SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2559

1.1   A bill for an act

1.2   relating to public safety; eliminating part-time peace officer licensure; amending

1.3   Minnesota Statutes 2012, section 626.8468, subdivision 1; repealing Minnesota

1.4   Statutes 2012, sections 626.8462; 626.8464; 626.8465, subdivision 3; 626.8468,

1.5   subdivision 2; Minnesota Rules, part 6700.1101, subparts 5, 6.

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

1.7   Section 1. Minnesota Statutes 2012, section 626.8468, subdivision 1, is amended to read:

1.8   Subdivision 1. ~~Cap on number of part-time peace officers per agency~~

1.9   **Grandfather provision.** ~~(a)~~ A law enforcement agency that employed a licensed part-time

1.10   peace officer ~~or that was in the process of training an individual to become a licensed~~

1.11   ~~part-time peace officer~~ on or before ~~February 1, 1999,~~ June 30, 2014, may continue to ~~do~~

1.12   ~~so~~ employ that part-time peace officer indefinitely. The board shall cancel the license of

1.13   a part-time peace officer who leaves the officer's agency of employment after June 30,

1.14   2014. The board shall cancel the license of a part-time peace officer who is not employed

1.15   by a law enforcement agency on or after June 30, 2014. ~~No agency may employ more~~

1.16   ~~part-time peace officers than it employed in calendar year 1996, 1997, or 1998, except the~~

1.17   ~~State Fair Police Department may employ up to 15 licensed part-time peace officers.~~

1.18   ~~(b) After January 1, 2000, the board may issue additional part-time peace officer~~

1.19   ~~licenses to a law enforcement agency that employs a part-time peace officer and that~~

1.20   ~~demonstrates to the board an extraordinary and temporary need for the additional license.~~

1.21   ~~(c) If a local unit of government dissolves a law enforcement agency that employs a~~

1.22   ~~part-time peace officer authorized under this subdivision and contracts with another law~~

1.23   ~~enforcement agency to provide law enforcement services, the law enforcement agency~~

1.24   ~~contracted with may add that number of part-time positions to the agency's maximum~~

1.25   ~~under this subdivision if the agency hires or offers employment to all full-time peace~~

2.1 ~~officers employed by the dissolved agency at the time of dissolution. The employment~~

2.2 ~~offered must be of comparable responsibility and salary~~.

Sec. 2. **RULE CHANGE.**

2.4 The Peace Officer Standards and Training Board shall amend Minnesota Rules, parts

2.5 6700.0600, subpart 2; 6700.1000, subparts 1, 2, 7, and 9; and 6700.1101, subpart 2, so that

2.6 new part-time peace officer licenses are not issued and that existing licenses are canceled

2.7 when a part-time license holder either leaves the officer's agency of employment or is not

2.8 employed by a law enforcement agency on or after June 30, 2014. The board may invoke

2.9 the good cause exemption to the rulemaking procedures in Minnesota Statutes, chapter

2.10 14, as provided for in Minnesota Statutes, section 14.388, subdivision 1, clause (3), to

2.11 implement the conforming amendments listed in this section.

Sec. 3. **REPEALER.**

2.13 (a) Minnesota Statutes 2012, sections 626.8462; 626.8464; 626.8465, subdivision 3;

2.14 and 626.8468, subdivision 2, are repealed.

2.15 (b) Minnesota Rules, part 6700.1101, subparts 5 and 6, are repealed.

Sec. 4. **EFFECTIVE DATE.**

2.17 Sections 1 to 3 are effective June 30, 2014.

626.8462 COMPETENCY REQUIREMENTS.

Part-time peace officer licensing examinations shall be designed to insure competency in the following areas reasonably achievable in courses within a total hourly maximum of 80 hours:

(1) permissible use of force by peace officers, including deadly force;

(2) law of arrest, including probable cause;

(3) law of search and seizure;

(4) confessions and interrogations, oral and written;

(5) law and rules of evidence;

(6) Minnesota Criminal Code;

(7) juvenile law;

(8) general principles of criminal investigations;

(9) crime scene search and investigation;

(10) preservation and collection of crime scene evidence; and

(11) traffic enforcement, including accident investigation.

The board shall prepare learning objectives for an 80-hour course to test competency under this section.

Upon request, the board shall provide to any sheriff or chief of police lesson plans and instructional materials reasonably necessary to conduct classes in the required areas of study. Nothing herein shall be construed to prohibit a requirement for more comprehensive training imposed by a local law enforcement agency.

626.8464 NEW PART-TIME PEACE OFFICER POSITIONS.

Except as otherwise provided in section 626.8463, any individual appointed or employed as a part-time peace officer to a position which was not filled by a part-time officer between January 1, 1978 and May 31, 1979 shall meet the training and licensing requirements of the board then in effect for full-time peace officers.

626.8465 PART-TIME OFFICERS; LIMITATIONS.

Subd. 3. **Emergency appointment.** Upon application of a law enforcement agency the board shall exempt from the provisions of Laws 1979, Chapter 282 the number of individuals necessary to secure and maintain the public safety in the case of an emergency arising from a natural disaster, civil disorder, fire, explosion, or similar catastrophic event; provided that no exemption shall be valid for a period exceeding 30 days. In the event the emergency requires an exemption immediately, the director or in case of the director's absence, the chief law enforcement officer of the municipality or township, or the sheriff of the county in which the emergency has arisen, shall grant an exemption which shall be valid only until the board has met and approved or rejected the application, but in no event shall an exemption granted by the director, the chief law enforcement officer of the municipality or township, or a county sheriff, be valid for a period exceeding seven days.

626.8468 PART-TIME PEACE OFFICERS; CAP ON NUMBER PER AGENCY; EXPANDED TRAINING REQUIRED; CONTINUING EDUCATION.

Subd. 2. **Expanded training required.** Each person seeking initial licensure as a part-time peace officer shall successfully complete the competency training described in section 626.8462. Before issuing a part-time peace officer license or allowing a person to take the examination described in section 626.8462, the board shall ensure that the applicant has successfully completed the training. The chief law enforcement officer of the agency employing or seeking to employ the applicant shall submit proof to the board that the applicant has successfully completed the training before the applicant may take the examination.

6700.1101 PART-TIME PEACE OFFICERS.

Subp. 5. **License application procedure.** If the appointee is not already a licensed part-time peace officer, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

6700.1101 PART-TIME PEACE OFFICERS.

Subp. 6. **Issuance of part-time peace officer license.** The executive director shall issue a part-time peace officer license to an individual who has met the requirements stated in subpart 2, submitted a written application for licensure, and paid the licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of part 6700.1000, subpart 1. The licensing fee is $45. If the board receives an application and fee on or after March 1 of the year in which the applicant would otherwise be due to renew the license, the license will be valid through June 30 of the third year following receipt.