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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 4

06/12/2020 Authored by Moran, Davnie, Hausman, Becker-Finn, Lee and others
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; prohibiting the use of certain restraints; requiring law
1.3 enforcement agencies to update policies regarding the use of force; amending
1.4 Minnesota Statutes 2018, sections 609.06, subdivision 1, by adding a subdivision;
1.5 626.8452, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2018, section 609.06, subdivision 1, is amended to read:

1.8 Subdivision 1. **When authorized.** Except as otherwise provided in ~~subdivision~~
1.9 subdivisions 2 and 3, reasonable force may be used upon or toward the person of another
1.10 without the other's consent when the following circumstances exist or the actor reasonably
1.11 believes them to exist:

1.12 (1) when used by a public officer or one assisting a public officer under the public
1.13 officer's direction:

1.14 (a) in effecting a lawful arrest; or

1.15 (b) in the execution of legal process; or

1.16 (c) in enforcing an order of the court; or

1.17 (d) in executing any other duty imposed upon the public officer by law; or

1.18 (2) when used by a person not a public officer in arresting another in the cases and in
1.19 the manner provided by law and delivering the other to an officer competent to receive the
1.20 other into custody; or

1.21 (3) when used by any person in resisting or aiding another to resist an offense against
1.22 the person; or

2.1 (4) when used by any person in lawful possession of real or personal property, or by
 2.2 another assisting the person in lawful possession, in resisting a trespass upon or other
 2.3 unlawful interference with such property; or

2.4 (5) when used by any person to prevent the escape, or to retake following the escape,
 2.5 of a person lawfully held on a charge or conviction of a crime; or

2.6 (6) when used by a parent, guardian, teacher, or other lawful custodian of a child or
 2.7 pupil, in the exercise of lawful authority, to restrain or correct such child or pupil; or

2.8 (7) when used by a school employee or school bus driver, in the exercise of lawful
 2.9 authority, to restrain a child or pupil, or to prevent bodily harm or death to another; or

2.10 (8) when used by a common carrier in expelling a passenger who refuses to obey a lawful
 2.11 requirement for the conduct of passengers and reasonable care is exercised with regard to
 2.12 the passenger's personal safety; or

2.13 (9) when used to restrain a person with a mental illness or a person with a developmental
 2.14 disability from self-injury or injury to another or when used by one with authority to do so
 2.15 to compel compliance with reasonable requirements for the person's control, conduct, or
 2.16 treatment; or

2.17 (10) when used by a public or private institution providing custody or treatment against
 2.18 one lawfully committed to it to compel compliance with reasonable requirements for the
 2.19 control, conduct, or treatment of the committed person.

2.20 Sec. 2. Minnesota Statutes 2018, section 609.06, is amended by adding a subdivision to
 2.21 read:

2.22 **Subd. 3. Limitations on the use of certain restraints.** (a) A peace officer may not use
 2.23 any of the following restraints:

2.24 (1) lateral vascular neck restraint;

2.25 (2) choke holds;

2.26 (3) neck holds;

2.27 (4) tying all of a person's limbs together behind the person's back to render the person
 2.28 immobile; or

2.29 (5) securing a person in any way that results in transporting the person face down in a
 2.30 vehicle.

3.1 (b) A peace officer may not use any other restraint that restricts free movement of a
3.2 person's neck or head for any purpose other than to protect the peace officer or another from
3.3 imminent harm.

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

3.5 Sec. 3. Minnesota Statutes 2018, section 626.8452, is amended by adding a subdivision
3.6 to read:

3.7 Subd. 1a. **Prohibition on use of certain restraints.** By January 1, 2021, the head of
3.8 every local and state law enforcement agency shall update and enforce the written policy
3.9 described in subdivision 1 to prohibit:

3.10 (1) the use of lateral vascular neck restraint;

3.11 (2) the use of choke holds;

3.12 (3) the use of neck holds;

3.13 (4) tying all of a person's limbs together behind the person's back to render the person
3.14 immobile;

3.15 (5) transporting a person face down in a vehicle; and

3.16 (6) the use of any other restraint that restricts free movement of a person's neck or head
3.17 for any purpose other than to protect the peace officer or another from imminent harm.

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