

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 322

01/22/2015 Authored by Winkler, Cornish, Knoblach, Moran, Whelan and others

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act  
1.2 relating to public safety; clarifying legislators' privilege from arrest; specifying  
1.3 that driving while impaired constitutes a breach of the peace for purposes of  
1.4 the Constitution; amending Minnesota Statutes 2014, section 3.151; proposing  
1.5 coding for new law in Minnesota Statutes, chapters 3; 169A.

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

1.7 Section 1. **[3.022] REVIEW OF ARREST.**

1.8 Any documentation issued by a government agency that reproduces the text of the  
1.9 Minnesota Constitution, article IV, section 10, must include the following language: "Any  
1.10 arrest under this provision is immediately reviewable before a neutral judicial officer."

1.11 Sec. 2. Minnesota Statutes 2014, section 3.151, is amended to read:

1.12 **3.151 DISTURBING LEGISLATURE OR INTIMIDATING MEMBER.**

1.13 (a) A person is guilty of a gross misdemeanor who:

1.14 (1) willfully disturbs the legislature, or either house of it, while in session;

1.15 (2) commits disorderly conduct in the presence and view of either house, tending to  
1.16 interrupt its proceedings or impair the respect due to its authority; or

1.17 (3) willfully, by intimidation or otherwise, prevents a member of the legislature from  
1.18 attending a session of the member's house, or of a committee of it, or from giving the  
1.19 member's vote upon a question which may come before the house, or from performing any  
1.20 other official act, including an arrest, or attempted arrest, of a member of the legislature by  
1.21 a licensed peace officer for the primary purpose of delaying or preventing the performance  
1.22 of any official act.

2.1           **(b) Nothing in this section limits the authority of a licensed peace officer to arrest**  
2.2           **or detain a member of the legislature, upon probable cause that the member has violated**  
2.3           **any provision of chapter 169A while traveling to a session of the member's house, or of a**  
2.4           **committee of it, provided that the arrest or detention is processed in an expedited manner**  
2.5           **and the member is delivered to the sergeant-at-arms of the house of representatives or the**  
2.6           **senate without unreasonable delay.**

2.7           **Sec. 3. [169A.79] BREACH OF THE PEACE.**

2.8           **A crime, including a felony, gross misdemeanor, or misdemeanor constitutes a**  
2.9           **breach of the peace for purposes of the Minnesota Constitution, article IV, section 10.**

2.10           **EFFECTIVE DATE. This section is effective August 1, 2015, and applies to**  
2.11           **offenses committed on or after that date.**