

CHAPTER 362.

CRIME PREVENTION.

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362.01 Security for good conduct. Judges of the courts of record and court commissioners and justices of the peace have power to enforce the laws for the preservation of the public peace and in the execution of that power may require persons to give security to keep the peace or for their good behavior or both, in the manner provided in this chapter.

362.02 Complaint of threats. When a complaint is made to any such magistrate that any person has threatened to commit a crime against the person or property of another, the magistrate shall examine the complainant and any witnesses produced on oath and reduce the complaint to writing and require the complainant to sign it.

362.03 Warrant and arrest. If upon the examination it appears that there is probable cause to fear that any such crime will be committed, the magistrate shall issue a warrant reciting the substance of the complaint and require the officer to whom it is directed to arrest the defendant and bring him before such magistrate or some other magistrate or court having jurisdiction.

362.04 Examination. The magistrate before whom the defendant is brought shall, as soon as may be, examine the complainant and the witnesses to support the prosecution on oath in presence of the defendant in relation to the charge. The defendant may cross-examine them.

362.05 Witnesses and counsel. The witnesses for the defendant shall then be sworn and examined. The defendant may have counsel.

362.06 Bail bond. If it appears upon examination that there is cause to fear that any such crime will be committed by the defendant, he shall be required to give a bond with sufficient sureties in such sum as the magistrate directs to keep the peace toward all of the people of this state and especially toward the person requiring such security for such time as the magistrate orders, not exceeding 6 months.

362.07 Discharge. Upon complying with the order of the magistrate, the defendant shall be discharged.

362.08 When committed. If the defendant fails to comply with the order, the magistrate shall commit him to the county jail during the period for which he was required to give security or until he gives security, stating in the commitment the cause, the sum and the time for which security was required.

362.09 Discharge; costs. If upon examination it does not appear that there is cause to fear that any such crime will be committed by the defendant, he shall be discharged, and if the magistrate deems the complaint unfounded, frivolous or malicious, he shall so certify in his docket and enter judgment against the complainant for the taxable costs of prosecution as provided in section 360.22.

362.10 Costs in other cases. When no order respecting the costs is made, they shall be allowed and paid in the same manner as costs before justices in criminal prosecutions; but in all cases where a person is required to give security for good behavior, the magistrate may further order the costs of prosecution or any part thereof to be paid by him, and he shall stand committed until such costs are paid, or he is otherwise legally discharged.

362.11 Appeal. A person so required to give security for his behavior may appeal to the circuit court. The appeal shall not stay the order.

362.13 Proceedings on appeal. The appellate court shall, without a jury, hear and determine the complaint in the manner prescribed for the examining magistrate and may affirm the order of the magistrate or discharge the defendant or require him to enter into a new bond with sureties, and may also make such order in relation to the costs of prosecution as he deems just.

362.14 Effect of bond. If the appellant fails to prosecute his appeal, the bond shall remain in force and shall also stand as security for costs which are ordered to be paid by him.

362.16 Security, transmittal of. Every bond taken in pursuance of this chapter shall be transmitted by the magistrate to the circuit court of the county before the first day of the next term and shall be filed by the clerk.

362.17 Arrest without process. Whoever in the presence of any magistrate or court mentioned in this chapter makes an affray or threatens to kill or beat another or commit any violence or outrage against his person or property, and whoever in such presence contends with hot and angry words, to the disturbance of the peace may be ordered to recognize to keep the peace and to be of good behavior for not exceeding 6 months and in case of refusal may be committed.

362.18 Armed persons to give security. If a person goes armed with a dangerous weapon without reasonable cause to fear violence to his person or family or property, he may, on complaint of any person having reasonable cause to fear an injury or breach of the peace, be required to give security to keep the peace for not exceeding 6 months.

362.19 Remission of penalty. In an action brought on any such security, if the penalty thereof is adjudged forfeited, the court may remit such portion of the penalty as the circumstances render just.

362.20 Surrender of principal. A surety on a bond to keep the peace or for good behavior shall have the right to surrender his principal and upon such surrender shall be discharged from liability for any act of the principal subsequent to surrender and the defendant may give a new bond before any justice of the peace for the residue of the term.

362.21 Arrest without complaint. If a magistrate has knowledge that an assault and battery is about to be committed or that an affray is about to occur, he shall forthwith issue a warrant and proceed as though a complaint had been made; and if such crime is committed, threatened or attempted in his presence, he shall immediately arrest the offender or cause him to be arrested, and for this purpose no process is necessary; and he may summon to his assistance any person present to aid him in preserving the peace and arresting and securing the offenders. All who obstruct or prevent the magistrate or any of his assistants in the performance of duty may be arrested. Any person who, when summoned to aid in such arrests, refuses to give such assistance shall forfeit \$5.

362.22 Change of venue. The defendant to any complaint under this chapter, before any magistrate, shall have the same right of change of venue and removal thereof and for the same cause as in other cases of examination or trial for offenses before such magistrate.