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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3648

03/29/2016 Authored by Lesch, Mariani, Laine, Liebling, Metsa and others

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; prohibiting the use of electronic incapacitation cuffs on
1.3 persons who are in custody for a criminal offense; providing penalties; amending
1.4 Minnesota Statutes 2014, section 624.731, subdivision 6; proposing coding for
1.5 new law in Minnesota Statutes, chapter 624.

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

1.7 Section 1. Minnesota Statutes 2014, section 624.731, subdivision 6, is amended to read:

1.8 Subd. 6. **Exceptions.** (a) Except as provided in paragraph (b), nothing in this section
1.9 shall prohibit the possession or use of by, or the sale or furnishing of, tear gas, a tear
1.10 gas compound, an authorized tear gas compound, or electronic incapacitation device to,
1.11 a law enforcement agency, peace officer, the National Guard or reserves, or a member
1.12 of the National Guard or reserves for use in their official duties, except that counties and
1.13 municipalities may impose licensing requirements on sellers pursuant to subdivision 9.

1.14 (b) Section 624.7311 addresses the use of certain electronic incapacitation devices
1.15 on persons who are in custody for a criminal offense.

1.16 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to acts
1.17 committed on or after that date.

1.18 Sec. 2. **[624.7311] ELECTRONIC INCAPACITATION CUFFS; USE**
1.19 **PROHIBITED; PENALTY.**

1.20 Subdivision 1. **Definitions.** As used in this section, the following terms have the
1.21 meanings given:

2.1 (1) "in custody" means the state of being detained, arrested, taken into physical
2.2 custody, charged, incarcerated, or otherwise supervised for a criminal offense, regardless
2.3 of whether a conviction has yet occurred; and

2.4 (2) "electronic incapacitation cuff" means a device that is designed or intended by
2.5 the manufacturer to be used to temporarily immobilize or incapacitate a person by means
2.6 of electric pulse or current and that is temporarily attached or placed on or in proximity to
2.7 a person's body to act as a restraining or controlling device.

2.8 Subd. 2. **Acts prohibited.** A person may not place or use an electronic
2.9 incapacitation cuff on someone who is in custody.

2.10 Subd. 3. **Penalty.** A person who violates this section is guilty of a petty misdemeanor.

2.11 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to acts
2.12 committed on or after that date.