A bill for an act

relating to public safety; establishing crime of disarming a peace officer; providing criminal penalties; amending Minnesota Statutes 2006, section 609.50, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Section 1. Minnesota Statutes 2006, section 609.50, subdivision 2, is amended to read:

Subd. 2. **Penalty.** A person convicted of violating subdivision 1 may be sentenced as follows:

(1) if (i) the person knew or had reason to know that the act created a risk of death, substantial bodily harm, or serious property damage; or (ii) the act caused death, substantial bodily harm, or serious property damage; ~~or (iii) the act involved the intentional disarming of a peace officer by taking or attempting to take the officer's firearm from the officer's possession without the officer's consent;~~ to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both;

(2) if the act was accompanied by force or violence or the threat thereof, and is not otherwise covered by clause (1), to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both; or

(3) in other cases, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to crimes committed on or after that date.

Sec. 2. **[609.504] DISARMING A PEACE OFFICER.**

Subdivision 1. **Definition.** As used in this section, "defensive device" includes a firearm; a dangerous weapon; an authorized tear gas compound, as defined in section 624.731, subdivision 1; an electronic incapacitation device, as defined in section 624.731, subdivision 1; a club or baton; and any item issued by a peace officer's employer to the officer to assist in the officer's protection.

Subd. 2. **Crime described.** Whoever intentionally takes possession of a defensive device being carried by a peace officer or from the area within the officer's immediate control, while the officer is engaged in the performance of official duties and without the officer's consent, is guilty of a crime and may be sentenced as provided in subdivision 3.

Subd. 3. **Penalty.** A person who violates this section is guilty of a felony and may be sentenced to imprisonment for not more than five years, payment of a fine of not more than $10,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to crimes committed on or after that date.