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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3482

02/15/2022 Authored by Novotny, Raleigh, Koznick, Franson, Demuth and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to public safety; requiring county attorneys to prosecute certain cases;
1.3 establishing a misdemeanor offense; requiring a report; proposing coding for new
1.4 law in Minnesota Statutes, chapter 388.

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

1.6 Section 1. 388.055] PROBABLE CAUSE; PROSECUTION REQUIRED.

1.7 Subdivision 1. Prosecution required on showing of probable cause. If a county attorney
1.8 or assistant county attorney receives information from a law enforcement agency, witness,
1.9 or other credible source that establishes probable cause for instituting a prosecution for a
1.10 felony offense, the county attorney or assistant county attorney shall proceed according to
1.11 the generally applicable standards regarding the prosecutorial functions and duties of a
1.12 county attorney, provided that the county attorney or assistant county attorney is not required
1.13 to proceed with the prosecution if the complainant withdraws the allegation.

1.14 Subd. 2. Failure to prosecute; penalties. (a) A county attorney or assistant county
1.15 attorney who refuses or intentionally fails to faithfully prosecute a case as required under
1.16 this section is guilty of a misdemeanor and upon conviction shall forfeit office or be
1.17 dismissed.

1.18 (b) Willful violation of this section by a county attorney or assistant county attorney
1.19 constitutes just cause for suspension without pay or dismissal.

1.20 Subd. 3. Report. Every county attorney shall maintain a list of all cases in which the
1.21 county attorney or assistant county attorney determined that the generally applicable standards
1.22 regarding the prosecutorial functions and duties of a county attorney required the attorney
1.23 to decline prosecution despite the existence of probable cause. The list must include the

- 2.1 name of the person suspected of committing a crime and the reason prosecution was declined.
- 2.2 At the close of each month, the county attorney shall forward a report including all cases
- 2.3 added to the list in the previous month to the legislative committees with jurisdiction over
- 2.4 judiciary and public safety finance and policy.
- 2.5 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
- 2.6 committed on or after that date.