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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1688

March 12, 2009

Authored by Liebling, Hayden, Mullery and Rukavina

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 courts; authorizing the court to offer or agree to continuance for
1.3 dismissal; amending Minnesota Statutes 2008, sections 609.132; 631.21.

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

1.5 Section 1. Minnesota Statutes 2008, section 609.132, is amended to read:

1.6 **609.132 CONTINUANCE FOR DISMISSAL.**

1.7 The decision to offer or agree to a continuance of a criminal prosecution is an
1.8 exercise of ~~prosecutorial~~ discretion resting ~~solely~~ with the prosecuting attorney or with
1.9 the court.

1.10 Sec. 2. Minnesota Statutes 2008, section 631.21, is amended to read:

1.11 **631.21 DISMISSAL OF ACTION.**

1.12 The court may order a criminal action, whether prosecuted upon indictment or
1.13 complaint, to be dismissed or continued for dismissal. The court may order dismissal
1.14 or continuance for dismissal of an action either on its own motion or upon motion of the
1.15 prosecuting attorney and in furtherance of justice. If the court dismisses an action, the
1.16 reasons for the dismissal must be set forth in the order and entered upon the minutes. The
1.17 recommendations of the prosecuting officer in reference to dismissal, with reasons for
1.18 dismissal, must be stated in writing and filed as a public record with the official files of
1.19 the case.