

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8049

OFFICE OF
APPELLATE COURTS

OCT 02 2014

FILED

**ORDER PROMULGATING AMENDMENTS
TO THE RULES OF CRIMINAL PROCEDURE**

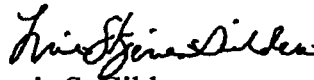
The Minnesota Supreme Court Advisory Committee on Rules of Criminal Procedure has recommended amendments to the Minnesota Rules of Criminal Procedure to: identify the procedures for complaints filed during pretrial proceedings; clarify procedures related to payable ordinance violations; and address the admissibility of testimony given at a probation revocation hearing involving allegations of new criminal conduct. The court invited written comments in support of or opposition to the proposed amendments. No comments were received. The court has now reviewed the proposed amendments and is fully advised in the premises.

IT IS HEREBY ORDERED THAT:

1. The attached amendments to the Rules of Criminal Procedure be, and the same are, prescribed and promulgated to be effective November 1, 2014.
2. These amendments shall apply to all actions or proceedings pending or commenced on or after the effective date.
3. The inclusion of Advisory Committee comments is made for convenience and does not reflect court approval of the comments.

Dated: October 2, 2014

BY THE COURT:


Lorie S. Gildea
Chief Justice

Gildea, Lorie
Oct 2 2014 2:05 PM

AMENDMENTS TO THE RULES OF CRIMINAL PROCEDURE

In the following amendments, deletions are indicated by a line drawn through the words and additions by a line drawn under the words.

1. Add a new subdivision to Rule 3.04 as follows:

Subd. 3. Procedure upon Issuance of New Complaint. Upon the issuance of the new complaint, the court must inform the defendant of the charges; the defendant's rights, including the right to have counsel appointed if eligible; and the opportunity to enter a plea as permitted by Rules 5.06, 5.07, and 5.08. The court must also review conditions of release under Rule 6.02, subd. 2. Pretrial proceedings, including any prior waiver of rights, must be reopened to the extent required by the new complaint.

2. Amend Rule 23.03, subd. 2, as follows:

Subd. 2. Fine Schedules.

(1) Uniform Statute and Administrative Rule Fine Schedule. The Judicial Council must adopt and, as necessary, revise a uniform fine schedule setting fines for ~~statutory~~-petty misdemeanors and for ~~statutory~~-misdemeanors as it selects. The uniform fine schedule is applicable statewide, and is known as the Statewide Payables List.

(2) County Ordinance Fine Schedules. Each district court may establish, under a process approved by the Judicial Council, ~~by court rule for each county~~ a fine for any ordinance that may be paid ~~to the violations bureau~~ in lieu of a court appearance by the defendant. ~~When an ordinance offense is substantially the same as an offense included on the uniform fine schedule, the fine established must be the same.~~

3. Amend Rule 27.04, subd. 2(4), as follows:

(4) Time of Revocation.

(a) The revocation hearing must be held within a reasonable time.

(b) If the probationer is in custody because of the violation report, the hearing must be within 7 days.

(c) If the violation report alleges a new crime, the revocation hearing may be postponed pending disposition of the criminal case. If the

revocation hearing is not postponed, any testimony the probationer gives at the revocation hearing is not admissible against the probationer at a criminal trial arising from the alleged crime, except for impeachment purposes, or if the probationer is charged with the crime of perjury based on this testimony.

- 4. Add a new paragraph in the Comment to Rule 27 after paragraph 13 as follows:**

If the violation report alleges multiple bases for probation revocation, one of which is an allegation of new criminal conduct, the limited use immunity in Rule 27.04, subd. 2(4)(c), attaches only at the criminal trial arising from the allegation of a new crime.