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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 769

02/02/2017 Authored by West, O'Neill and Daniels  
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act  
1.2 relating to civil law; providing for attorney fee awards in wrongful death actions  
1.3 against law enforcement officers; amending Minnesota Statutes 2016, section  
1.4 573.02, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2016, section 573.02, is amended by adding a subdivision  
1.7 to read:

1.8 Subd. 5. Actions against a law enforcement officer. (a) In any action under this section  
1.9 to recover damages for a death allegedly caused by a law enforcement officer acting within  
1.10 the scope of employment:

1.11 (1) the court shall award costs and reasonable attorney fees to a prevailing defendant if  
1.12 the action is dismissed under rule 12 or 56 of the Rules of Civil Procedure; and

1.13 (2) the court may, in its discretion, award costs and reasonable attorney fees to a  
1.14 prevailing defendant if the defendant prevails after a trial and the court determines that the  
1.15 action was frivolous or brought in bad faith.

1.16 (b) "Law enforcement officer" means a licensed peace officer or part-time peace officer,  
1.17 as defined in section 626.84, subdivision 1, paragraphs (c) and (d), who is employed by a  
1.18 unit of government.