

SENATE  
STATE OF MINNESOTA  
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1468

(SENATE AUTHORS: LIMMER)

DATE	D-PG	OFFICIAL STATUS
05/22/2011	3260	Introduction and first reading Referred to Judiciary and Public Safety

1.1 A bill for an act  
1.2 relating to public safety; providing a uniform use of force standard for peace  
1.3 officers; amending Minnesota Statutes 2010, sections 609.06, by adding  
1.4 subdivisions; 626.8452, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2010, section 609.06, is amended by adding a  
1.7 subdivision to read:

1.8 Subd. 1a. **Reasonable force; determination.** A determination as to whether a  
1.9 use of force by a peace officer is reasonable shall be judged from the perspective of a  
1.10 reasonable officer on the scene allowing for the fact that peace officers are often forced  
1.11 to make split-second judgments in circumstances that are tense, uncertain, and rapidly  
1.12 evolving, rather than in hindsight. A use of force by a peace officer may be reasonable  
1.13 even though other force options were available that involved less force, employed better  
1.14 tactics, or would have been more effective.

1.15 Sec. 2. Minnesota Statutes 2010, section 609.06, is amended by adding a subdivision  
1.16 to read:

1.17 Subd. 3. **Definitions.** (a) For the purposes of this section, the terms in this  
1.18 subdivision have the meanings given them.

1.19 (b) "Force" means physical contact with another person by the actor's body or with a  
1.20 weapon or device employed by the actor with the purpose of causing or which the actor  
1.21 would reasonably know creates a substantial risk of causing pain or injury to that person.

(c) "Reasonable force" means force used by a peace officer that is objectively reasonable in light of the totality of the facts and circumstances confronting the officer, without regard to the officer's underlying intent or motivation.

Sec. 3. Minnesota Statutes 2010, section 626.8452, subdivision 1, is amended to read:

Subdivision 1. **Deadly Force policy.** ~~By January 1, 1992,~~ The head of every local and state law enforcement agency shall establish and enforce a written policy governing the use of force, ~~including.~~ Policies involving the use of deadly force, as defined in section 609.066, by peace officers and part-time peace officers employed by the agency. ~~The policy~~ must be consistent with the provisions of section 609.066, subdivision 2, and may not prohibit or subject the officer to discipline for the use of deadly force under circumstances in which that force is justified under section 609.066, subdivision 2. Policies involving all uses of force other than deadly force by peace officers and part-time peace officers must be consistent with section 609.06 and may not prohibit or subject the officer to discipline for a use of reasonable force as defined in section 609.06.

Sec. 4. **REVISOR'S INSTRUCTION.**

In the next edition of Minnesota Statutes, the revisor of statutes shall delete the term "Deadly" in the section and subdivision headnotes of Minnesota Statutes, section 626.8452.