

**SENATE  
STATE OF MINNESOTA  
NINETY-FOURTH SESSION**

**S.F. No. 4440**

(SENATE AUTHORS: SEEBERGER and Kreun)

DATE  
03/12/2026

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Introduction and first reading  
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to peace officers; clarifying powers exclusive to law enforcement officers;  
1.3 clarifying the authority to investigate the unauthorized practice of law enforcement  
1.4 duties; amending Minnesota Statutes 2024, sections 626.862; 626.863.

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

1.6 Section 1. Minnesota Statutes 2024, section 626.862, is amended to read:

1.7 **626.862 POWERS OF LAW ENFORCEMENT OFFICERS.**

1.8 Except as specifically provided by statute, only a peace officer and part-time peace  
1.9 officer may:

1.10 (1) issue a citation in lieu of arrest or continued detention unless specifically authorized  
1.11 by ordinance;

1.12 (2) ask a person receiving a citation to give a written promise to appear in court; ~~or~~

1.13 (3) take a person into custody as permitted by section 629.34;

1.14 (4) draft a search warrant or present a search warrant to a court for approval;

1.15 (5) draft an arrest warrant or present an arrest warrant to a court for approval;

1.16 (6) draft a summary of a criminal investigation or present a summary of a criminal  
1.17 investigation to a prosecutor for the purpose of allowing a prosecutor to decide whether to  
1.18 prosecute;

1.19 (7) be assigned or accept the primary responsibility to investigate criminal activity;

1.20 (8) interview a person suspected of having been engaged in criminal conduct;

2.1 (9) conduct a lineup, whether in person or using photographic or video images;

2.2 (10) operate a law enforcement emergency vehicle while emergency lights or sirens are  
2.3 activated, except when engaged in testing the equipment in a controlled testing environment,  
2.4 or in a manner or under the circumstances described in section 169.03;

2.5 (11) wear the uniform or badge of a peace officer or a replica of the uniform or badge  
2.6 of a peace officer that would lead a reasonable person to believe the wearer is a peace officer;  
2.7 or

2.8 (12) take any action that, pursuant to the policies or practices of the employing law  
2.9 enforcement agency, are to be performed exclusively by a peace officer.

2.10 Sec. 2. Minnesota Statutes 2024, section 626.863, is amended to read:

2.11 **626.863 UNAUTHORIZED PRACTICE.**

2.12 (a) A person who is not a peace officer or part-time peace officer is guilty of a  
2.13 misdemeanor if the person: (1) makes a representation of being a peace officer or part-time  
2.14 peace officer, or (2) performs or attempts to perform an act, duty, or responsibility reserved  
2.15 by law for licensed peace officers and part-time peace officers.

2.16 (b) A peace officer who authorizes or knowingly allows a person to violate paragraph  
2.17 (a) is guilty of a misdemeanor.

2.18 (c) The board ~~shall~~ must investigate or designate the an appropriate law enforcement  
2.19 agency, which must not be the agency that is the subject of the investigation, to investigate  
2.20 violations of this section. The attorney general shall prosecute violations of this section.

2.21 (d) A person who violates this section and who has previously been convicted of a  
2.22 violation of this section is guilty of a gross misdemeanor.

2.23 Sec. 3. **EFFECTIVE DATE.**

2.24 Sections 1 and 2 are effective August 1, 2026.