

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 2854

(SENATE AUTHORS: PETERSEN, B.)

DATE	D-PG	OFFICIAL STATUS
03/21/2014	6501	Introduction and first reading Referred to Judiciary

A bill for an act
relating to public safety; prohibiting persons from assisting the federal
government to indefinitely detain certain persons; proposing coding for new
law in Minnesota Statutes, chapter 1.

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

Section 1. **[1.55] LIBERTY PRESERVATION ACT.**

Subdivision 1. Findings and declaration. The legislature finds and declares all of
the following:

(1) the Tenth Amendment to the United States Constitution authorizes the federal
government to exercise only those powers delegated to it in the United States Constitution;

(2) the guarantee of the constitutional limitations on federal power is a matter
of contract between the people of the several states, including the state of Minnesota,
and the federal government at the time the United States Constitution was ratified and
subsequently amended by the Bill of Rights;

(3) Article VI of the United States Constitution, by using the words "in pursuance
thereof," provides that the laws of the federal government are the supreme law of the land
only if those laws are adopted in accordance with the powers delegated to the federal
government in the United States Constitution;

(4) the President of the United States has asserted that the Authorization for the
Use of Military Force, Public Law 107-40, enacted in 2001, authorizes the president to
indefinitely detain, without charge, any person, including a citizen of the United States or
a lawful resident alien, regardless of whether the person is apprehended inside or outside
the borders of the United States;

(5) language in sections 1021 and 1022 of the National Defense Authorization Act (NDAA) for fiscal year 2012 purports to permit indefinite military detention without public trial, military tribunals, and the transfer to foreign jurisdictions of persons, including United States citizens, captured on United States soil;

(6) indefinite detention without trial, military tribunals, and the transfer to foreign jurisdictions are inimical to the liberty, security, and well-being of the people of the state of Minnesota by violating at a minimum:

(i) the Minnesota Constitution;

(ii) the limits of power delegated to the federal government in the United States Constitution; and

(iii) the legal doctrine of posse comitatus under United States Code, title 18, section 1385, by authorizing the armed forces of the United States to police the United States; and

(7) the state of Minnesota is committed to avoid repeating the tragedies and mistakes of history, including the incarceration and indefinite detention of Japanese Americans during World War II.

Subd. 2. Prohibition on participation in activities which aid in federal indefinite detention. (a) Notwithstanding any law to the contrary except paragraph (b), no agency or employee of the state, including all political subdivisions, acting in the agency's or employee's official capacity, and no member of the Minnesota National Guard on official state duty shall knowingly aid an agency, agent, or employee of the federal government, or any corporation providing services to the federal government in any investigation, prosecution, detention, or transfer to a foreign jurisdiction of a person within the state pursuant to sections 1021 and 1022 of the NDAA for fiscal year 2012, or the Authorization for the Use of Military Force, Public Law 107-40, enacted in 2001, or any other provision of federal law which purports to authorize the indefinite detention, military tribunal, or transfer to a foreign jurisdiction of a person within the state of Minnesota.

(b) Paragraph (a) does not apply to participation by state or local law enforcement or the Minnesota National Guard in a joint task force, partnership, or other similar cooperative agreement with federal law enforcement if that joint task force, partnership, or similar cooperative agreement is not for the purpose of investigating, prosecuting, detaining, or transferring to a foreign jurisdiction any person pursuant to sections 1021 and 1022 of the NDAA for fiscal year 2012, or the Authorization for the Use of Military Force, Public Law 107-40, enacted in 2001, or any other provision of federal law which purports to authorize the indefinite detention, military tribunal, or transfer to a foreign jurisdiction of a person within the state of Minnesota.

EFFECTIVE DATE. This section is effective the day following final enactment.