

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2736

03/08/2016 Authored by Moran, Fischer and Slocum

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; requiring outside agencies to investigate peace
1.3 officer-involved incidents that result in great bodily harm or death; amending
1.4 Minnesota Statutes 2014, section 8.01; proposing coding for new law in
1.5 Minnesota Statutes, chapter 626.

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

1.7 Section 1. Minnesota Statutes 2014, section 8.01, is amended to read:

1.8 **8.01 APPEARANCE.**

1.9 (a) The attorney general shall appear for the state in all causes in the supreme and
1.10 federal courts wherein the state is directly interested; also in all civil causes of like nature
1.11 in all other courts of the state whenever, in the attorney general's opinion, the interests of
1.12 the state require it. Except as otherwise provided in paragraph (b), upon request of the
1.13 county attorney, the attorney general shall appear in court in such criminal cases as the
1.14 attorney general deems proper. Upon request of a county attorney, the attorney general
1.15 may assume the duties of the county attorney in sexual psychopathic personality and
1.16 sexually dangerous person commitment proceedings under chapter 253D. Whenever the
1.17 governor shall so request, in writing, the attorney general shall prosecute any person
1.18 charged with an indictable offense, and in all such cases may attend upon the grand jury
1.19 and exercise the powers of a county attorney.

1.20 (b) The attorney general shall prosecute all cases, including appearances before the
1.21 grand jury, required to be investigated by outside law enforcement agencies under section
1.22 626.892.

2.1 Sec. 2. [626.892] PEACE OFFICER-INVOLVED INCIDENTS; OUTSIDE
2.2 INVESTIGATION REQUIRED.

2.3 Subdivision 1. Definitions. As used in this section:

2.4 (1) "deadly force" has the meaning given in section 609.066, subdivision 1;

2.5 (2) "great bodily harm" means bodily injury that creates a high probability of death,
2.6 or causes serious permanent disfigurement, or causes a permanent or protracted loss or
2.7 impairment of the function of any bodily member or organ;

2.8 (3) "law enforcement agency" has the meaning given in section 626.84, subdivision
2.9 1, paragraph (f);

2.10 (4) "officer-involved incident" means the use of deadly force by a peace officer while
2.11 the officer is on duty or off duty but performing activities that are within the scope of the
2.12 officer's law enforcement duties that results in great bodily harm or death of another; and

2.13 (5) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
2.14 (c).

2.15 Subd. 2. Officer-involved incident investigations. The chief law enforcement
2.16 officer of a law enforcement agency shall ensure that when a peace officer employed by
2.17 the agency is involved in an officer-involved incident, an investigation into the incident
2.18 occurs and is conducted by a law enforcement agency other than the agency that employs
2.19 the officer. If the officer-involved incident involves a peace officer employed by a police
2.20 department in a city of the first class, the required investigation must be conducted by the
2.21 Bureau of Criminal Apprehension. If the bureau is not able to conduct the investigation in
2.22 a timely manner, another outside agency may be selected to conduct the investigation. The
2.23 agency conducting an investigation under this subdivision must expeditiously provide a
2.24 complete report to the attorney general. An internal investigation into the officer-involved
2.25 incident may be completed by the law enforcement agency that employs the officer
2.26 involved in the incident if the internal investigation does not interfere with the outside
2.27 investigation conducted under this subdivision.

2.28 Subd. 3. Release of report. If the attorney general determines there is no basis
2.29 to prosecute the peace officer involved in the officer-involved incident, the attorney
2.30 general shall inform the law enforcement agency that conducted the investigation of this
2.31 determination and the agency shall release the report to the public.