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State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **4122**

03/04/2020 Authored by Dehn, Moran, Gomez, Lee, Becker-Finn 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; modifying a peace officer's authority to use deadly force;
- 1.3 amending Minnesota Statutes 2018, sections 609.066, subdivision 2, by adding a
- 1.4 subdivision; 626.8452, subdivision 1.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2018, section 609.066, is amended by adding a subdivision
- 1.7 to read:
- 1.8 Subd. 1a. **Legislative intent.** The legislature hereby finds and declares the following:
- 1.9 (1) that the authority to use deadly force, conferred on peace officers by this section, is
- 1.10 a critical responsibility that shall be exercised judiciously and with respect for human rights
- 1.11 and dignity and for the sanctity of every human life. The legislature further finds and declares
- 1.12 that every person has a right to be free from excessive use of force by officers acting under
- 1.13 color of law;
- 1.14 (2) as set forth below, it is the intent of the legislature that peace officers use deadly
- 1.15 force only when necessary in defense of human life. In determining whether deadly force
- 1.16 is necessary, officers shall evaluate each situation in light of the particular circumstances
- 1.17 of each case and shall use other available resources and techniques if reasonably safe and
- 1.18 feasible to an objectively reasonable officer;
- 1.19 (3) that the decision by a peace officer to use deadly force shall be evaluated from the
- 1.20 perspective of a reasonable officer in the same situation, based on the totality of the
- 1.21 circumstances known to or perceived by the officer at the time, rather than with the benefit
- 1.22 of hindsight, and that the totality of the circumstances shall account for occasions when
- 1.23 officers may be forced to make quick judgments about using deadly force; and

(4) that peace officers should exercise special care when interacting with individuals with physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

Sec. 2. Minnesota Statutes 2018, section 609.066, subdivision 2, is amended to read:

Subd. 2. **Use of deadly force.** (a) Notwithstanding the provisions of section 609.06 or 609.065, the use of deadly force by a peace officer in the line of duty is justified only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary:

(1) to protect the peace officer or another from ~~apparent~~ imminent death or great bodily harm; or

(2) to effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony ~~involving the use or threatened use of deadly force; or~~ and the officer reasonably believes that the person will cause death or great bodily harm to another person unless immediately apprehended.

~~(3) to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.~~

(b) A peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe the person does not pose an imminent threat of death or great bodily harm to the peace officer or to another person.

Sec. 3. Minnesota Statutes 2018, section 626.8452, subdivision 1, is amended to read:

Subdivision 1. **Deadly force policy.** By January 1, 1992, the head of every local and state law enforcement agency shall establish and enforce a written policy governing the use of force, including deadly force, as defined in section 609.066, by peace officers and part-time peace officers employed by the agency. The policy must be consistent with the provisions of section 609.066, ~~subdivision~~ subdivisions 1a and 2, and may not prohibit the use of deadly force under circumstances in which that force is justified under section 609.066, subdivision 2.