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State of Minnesota

HOUSE OF REPRESENTATIVES

SECOND SPECIAL SESSION

H. F. No. 88

07/14/2020 Authored by Gomez; Xiong, J.; Mariani; Moran; Hassan and others
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; prohibiting law enforcement from using tear gas as a
1.3 means to control a crowd; amending Minnesota Statutes 2018, section 624.731,
1.4 subdivisions 4, 6.

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

1.6 Section 1. Minnesota Statutes 2018, section 624.731, subdivision 4, is amended to read:

1.7 Subd. 4. Prohibited use. (a) No person shall knowingly, or with reason to know, use
1.8 tear gas, a tear gas compound, an authorized tear gas compound, or an electronic
1.9 incapacitation device on or against a peace officer who is in the performance of duties.

1.10 (b) No person shall use tear gas, a tear gas compound, an authorized tear gas compound,
1.11 or an electronic incapacitation device except as authorized in subdivision 2 or 6.

1.12 (c) Tear gas, a tear gas compound, or an electronic incapacitation device shall legally
1.13 constitute a weapon when it is used in the commission of a crime.

1.14 (d) No person shall use tear gas or a tear gas compound in an immobilizing concentration
1.15 against another person, except as otherwise permitted by subdivision 2.

1.16 (e) No peace officer shall use tear gas as a means to control or disperse a crowd in the
1.17 performance of the officer's duties. A chief law enforcement officer shall not authorize the
1.18 use of tear gas for crowd control.

1.19 Sec. 2. Minnesota Statutes 2018, section 624.731, subdivision 6, is amended to read:

1.20 Subd. 6. Exceptions. Except as provided in subdivision 4, paragraph (e), nothing in this
1.21 section shall prohibit the possession or use of by, or the sale or furnishing of, tear gas, a

- 2.1 tear gas compound, an authorized tear gas compound, or electronic incapacitation device
- 2.2 to, a law enforcement agency, peace officer, the National Guard or reserves, or a member
- 2.3 of the National Guard or reserves for use in their official duties, except that counties and
- 2.4 municipalities may impose licensing requirements on sellers pursuant to subdivision 9.