

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **2608**

03/08/2016 Authored by Green

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to civil actions; authorizing a cause of action for damages for misconduct
1.3 by a public officer or employee; amending Minnesota Statutes 2014, section
1.4 609.43.

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

1.6 Section 1. Minnesota Statutes 2014, section 609.43, is amended to read:

1.7 **609.43 MISCONDUCT OF PUBLIC OFFICER OR EMPLOYEE.**

1.8 Subdivision 1. **Crime and penalty.** A public officer or employee who does any
1.9 of the following, for which no other sentence is specifically provided by law, may be
1.10 sentenced to imprisonment for not more than one year or to payment of a fine of not
1.11 more than \$3,000, or both:

1.12 (1) intentionally fails or refuses to perform a known mandatory, nondiscretionary,
1.13 ministerial duty of the office or employment within the time or in the manner required
1.14 by law; or

1.15 (2) in the capacity of such officer or employee, does an act knowing it is in excess of
1.16 lawful authority or knowing it is forbidden by law to be done in that capacity; or

1.17 (3) under pretense or color of official authority intentionally and unlawfully injures
1.18 another in the other's person, property, or rights; or

1.19 (4) in the capacity of such officer or employee, makes a return, certificate, official
1.20 report, or other like document having knowledge it is false in any material respect.

1.21 Subd. 2. **Civil remedy.** A victim of a crime under subdivision 1 may bring a cause
1.22 of action against a person who violates that subdivision. The court may award damages,
1.23 including punitive damages, reasonable attorney fees, and other litigation costs reasonably
1.24 incurred by the victim. This remedy is in addition to potential criminal liability.

- 2.1 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to crimes
- 2.2 committed on or after that date.