

~~continued for one week to enable the defendant to make his appearance and defend therein—proceed .~~

Sec. 2. Minnesota Statutes 1974, Section 566.09, is amended to read:

566.09 JUDGMENT; FINE; EXECUTION. If, upon the trial, the justice or jury find for the plaintiff, the justice shall immediately thereupon enter judgment that the plaintiff have restitution of the premises, and tax the costs for him. The justice shall issue execution in favor of the plaintiff for such costs, and also immediately issue a writ of restitution. No stay of the writ of restitution may be granted except upon a showing by the defendant that the restitution would work a substantial hardship upon the defendant. Upon a proper showing by the defendant of substantial hardship, the justice may stay the writ of restitution for a reasonable period not to exceed seven days, except that no stay of the writ of restitution shall extend later than three days prior to the date the rent is next due. If the justice or jury shall find for the defendant, he shall enter judgment for the defendant, tax the costs against the plaintiff, and issue execution therefor.

Approved April 2, 1976.

CHAPTER 124—H.F.No.910

[Coded in Part]

An act relating to crimes; specifying the acts constituting arson and the possession of certain explosives; correcting an error in the definition of certain criminal sexual conduct; providing penalties; amending Minnesota Statutes 1974, Chapters 299F, by adding sections; and 609, by adding sections; Minnesota Statutes, 1975 Supplement, Section 609.345; repealing Minnesota Statutes 1974, Sections 299F.81; 609.555; 609.56; 609.565; 609.57; 609.575; and 609.61.

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

Section 1. Minnesota Statutes 1974, Chapter 299F, is amended by adding a section to read:

[299F.81] CRIMES AND CRIMINALS; ARSON; POSSESSION OF EXPLOSIVES OR INCENDIARY DEVICES. Whoever possesses, manufactures, or transports any explosive compound, timing or detonating device for use with any explosive compound or incendiary device and either intends to use the explosive or device to commit a crime or knows that another intends to use the explosive or device to commit a crime, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000 or both.

Sec. 2. Minnesota Statutes 1974, Chapter 299F, is amended by **Changes or additions indicated by underline deletions by strikethrough**

adding a section to read:

[299F.815] POSSESSION OF A CHEMICAL IGNITING DEVICE OR MOLOTOV COCKTAIL. Subdivision 1. Whoever shall possess, manufacture, transport, or store a chemical self-igniting device or a molotov cocktail with intent to use the same for any unlawful purpose may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000 or both.

Subd. 2. For purposes of this section, "molotov cocktail" means any crude hand grenade made of a bottle or container filled with a flammable liquid and fitted with an ignition device.

Sec. 3. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.556] DEFINITIONS. Subdivision 1. For the purposes of sections 3 to 9, the terms defined in this section have the meanings given them.

Subd. 2. "Property of another" means a building or other property, whether real or personal, in which a person other than the accused has an interest which the accused has no authority to defeat or impair even though the accused may also have an interest in the building or property.

Subd. 3. "Building" in addition to its ordinary meaning includes any tent, watercraft, structure or vehicle that is customarily used for overnight lodging of a person or persons. If a building consists of two or more units separately secured or occupied, each unit shall be deemed a separate building.

Sec. 4. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.561] ARSON IN THE FIRST DEGREE. Subdivision 1. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building that is used as a dwelling at the time the act is committed, whether the inhabitant is present therein at the time of the act or not, or any building appurtenant to or connected with a dwelling whether the property of himself or of another, commits arson in the first degree and may be sentenced to imprisonment for not more than 20 years or to a fine of not more than \$20,000, or both.

Subd. 2. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not included in subdivision 1, whether the property of himself or another commits arson in the first degree and may be sentenced to imprisonment for not more than 20 years or to a fine of not more than \$20,000, or both if:

(a) Another person who is not a participant in the crime is pres-

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ent in the building at the time and the defendant knows that; or

(b) The circumstances are such as to render the presence of such a person therein a reasonable possibility.

Sec. 5. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.562] ARSON IN THE SECOND DEGREE. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not covered by section 4 of this act, whether the property of himself or another, may be sentenced to imprisonment for not more than ten years or to a fine of not more than \$10,000 or both.

Sec. 6. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.563] ARSON IN THE THIRD DEGREE. Subdivision 1. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any personal property belonging to another may be sentenced to imprisonment for not more than five years or to a fine of \$5,000 or both, if:

(a) The property intended by the accused to be damaged or destroyed had a value of \$100 or more; or

(b) Property of the value of \$100 or more was unintentionally damaged or destroyed but such damage or destruction could reasonably have been foreseen; or

(c) The property specified in clauses (a) and (b) in the aggregate had a value of \$100 or more.

Subd. 2. In all other cases whoever intentionally by means of fire or explosives sets fire to or burns or causes to be burned any personal property of value belonging to another may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300.

Sec. 7. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.576] NEGLIGENT FIRES. Subdivision 1. Whoever is culpably negligent in causing a fire to burn or get out of control thereby causing damage or injury to another, and as a result thereof:

(a) A human being is injured and great bodily harm incurred, is guilty of a crime and may be sentenced to imprisonment of not more than three years or to a fine of not more than \$3,000, or both; or

(b) Property of another is injured, thereby, is guilty of a crime

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and may be sentenced as follows:

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, if the value of the property damaged is under \$100;

(2) To imprisonment for not less than 90 days, nor more than one year, or to a fine of \$1,000 or both, if the value of the property damaged is at least \$100 and under \$2,500;

(3) To imprisonment for not more than one year, or to a fine of \$1,000, or both, if the value of the property damaged is \$2,500 and under \$10,000;

(4) To imprisonment for not more than three years or to a fine of \$3,000 or both, if value of property damaged is \$10,000 or greater.

Sec. 8. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.611] DEFRAUDING INSURER. Whoever with intent to injure or defraud an insurer, damages any property real or personal, whether his own or that of another, which is at the time insured by any person, firm or corporation against loss or damage;

(a) May be sentenced to imprisonment for not more than three years or to payment of fine of not more than \$3,000, or both if the value insured for is less than \$20,000; or

(b) May be sentenced to imprisonment for not more than five years or to payment of fine of not more than \$5,000, or both if the value insured for is \$20,000 or greater;

(c) Proof that the actor recovered or attempted to recover on a policy of insurance by reason of the fire is relevant but not essential to establish his intent to defraud the insurer.

Sec. 9. Minnesota Statutes, 1975 Supplement, Section 609.345, is amended to read:

609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE. A person is guilty of criminal sexual conduct in the fourth degree and may be sentenced to imprisonment for not more than five years, if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no ~~less more~~ than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense; or

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(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to coerce the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older; or

(c) The actor uses force or coercion to accomplish the sexual contact; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.

Sec. 10. **REPEALER.** Minnesota Statutes 1974, Sections 299F.81; 609.555; 609.56; 609.565; 609.57; 609.575; and 609.61, are repealed.

Approved April 2, 1976.

CHAPTER 125—H.F.No.1199

[Coded in Part]

An act relating to treatment for alcohol and drug abuse; providing for programs of intervention and treatment for employees, native Americans, and underserved groups; providing funding for detoxification programs, half-way houses and nonresidential programs; appropriating money; amending Minnesota Statutes 1974, Section 254A.02, Subdivision 1, and by adding subdivisions; and Chapter 254A, by adding sections.

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

Section 1. Minnesota Statutes 1974, Section 254A.02, Subdivision 1, is amended to read:

254A.02 ALCOHOL AND DRUG ABUSE; TREATMENT PROGRAMS; DEFINITIONS. Subdivision 1. For the purposes of ~~Laws 1973, Chapter 572~~ chapter 254A, unless the context clearly indicates otherwise, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 1974, Section 254A.02, is amended by adding subdivisions to read:

Subd. 12. "Area mental health board" or "area board" means a board established pursuant to sections 245.61 to 245.69.

Subd. 13. "Commissioner" means the commissioner of public welfare.

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