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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1590

02/22/2017 Authored by Moran; Dehn, R.; Lee; Omar; Johnson, S., and others
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; requiring professional liability insurance for peace officers;
1.3 requiring motor vehicle registration information for permits to carry a pistol;
1.4 allowing peace officers access to identify permit holders through motor vehicle
1.5 registration records; requiring outside agencies to investigate peace officer-involved
1.6 incidents that result in great bodily harm or death; amending Minnesota Statutes
1.7 2016, sections 3.736, subdivision 9a; 8.01; 168.0185; 168.346, subdivisions 1, 2;
1.8 624.714, subdivisions 3, 6, 7a; proposing coding for new law in Minnesota Statutes,
1.9 chapter 626.

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

1.11 Section 1. TITLE.

1.12 This act shall be known as the Philando Castile Doctrine.

1.13 Sec. 2. Minnesota Statutes 2016, section 3.736, subdivision 9a, is amended to read:

1.14 Subd. 9a. Peace officer indemnification. The state shall defend, save harmless, and
1.15 indemnify a peace officer who is not acting on behalf of a private employer and who is
1.16 acting in good faith under section 629.40, subdivision 4, the same as if the officer were an
1.17 employee of the state, except that the defense and indemnification under this section shall
1.18 be secondary to the coverage required by section 626.871 for the alleged violations of civil
1.19 rights under any federal, state, or local law.

1.20 Sec. 3. Minnesota Statutes 2016, section 8.01, is amended to read:

1.21 8.01 APPEARANCE.

1.22 (a) The attorney general shall appear for the state in all causes in the supreme and federal
1.23 courts wherein the state is directly interested; also in all civil causes of like nature in all

2.1 other courts of the state whenever, in the attorney general's opinion, the interests of the state
 2.2 require it. Except as otherwise provided in paragraph (b), upon request of the county attorney,
 2.3 the attorney general shall appear in court in such criminal cases as the attorney general
 2.4 deems proper. Upon request of a county attorney, the attorney general may assume the
 2.5 duties of the county attorney in sexual psychopathic personality and sexually dangerous
 2.6 person commitment proceedings under chapter 253D. Whenever the governor shall so
 2.7 request, in writing, the attorney general shall prosecute any person charged with an indictable
 2.8 offense, and in all such cases may attend upon the grand jury and exercise the powers of a
 2.9 county attorney.

2.10 (b) The attorney general shall prosecute all cases, including appearances before the grand
 2.11 jury, required to be investigated by outside law enforcement agencies under section 626.892.

2.12 Sec. 4. Minnesota Statutes 2016, section 168.0185, is amended to read:

2.13 **168.0185 RECORD OF VEHICLE REGISTRATION; DISCLOSURE.**

2.14 (a) The commissioner shall keep a record of all registered vehicles according to (1)
 2.15 registration plate number, (2) name of the registered owner, (3) whether the registered owner
 2.16 has a permit to carry a pistol under section 624.714, and (4) make of vehicle and the vehicle's
 2.17 identification number, for a vehicle so identified, or, if none, the vehicle's serial number
 2.18 until the manufacturer adopts and uses a vehicle identification number.

2.19 (b) The commissioner shall furnish to any person applying for a copy of the registration,
 2.20 a copy as specified in section 168.327.

2.21 (c) The commissioner shall also furnish vehicle registration records, without charge, to
 2.22 chiefs of police, county sheriffs, prosecuting attorneys, and other law enforcement agencies
 2.23 with the power to arrest.

2.24 Sec. 5. Minnesota Statutes 2016, section 168.346, subdivision 1, is amended to read:

2.25 Subdivision 1. **Vehicle registration data; federal compliance.** (a) Data on an individual
 2.26 provided to register a in connection with motor vehicle registration shall be treated as
 2.27 provided by United States Code, title 18, section 2721, as in effect on May 23, 2005, and
 2.28 shall be disclosed as required or permitted by that section. The commissioner shall disclose
 2.29 the data in bulk form to an authorized recipient upon request for any of the permissible uses
 2.30 described in United States Code, title 18, section 2721.

2.31 (b) The registered owner of a vehicle who is an individual may consent in writing to the
 2.32 commissioner to disclose the individual's personal information exempted by United States

3.1 Code, title 18, section 2721, to any person who makes a written request for the personal
3.2 information. If the registered owner is an individual and so authorizes disclosure, the
3.3 commissioner shall implement the request.

3.4 (c) If authorized by the registered owner as indicated in paragraph (b), the registered
3.5 owner's personal information may be used, rented, or sold solely for bulk distribution by
3.6 organizations for business purposes including surveys, marketing, or solicitation.

3.7 (d) Notwithstanding paragraphs (a) to (c), data related to a permit to carry a pistol under
3.8 section 624.714 held by a registered owner is classified as "private data on individuals" as
3.9 defined in section 13.02, subdivision 12, and may only be provided to requesting law
3.10 enforcement agencies.

3.11 Sec. 6. Minnesota Statutes 2016, section 168.346, subdivision 2, is amended to read:

3.12 Subd. 2. **Personal information disclosure for public safety.** The commissioner shall
3.13 disclose personal information when the use is related to the operation or use of a vehicle or
3.14 to public safety. The use of personal information is related to public safety if it concerns
3.15 the physical safety or security of drivers, vehicles, pedestrians, peace officers, or property.
3.16 The commissioner may refuse to disclose data under this subdivision when the commissioner
3.17 concludes that the requester is likely to use the data for illegal, improper, or noninvestigative
3.18 purposes.

3.19 Sec. 7. Minnesota Statutes 2016, section 624.714, subdivision 3, is amended to read:

3.20 Subd. 3. **Form and contents of application.** (a) Applications for permits to carry must
3.21 be an official, standardized application form, adopted under section 624.7151, and must set
3.22 forth in writing only the following information:

3.23 (1) the applicant's name, residence, telephone number, if any, license plate number of
3.24 each motor vehicle registered in the applicant's name, if any, and driver's license number
3.25 or state identification card number;

3.26 (2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and
3.27 distinguishing physical characteristics, if any;

3.28 (3) the township or statutory city or home rule charter city, and county, of all Minnesota
3.29 residences of the applicant in the last five years, though not including specific addresses;

3.30 (4) the township or city, county, and state of all non-Minnesota residences of the applicant
3.31 in the last five years, though not including specific addresses;

4.1 (5) a statement that the applicant authorizes the release to the sheriff of commitment
4.2 information about the applicant maintained by the commissioner of human services or any
4.3 similar agency or department of another state where the applicant has resided, to the extent
4.4 that the information relates to the applicant's eligibility to possess a firearm; and

4.5 (6) a statement by the applicant that, to the best of the applicant's knowledge and belief,
4.6 the applicant is not prohibited by law from possessing a firearm.

4.7 (b) The statement under paragraph (a), clause (5), must comply with any applicable
4.8 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
4.9 to consent to disclosure of alcohol or drug abuse patient records.

4.10 (c) An applicant must submit to the sheriff an application packet consisting only of the
4.11 following items:

4.12 (1) a completed application form, signed and dated by the applicant;

4.13 (2) an accurate photocopy of the certificate described in subdivision 2a, paragraph (c),
4.14 that is submitted as the applicant's evidence of training in the safe use of a pistol; and

4.15 (3) an accurate photocopy of the applicant's current driver's license, state identification
4.16 card, or the photo page of the applicant's passport.

4.17 (d) In addition to the other application materials, a person who is otherwise ineligible
4.18 for a permit due to a criminal conviction but who has obtained a pardon or expungement
4.19 setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights,
4.20 must submit a copy of the relevant order.

4.21 (e) Applications must be submitted in person.

4.22 (f) The sheriff may charge a new application processing fee in an amount not to exceed
4.23 the actual and reasonable direct cost of processing the application or \$100, whichever is
4.24 less. Of this amount, \$10 must be submitted to the commissioner and deposited into the
4.25 general fund.

4.26 (g) This subdivision prescribes the complete and exclusive set of items an applicant is
4.27 required to submit in order to apply for a new or renewal permit to carry. The applicant
4.28 must not be asked or required to submit, voluntarily or involuntarily, any information, fees,
4.29 or documentation beyond that specifically required by this subdivision. This paragraph does
4.30 not apply to alternate training evidence accepted by the sheriff under subdivision 2a,
4.31 paragraph (d).

5.1 (h) Forms for new and renewal applications must be available at all sheriffs' offices and
5.2 the commissioner must make the forms available on the Internet.

5.3 (i) Application forms must clearly display a notice that a permit, if granted, is void and
5.4 must be immediately returned to the sheriff if the permit holder is or becomes prohibited
5.5 by law from possessing a firearm. The notice must list the applicable state criminal offenses
5.6 and civil categories that prohibit a person from possessing a firearm.

5.7 (j) Upon receipt of an application packet and any required fee, the sheriff must provide
5.8 a signed receipt indicating the date of submission.

5.9 Sec. 8. Minnesota Statutes 2016, section 624.714, subdivision 6, is amended to read:

5.10 Subd. 6. **Granting and denial of permits.** (a) The sheriff must, within 30 days after the
5.11 date of receipt of the application packet described in subdivision 3:

5.12 (1) issue the permit to carry;

5.13 (2) deny the application for a permit to carry solely on the grounds that the applicant
5.14 failed to qualify under the criteria described in subdivision 2, paragraph (b); or

5.15 (3) deny the application on the grounds that there exists a substantial likelihood that the
5.16 applicant is a danger to self or the public if authorized to carry a pistol under a permit.

5.17 (b) Failure of the sheriff to notify the applicant of the denial of the application within
5.18 30 days after the date of receipt of the application packet constitutes issuance of the permit
5.19 to carry and the sheriff must promptly fulfill the requirements under paragraph (c). To deny
5.20 the application, the sheriff must provide the applicant with written notification and the
5.21 specific factual basis justifying the denial under paragraph (a), clause (2) or (3), including
5.22 the source of the factual basis. The sheriff must inform the applicant of the applicant's right
5.23 to submit, within 20 business days, any additional documentation relating to the propriety
5.24 of the denial. Upon receiving any additional documentation, the sheriff must reconsider the
5.25 denial and inform the applicant within 15 business days of the result of the reconsideration.
5.26 Any denial after reconsideration must be in the same form and substance as the original
5.27 denial and must specifically address any continued deficiencies in light of the additional
5.28 documentation submitted by the applicant. The applicant must be informed of the right to
5.29 seek de novo review of the denial as provided in subdivision 12.

5.30 (c) Upon issuing a permit to carry, the sheriff must provide a laminated permit card to
5.31 the applicant by first class mail unless personal delivery has been made. Within five business
5.32 days, the sheriff must submit the information specified in subdivision 7, ~~paragraph (a) 3,~~
5.33 paragraph (a), clause (1), to the commissioner for inclusion ~~solely~~ in only the database

6.1 required under subdivision 15, paragraph (a), and the record of vehicle registration under
 6.2 section 168.0185, paragraph (a), clause (3). The sheriff must transmit the information in a
 6.3 manner and format prescribed by the commissioner.

6.4 (d) Within five business days of learning that a permit to carry has been suspended or
 6.5 revoked, the sheriff must submit information to the commissioner regarding the suspension
 6.6 or revocation for inclusion solely in the databases required or permitted under subdivision
 6.7 15.

6.8 (e) Notwithstanding paragraphs (a) and (b), the sheriff may suspend the application
 6.9 process if a charge is pending against the applicant that, if resulting in conviction, will
 6.10 prohibit the applicant from possessing a firearm.

6.11 Sec. 9. Minnesota Statutes 2016, section 624.714, subdivision 7a, is amended to read:

6.12 Subd. 7a. **Change of address; loss or destruction of permit.** (a) Within 30 days after
 6.13 changing permanent address, transferring interest in a motor vehicle registered in the permit
 6.14 holder's name, completing an application for a certificate of title of a motor vehicle, or
 6.15 ~~within 30 days of~~ having lost or destroyed the permit card, the permit holder must notify
 6.16 the issuing sheriff of the change, loss, or destruction. Failure to provide notification as
 6.17 required by this subdivision is a petty misdemeanor. The fine for a first offense must not
 6.18 exceed \$25. Notwithstanding section 609.531, a firearm carried in violation of this paragraph
 6.19 is not subject to forfeiture.

6.20 (b) After notice is given under paragraph (a), a permit holder may obtain a replacement
 6.21 permit card by paying \$10 to the sheriff. The request for a replacement permit card must
 6.22 be made on an official, standardized application adopted for this purpose under section
 6.23 624.7151, and, except in the case of an address change, must include a notarized statement
 6.24 that the permit card has been lost or destroyed.

6.25 Sec. 10. **[626.871] PROFESSIONAL LIABILITY INSURANCE.**

6.26 Subdivision 1. Insurance required. A peace officer, as defined in section 626.88,
 6.27 subdivision 1, shall maintain professional liability insurance that does not exclude intentional
 6.28 acts and provides:

6.29 (1) a minimum of \$2,000,000 in coverage;

6.30 (2) defense expenses outside of, and in addition to, the limits of insurance; and

6.31 (3) coverage for violation of civil rights under any federal, state, or local law.

7.1 Subd. 2. **Certificate of coverage.** A law enforcement agency shall require that all
 7.2 employed peace officers provide a certificate verifying that the coverage required in
 7.3 subdivision 1 is in effect and shall maintain a copy of such certificate.

7.4 Subd. 3. **Primary coverage.** The insurance required by this section shall be primary
 7.5 coverage for the alleged violation of civil rights under any federal, state, or local law
 7.6 committed by a peace officer within the scope of employment.

7.7 Subd. 4. **Premium assistance.** A law enforcement agency shall reimburse a peace officer
 7.8 for the base rate of coverage required in subdivision 1. A peace officer is responsible for
 7.9 additional premium costs resulting from:

7.10 (1) coverage that exceeds the minimum requirements of subdivision 1; or

7.11 (2) the peace officer's claims history.

7.12 **Sec. 11. [626.892] PEACE OFFICER-INVOLVED INCIDENTS; OUTSIDE**
 7.13 **INVESTIGATION REQUIRED.**

7.14 Subdivision 1. **Definitions.** As used in this section:

7.15 (1) "deadly force" has the meaning given in section 609.066, subdivision 1;

7.16 (2) "great bodily harm" means bodily injury that creates a high probability of death,
 7.17 causes serious permanent disfigurement, or causes a permanent or protracted loss or
 7.18 impairment of the function of any bodily member or organ;

7.19 (3) "law enforcement agency" has the meaning given in section 626.84, subdivision 1,
 7.20 paragraph (f);

7.21 (4) "officer-involved incident" means the use of deadly force by a peace officer while
 7.22 the officer is on duty or off duty but performing activities that are within the scope of the
 7.23 officer's law enforcement duties that results in great bodily harm or death of another; and

7.24 (5) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
 7.25 (c).

7.26 Subd. 2. **Officer-involved incident investigations.** (a) The chief law enforcement officer
 7.27 of a law enforcement agency shall ensure that when a peace officer employed by the agency
 7.28 is involved in an officer-involved incident, an investigation into the incident occurs and is
 7.29 conducted by a law enforcement agency other than the agency that employs the officer.

8.1 (b) If the officer-involved incident involves a peace officer employed by a law
8.2 enforcement agency in a city of the first class, the required investigation must be conducted
8.3 by the Bureau of Criminal Apprehension.

8.4 (c) If the officer-involved incident involves a peace officer using a firearm to shoot an
8.5 unarmed person, the agency must request that the United States Department of Justice's
8.6 Bureau of Investigation conduct the investigation.

8.7 (d) The agency conducting an investigation under this subdivision must expeditiously
8.8 provide a complete report to the attorney general.

8.9 Subd. 3. **Release of report.** If the attorney general determines there is no basis to
8.10 prosecute the peace officer involved in the officer-involved incident, the attorney general
8.11 shall inform the law enforcement agency that conducted the investigation of this
8.12 determination and the agency shall release the report to the public.