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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 729

- 02/04/2021 Authored by Mariani
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy
- 02/18/2021 Adoption of Report: Placed on the General Register
Read for the Second Time
- 04/22/2021 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act

1.2 relating to public safety; providing for a new name for an advisory council;

1.3 amending Minnesota Statutes 2020, sections 626.8435; 626.8457, subdivision 3.

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

1.5 Section 1. Minnesota Statutes 2020, section 626.8435, is amended to read:

1.6 ~~626.8435 ENSURING POLICE EXCELLENCE AND IMPROVING COMMUNITY~~

1.7 ~~RELATIONS ADVISORY~~ PEACE OFFICER STANDARDS AND TRAINING

1.8 BOARD CITIZEN'S COUNCIL.

1.9 Subdivision 1. **Establishment and membership.** The ~~Ensuring Police Excellence and~~

1.10 ~~Improving Community Relations Advisory~~ Peace Officer Standards and Training Board

1.11 Citizen's Council is established under the Peace Officer Standards and Training Board. The

1.12 council consists of the following 15 members:

1.13 (1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

1.14 (2) the executive director of the Peace Officer Standards and Training Board, or a
1.15 designee;

1.16 (3) the executive director of the Minnesota Police and Peace Officers Association, or a
1.17 designee;

1.18 (4) the executive director of the Minnesota Sheriffs' Association, or a designee;

1.19 (5) the executive director of the Minnesota Chiefs of Police Association, or a designee;

1.20 (6) six community members, of which:

2.1 (i) four members shall represent the community-specific boards established under section
2.2 257.0768, reflecting one appointment made by each board;

2.3 (ii) one member shall be a mental health advocate and shall be appointed by the Minnesota
2.4 chapter of the National Alliance on Mental Illness; and

2.5 (iii) one member shall be an advocate for victims and shall be appointed by Violence
2.6 Free Minnesota; and

2.7 (7) four members appointed by the legislature, of which one shall be appointed by the
2.8 speaker of the house, one by the house minority leader, one by the senate majority leader,
2.9 and one by the senate minority leader.

2.10 The appointing authorities shall make their appointments by September 15, 2020, and
2.11 shall ensure geographical balance when making appointments.

2.12 Subd. 2. **Purpose and duties.** (a) The purpose of the council is to assist the board in
2.13 maintaining policies and regulating peace officers in a manner that ensures the protection
2.14 of civil and human rights. The council shall provide for citizen involvement in policing
2.15 policies, regulations, and supervision. The council shall advance policies and reforms that
2.16 promote positive interactions between peace officers and the community.

2.17 (b) The board chair must place the council's recommendations to the board on the board's
2.18 agenda within four months of receiving a recommendation from the council.

2.19 Subd. 3. **Organization.** The council shall be organized and administered under section
2.20 15.059, except that the council does not expire. Council members serve at the pleasure of
2.21 the appointing authority. The council shall select a chairperson from among the members
2.22 by majority vote at its first meeting. The executive director of the board shall serve as the
2.23 council's executive secretary.

2.24 Subd. 4. **Meetings.** The council must meet at least quarterly. Meetings of the council
2.25 are governed by chapter 13D. The executive director of the Peace Officer Standards and
2.26 Training Board shall convene the council's first meeting, which must occur by October 15,
2.27 2020.

2.28 Subd. 5. **Office support.** The executive director of the Peace Officer Standards and
2.29 Training Board shall provide the council with the necessary office space, supplies, equipment,
2.30 and clerical support to effectively perform the duties imposed.

2.31 Subd. 6. **Reports.** The council shall submit a report by February 15 of each year to the
2.32 chairs and ranking minority members of the senate and house of representatives committees

3.1 and divisions having jurisdiction over criminal justice policy and the board. At a minimum,
3.2 the report shall include:

3.3 (1) all recommendations presented to the board and how the board acted on those
3.4 recommendations;

3.5 (2) recommendations for statutory reform or legislative initiatives intended to promote
3.6 police-community relations; and

3.7 (3) updates on the council's review and determinations.

3.8 Sec. 2. Minnesota Statutes 2020, section 626.8457, subdivision 3, is amended to read:

3.9 Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement
3.10 officer shall report annually to the board summary data regarding the investigation and
3.11 disposition of cases involving alleged misconduct, indicating the total number of
3.12 investigations, the total number by each subject matter, the number dismissed as unfounded,
3.13 and the number dismissed on grounds that the allegation was unsubstantiated.

3.14 (b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit
3.15 individual peace officer data classified as public and submitted using encrypted data that
3.16 the board determines is necessary to:

3.17 (1) evaluate the effectiveness of statutorily required training;

3.18 (2) assist the ~~Ensuring Police Excellence and Improving Community Relations Advisory~~
3.19 Peace Officer Standards and Training Board Citizen's Council in accomplishing the council's
3.20 duties; and

3.21 (3) allow for the board, the ~~Ensuring Police Excellence and Improving Community~~
3.22 Relations Advisory Peace Officer Standards and Training Board Citizen's Council, and the
3.23 board's complaint investigation committee to identify patterns of behavior that suggest an
3.24 officer is in crisis or is likely to violate a board-mandated model policy.

3.25 (c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer
3.26 must update data within 30 days of final disposition of a complaint or investigation.

3.27 (d) Law enforcement agencies and political subdivisions are prohibited from entering
3.28 into a confidentiality agreement that would prevent disclosure of the data identified in
3.29 paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements
3.30 of this section.

3.31 (e) By February 1 of each year, the board shall prepare a report that contains summary
3.32 data provided under paragraph (b). The board must post the report on its publicly accessible

- 4.1 website and provide a copy to the chairs and ranking minority members of the senate and
- 4.2 house of representatives committees and divisions having jurisdiction over criminal justice
- 4.3 policy.