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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2539

04/17/2021 Authored by Long, Vang and Stephenson

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; providing for sign and release warrants; proposing coding
1.3 for new law in Minnesota Statutes, chapter 629.

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

1.5 Section 1. 629.415 **PROCEEDINGS ON SUMMONS TO APPEAR.**

1.6 Subdivision 1. Issuance of summons to appear. A court may issue a summons in
1.7 accordance with rule 3.01 of the Rules of Criminal Procedure to notify a person charged
1.8 with a criminal offense of the need to appear at a certain time and place to answer the charge.

1.9 Subd. 2. Service of summons. A summons may be served in accordance with rule 3.03
1.10 of the Rules of Criminal Procedure. The court shall record the manner in which the summons
1.11 was served and, if the summons was served by mailing it to the defendant's last known
1.12 address, the court shall record whether the summons was returned as undeliverable.

1.13 Subd. 3. Failure to appear; issuance of a sign and release warrant. (a) Unless a
1.14 prosecutor makes the showing described in subdivision 5, the court shall issue a sign and
1.15 release warrant if:

1.16 (1) the court issued a summons;

1.17 (2) the defendant failed to appear at the time and place identified in the summons;

1.18 (3) the defendant had not previously failed to appear in the same case; and

1.19 (4) the defendant is charged with a misdemeanor offense other than a violation of section
1.20 518B.01, subdivision 14 (violation of domestic abuse order for protection); 609.224

2.1 (fifth-degree assault); 609.2242 (domestic assault); 609.748, subdivision 6 (violation of
2.2 harassment restraining order); or 629.75 (violation of domestic abuse no contact order).

2.3 (b) A sign and release warrant shall not require the defendant to post bail or comply
2.4 with any other conditions of release. A sign and release warrant does not authorize the arrest
2.5 of the defendant.

2.6 (c) Any court record provided or made available to a law enforcement agency shall
2.7 indicate that the warrant is a sign and release warrant.

2.8 Subd. 4. Failure to appear; issuance of a book and release warrant. (a) Unless a
2.9 prosecutor makes the showing described in subdivision 5, the court shall issue a book and
2.10 release warrant if:

2.11 (1) the court issued a summons;

2.12 (2) the defendant failed to appear at the time and place identified in the summons;

2.13 (3) the defendant had not previously failed to appear in the same case; and

2.14 (4) the defendant is charged with a gross misdemeanor offense other than a violation of
2.15 section 169A.20 (driving while impaired); 518B.01, subdivision 14 (violation of domestic
2.16 abuse order for protection); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault);
2.17 609.2242 (domestic assault); 609.377 (malicious punishment of a child); 609.748, subdivision
2.18 6 (violation of harassment restraining order); 609.749 (harassment or stalking); 609.78,
2.19 subdivision 2 (interference with an emergency call); 617.261 (nonconsensual dissemination
2.20 of private sexual images); or 629.75 (violation of domestic abuse no contact order).

2.21 (b) A book and release warrant shall require that the defendant be taken to an appropriate
2.22 facility for booking but shall not require the defendant to post bail or comply with any other
2.23 conditions of release.

2.24 (c) Any court record provided or made available to a law enforcement agency shall
2.25 indicate that the warrant is a book and release warrant.

2.26 Subd. 5. When bail may be required. The court may issue a warrant that requires the
2.27 defendant to post bail or comply with other conditions of release if a prosecutor shows, by
2.28 a preponderance of the evidence, that bail is necessary:

2.29 (1) for the safety of a victim;

2.30 (2) because a defendant poses a risk to public safety; or

2.31 (3) because the defendant otherwise poses a danger to self or others.

3.1 Subd. 6. Sign and release warrant; law enforcement duties. (a) When a peace officer
3.2 encounters a defendant who is the subject of a sign and release warrant, the officer shall
3.3 inform the defendant of the missed court appearance and provide a new notice that includes
3.4 a time to appear.

3.5 (b) Notice of the new time to appear shall be made in writing and must include the court
3.6 file number. The defendant may be asked to sign a form acknowledging receipt of the notice.
3.7 A defendant may not be required to sign the acknowledgment, but the peace officer or other
3.8 employee may indicate that a notice was given and that the defendant refused to sign.

3.9 (c) After providing the notice, the peace officer shall release the defendant at the scene.

3.10 (d) As soon as practicable after providing the notice, the peace officer shall:

3.11 (1) inactivate the warrant or direct the appropriate office or department to inactivate the
3.12 warrant; and

3.13 (2) submit a form or other notification that can be filed in the court's electronic filing
3.14 system that includes the court case number, updates the defendant's personal contact
3.15 information, and indicates that the defendant received notice of the new time to appear.

3.16 Subd. 7. Book and release warrant; law enforcement duties. (a) When a peace officer
3.17 encounters a defendant who is the subject of a book and release warrant, the officer shall
3.18 inform the defendant of the missed court appearance, explain that the defendant will be
3.19 taken to be booked and released, and provide a new time to appear.

3.20 (b) The peace officer must transport the defendant to the appropriate facility for the
3.21 collection of finger and thumb prints, photographs, and any other information required to
3.22 be taken under section 299C.10.

3.23 (c) The peace officer or an employee of the facility responsible for booking the defendant
3.24 must provide notice of the new time to appear. Notice shall be made in writing and must
3.25 include the court file number. The defendant may be asked to sign a form acknowledging
3.26 receipt of the notice. A defendant may not be required to sign the acknowledgment, but the
3.27 peace officer or other employee may indicate that a notice was given and that the defendant
3.28 refused to sign.

3.29 (d) After the defendant has been booked and received notice of the new time to appear,
3.30 the defendant shall be released.

3.31 (e) As soon as practicable after providing the notice, the peace officer or other employee
3.32 shall:

4.1 (1) inactivate the warrant or direct the appropriate office or department to inactivate the
4.2 warrant; and

4.3 (2) submit a form or other notification that can be filed in the court's electronic filing
4.4 system that includes the court case number, updates the defendant's personal contact
4.5 information, and indicates that the defendant received notice of the new time to appear.

4.6 Subd. 8. **Exception; lawful arrest.** Nothing in this section prohibits a peace officer from
4.7 arresting a defendant for any lawful reason.

4.8 Subd. 9. **Procedure to notify peace officers; scheduling new court dates.** (a) By
4.9 January 1, 2023, the sheriff of every county, in coordination with the district court of that
4.10 county, shall develop a procedure to inform peace officers about the type of warrant issued
4.11 by the court and provide hearing dates for sign and release warrants and book and release
4.12 warrants.

4.13 (b) At a minimum, the procedure shall include:

4.14 (1) an office, department, or other entity that a peace officer can contact at any time to
4.15 determine the type of warrant issued by a court;

4.16 (2) if the warrant is a sign and release warrant or a book and release warrant, the ability
4.17 to obtain an updated time for a defendant to appear to answer the charge;

4.18 (3) the ability to inactivate a sign and release warrant or a book and release warrant after
4.19 a defendant has been notified of the new time to appear; and

4.20 (4) the ability to submit a form or other notification to the court's electronic filing system
4.21 updating the defendant's personal contact information and indicating that the defendant
4.22 received notice of the new time.

4.23 (c) The sheriff may develop forms to provide defendants with notice of the new time to
4.24 appear.

4.25 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to warrants
4.26 issued on or after January 1, 2023.