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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 839

02/06/2017 Authored by Zerwas, Cornish and Haley
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; increasing penalties for impersonating a law enforcement
1.3 officer; amending Minnesota Statutes 2016, sections 169.64, by adding a
1.4 subdivision; 169.68; 169.98, subdivision 3, by adding a subdivision; 171.07,
1.5 subdivision 3, by adding a subdivision; 326.3384, subdivision 1; 609.475; 626.863;
1.6 626.88, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter
1.7 609.

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

1.9 Section 1. Minnesota Statutes 2016, section 169.64, is amended by adding a subdivision
1.10 to read:

1.11 Subd. 11. Gross misdemeanor. A person who violates subdivision 2, 3, or 4 while
1.12 impersonating a peace officer in violation of section 609.4751, subdivision 1, is guilty of a
1.13 gross misdemeanor.

1.14 Sec. 2. Minnesota Statutes 2016, section 169.68, is amended to read:

1.15 169.68 HORN, SIREN.

1.16 Subdivision 1. Requirement; limitations. (a) Every motor vehicle when operated upon
1.17 a highway must be equipped with a horn in good working order and capable of emitting
1.18 sound audible under normal conditions from a distance of not less than 200 feet. However,
1.19 the horn or other warning device must not emit an unreasonably loud or harsh sound or a
1.20 whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe
1.21 operation, give audible warning with the horn, but shall not otherwise use the horn when
1.22 upon a highway.

2.1 (b) A vehicle must not be equipped with, and a person shall not use upon a vehicle, any
2.2 siren, whistle, or bell, except as otherwise permitted in this section.

2.3 (c) It is permissible, but not required, for any commercial vehicle to be equipped with
2.4 a theft alarm signal device, so arranged that it cannot be used by the driver as an ordinary
2.5 warning signal.

2.6 (d) All authorized emergency vehicles must be equipped with a siren capable of emitting
2.7 sound audible under normal conditions from a distance of not less than 500 feet and of a
2.8 type conforming to the federal certification standards for sirens, as determined by the General
2.9 Services Administration. However, the siren must not be used except when the vehicle is
2.10 operated in response to an emergency call or in the immediate pursuit of an actual or
2.11 suspected violator of the law, in which latter events the driver of the vehicle shall sound the
2.12 siren when necessary to warn pedestrians and other drivers of the vehicle's approach.

2.13 (e) It is permissible, but not required, for a bicycle to be equipped with a horn or bell
2.14 designed to alert motor vehicles, other bicycles, and pedestrians of the bicycle's presence.

2.15 Subd. 2. **Gross misdemeanor.** A person who violates subdivision 1 while impersonating
2.16 a peace officer in violation of section 609.4751, subdivision 1, is guilty of a gross
2.17 misdemeanor.

2.18 Sec. 3. Minnesota Statutes 2016, section 169.98, subdivision 3, is amended to read:

2.19 Subd. 3. **Security guard vehicle.** (a) All motor vehicles ~~which~~ that are used by security
2.20 guards in the course of their employment ~~may have any color other than those specified in~~
2.21 ~~subdivision 1 for law enforcement vehicles~~ shall be predominantly grey. The identity of the
2.22 security service shall be displayed on ~~the motor vehicle as required for law enforcement~~
2.23 ~~vehicles~~ both front door panels and on the rear of the vehicle. The identity must include the
2.24 word "Security" with letters not less than 2-1/2 inches high, one inch wide, and of a
2.25 three-eighth inch brush stroke. The identity shall be of a color contrasting with the
2.26 background color so that the motor vehicle is easily identifiable as belonging to a specific
2.27 security service. The identity may be in the form of an emblem. Each vehicle must be marked
2.28 with its own identifying number on the rear of the vehicle. The number shall be printed in
2.29 the same size and color required pursuant to this subdivision for identifying words which
2.30 may be displayed on the vehicle.

2.31 (b) Notwithstanding subdivision 1, paragraph (a), clause (1), a security guard may
2.32 continue to use a motor vehicle that is predominantly black in the course of the guard's
2.33 employment if the vehicle was being used in this manner before August 1, 2002.

3.1 (c) Notwithstanding subdivision 1, paragraph (a), clause (3), a security guard may
 3.2 continue to use a motor vehicle that is predominantly gold in the course of the guard's
 3.3 employment if the vehicle was being used in this manner before August 1, 2012.

3.4 (d) Notwithstanding paragraph (a), a security guard may continue to use a motor vehicle
 3.5 that is not predominantly grey in the course of the guard's employment if the vehicle was
 3.6 being used in this manner before August 1, 2017.

3.7 Sec. 4. Minnesota Statutes 2016, section 169.98, is amended by adding a subdivision to
 3.8 read:

3.9 Subd. 6. **Offense.** A person may not own or operate a motor vehicle marked or identified:

3.10 (1) in any manner described in this section;

3.11 (2) with the word or words "police," "patrolman," "sheriff," "deputy," "trooper," "state
 3.12 patrol," "conservation officer," "agent," or "marshal"; or

3.13 (3) with any lettering, marking, or insignia, or colorable imitation thereof, including,
 3.14 but not limited to, stars, badges, or shields identifying the vehicle as a federal, state, county,
 3.15 or municipal law enforcement vehicle; and

3.16 (4) which a reasonable person would believe that the vehicle is authorized by any agency
 3.17 for use by the person operating the motor vehicle.

3.18 Sec. 5. Minnesota Statutes 2016, section 171.07, subdivision 3, is amended to read:

3.19 Subd. 3. **Identification card; fee.** (a) Upon payment of the required fee, the department
 3.20 shall issue to every qualifying applicant a Minnesota identification card. The department
 3.21 may not issue a Minnesota identification card to an individual who has a driver's license,
 3.22 ~~other than~~ unless the person has a limited license or the Minnesota identification card bears
 3.23 a peace officer designation under subdivision 15a. The department may not issue an enhanced
 3.24 identification card to an individual who is under 16 years of age, not a resident of this state,
 3.25 or not a citizen of the United States of America. The card must bear a distinguishing number
 3.26 assigned to the applicant; a colored photograph or an electronically produced image of the
 3.27 applicant; the applicant's full name and date of birth; either (1) the licensee's residence
 3.28 address, or (2) the designated address under section 5B.05; a description of the applicant
 3.29 in the manner as the commissioner deems necessary; and the usual signature of the applicant.

3.30 (b) If the United States Postal Service will not deliver mail to the applicant's residence
 3.31 address as listed on the Minnesota identification card, then the applicant shall provide
 3.32 verification from the United States Postal Service that mail will not be delivered to the

4.1 applicant's residence address and that mail will be delivered to a specified alternate mailing
 4.2 address. When an applicant provides an alternate mailing address under this subdivision,
 4.3 the commissioner shall use the alternate mailing address in lieu of the applicant's residence
 4.4 address for all notices and mailings to the applicant.

4.5 (c) Each identification card issued to an applicant under the age of 21 must be of a
 4.6 distinguishing color and plainly marked "Under-21."

4.7 (d) Each Minnesota identification card must be plainly marked "Minnesota identification
 4.8 card - not a driver's license."

4.9 (e) The fee for a Minnesota identification card is 50 cents when issued to a person who
 4.10 is developmentally disabled, as defined in section 252A.02, subdivision 2; a physically
 4.11 disabled person, as defined in section 169.345, subdivision 2; or, a person with mental
 4.12 illness, as described in section 245.462, subdivision 20, paragraph (c).

4.13 Sec. 6. Minnesota Statutes 2016, section 171.07, is amended by adding a subdivision to
 4.14 read:

4.15 Subd. 15a. **Peace officer designation.** (a) The commissioner of public safety shall enter
 4.16 into an agreement with law enforcement agencies to issue Minnesota identification cards
 4.17 bearing a peace officer designation to licensed peace officers, as defined in section 626.84,
 4.18 subdivision 1, paragraph (c), clause (1), and qualified retired peace officers, as defined in
 4.19 United States Code, title 18, section 926C.

4.20 (b) The commissioner shall design unique markings and graphics for the peace officer
 4.21 designation, in consultation with law enforcement agencies. Identification cards issued to
 4.22 qualified retired officers must be prominently marked "retired" using red lettering.

4.23 (c) The commissioner shall require payment of a reasonable fee to cover the actual cost
 4.24 to manufacture the card.

4.25 (d) Cards issued under this subdivision are not Minnesota identification cards for the
 4.26 purposes defined in sections 48.512, 201.061, 201.161, 340A.503, and 604.113.

4.27 Sec. 7. Minnesota Statutes 2016, section 326.3384, subdivision 1, is amended to read:

4.28 Subdivision 1. **Prohibition.** No license holder or employee of a license holder shall, in
 4.29 a manner that implies that the person is an employee or agent of a governmental agency,
 4.30 display on a badge, identification card, emblem, vehicle, uniform, stationery, or in advertising
 4.31 for private detective or protective agent services:

5.1 (1) the words "public safety," "police," "highway patrol," "state patrol," "sheriff,"
5.2 "trooper," "marshal," "agent," or "law enforcement"; or

5.3 (2) the name of a municipality, county, state, or of the United States, or any governmental
5.4 subdivision thereof.

5.5 Sec. 8. Minnesota Statutes 2016, section 609.475, is amended to read:

5.6 **609.475 IMPERSONATING A MILITARY OFFICER OR PUBLIC OFFICIAL.**

5.7 Whoever falsely impersonates a ~~police~~ or military officer or public official with intent
5.8 to mislead another into believing that the impersonator is actually such officer or official
5.9 is guilty of a misdemeanor.

5.10 Sec. 9. **[609.4751] IMPERSONATING A PEACE OFFICER.**

5.11 Subdivision 1. Misdemeanor. Whoever falsely impersonates a peace officer with intent
5.12 to mislead another into believing that the impersonator is actually an officer is guilty of a
5.13 misdemeanor.

5.14 Subd. 2. Gross misdemeanor. Whoever violates subdivision 1 while committing any
5.15 of the following acts is guilty of a gross misdemeanor:

5.16 (1) attempting to gain access to a public building or government facility that is not open
5.17 to the public;

5.18 (2) possessing false or fraudulent credentials that identify the person as a peace officer;
5.19 or

5.20 (3) directing or ordering another person to act.

5.21 Subd. 3. Felony. (a) Whoever violates subdivision 1 or 2 while committing any of the
5.22 following acts is guilty of a felony and may be sentenced to imprisonment for not more than
5.23 five years or to payment of a fine of not more than \$10,000, or both:

5.24 (1) possessing a firearm; or

5.25 (2) violating section 169.98, subdivision 6.

5.26 (b) Whoever violates subdivision 1 or 2 within five years of a previous violation of this
5.27 section is guilty of a felony and may be sentenced to imprisonment for not more than five
5.28 years or to payment of a fine of not more than \$10,000, or both.

6.1 Sec. 10. **[609.476] IMPERSONATING SECURITY OFFICER.**

6.2 Whoever falsely impersonates a private security officer, protective officer, or bail
 6.3 enforcement officer with intent to mislead another into believing that the impersonator is
 6.4 actually an officer to gain entry to a government facility that the impersonator is not
 6.5 authorized to enter or for other criminal purposes is guilty of a gross misdemeanor.

6.6 Sec. 11. Minnesota Statutes 2016, section 626.863, is amended to read:

6.7 **626.863 UNAUTHORIZED PRACTICE.**

6.8 (a) A person who is not a peace officer or part-time peace officer is guilty of a
 6.9 misdemeanor if the person: (1) makes a representation of being a peace officer or part-time
 6.10 peace officer, or (2) performs or attempts to perform an act, duty, or responsibility reserved
 6.11 by law for licensed peace officers and part-time peace officers.

6.12 (b) A peace officer who authorizes or knowingly allows a person to violate paragraph
 6.13 (a) is guilty of a misdemeanor.

6.14 (c) The board shall designate the appropriate law enforcement agency to investigate
 6.15 violations of this section. The attorney general shall prosecute violations of this section.

6.16 (d) A person who violates this section and who has previously been convicted of a
 6.17 violation of this section is guilty of a ~~gross misdemeanor~~ felony.

6.18 Sec. 12. Minnesota Statutes 2016, section 626.88, subdivision 2, is amended to read:

6.19 Subd. 2. **Uniforms.** (a) Uniforms for peace officers shall be of uniform colors throughout
 6.20 the state as provided herein. Uniforms for:

6.21 (1) municipal peace officers, including University of Minnesota peace officers and peace
 6.22 officers assigned to patrol duties in parks, shall be blue, brown, or green;

6.23 (2) peace officers who are members of the county sheriffs' office shall be blue, brown,
 6.24 or green;

6.25 (3) state troopers shall be maroon;

6.26 (4) conservation officers shall be green.

6.27 (b) The uniforms of security guards ~~may be any color other than those specified for~~
 6.28 ~~peace officers~~ and protective agents shall be predominantly white or grey. This paragraph
 6.29 shall apply to uniforms purchased subsequent to August 1, 2017.

- 7.1 (c) The uniforms of a bail bondsman or bail enforcement agent or any person who acts
7.2 at the direction of a surety may be any color other than those specified for peace officers.
7.3 A violation of this paragraph is a petty misdemeanor.
- 7.4 (d) This subdivision shall apply to uniforms purchased subsequent to January 1, 1981.