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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 822

01/25/2023 Authored by Curran, Moller, Becker-Finn, Huot and Tabke
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
02/02/2023 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law
03/20/2023 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to public safety; authorizing county and local authorities to share data with
1.3 POST Board when board has ordered investigation into peace officer misconduct;
1.4 amending Minnesota Statutes 2022, section 626.8457, by adding subdivisions.

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

1.6 Section 1. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 4. Data to be shared with board. (a) Upon receiving written notice that the board
1.9 is investigating any allegation of misconduct within its regulatory authority, a chief law
1.10 enforcement officer, city, county, or public official must cooperate with the board's
1.11 investigation and any data request from the board.

1.12 (b) Upon written request from the board that a matter alleging misconduct within its
1.13 regulatory authority has occurred regarding a licensed peace officer, a chief law enforcement
1.14 officer, city, county, or public official shall provide the board with all requested public and
1.15 private data about the alleged misconduct involving the licensed peace officer, including
1.16 any pending or final disciplinary or arbitration proceeding, any settlement or compromise,
1.17 and any investigative files including but not limited to body worn camera or other audio or
1.18 video files. Confidential data must only be disclosed when the board specifies that the
1.19 particular identified data is necessary to fulfill its investigatory obligation concerning an
1.20 allegation of misconduct within its regulatory authority.

1.21 (c) If a licensed peace officer is discharged or resigns from employment after engaging
1.22 in any conduct that initiates and results in an investigation of alleged misconduct within the
1.23 board's regulatory authority, regardless of whether the licensee was criminally charged or

2.1 an administrative or internal affairs investigation was commenced or completed, a chief
2.2 law enforcement officer must report the conduct to the board and provide the board with
2.3 all public and not public data requested under paragraph (b). If the conduct involves the
2.4 chief law enforcement officer, the overseeing city, county, or public official must report
2.5 the conduct to the board and provide the board with all public and not public data requested
2.6 under paragraph (b).

2.7 (d) Data obtained by the board shall be classified and governed as articulated in sections
2.8 13.03, subdivision 4, and 13.09, as applicable.

2.9 (e) A chief law enforcement officer, city, county, or public official is not required to
2.10 comply with this subdivision when there is an active criminal investigation or active criminal
2.11 proceeding regarding the same incident or misconduct that is being investigated by the
2.12 board.

2.13 Sec. 2. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
2.14 to read:

2.15 Subd. 5. **Immunity from liability.** A chief law enforcement officer, city, county, or
2.16 public official and employees of the law enforcement agency are immune from civil or
2.17 criminal liability, including any liability under chapter 13, for reporting or releasing public
2.18 or not public data to the board under subdivisions 3 and 4, unless the chief law enforcement
2.19 officer, city, county, or public official or employees of the law enforcement agency presented
2.20 false information to the board with the intention of causing reputational harm to the peace
2.21 officer.