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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2128

03/26/2015 Authored by McDonald and Gruenhagen

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to local government; prohibiting the imposition of jail time for violation
1.3 of noncriminal ordinances and charter provisions; amending Minnesota Statutes
1.4 2014, sections 365.125, by adding a subdivision; 375.53; 394.37, by adding a
1.5 subdivision; 410.20; 412.231; 462.362; 609.034.

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

1.7 Section 1. Minnesota Statutes 2014, section 365.125, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 6. **Certain penalties prohibited.** A town shall not adopt an ordinance or
1.10 charter provision providing for jail time or any other restriction of physical liberty for
1.11 violations of an ordinance or charter provision not defined as a crime under section
1.12 611A.01, paragraph (a). Nothing in this section shall prevent a town from enforcing a
1.13 violation of any ordinance or charter provision by prescribing a fine or other financial
1.14 penalty. Ordinances or charter provisions inconsistent with this subdivision are void.

1.15 Sec. 2. Minnesota Statutes 2014, section 375.53, is amended to read:

1.16 **375.53 VIOLATIONS OF ORDINANCES, PENALTIES.**

1.17 Subdivision 1. **Penalties.** The county board may declare that the violation of any
1.18 ordinance shall be a penal offense and prescribe penalties for a violation. The penalties
1.19 shall not exceed those permitted for conviction of a misdemeanor as defined by law.

1.20 Subd. 2. **Certain penalties prohibited.** Notwithstanding subdivision 1, a county
1.21 shall not adopt an ordinance or charter provision providing for jail time or any other
1.22 restriction of physical liberty for violations of an ordinance or charter provision not
1.23 defined as a crime under section 611A.01, paragraph (a). Nothing in this section shall

2.1 prevent a county from enforcing a violation of any ordinance or charter provision by
 2.2 prescribing a fine or other financial penalty. Ordinances or charter provisions inconsistent
 2.3 with this subdivision are void.

2.4 Sec. 3. Minnesota Statutes 2014, section 394.37, is amended by adding a subdivision
 2.5 to read:

2.6 Subd. 5. **Certain penalties prohibited.** Notwithstanding subdivisions 1 to 4, a
 2.7 county shall not adopt an ordinance or charter provision providing for jail time or any
 2.8 other restriction of physical liberty for violations of an ordinance or charter provision not
 2.9 defined as a crime under section 611A.01, paragraph (a). Nothing in this section shall
 2.10 prevent a county from enforcing a violation of any ordinance or charter provision by
 2.11 prescribing a fine or other financial penalty. Ordinances or charter provisions inconsistent
 2.12 with this subdivision are void.

2.13 Sec. 4. Minnesota Statutes 2014, section 410.20, is amended to read:

2.14 **410.20 RECALL AND REMOVAL OF OFFICERS; ORDINANCES.**

2.15 Subdivision 1. **Recall and removal of officers; ordinances.** Such commission may
 2.16 also provide for the recall of any elective municipal officer and for removal of the officer
 2.17 by vote of the electors of such city, and may also provide for submitting ordinances to
 2.18 the council by petition of the electors of such city and for the repeal of ordinances in like
 2.19 manner; and may also provide that no ordinance passed by the council, except an emergency
 2.20 ordinance, shall take effect within a certain time after its passage, and that if, during such
 2.21 time, a petition be made by a certain percentage of the electors of the city protesting
 2.22 against the passage of such ordinance until the same be voted on at an election held for
 2.23 such purpose, and then such ordinance to take effect or not as determined by such vote.

2.24 Subd. 2. **Certain penalties prohibited.** A city shall not adopt an ordinance or
 2.25 charter provision providing for jail time or any other restriction of physical liberty for
 2.26 violations of an ordinance or charter provision not defined as a crime under section
 2.27 611A.01, paragraph (a). Nothing in this section shall prevent a city from enforcing a
 2.28 violation of any ordinance or charter provision by prescribing a fine or other financial
 2.29 penalty. Ordinances or charter provisions inconsistent with this subdivision are void.

2.30 Sec. 5. Minnesota Statutes 2014, section 412.231, is amended to read:

2.31 **412.231 PENALTIES.**

2.32 Subdivision 1. **Maximum penalties.** The council shall have the power to declare that
 2.33 the violation of any ordinance shall be a penal offense and to prescribe penalties therefor.

3.1 No such penalty shall exceed a fine of \$1,000 or imprisonment in a city or county jail for a
 3.2 period of 90 days, or both, but in either case the costs of prosecution may be added.

3.3 Subd. 2. **Certain penalties prohibited.** A city shall not adopt an ordinance or
 3.4 charter provision providing for jail time or any other restriction of physical liberty for
 3.5 violations of an ordinance or charter provision not defined as a crime under section
 3.6 611A.01, paragraph (a). Nothing in this section shall prevent a city from enforcing a
 3.7 violation of any ordinance or charter provision by prescribing a fine or other financial
 3.8 penalty. Ordinances or charter provisions inconsistent with this subdivision are void.

3.9 Sec. 6. Minnesota Statutes 2014, section 462.362, is amended to read:

3.10 **462.362 ENFORCEMENT AND PENALTY.**

3.11 Subdivision 1. **Enforcement of ordinances or regulations.** A municipality may
 3.12 by ordinance provide for the enforcement of ordinances or regulations adopted under
 3.13 sections 462.351 to 462.364 and provide penalties for violation thereof. A municipality
 3.14 may also enforce any provision of sections 462.351 to 462.364 or of any ordinance
 3.15 adopted thereunder by mandamus, injunction, or any other appropriate civil remedy in any
 3.16 court of competent jurisdiction.

3.17 Subd. 2. **Certain penalties prohibited.** (a) No statute, ordinance, charter provision,
 3.18 or court order shall provide for enforcement of an ordinance or charter provision not
 3.19 defined as a crime under section 611A.01, paragraph (a), by imposing jail time or any
 3.20 other restriction of physical liberty.

3.21 (b) Nothing in this section shall prevent the state, a municipality, or a court from
 3.22 enforcing a violation of any ordinance or charter provision by prescribing a fine or other
 3.23 financial penalty.

3.24 Sec. 7. Minnesota Statutes 2014, section 609.034, is amended to read:

3.25 **609.034 MAXIMUM PENALTY; ORDINANCE VIOLATIONS.**

3.26 Subdivision 1. **Maximum fines.** Any law of this state or municipal charter which
 3.27 limits the power of any statutory or home rule charter city, town, county, or other political
 3.28 subdivision to prescribe a maximum fine of \$700 or less for an ordinance shall on or after
 3.29 August 1, 2000, be deemed to provide that the statutory or home rule charter city, town,
 3.30 county, or other political subdivision has the power to prescribe a maximum fine of \$1,000.

3.31 Subd. 2. **Certain penalties prohibited.** (a) No statute, ordinance, charter provision,
 3.32 or court order shall provide for enforcement of an ordinance or charter provision not
 3.33 defined as a crime under section 611A.01, paragraph (a), by imposing jail time or any
 3.34 other restriction of physical liberty.

4.1 (b) Nothing in this section shall prevent the state, a municipality, or a court from
4.2 enforcing a violation of any ordinance or charter provision by prescribing a fine or other
4.3 financial penalty.