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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **825**

02/06/2017

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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; requiring professional liability insurance for peace officers;
1.3 amending Minnesota Statutes 2016, section 3.736, subdivision 9a; proposing
1.4 coding for new law in Minnesota Statutes, chapter 626.

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

1.6 Section 1. Minnesota Statutes 2016, section 3.736, subdivision 9a, is amended to read:

1.7 Subd. 9a. **Peace officer indemnification.** The state shall defend, save harmless, and
1.8 indemnify a peace officer who is not acting on behalf of a private employer and who is
1.9 acting in good faith under section 629.40, subdivision 4, the same as if the officer were an
1.10 employee of the state, except that the defense and indemnification under this section shall
1.11 be secondary to the coverage required by section 626.871 for the alleged violations of civil
1.12 rights under any federal, state, or local law.

1.13 Sec. 2. **[626.871] PROFESSIONAL LIABILITY INSURANCE.**

1.14 Subdivision 1. **Insurance required.** A peace officer, as defined in section 626.88,
1.15 subdivision 1, shall maintain professional liability insurance that does not exclude intentional
1.16 acts and provides:

1.17 (1) a minimum of \$2,000,000 in coverage;

1.18 (2) defense expenses outside of, and in addition to, the limits of insurance; and

1.19 (3) coverage for violation of civil rights under any federal, state, or local law.

2.1 Subd. 2. **Certificate of coverage.** A law enforcement agency shall require that all
2.2 employed peace officers provide a certificate verifying that the coverage required in
2.3 subdivision 1 is in effect and shall maintain a copy of such certificate.

2.4 Subd. 3. **Primary coverage.** The insurance required by this section shall be primary
2.5 coverage for the alleged violation of civil rights under any federal, state, or local law
2.6 committed by a peace officer within the scope of employment.

2.7 Subd. 4. **Premium assistance.** A law enforcement agency shall reimburse a peace officer
2.8 for the base rate of coverage required in subdivision 1. A peace officer is responsible for
2.9 additional premium costs resulting from:

2.10 (1) coverage that exceeds the minimum requirements of subdivision 1; or

2.11 (2) the peace officer's claims history.