net proceeds from the tasting only for: (1) the organization's primary nonprofit purpose; or (2) donation to another nonprofit organization assisting in the tasting, if the other nonprofit organization uses the donation only for that organization's primary nonprofit purpose. (c) No wine or malt liquor at a tasting under this section may be sold, or orders taken, for off-premises consumption. (d) Notwithstanding any other law, an organization may purchase or otherwise obtain wine or malt liquor for a tasting conducted under this section from a wholesaler licensed to sell wine or malt liquor, and the wholesaler may sell or give wine or malt liquor to an organization for a tasting conducted under this section and may provide personnel to assist in the tasting. A wholesaler who sells or gives wine or malt liquor to an organization for a tasting under this section must deliver the wine or malt liquor directly to the location where the tasting is conducted. (e) This section does not prohibit or restrict a tasting that is: (1) located on on-sale premises where no charitable organization is participating; or (2) located on on-sale premises where the proceeds are for a designated charity but where the tasting is primarily for educational purposes. (f) The four-hour limitation specified in paragraph (a) shall not apply to a tasting at a convention of fine wine, malt liquor, and gourmet food exhibitors, provided the convention has at least 100 exhibitors and takes place over not more than three days. 1994 c 611 s 25; 1996 c 418 s 10; 2005 c 131 s 6; 2013 c 42 s 7

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.419 — Tastings Conducted By Exclusive Liquor Store.

Subdivision 1.Definition.For purposes of this section, a "tasting" is an event of not more than four hours' duration at which persons pay a fee to participate and are allowed to consume wine, malt liquor, or spirits by the glass without paying a separate charge for each glass. Subd. 2.Tastings.(a) Notwithstanding any other law, an exclusive liquor store may conduct a wine, malt liquor, or spirits tasting on the premises of a holder of an on-sale intoxicating liquor license that is not a temporary license or on the premises of a holder of a wine license under section 340A.404, subdivision 5, if the exclusive liquor store complies with this section. (b) No wine, malt liquor, or spirits authorized for use under this section may be sold for off-premises consumption. A participant in the tasting may fill out a form indicating preferences for wine, malt liquor, or spirits. The form may be held on the premises of the exclusive liquor store to assist the participant in making an off-sale purchase at a later date. (c) Notwithstanding any other law, an exclusive liquor store may purchase or otherwise obtain wine or spirits for a tasting conducted under this section from a wholesaler licensed to sell wine or spirits. The wholesaler may sell or give wine or spirits to an exclusive liquor store for a tasting conducted under this section and may provide personnel to assist in the tasting. (d) An exclusive liquor store that conducts a tasting under this section

must use any fees collected from participants in the tasting only to defray the cost of conducting the tasting. (e) Notwithstanding section 340A.409, subdivision 4, the premises on which a tasting is conducted must be insured as required by section 340A.409, subdivision 1. (f) Exclusive liquor stores may conduct classes for a fee and allow tastings in the conduct of those classes, provided that the amount served at a class is limited to the amount authorized under section 340A.4041. Subd. 3.Malt liquor tastings.An exclusive liquor store conducting a malt liquor tasting under this section must also comply with the requirements of section 340A.510, subdivision 2. 2000 c 440 s 5; 2009 c 120 s 12; 2010 c 255 s 6; 2012 c 235 s 7

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.425 — Service At Capitol.

Notwithstanding section 340A.412, subdivision 4, paragraph (a), clause (2), the city of St. Paul may issue an on-sale wine and malt liquor license for the premises known as the State Capitol, including the Capitol cafeteria. The commissioner of administration must specify those areas where service is being requested. The Department of Administration shall enter into an agreement with a food service vendor or another vendor on all matters related to the sale of wine and malt liquor in the Capitol. Section 16B.275 does not apply to the sale of wine and malt liquor in the Capitol and all fees charged or profits earned by the Department of Administration from the sale of wine and malt liquor in the Capitol must be deposited in a capitol revenues account in the special revenue fund and are appropriated to the commissioner for capitol preservation and programming. The Capitol must sell wine and malt liquor that are made in Minnesota. 1Sp2017 c 4 art 5 s 8

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.501 — Responsibility Of Licensee.

Every licensee is responsible for the conduct in the licensed establishment and any sale of alcoholic beverage by any employee authorized to sell alcoholic beverages in the establishment is the act of the licensee for the purposes of all provisions of this chapter except sections 340A.701, 340A.702, and 340A.703. 1985 c 305 art 7 s 1; 1987 c 152 art 1 s 1; art 2 s 2

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.502 — Sales To Obviously Intoxicated Persons.

No person may sell, give, furnish, or in any way procure for another alcoholic beverages for the use of an obviously intoxicated person. 1985 c 305 art 7 s 2; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.504 — Hours And Days Of Sale.

Subdivision 1.3.2 percent malt liquor.No sale of 3.2 percent malt liquor may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday. Subd. 2.Intoxicating liquor; on-sale.No sale of intoxicating liquor for consumption on the licensed premises may be made: (1) between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday; (2) after 2:00 a.m. on Sundays, except as provided by subdivision 3. Subd. 2a.Certain dispensing exempt.Where a hotel possessing an on-sale intoxicating liquor license places containers of intoxicating liquor in cabinets in hotel rooms for the use of guests staying in those hotel rooms, and a charge is made for withdrawals from those cabinets, the dispensing of intoxicating liquor from those cabinets does not constitute a sale for purposes of subdivision 2. Subd. 3.Intoxicating liquor; Sunday sales; on-sale.(a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 8:00 a.m. on Sundays and 2:00 a.m. on Mondays. (b) An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed $200. (c) A city may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the city voting on the question at a general or special election. A county may issue a Sunday intoxicating liquor license in a town only if authorized to do so by the voters of the town as provided in paragraph (d). A county may issue a Sunday intoxicating liquor license in unorganized territory only if authorized to do so by the voters of the election precinct that contains the licensed premises, voting on the question at a general or special election. (d) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers. (e) Voter approval is not required for licenses issued by the Metropolitan Airports Commission or common carrier licenses issued by the commissioner. Common carriers serving intoxicating liquor on Sunday must obtain a Sunday license from the commissioner at an annual fee of $75, plus $30 for each duplicate. Subd. 4.Intoxicating liquor; off-sale.(a) No sale of intoxicating liquor may be made by an off-sale licensee: (1) on Sundays, except between the hours of 11:00 a.m. and 6:00 p.m.; (2) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday; (3) on Thanksgiving Day; (4) on Christmas Day, December 25; or (5) after 8:00 p.m. on Christmas Eve, December 24. (b) No delivery of alcohol to an off-sale or on-sale licensee may be made by a wholesaler or accepted by an off-sale or on-sale licensee on a Sunday. No order solicitation or merchandising may be made by a wholesaler on a Sunday. Subd. 5.Bottle clubs.No establishment licensed under section 340A.414, may permit a person to consume or display intoxicating liquor, and no person may consume or display intoxicating liquor between 1:00 a.m. and 12:00 noon on Sundays, and between 1:00 a.m. and 8:00 a.m. on Monday through Saturday. Subd. 6.Municipalities may limit hours.A municipality

may further limit the days or hours of on and off sales of alcoholic beverages, provided that further restricted on-sale hours for intoxicating liquor must apply equally to on-sale hours of 3.2 percent malt liquor. A city may not permit the sale of alcoholic beverages during hours when the sale is prohibited by this section. Subd. 7.Sales after 1:00 a.m.; permit fee.(a) No licensee may sell intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the commissioner. Application for the permit must be on a form the commissioner prescribes. Permits are effective for one year from date of issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in which the permit is issued, and is at the following rates: (1) up to $100,000 in gross receipts, $300; (2) over $100,000 but not over $500,000 in gross receipts, $750; and (3) over $500,000 in gross receipts, $1,000. For a licensed retailer of intoxicating liquor who did not sell intoxicating liquor at on-sale for a full 12 months prior to the month in which the permit is issued, the fee is $200. For a retailer of 3.2 percent malt liquor, the fee is $200. (b) The commissioner shall deposit all permit fees received under this subdivision in the general fund. (c) Notwithstanding any law to the contrary, the commissioner of revenue may furnish to the commissioner the information necessary to administer and enforce this subdivision. 1985 c 139 s 1; 1985 c 305 art 7 s 4; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 5 s 4; 1987 c 152 art 1 s 1; 1988 c 420 s 1; 1989 c 49 s 3-5; 1990 c 554 s 14; 1991 c 249 s 21,22,31; 1992 c 513 art 3 s 60; 1994 c 611 s 26; 1997 c 129 art 1 s 8; 2002 c 318 s 2; 2003 c 126 s 10-12; 1Sp2003 c 19 art 2 s 59,79; 2005 c 131 s 8-10; 2005 c 136 art 8 s 18,19; 2006 c 210 s 13; 2015 c 9 art 2 s 7; 2017 c 6 s 1; 1Sp2017 c 4 art 5 s 9; 2020 c 103 s 3; 1Sp2021 c 11 art 2 s 20; 2022 c 55 art 1 s 152

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.5041 — Airport Commission; Extended Hours.

Notwithstanding any law, rule, or ordinance to the contrary, the Metropolitan Airports Commission may set the hours of sale at on-sale locations within the security areas of the Lindbergh and Humphrey Terminals. 2009 c 120 s 13; 2020 c 103 s 4

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.505 — Licensee May Not Sell For Resale.

A retail licensee may not sell alcoholic beverages to any person for the purpose of resale or to any person whom the licensee has reason to believe intends to resell the alcoholic beverage without written approval of the commissioner. 1985 c 305 art 7 s 5; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.506 — Sales Of Ethyl Alcohol And Neutral Spirits Prohibited.

Subdivision 1.Ethyl alcohol; neutral spirits.No person may sell at retail for beverage purposes ethyl alcohol or neutral spirits, or substitutes thereof, possessing the taste, aroma, and characteristics generally attributed to ethyl alcohol or neutral spirits. Nothing in this section prohibits the manufacture or sale of other products obtained by use of ethyl alcohol or neutral spirits as defined in United States Treasury Department, Bureau of Internal Revenue, Regulations 125, Article II, Standards of Identity for Distilled Spirits. Subd. 2.Maximum alcohol content.No person may sell for beverage purposes any spirits, distilled from grain or corn, with an alcohol content of 80 percent or more, which equals 160 proof or more, unless such spirits have been aged in wood casks for not less than two years. 1985 c 305 art 7 s 6; 1987 c 152 art 1 s 1; 1991 c 249 s 23

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.507 — Regulation Of Advertising.

Subdivision 1.Rules.The commissioner may by rule regulate the advertising of alcoholic beverages. Rules must be adopted under chapter 14. Subd. 2.Wine catalogs.No rule may be construed as prohibiting the advertising of wines by off-sale licensees or municipal liquor stores by means of catalogs distributed by direct mail listing not less than 25 varieties of wine and the price of each. Subd. 3.Border cities.No rule may prohibit the advertising of intoxicating liquor prices by an off-sale licensee in a newspaper of general circulation published in an adjoining state if it is the primary newspaper of general circulation in the licensee's area. Subd. 4.Campus contests restricted.No manufacturer, wholesaler, or retailer of alcoholic beverages, whether holding a license in Minnesota or not, may conduct, sponsor, or contribute financially to events or activities that are held on the campuses or other property of a postsecondary institution of learning, and involve the consumption or sale of alcoholic beverages. This subdivision does not affect on-campus, licensed retailers of alcoholic beverages. 1985 c 305 art 7 s 7; 1986 c 330 s 7; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.5071 — Coupons Prohibited.

A retailer of alcoholic beverages may not accept as full or partial payment for any product any coupons that are redeemed directly or indirectly from a manufacturer or wholesaler of alcoholic beverages. 1994 c 611 s 27

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.508 — Tampering Or Refilling Bottles.

Subdivision 1.Refilling bottles.It is unlawful for a person to sell, offer for sale, or keep for sale alcoholic beverages in a package or

bottle which has been refilled or partly refilled. Subd. 2.Tampering or diluting contents.It is unlawful for a person holding a retail intoxicating liquor license or a 3.2 percent malt liquor license, directly or indirectly through an agent, employee, or other person, to dilute or in any manner tamper with the contents of an original package or bottle so as to change its composition or alcoholic content while the contents are in the original package or bottle. Possession on the premises by a licensee of alcoholic beverages in the original package or bottle, differing in composition or alcoholic content from when it was received from the manufacturer or wholesaler from whom it was purchased, is prima facie evidence that the contents of the original package or bottle has been diluted, changed, or tampered with in violation of this section. Subd. 3.Purity of contents.The commissioner may examine the contents of any container of alcoholic beverages on the premises of any licensee under this chapter or any municipal liquor store, for the purpose of determining the purity of the alcoholic beverages. The commissioner may remove any container, or remove all or part of the contents thereof, for the purpose of conducting tests of purity. The commissioner may order the removal from inventory of any container the contents of which fail to meet standards of purity established by rules adopted under this subdivision, and may order the disposal of the contents. The commissioner may adopt rules that (1) provide standards of purity for alcoholic beverages and procedures for testing for purity, and (2) govern the removal from inventory and disposal of alcoholic beverages that do not meet the commissioner's standards of purity. Subd. 4.Premix and dispensing machines.Nothing in this section prohibits use by an on-sale intoxicating liquor licensee of a machine to premix and dispense frozen or iced cocktails, provided that the machine is emptied on a daily basis. A machine described in this subdivision need not be visible to the consuming public. Subd. 5.Mixed drinks or cocktails.Mixed drinks or cocktails mixed on the premises that are not for immediate consumption may be consumed on the licensed premises subject to the requirements of this subdivision. For purposes of this subdivision, a "mixed drink" includes drinks commonly referred to as cocktails, and "infused beverages" are alcoholic beverages flavored through infusion with added ingredients. This subdivision requires that: (1) the mixed drinks or cocktails be stored, for no longer than 72 hours, in a labeled container in a quantity that does not exceed five gallons; (2) infused beverages may be stored in containers in a quantity not to exceed five gallons; (3) added flavors and other nonbeverage ingredients included in the mixed drinks or infused beverages shall not include hallucinogenic substances or added pure or supplemental caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine; and (4) the licensee keep records as to when the contents in a particular container were mixed and the recipe, including brand names, used for that mixture. 1985 c 305 art 7 s 8; 1987 c 152 art 1 s 1; 1991 c 249 s 24; 1996 c 323 s 4; 2001 c 193 s 4; 2014 c 240 s 18

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.509 — Local Restrictions.

A local authority may impose further restrictions and regulations on the sale and possession of alcoholic beverages within its limits. 1985 c 305 art 7 s 9; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.510 — Samples.

Subdivision 1.Samples for other than malt liquor authorized.On- or off-sale retail licensees and municipal liquor stores may provide, or permit a licensed manufacturer or a wholesaler or its agents to provide on the premises of the retail licensee or municipal liquor store, samples of wine, liqueurs, cordials, and distilled spirits which the retail licensee or municipal liquor store currently has in stock and is offering for sale to the general public without obtaining an additional license, provided the wine, liqueur, cordial, and distilled spirits samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of sale in a quantity less than 50 milliliters of wine per variety per customer, 25 milliliters of liqueur or cordial, and 15 milliliters of distilled spirits per variety per customer. Subd. 2.Malt liquor samples authorized.(a) Notwithstanding section 340A.308, a brewer may purchase from or furnish at no cost to a licensed retailer malt liquor the brewer manufactures if: (1) the malt liquor is dispensed by the retailer only for samples in a quantity of less than 100 milliliters of malt liquor per variety per customer; (2) where the brewer furnishes the malt liquor, the retailer makes available for return to the brewer any unused malt liquor and empty containers; (3) the samples are dispensed by an employee of the retailer or brewer or by a sampling service retained by the retailer or brewer and not affiliated directly or indirectly with a malt liquor wholesaler; (4) not more than three cases of malt liquor are purchased from or furnished to the retailer by the brewer for each sampling; (5) each sampling continues for not more than eight hours; (6) the brewer has furnished malt liquor for not more than 12 samplings for any retailer in any calendar year; (7) where the brewer furnishes the malt liquor, the brewer delivers the malt liquor for the sampling to its exclusive wholesaler for that malt liquor; (8) the brewer has at least seven days before the sampling filed with the commissioner, on a form the commissioner prescribes, written notice of intent to furnish malt liquor for the sampling, which contains (i) the name and address of the retailer conducting the sampling, (ii) the maximum amount of malt liquor to be furnished or purchased by the brewer, (iii) the number of times the brewer has furnished malt liquor to the retailer in the calendar year in which the notice is filed, (iv) the date and time of the sampling, (v) where the brewer furnishes the malt liquor, the exclusive wholesaler to whom the brewer will deliver the malt liquor, and (vi) a statement by the brewer to the effect that to the brewer's knowledge all requirements of this section have been or will be complied with; and (9) the commissioner has not notified the brewer filing the notice under clause (8) that the commissioner disapproves the notice. (b) For purposes of this subdivision, "licensed retailer" means a licensed on-sale or off-sale retailer of alcoholic beverages and a municipal liquor store. 1Sp1986 c 3 art 1 s 43; 1987 c 152 art 1 s 1; 1989 c 49 s 6; 1996 c 418 s 11; 1998 c 364 s 7; 2003 c 126 s 13,14; 2014 c 240 s 19

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.511 — Certain Sizes May Be Sold.

(a) An off-sale retailer of intoxicating liquor may sell distilled spirits in bottles of 50 milliliters. (b) An on-sale intoxicating liquor licensee whose licensed premises includes a golf course or who is a common carrier may dispense distilled spirits from 50-milliliter bottles. 1996 c 418 s 12; 2003 c 126 s 15

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.512 — Containers Brought Into Premises.

A licensed retailer of alcoholic beverages may prohibit any person from bringing into the licensed premises any container of alcoholic beverages, or from consuming from such a container on the licensed premises, without the licensee's permission. 1996 c 418 s 13

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.513 — Sale Of Beer Kegs.

Subdivision 1.Definitions.For purposes of this section: (a) "Beer keg" means any brewery-sealed, single container that contains not less than seven gallons of malt liquor. (b) "Off-sale retailer" means a holder of a license under this chapter to sell alcoholic beverages at off-sale or a municipal liquor store. Subd. 2.Standards.No off-sale retailer shall sell beer kegs unless that retailer affixes an identification label or tag to each beer keg. An identification label or tag shall consist of paper, plastic, metal, or another durable material that is not easily damaged or destroyed. Identification labels used may contain a nonpermanent adhesive material in order to apply the label directly to an outside surface of a beer keg at the time of sale. Identification tags shall be attached to beer kegs at the time of sale with nylon ties or cording, wire ties or other metal attachment devices, or another durable means of tying or attachment of the tag to the beer keg. The identification information contained on the label or tag shall include the licensed off-sale retailer's name, address, and telephone number; a unique beer keg number assigned by the retailer; and a prominently visible warning that intentional removal or defacement of the label or tag is a criminal offense. Upon return of a beer keg to the off-sale retailer that sold the beer keg and attached the identification label or tag, the off-sale retailer shall be responsible for the complete and thorough removal of the entire identification label or tag, and any adhesive or attachment devices of the label or tag. The identification label or tag must be kept on file with the retailer for not less than 90 days from the date of return. Subd. 3.Identification required.An off-sale retailer may not sell a beer keg unless the beer keg has attached an identification label or tag complying with the standards established under subdivision 2. Subd. 4.Retailers to keep records.(a) An off-sale retailer who sells a beer keg must at the time of the sale record: (1) the number of the purchaser's driver's license, Minnesota identification card, military identification card, or valid United States or foreign passport; (2) the date and time of the purchase; (3) the beer keg identification number required under subdivision 3; and (4) the purchaser's signature. (b) The record must be retained for not less than 90 days after the date of the sale. Subd. 5.Access to records.An off-sale retailer required to retain records under subdivision 4 must make the records available during regular business hours for inspection by a peace officer, the commissioner, or an agent of the commissioner. Subd. 6.Violations.(a) A person required to record information under subdivision 4 may not knowingly make a materially false entry in the book or register required under subdivision 4. In a prosecution under this subdivision, it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon the identification provided by the purchaser of a beer keg. (b) No person other than an off-sale retailer, a licensed wholesaler of malt beverages, a peace officer, the commissioner, or an agent of the commissioner may intentionally remove identification placed on a beer keg in compliance with subdivision 3. No person may intentionally deface or damage the identification on a beer keg to make it unreadable. 2002 c 232 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.601 — Establishment Of Municipal Liquor Stores.

Subdivision 1.Authority.A city having a population of not more than 10,000 may establish, own, and operate a municipal liquor store which may sell at retail alcoholic beverages and (1) in the case of a municipal liquor store that sells at off-sale only, all items that may lawfully be sold in an exclusive liquor store under section 340A.412, subdivision 14, or (2) in the case of a municipal liquor store that sells at on-sale only, or at on- and off-sale, any item that may lawfully be sold in an establishment with an on-sale intoxicating liquor license. A municipal liquor store may also offer recorded or live entertainment and make available coin-operated amusement devices. Subd. 2.Population change.A city which has established a municipal liquor store may continue to operate it notwithstanding a subsequent change in population. Subd. 3.Scope and application.A city which established a liquor store prior to July 1, 1967, may continue to own and operate it. Subd. 4.Newly formed municipalities; municipal liquor stores; liquor licenses.A city may not establish or operate a municipal liquor store or issue an on-sale or off-sale liquor license until two years after its incorporation. This restriction does not apply to a newly incorporated statutory city which had formerly been a town or is made up of a major geographic portion of what had formerly been a town, which town had the powers of a statutory city under section 368.01. Subd. 5.Issuance of licenses to private persons.A city owning and operating a municipal liquor store may issue on-sale liquor licenses to hotels, clubs, and restaurants. A city issuing on-sale licenses under this subdivision may continue to operate the municipal liquor store or may resume operation of a municipal liquor store previously discontinued. The number of on-sale licenses

issued under this section by a city is governed by section 340A.413. A city may not issue licenses under this section, other than a license issued to a club under section 340A.404, subdivision 1, clause (4), until authorized by the voters of the city voting on the question at a special election called for that purpose. Subd. 6.Municipalities; certain on-sale licenses.A city which did not permit the sale of intoxicating liquor within its boundaries as of June 30, 1969, or was incorporated after that date may issue on-sale licenses for the sale of intoxicating liquor in accordance with subdivision 5. Subd. 7.Notice of intent.A city which has issued retail intoxicating liquor licenses may not establish a municipal liquor store until one year after publishing a notice of its intention in the city's legal newspaper. The city must provide in the notice if the municipality will be engaging in the sale of intoxicating liquor to the exclusion of all private interests. 1985 c 305 art 8 s 1; 1987 c 152 art 1 s 1; 1990 c 554 s 15; 1991 c 249 s 25,31; 1996 c 418 s 14

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.602 — Continuation.

In any city in which the report of the operations of a municipal liquor store has shown a net loss prior to interfund transfer and without regard to costs related to pension obligations of store employees, as required by Statement 68 of the Governmental Accounting Standards Board, in any two of three consecutive years, the city council shall, not more than 45 days prior to the end of the fiscal year following the three-year period, hold a public hearing on the question of whether the city shall continue to operate a municipal liquor store. Two weeks' notice, written in clear and easily understandable language, of the hearing must be printed in the city's official newspaper. Following the hearing the city council may on its own motion or shall upon petition of five percent or more of the registered voters of the city, submit to the voters at a general or special municipal election the question of whether the city shall continue or discontinue municipal liquor store operations by a date which the city council shall designate. The date designated by the city council must not be more than 30 months following the date of the election. The form of the question shall be: "Shall the city of (name) discontinue operating the municipal liquor store on (Month xx, 2xxx)?". 1985 c 305 art 8 s 2; 1987 c 152 art 1 s 1; 1992 c 486 s 10; 1993 c 315 s 7; 2013 c 131 art 2 s 78; 2020 c 103 s 5

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.603 — Financial Responsibility.

Every municipal liquor store must demonstrate proof of financial responsibility required of licensees under section 340A.409. Proof of financial responsibility must be filed by January 15 of each year. The commissioner may suspend the operation of a municipal liquor store failing to demonstrate proof of financial responsibility until the commissioner is satisfied that the municipal liquor store is in compliance with section 340A.409. The commissioner must notify in writing the municipality operating the store of the effective date of the suspension. A suspension under this subdivision is a contested case under the Administrative Procedure Act. 1985 c 305 art 8 s 3; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.604 — Suspension Of Operation.

A court shall notify the commissioner in writing within ten days whenever a municipal officer or employee has been convicted of any of the following offenses committed in a municipal liquor store: (1) selling alcoholic beverages to persons or at times prohibited by law; (2) selling alcoholic beverages for resale; (3) selling alcoholic beverages on which state taxes have not been paid; or (4) violating the provisions of section 340A.410, subdivision 5, relating to gambling and gambling devices. On receiving the notice of conviction the commissioner may suspend for up to 30 days the operation of the municipal liquor store where the offense occurred. The commissioner must notify in writing the municipality operating the store of the effective dates of the suspension. An appeal of the suspension is a contested case under sections 14.57 to 14.69 of the Administrative Procedure Act. 1985 c 305 art 8 s 4; 1987 c 152 art 1 s 1; 1991 c 249 s 26

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.701 — Felonies.

Subdivision 1.Unlawful acts.It is a felony: (1) to manufacture alcoholic beverages in violation of this chapter; (2) to transport or import alcoholic beverages into the state in violation of this chapter for purposes of resale; or (3) to sell or give away for beverage purposes poisonous alcohol, methyl alcohol, denatured alcohol, denaturing material, or any other alcoholic substance capable of causing serious physical or mental injuries to a person consuming it; or (4) for a person other than a licensed retailer of alcoholic beverages, a bottle club permit holder, a municipal liquor store, or an employee or agent of any of these who is acting within the scope of employment, to violate the provisions of section 340A.503, subdivision 2, clause (1), by selling, bartering, furnishing, or giving alcoholic beverages to a person under 21 years of age if that person becomes intoxicated and causes or suffers death or great bodily harm as a result of the intoxication. Subd. 2.Presumptive sentence.In determining an appropriate disposition for a violation of subdivision 1, clause (4), the court shall presume that a stay of execution with a 90-day period of incarceration as a condition of probation shall be imposed unless the defendant's criminal history score determined according to the Sentencing Guidelines indicates a presumptive executed sentence, in which case the presumptive executed sentence shall be imposed unless the court departs from the Sentencing Guidelines under section 244.10. A stay of imposition of sentence may be granted only if accompanied by a statement on the record of the reasons for it. 1985 c 305 art 9 s 1; 1987 c 152 art 1 s 1; 1989 c 290 art 7 s 1; 1999 c 207 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.702 — Gross Misdemeanors.

It is a gross misdemeanor: (1) to sell an alcoholic beverage without a license authorizing the sale; (2) for a licensee to refuse or neglect to obey a lawful direction or order of the commissioner or the commissioner's agent, withhold information or a document the commissioner calls for examination, obstruct or mislead the commissioner in the execution of the commissioner's duties or swear falsely under oath; (3) to violate the provisions of sections 340A.301 to 340A.312; (4) to violate the provisions of section 340A.508; (5) for any person, partnership, or corporation to knowingly have or possess direct or indirect interest in more than one off-sale intoxicating liquor license in a municipality in violation of section 340A.412, subdivision 3; (6) to sell or otherwise dispose of intoxicating liquor within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision and control, in whole or in part, of the Direct Care and Treatment executive board or the commissioner of corrections; (7) to violate the provisions of section 340A.502; (8) except as otherwise provided in section 340A.701, to violate the provisions of section 340A.503, subdivision 2, clause (1) or (3); (9) to withhold any information, book, paper, or other thing called for by the commissioner for the purpose of an examination; (10) to obstruct or mislead the commissioner in the execution of the commissioner's duties; (11) to swear falsely concerning any matter stated under oath; or (12) to violate the provisions of section 340A.503, subdivision 5, after having been convicted previously of violating section 340A.503, subdivision 5. 1985 c 305 art 9 s 2; 1Sp1986 c 3 art 1 s 45; 1987 c 152 art 1 s 1; 1989 c 209 art 2 s 1; 1989 c 290 art 7 s 2; 2000 c 472 s 4; 2024 c 79 art 10 s 3

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.703 — Misdemeanors.

Where no other penalty is specified a violation of any provision of this chapter is a misdemeanor. A minimum fine of $100 must be assessed against a person under the age of 21 years who violates section 340A.503. 1985 c 305 art 9 s 3; 1987 c 152 art 1 s 1; 1999 c 216 art 3 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.7035 — Consumer Importation; Illegal Acts.

A person who enters Minnesota from another state and who imports or possesses alcoholic beverages in excess of the tax-exempt quantities provided for in section 297G.07, subdivision 2, paragraphs (a), (b), and (c), is guilty of a misdemeanor. A person who enters Minnesota from a foreign country who imports or possesses alcoholic beverages on which the excise tax imposed by chapter 297G has not been paid, other than the tax-exempt quantities provided for in section 297G.07, subdivision 2, paragraphs (a), (b), and (c), is guilty of a misdemeanor. A peace officer, the commissioner of public safety, and employees designated by the commissioner of public safety may seize alcoholic beverages imported or possessed in violation of this section. This section does not apply to the consignments of alcoholic beverages shipped into this state by holders of Minnesota import licenses or Minnesota manufacturers and wholesalers when licensed by the commissioner of public safety or to common carriers with licenses to sell alcoholic beverages in more than one state when licensed by the commissioner of public safety to sell alcoholic beverages in this state. 1995 c 264 art 14 s 17; 1997 c 179 art 2 s 6

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.704 — Search Warrants.

Search warrants may be issued in connection with violation of this chapter or other laws relating to sale, taxation, transportation, manufacture, or possession of alcoholic beverages in accordance with chapter 626. 1985 c 305 art 9 s 4; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.705 — Prima Facie Evidence.

The finding of an unauthorized still is prima facie evidence of possession for the purpose of unlawful manufacture of alcoholic beverages. 1985 c 305 art 9 s 5; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.706 — Alcohol Without Liquid Devices Prohibited.

Subdivision 1.Definition.For purposes of this section, an "alcohol without liquid device" is a device, machine, apparatus, or appliance that mixes an alcoholic beverage with pure or diluted oxygen to produce an alcohol vapor that may be inhaled by an individual. An "alcohol without liquid device" does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended specifically for medical purposes to dispense prescribed or over-the-counter medications. Subd. 2.Prohibition.Except as provided in subdivision 3, it is unlawful for any person or business establishment to possess, purchase, sell, offer to sell, or use an alcohol without liquid device. Subd. 3.Research exemption.This section does not apply to a hospital that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university conducting bona fide research, or a pharmaceutical company or biotechnology company conducting bona fide research. Subd. 4.Penalty.Except as provided in subdivision 3, it is unlawful for any person or business establishment to utilize a nebulizer, inhaler, or atomizer or other device as described in subdivision 1, for the purposes of inhaling alcoholic beverages. 2006 c 210 s 14; 2006 c 260 art 1 s 4

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.707 — Auction Or Raffle For Charitable Purposes.

Notwithstanding sections 340A.401, 340A.414, and 340A.505, a nonprofit organization conducting a silent auction, raffle, or other fundraising event may conduct live, on premises auctions or raffles of wine, beer, or intoxicating liquors, provided that funds from the auction or raffle are dedicated to the charitable purposes of the nonprofit organization, such auctions or raffles are limited to not more than six occasions per year, and the alcohol may only be auctioned or raffled to persons who demonstrate that they are 21 years of age or older and do not show signs of obvious intoxication. Nothing in this section authorizes on-premises consumption of alcohol. 2007 c 89 s 8

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.802 — Notice Of Injury; Discovery Before Actions.

Subdivision 1.Notice of injury.A person who claims damages and a person or insurer who claims contribution or indemnity from a licensed retailer of alcoholic beverages or municipal liquor store for or because of an injury within the scope of section 340A.801 must give a written notice to the licensee or municipality stating: (1) the time and date when and person to whom the alcoholic beverages were sold or bartered; (2) the name and address of the person or persons who were injured or whose property was damaged; and (3) the approximate time and date, and the place where the injury to person or property occurred. A licensee or municipality who claims contribution or indemnification from another licensee or municipality must give a written notice to the other licensee or municipality in the form and manner specified in this section. An error or omission in the notice does not void the notice's effect if the notice is otherwise valid unless the error or omission is of a substantially material nature. Subd. 2.Limitations; content.In the case of a claim for damages, the notice must be served by the claimant's attorney within 240 days of the date of entering an attorney-client relationship with the person in regard to the claim. In the case of claims for contribution or indemnity, the notice must be served within 120 days after the injury occurs or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable. No action for damage or for contribution or indemnity may be maintained unless the notice has been given. If requested to do so, a municipality or licensee receiving a notice shall promptly furnish claimant's attorney the names and addresses of other municipalities or licensees who sold or bartered liquor to the person identified in the notice, if known. Actual notice of sufficient facts reasonably to put the licensee or governing body of the municipality on notice of a possible claim complies with the notice requirement. No action may be maintained under section 340A.801 unless commenced within two years after the injury. Subd. 3.Bad faith notice.A claimant who in bad faith gives notice to a licensee who did not sell or barter liquor to the alleged intoxicated person is subject to liability for actual damages, which shall include the reasonable out-of-pocket attorney fees incurred by the licensee in the defense of the bad faith notice. 1985 c 305 art 10 s 2; 1985 c 309 s 13; 1Sp1985 c 16 art 2 s 3 subd 1; 1Sp1986 c 3 art 1 s 44; 1987 c 152 art 1 s 1; 1993 c 347 s 22

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.90 — Civil Action; Intoxication Of Person Under Age 21.

Subdivision 1.Right of action.(a) A spouse, child, parent, guardian, employer, or other person injured in person, property, or means of support, or who incurs other pecuniary loss, by an intoxicated person under 21 years of age or by the intoxication of another person under 21 years of age, has for all damages sustained a right of action in the person's own name against a person who is 21 years or older who: (1) had control over the premises and, being in a reasonable position to prevent the consumption of alcoholic beverages by that person, knowingly or recklessly permitted that consumption and the consumption caused the intoxication of that person; or (2) sold, bartered, furnished or gave to, or purchased for a person under the age of 21 years alcoholic beverages that caused the intoxication of that person. This paragraph does not apply to sales licensed under this chapter. (b) All damages recovered by a minor under this section must be paid either to the minor or to the minor's parent, guardian, or next friend as the court directs. (c) An intoxicated person under the age of 21 years who caused the injury has no right of action under this section. Subd. 2.Subrogation claims denied.There shall be no recovery by any insurance company for any subrogation claim pursuant to any subrogation clause of the uninsured, underinsured, collision, or other first-party coverages of a motor vehicle insurance policy as a result of payments made by the company to persons who have claims that arise in whole or in part under this section. Subd. 3.MS 2000 [Expired] 2000 c 423 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.901 — Citation.

This chapter may be cited as the "Liquor Act." 1985 c 305 art 11 s 1; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.902 — Drunkenness Not A Crime.

No person may be charged with or convicted of the offense of drunkenness or public drunkenness. Nothing herein prevents the prosecution and conviction of an intoxicated person for offenses other than drunkenness or public drunkenness nor does this section relieve a person from civil liability for an injury to persons or property caused by the person while intoxicated. 1985 c 305 art 11 s 2; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.904 — Seized Liquor.

Subdivision 1.Disposal alternatives.Contingent on the final determination of any action pending in a court, the commissioner shall dispose of alcoholic beverages, material, apparatus, or vehicle seized by inspectors or employees of the department by: (1) delivering alcoholic beverages to the Bureau of Criminal Apprehension or State Patrol for use in chemical testing programs; (2) delivering on written requests of the commissioner of administration any material, apparatus, or vehicle for use by a state department; (3) selling intoxicating liquor to licensed retailers within the state; (4) selling any material, apparatus, or vehicle; (5) destroying alcoholic beverages or contraband articles that have no lawful use; or (6) donation to a charity registered under section 309.52. Subd. 2.Sale procedure.A sale of intoxicating liquor, materials, apparatus, or vehicles may be made only with the written approval of the commissioner of administration and after notice of the sale is published in one issue of a legal newspaper published in St. Paul. Sealed bids must be publicly opened in the office of the commissioner of public safety on a date stated in the notice, which may not be less than 15 days or more than 30 days after its publication. The net proceeds from the sale of alcoholic beverages or articles must, after the deduction of the expense of seizure or sale, be deposited by the commissioner of public safety with the commissioner of management and budget and credited to the general fund. Subd. 3.Tax exemption.Sales of alcoholic beverages made by the commissioner are exempt from the state excise tax if stamps evidencing the payment of the excise tax have not been placed thereon prior to the seizure if before resale proper excise stamps are attached to all containers. 1985 c 305 art 11 s 4; 1987 c 152 art 1 s 1; 1993 c 350 s 14; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.905 — Notice Of Violation.

When any municipal liquor store or licensed dealer in alcoholic beverages or agent or employee thereof is convicted of a violation of any provision of this chapter or any law or ordinance regulating the sale of alcoholic beverages or any violation of law or ordinance in the operation of the licensed premises, the court administrator shall, within ten days after the conviction, mail a written notice of the conviction to the clerk of the municipality or county auditor of the county having jurisdiction to issue alcoholic beverage licenses for the premises. A copy of the notice must be mailed to the commissioner of public safety. 1985 c 305 art 11 s 5; 1Sp1986 c 3 art 1 s 82; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.906 — Nonapplicability.

This chapter does not apply to: (1) medicines intended for therapeutic purposes and not intended as a beverage; (2) industrial alcohol designed for mechanical, chemical, scientific, pharmaceutical, or industrial purposes; or (3) nonpotable compounds or preparations containing alcohol. 1985 c 305 art 11 s 6; 1987 c 152 art 1 s 1

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.907 — Inspection.

The commissioner of public safety or any duly authorized employee may, at all reasonable hours, enter in and upon the premises of any licensee or permit holder under this chapter to inspect the premises and examine the books, papers, and records of a manufacturer, wholesaler, importer, or retailer for the purpose of determining whether the provisions of this chapter are being complied with. If the commissioner or any duly authorized employee is denied free access or is hindered or interfered with in making an inspection or examination, the licensee or permit holder is subject to revocation pursuant to section 340A.304 in the case of a wholesaler, manufacturer, or importer, and section 340A.415 in the case of a retailer. For a holder of a temporary license under section 340A.403, subdivision 2, or 340A.404, subdivision 10, the commissioner's authority under this section extends for two years beyond the expiration of the temporary license or the permit. 1987 c 310 s 13; 1994 c 611 s 28

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.908 — Liqueur-filled Candy.

Liqueur-filled candy may only be sold in an exclusive liquor store. 1990 c 554 s 16

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.909 — Sale Of Minnesota Beer At Public Facilities.

Subdivision 1.Minnesota-produced beer; required availability.At any permanent or temporary building or structure owned or operated by the state, a political subdivision, or an instrumentality thereof, where beer is sold for on-premise consumption, the entity owning or operating the building or structure must insure that a Minnesota-produced beer is available for purchase at each station where beer is sold. This section applies to all such permanent or temporary buildings or structures without regard to whether sales of beer are made by the owning or operating government entity or employees thereof or by a person holding a lease or concession contract with the government entity. Subd. 2.Exceptions.This section does not apply to: (1) municipal liquor stores; or (2) persons holding an event on property owned by a government entity where (a) the event is conducted under a temporary permit from that government entity, and (b) alcoholic beverages are provided to persons attending the event, at no cost to those persons. 1990 c 554 s

2024 Minnesota StatutesChapters 324 - 342 — Trade Regulations, Consumer ProtectionChapter 340A — LiquorSection 340A.910 — Severability.

In the event that a court of competent jurisdiction holds that any section of this chapter is unconstitutional or otherwise invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable. 2005 c 25 s 4