

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1021**

February 23, 2009

Authored by Kelly, Hilstrom, Kohls, Garofalo, Smith and others

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to corrections; authorizing arrest of a person who escapes from custody
1.3 on an allegation or adjudication of a delinquent act; amending Minnesota Statutes
1.4 2008, section 629.34, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 629.34, subdivision 1, is amended to read:

1.7 Subdivision 1. **Peace officers.** (a) A peace officer, as defined in section 626.84,
1.8 subdivision 1, clause (c), who is on or off duty within the jurisdiction of the appointing
1.9 authority, or on duty outside the jurisdiction of the appointing authority pursuant to section
1.10 629.40, may arrest a person without a warrant as provided under paragraph (c).

1.11 (b) A part-time peace officer, as defined in section 626.84, subdivision 1, clause (d),
1.12 who is on duty within the jurisdiction of the appointing authority, or on duty outside the
1.13 jurisdiction of the appointing authority pursuant to section 629.40 may arrest a person
1.14 without a warrant as provided under paragraph (c).

1.15 (c) A peace officer or part-time peace officer who is authorized under paragraph (a)
1.16 or (b) to make an arrest without a warrant may do so under the following circumstances:

1.17 (1) when a public offense has been committed or attempted in the officer's presence;

1.18 (2) when the person arrested has committed a felony, although not in the officer's
1.19 presence;

1.20 (3) when a felony has in fact been committed, and the officer has reasonable cause
1.21 for believing the person arrested to have committed it;

1.22 (4) upon a charge based upon reasonable cause of the commission of a felony by
1.23 the person arrested;

2.1 (5) under the circumstances described in clause (2), (3), or (4), when the offense is
2.2 a gross misdemeanor violation of section 609.485, subdivision 4, paragraph (a), clause
2.3 (3), as applies to a person who escapes from custody on an allegation or adjudication of a
2.4 delinquent act, 609.52, 609.595, 609.631, 609.749, or 609.821; or

2.5 (6) under circumstances described in clause (2), (3), or (4), when the offense is a
2.6 nonfelony violation of a restraining order or no contact order previously issued by a court.

2.7 (d) To make an arrest authorized under this subdivision, the officer may break open
2.8 an outer or inner door or window of a dwelling house if, after notice of office and purpose,
2.9 the officer is refused admittance.

2.10 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to
2.11 persons escaping from custody on or after that date.