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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2533

04/16/2021 Authored by Long and Becker-Finn The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act
1.2 relating to public safety; assigning prosecutorial authority for peace-officer-involved
1.3 deaths to the attorney general; appropriating money; amending Minnesota Statutes
1.4 2020, sections 8.01; 388.051, subdivision 1; proposing coding for new law in
1.5 Minnesota Statutes, chapter 8.

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

1.7 Section 1. Minnesota Statutes 2020, section 8.01, is amended to read:

1.8 8.01 APPEARANCE.

1.9 The attorney general shall appear for the state in all causes in the supreme and federal
1.10 courts wherein the state is directly interested; also in all civil causes of like nature in all
1.11 other courts of the state whenever, in the attorney general's opinion, the interests of the state
1.12 require it. Except as provided for in section 8.37, upon request of the county attorney, the
1.13 attorney general shall appear in court in such criminal cases as the attorney general deems
1.14 proper. Upon request of a county attorney, the attorney general may assume the duties of
1.15 the county attorney in sexual psychopathic personality and sexually dangerous person
1.16 commitment proceedings under chapter 253D. Whenever the governor shall so request, in
1.17 writing, the attorney general shall prosecute any person charged with an indictable offense,
1.18 and in all such cases may attend upon the grand jury and exercise the powers of a county
1.19 attorney.

1.20 Sec. 2. [8.37] PEACE-OFFICER-INVOLVED DEATHS.

1.21 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
1.22 meanings provided.

2.1 (b) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
 2.2 paragraph (f).

2.3 (c) "Officer-involved death" means the death of another that results from a peace officer's
 2.4 use of force while the officer is on duty or off duty but performing activities that are within
 2.5 the scope of the officer's law enforcement duties.

2.6 (d) "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
 2.7 (c).

2.8 Subd. 2. **Prosecution of officer-involved deaths.** (a) The attorney general has charge
 2.9 of the prosecution of peace officers alleged to have caused an officer-involved death.

2.10 (b) When requested by the attorney general, a county attorney may appear for the state
 2.11 in any case instituted under this section and assist in the preparation and trial.

2.12 Subd. 3. **Local assistance.** Each law enforcement agency with jurisdiction over the area
 2.13 where an officer-involved death occurred must cooperate with the attorney general to the
 2.14 same extent as if the county attorney had charge of the prosecution.

2.15 Sec. 3. Minnesota Statutes 2020, section 388.051, subdivision 1, is amended to read:

2.16 Subdivision 1. **General provisions.** The county attorney shall:

2.17 (1) appear in all cases in which the county is a party;

2.18 (2) give opinions and advice, upon the request of the county board or any county officer,
 2.19 upon all matters in which the county is or may be interested, or in relation to the official
 2.20 duties of the board or officer;

2.21 (3) except as provided in section 8.37, prosecute felonies, including the drawing of
 2.22 indictments found by the grand jury, and, to the extent prescribed by law, gross
 2.23 misdemeanors, misdemeanors, petty misdemeanors, and violations of municipal ordinances,
 2.24 charter provisions and rules or regulations;

2.25 (4) attend before the grand jury, give them legal advice, and examine witnesses in their
 2.26 presence;

2.27 (5) request the court administrator to issue subpoenas to bring witnesses before the grand
 2.28 jury or any judge or judicial officer before whom the county attorney is conducting a criminal
 2.29 hearing;

2.30 (6) attend any inquest at the request of the coroner; and

3.1 (7) appear, when requested by the attorney general, for the state in any case instituted
3.2 by the attorney general in the county attorney's county or before the United States Land
3.3 Office in case of application to preempt or locate any public lands claimed by the state and
3.4 assist in the preparation and trial.

3.5 Sec. 4. **ATTORNEY GENERAL; APPROPRIATION.**

3.6 \$1,636,000 in fiscal year 2022 is appropriated from the general fund to the attorney
3.7 general for conducting criminal prosecutions, including prosecution of peace-officer-involved
3.8 death cases pursuant to Minnesota Statutes, section 8.37. This amount is added to the agency's
3.9 base.