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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 76

06/12/2020 Authored by Mariani, Becker-Finn and Xiong, J.,
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division
06/16/2020 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; expanding the membership of the Board of Peace Officer
1.3 Standards and Training; establishing a Police-Community Relations Council to
1.4 report to and advise the Peace Officer Standards and Training Board; extending
1.5 the civil statute of limitations for certain actions by peace officers; tolling the civil
1.6 statute of limitations during investigations of peace officers; prohibiting
1.7 warrior-style training for peace officers; prohibiting the use of certain restraints;
1.8 requiring law enforcement agencies to update policies regarding the use of force;
1.9 establishing a duty for peace officers to intercede when another peace officer is
1.10 using unreasonable force; establishing a duty for peace officers to report excessive
1.11 force incidents; requiring law enforcement agencies to adopt policies that require
1.12 peace officers to intercede when another officer is using unreasonable force;
1.13 authorizing the cities of Minneapolis and St. Paul to impose residency requirements
1.14 for peace officers; requiring local units of government to establish law enforcement
1.15 citizen oversight councils; specifying powers and duties of the councils and the
1.16 responsibilities of local authorities toward them; requiring law enforcement policies,
1.17 guidelines, training, and reporting on matters relating to procedural justice and
1.18 community interactions; amending arbitrator selection for peace officer grievance
1.19 arbitrations; authorizing rulemaking; appropriating money; amending Minnesota
1.20 Statutes 2018, sections 541.073, subdivision 2; 573.02, subdivision 1; 609.06,
1.21 subdivision 1, by adding a subdivision; 626.841; 626.8452, by adding a subdivision;
1.22 626.8457, subdivision 1; 626.89, subdivisions 2, 17; proposing coding for new
1.23 law in Minnesota Statutes, chapters 541; 626.

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

1.25 ARTICLE 1
1.26 LAW ENFORCEMENT CITIZEN OVERSIGHT COUNCILS

1.27 Section 1. Minnesota Statutes 2018, section 626.841, is amended to read:

1.28 626.841 BOARD; MEMBERS.

1.29 The Board of Peace Officer Standards and Training shall be composed of the following
1.30 ~~15~~ 19 members:

2.1 (1) two members to be appointed by the governor from among the county sheriffs in
2.2 Minnesota;

2.3 (2) four members to be appointed by the governor from among peace officers in
2.4 Minnesota municipalities, at least two of whom shall be chiefs of police;

2.5 (3) two members to be appointed by the governor from among peace officers, at least
2.6 one of whom shall be a member of the Minnesota State Patrol Association;

2.7 (4) the superintendent of the Minnesota Bureau of Criminal Apprehension or a designee;

2.8 (5) two members appointed by the governor from among peace officers, or former peace
2.9 officers, who are currently employed on a full-time basis in a professional peace officer
2.10 education program;

2.11 (6) two members to be appointed by the governor, one member to be appointed from
2.12 among administrators of Minnesota colleges or universities that offer professional peace
2.13 officer education, and one member to be appointed from among the elected city officials in
2.14 statutory or home rule charter cities of under 5,000 population outside the metropolitan
2.15 area, as defined in section 473.121, subdivision 2; ~~and~~

2.16 (7) ~~two~~ four members appointed by the governor from among the general public, of
2.17 which at least one member must be a representative of a statewide crime victim coalition,
2.18 at least one member must be a person of color, and at least one member must be a resident
2.19 of a county other than a metropolitan county as defined in section 473.121, subdivision 4;
2.20 and

2.21 (8) two members appointed by the commissioner of human rights from the general
2.22 public, of which one member must be a community organizer nominated by an organization
2.23 that organizes direct action campaigns and one member must have experience serving on
2.24 a law enforcement agency's civilian review board.

2.25 A chair shall be appointed by the governor from among the members. In making
2.26 appointments the governor shall strive to achieve representation from among the geographic
2.27 areas of the state.

2.28 Sec. 2. **[626.8434] POLICE-COMMUNITY RELATIONS COUNCIL.**

2.29 Subdivision 1. Establishment and membership. The Police-Community Relations
2.30 Council is established under the Peace Officer Standards and Training Board. The council
2.31 consists of the following 15 members:

2.32 (1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

3.1 (2) the executive director of the Peace Officer Standards and Training Board, or a
3.2 designee;

3.3 (3) the executive director of the Minnesota Police and Peace Officers Association, or a
3.4 designee;

3.5 (4) the executive director of the Minnesota Sheriff's Association, or a designee;

3.6 (5) the executive director of the Minnesota Chiefs of Police Association, or a designee;
3.7 and

3.8 (6) ten community members, of which:

3.9 (i) four members shall represent the community-specific boards established under section
3.10 257.0768, reflecting one appointment made by each board;

3.11 (ii) two members shall be mental health advocates, of which one member shall be
3.12 appointed by the Minnesota chapter of the National Alliance on Mental Illness and the other
3.13 appointed by the governor's Council on Mental Health;

3.14 (iii) two members shall be advocates for victims, of which one member shall be appointed
3.15 by Violence Free Minnesota and the other appointed by the Minnesota Coalition Against
3.16 Sexual Assault;

3.17 (iv) one member shall represent a community organization that organizes direct action
3.18 campaigns and shall be appointed by the commissioner of human rights; and

3.19 (v) one member shall have experience serving on a law enforcement agency's civilian
3.20 review board and shall be appointed by the commissioner of human rights.

3.21 Subd. 2. **Duties.** (a) The council shall:

3.22 (1) make recommendations on police-community relations to the board;

3.23 (2) review and make disciplinary and policy recommendations to the board on civilian
3.24 initiated police misconduct complaints filed with the board; and

3.25 (3) monitor and make recommendations on peace officer community policing excellence
3.26 data collected under section 626.8435.

3.27 (b) The council's recommendations to the board under paragraph (a), clause (2), must
3.28 be implemented by the board unless two-thirds of the members vote to reject a
3.29 recommendation within three months of receiving the recommendation from the council.

3.30 Subd. 3. **Organization.** The council shall be organized and administered under section
3.31 15.059, except that subdivision 2 shall not apply. Council members serve at the pleasure of

4.1 the appointing authority. The council shall select a chairperson from among the members
4.2 by majority vote at its first meeting. The chair may serve in that role for a period of two
4.3 years. The executive director of the board shall serve as the council's executive secretary
4.4 and is an ex officio, nonvoting member. The council does not expire.

4.5 Subd. 4. **Meetings.** The council must meet at least quarterly. Meetings of the council
4.6 are governed by chapter 13D.

4.7 Subd. 5. **Office support.** The executive director of the board shall provide the council
4.8 with the necessary office space, supplies, equipment, and clerical support to effectively
4.9 perform the duties imposed.

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

4.11 Sec. 3. **[626.8435] PEACE OFFICER COMMUNITY POLICING EXCELLENCE**
4.12 **DATA.**

4.13 Subdivision 1. **Purpose.** The purpose of this section is:

4.14 (1) to create data profiles for stakeholders to conduct needs assessments and make
4.15 appropriate recommendations to drive improvements in police effectiveness, efficiency,
4.16 training, supervision, procedural justice, accountability, and community relations;

4.17 (2) for police departments to more effectively manage their risks and improve
4.18 transparency; and

4.19 (3) for community members and advocates, as well as policy makers, decision makers,
4.20 and funders to have access to accurate relevant information to help improve policing practices
4.21 in Minnesota.

4.22 Subd. 2. **Data submission.** (a) Beginning January 15, 2021, a chief law enforcement
4.23 officer of a law enforcement agency shall submit the following data regarding peace officers
4.24 employed by the law enforcement agency to a designated community-based research
4.25 organization that has contracted with the Department of Public Safety to monitor the data,
4.26 compile the report, and provide the notifications required by this section:

4.27 (1) the existence and status of a complaint made against an employed peace officer
4.28 including:

4.29 (i) the peace officer's unique identifier;

4.30 (ii) the nature of the complaint;

- 5.1 (iii) whether the complaint was filed by a member of the public, a law enforcement
5.2 agency, or another source;
- 5.3 (iv) whether the complaint resulted in disciplinary action;
- 5.4 (v) the final disposition of a complaint when disciplinary action was taken including:
5.5 (A) the specific reason for the action taken; and
5.6 (B) data documenting the basis of the action taken, except that data that would identify
5.7 confidential sources who are employees of the public body shall not be disclosed; and
- 5.8 (vi) the final disposition of any complaint:
5.9 (A) determined to be unfounded or otherwise not sustained;
5.10 (B) for which a peace officer was later exonerated; or
5.11 (C) which resulted in a nondisciplinary resolution including but not limited to employee
5.12 counseling;
- 5.13 (2) the unique identifier of any peace officer pending criminal prosecution, excluding
5.14 traffic violations;
- 5.15 (3) the unique identifier of any peace officer who was terminated due to substantiated
5.16 findings of officer misconduct and a summary of the basis for that termination;
- 5.17 (4) the unique identifier of any peace officer whose employment was terminated by
5.18 resignation in lieu of termination as a result of officer misconduct and a summary of the
5.19 basis for the action; and
- 5.20 (5) the unique identifier of any peace officer involved in a use of force incident.
- 5.21 (b) For purposes of this section "complaint" means all formally filed allegations involving:
5.22 (1) public reported misconduct;
5.23 (2) excessive force;
5.24 (3) the integrity or truthfulness of an officer;
5.25 (4) violations of the law; or
5.26 (5) sexual misconduct or harassment.
- 5.27 (c) The board shall establish and publish guidelines, in consultation with the designated
5.28 community-based research organization, that are consistent with paragraph (b) on what
5.29 constitutes a valid complaint that must be reported under this section.

6.1 (d) The reporting requirements in paragraph (a) are in addition to any other officer
6.2 discipline reporting requirements established in law. Failure of a chief law enforcement
6.3 officer to comply with the reporting requirements established under this section is a violation
6.4 of the peace officer professional code of conduct established pursuant to section 626.8457.

6.5 Subd. 3. **Data storage and access.** (a) The designated community-based research
6.6 organization shall maintain the data collected under this section subject to the provisions
6.7 of chapter 13.

6.8 (b) The Peace Officer Standards and Training Board and the Police-Community Relations
6.9 Council must have direct access to both summary and individual data collected under this
6.10 section.

6.11 Subd. 4. **Updated data.** Within 30 days of final disposition of a complaint, as defined
6.12 in section 13.43, subdivision 2, paragraph (b), the chief law enforcement officer of the law
6.13 enforcement agency that employs the officer shall submit a supplemental report containing
6.14 the information identified in subdivision 2, paragraph (a), clauses (1) to (5).

6.15 Subd. 5. **Monitoring data; pattern of misconduct.** (a) The designated community-based
6.16 research organization must monitor the data on an ongoing basis to collect data on officers
6.17 subject to multiple complaints and excessive use of force incidents and, in consultation with
6.18 the Police-Community Relations Council, establish criteria for notifying an officer's employer
6.19 when: (1) the officer has been determined to have an excessive number of complaints; or
6.20 (2) a peace officer is potentially at risk of causing harm to self or others. If the criteria for
6.21 notifying an officer's employer are met, the designated community-based research
6.22 organization, after consulting with the Police-Community Relations Council, shall notify
6.23 the officer's employer and suggest the need for an intervention. A notice sent under this
6.24 subdivision is not available to the public.

6.25 (b) The designated nonprofit research organization may access the data at any time that
6.26 is necessary to perform the duties imposed under this section.

6.27 Subd. 6. **Confidentiality agreement prohibited.** Law enforcement agencies and political
6.28 subdivisions are prohibited from entering into a confidentiality agreement that would prevent
6.29 disclosure of the data identified in subdivision 2 to the board. Any such confidentiality
6.30 agreement is void as to the requirements of this section.

6.31 Subd. 7. **Data classification.** Data received by the designated community-based research
6.32 organization pursuant to subdivisions 2 and 3 is private data on individuals as defined in
6.33 section 13.02, subdivision 12, and the data must be maintained according to the statutory

7.1 provisions applicable to the data. This classification does not restrict the organization's
7.2 authority to publish summary data as defined in section 13.02, subdivision 19.

7.3 Subd. 8. **Public report.** At least annually, the designated community-based research
7.4 organization shall publish a summary of data submitted pursuant to subdivisions 1 and 2.
7.5 The board shall make the summary available on the board's website. The summary shall
7.6 exclude peace officers' names and license numbers and any other not public data as defined
7.7 by section 13.02, subdivision 8a.

7.8 Subd. 9. **Peace Officer Standards and Training Board analysis; recommendations;**
7.9 **investigations.** (a) The council may review and make disciplinary and policy
7.10 recommendations on a chief law enforcement officer or a law enforcement agency if there
7.11 is a pattern of an officer supervised by the chief or employed by the agency demonstrating
7.12 a pattern of excessive use of force or a pattern of use of force incidents.

7.13 (b) The board shall establish a process to require chief law enforcement officers and
7.14 individual licensees to show justification for use of force incidents that violate the agency's
7.15 policy.

7.16 Sec. 4. Minnesota Statutes 2018, section 626.8457, subdivision 1, is amended to read:

7.17 Subdivision 1. **Model policy to be developed.** By March 1, 1996, the Peace Officer
7.18 Standards and Training Board shall develop and distribute to all chief law enforcement
7.19 officers a model policy regarding the professional conduct of peace officers. The policy
7.20 must address issues regarding professional conduct not addressed by the standards of conduct
7.21 under Minnesota Rules, part 6700.1600. The policy must define unprofessional conduct to
7.22 include, but not be limited to, conduct prohibited by section 609.43, including timely
7.23 submission of peace officer misconduct data under section 626.8435, whether or not there
7.24 has been a conviction for a violation of that section. The policy must also describe the
7.25 procedures that a local law enforcement agency may follow in investigating and disciplining
7.26 peace officers alleged to have behaved unprofessionally.

7.27 Sec. 5. Minnesota Statutes 2018, section 626.89, subdivision 2, is amended to read:

7.28 Subd. 2. **Applicability.** The procedures and provisions of this section apply to law
7.29 enforcement agencies and government units. The procedures and provisions of this section
7.30 do not apply to:

7.31 (1) investigations and proceedings of a citizen oversight council described in section
7.32 626.99; or

8.1 (2) investigations of criminal charges against an officer.

8.2 Sec. 6. Minnesota Statutes 2018, section 626.89, subdivision 17, is amended to read:

8.3 Subd. 17. ~~Civilian review~~ Citizen oversight. ~~A civilian review board, commission, or~~
8.4 ~~other oversight body shall not have the authority to make a finding of fact or determination~~
8.5 ~~regarding a complaint against an officer or impose discipline on an officer. A civilian review~~
8.6 ~~board, commission, or other oversight body may make a recommendation regarding the~~
8.7 ~~merits of a complaint, however, the recommendation shall be advisory only and shall not~~
8.8 ~~be binding on nor limit the authority of the chief law enforcement officer of any unit of~~
8.9 ~~government~~ The powers and duties of citizen oversight councils for law enforcement agencies
8.10 are established under section 626.99.

8.11 Sec. 7. [626.99] LOCAL CITIZEN OVERSIGHT COUNCILS FOR LAW
8.12 ENFORCEMENT AGENCIES.

8.13 Subdivision 1. Definition. As used in this section, "law enforcement agency" has the
8.14 meaning given in section 626.84, subdivision 1, paragraph (f), but does not include state-level
8.15 law enforcement agencies.

8.16 Subd. 2. Councils required. The governing body of each local unit of government that
8.17 oversees a law enforcement agency shall establish a citizen oversight council in compliance
8.18 with this section.

8.19 Subd. 3. Council membership. The membership of a citizen oversight council must
8.20 reflect a broad cross section of the community it represents, including the community's
8.21 minority and youth populations. The membership must also include individuals who often
8.22 come into contact with, or who are affected by, the peace officers of the law enforcement
8.23 agency that the council oversees, other than suspects who are in criminal investigations.
8.24 The membership of the majority of a council must be weighted toward citizen members.
8.25 However, a council may also include members that reflect other specific viewpoints, such
8.26 as law enforcement, prosecutors, educators, clergy, and business and commercial leaders.
8.27 A council shall elect a chair from among its members at its first meeting.

8.28 Subd. 4. Operation of council; powers and duties. (a) A citizen oversight council shall
8.29 meet on a regular basis. Meetings are open to the public and public testimony may be taken.

8.30 (b) A council's purpose is to encourage and provide community participation in the
8.31 operation of the law enforcement agency it oversees. A council shall work collaboratively

9.1 with the governing body of the local unit of government with authority over the agency and
9.2 the agency's chief law enforcement officer.

9.3 (c) A council may make recommendations and provide assessments relating to any facet
9.4 of the operation of the agency, including but not limited to:

9.5 (1) law enforcement tactics and strategies, such as community policing;

9.6 (2) the budget for the agency, including priorities on where money should be spent;

9.7 (3) training of the agency's peace officers;

9.8 (4) employment policies, such as residency requirements and minority hiring;

9.9 (5) the substantive operation of the agency relating to such matters as use of force,
9.10 profiling, diversion, data collection, equipment, militarization, general investigatory practices,
9.11 officer-initiated use of force investigations, and cooperation with other law enforcement
9.12 agencies; and

9.13 (6) personnel decisions.

9.14 In addition, a council may evaluate the performance of the agency and the agency's chief
9.15 law enforcement officer. A council may recommend whether to extend the chief's term and
9.16 on hiring a successor to the chief when a vacancy occurs.

9.17 Subd. 5. **Investigations into police misconduct.** A citizen oversight council may conduct
9.18 an investigation into allegations of peace officer misconduct and retain an investigator to
9.19 facilitate an investigation. Subject to other applicable law, a council may subpoena or compel
9.20 testimony and documents in an investigation. Upon completion of an investigation, a council
9.21 may recommend appropriate discipline.

9.22 Subd. 6. **Duties of chief law enforcement officer.** The chief law enforcement officer
9.23 of a law enforcement agency under the jurisdiction of a citizen oversight council shall
9.24 cooperate with the council and facilitate the council's achievement of its goals. However,
9.25 the officer is under no obligation to agree with individual recommendations of the council
9.26 and may oppose a recommendation. If the officer fails to implement a recommendation that
9.27 is within the officer's authority, the officer shall inform the council of the failure along with
9.28 the officer's underlying reasons.

9.29 Subd. 7. **Duties of governing body.** A governing body shall ensure that a council is
9.30 given the opportunity to comment in a meaningful way on any matter within its jurisdiction.
9.31 This opportunity must occur with sufficient time before action on the matter is required.

10.1 Subd. 8. **Other applicable law.** Chapters 13 and 13D apply to oversight councils under
10.2 this section.

10.3 Subd. 9. **Annual report.** A citizen oversight council shall release an annual report that
10.4 addresses its activities. At a minimum, the report must summarize the council's activities
10.5 for the past year; recommendations made by the council, including what actions, if any,
10.6 were taken by other entities in response to the recommendations; and the amount of money
10.7 spent for the council's operation and the money's source.

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

10.9 **Sec. 8. TIMING.**

10.10 Governing bodies of local units of government shall comply with Minnesota Statutes,
10.11 section 626.99, by September 1, 2020. A citizen oversight council shall conduct its first
10.12 meeting by October 1, 2020.

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

10.14 **Sec. 9. COMPLIANCE REVIEWS.**

10.15 The state auditor shall conduct reviews as appropriate and on a regular basis to ensure
10.16 that local units of government are in compliance with this article.

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

10.18 **Sec. 10. APPROPRIATION; PEACE OFFICER COMMUNITY POLICING**
10.19 **EXCELLENCE REPORT DATABASE.**

10.20 (a) \$..... in fiscal year 2021 is appropriated from the general fund to the Office of Justice
10.21 Programs for a grant to a qualified community-based research organization to develop a
10.22 system to classify and report peace officer discipline by category, severity, type, and
10.23 demographic data of those involved in the incident. The executive director of the Office of
10.24 Justice Programs must consult with the Police-Community Relations Council before selecting
10.25 a community-based research organization to receive the grant. As part of the system, the
10.26 grant recipient must develop and incorporate:

10.27 (1) a protocol to assign a unique identifier for each peace officer; and

10.28 (2) safeguards to protect personal identifying information of peace officers.

10.29 (b) The grant recipient, in consultation with the stakeholder group identified in paragraph
10.30 (c), may recommend changes on how to adapt the system under paragraph (a) to collect

11.1 additional policing data that corresponds with peace officer interactions with the public
 11.2 generally and suspects, arrests, and victims specifically.

11.3 (c) In developing the system described in paragraph (a), the grant recipient shall consult
 11.4 with the Police-Community Relations Council established under section 626.8434.

11.5 **ARTICLE 2**

11.6 **POLICIES, TRAINING, REPORTING, APPROPRIATIONS**

11.7 Section 1. Minnesota Statutes 2018, section 541.073, subdivision 2, is amended to read:

11.8 Subd. 2. **Limitations period.** (a) Except as provided in paragraph (b), an action for
 11.9 damages based on sexual abuse: (1) must be commenced within six years of the alleged
 11.10 sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may
 11.11 be commenced at any time in the case of alleged sexual abuse of an individual under the
 11.12 age of 18, except as provided for in subdivision 4; and (3) must be commenced before the
 11.13 plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused
 11.14 a minor when that natural person was under 14 years of age.

11.15 (b) An action for damages based on sexual abuse may be commenced at any time in the
 11.16 case of alleged sexual abuse by a peace officer, as defined in section 626.84, subdivision
 11.17 1, paragraph (c).

11.18 ~~(b)~~ (c) The plaintiff need not establish which act in a continuous series of sexual abuse
 11.19 acts by the defendant caused the injury.

11.20 ~~(e)~~ (d) This section does not affect the suspension of the statute of limitations during a
 11.21 period of disability under section 541.15.

11.22 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 11.23 applies to causes of action that arise on or after that date; causes of action that arose before
 11.24 that date if the limitations period has not expired; and, notwithstanding any statutory or
 11.25 common law to the contrary, retroactively to any causes of action that arose before that
 11.26 date.

11.27 Sec. 2. **[541.155] PERIODS OF INVESTIGATION OF PEACE OFFICER NOT**
 11.28 **COUNTED.**

11.29 (a) For purposes of this section, "peace officer" has the meaning given in section 626.84,
 11.30 subdivision 1, paragraph (c).

12.1 (b) Any of the following, arising anytime after a cause of action accrued and during the
12.2 period of limitation, shall suspend the running of the period of limitation until the same is
12.3 removed:

12.4 (1) a criminal investigation of a peace officer for any conduct giving rise to the cause
12.5 of action;

12.6 (2) a criminal prosecution of a peace officer for any conduct giving rise to the cause of
12.7 action; or

12.8 (3) investigation by any political subdivision, state law enforcement agency, or the Board
12.9 of Peace Officer Standards and Training into allegations of misconduct by a peace officer
12.10 giving rise to the cause of action.

12.11 **EFFECTIVE DATE.** This section is effective the day following final enactment and
12.12 applies to causes of action that arise on or after that date; causes of action that arose before
12.13 that date if the limitations period has not expired; and, notwithstanding any statutory or
12.14 common law to the contrary, retroactively to any causes of action that arose before that
12.15 date.

12.16 Sec. 3. Minnesota Statutes 2018, section 573.02, subdivision 1, is amended to read:

12.17 Subdivision 1. **Death action.** When death is caused by the wrongful act or omission of
12.18 any person or corporation, the trustee appointed as provided in subdivision 3 may maintain
12.19 an action therefor if the decedent might have maintained an action, had the decedent lived,
12.20 for an injury caused by the wrongful act or omission. An action to recover damages for a
12.21 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital
12.22 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall
12.23 be commenced within three years of the date of death, but in no event shall be commenced
12.24 beyond the time set forth in section 541.076. An action to recover damages for a death
12.25 caused by an intentional act constituting murder may be commenced at any time after the
12.26 death of the decedent. An action to recover damages for a death caused by a peace officer,
12.27 as defined in section 626.84, subdivision 1, paragraph (c), may be commenced at any time
12.28 after the death of the decedent. Any other action under this section may be commenced
12.29 within three years after the date of death provided that the action must be commenced within
12.30 six years after the act or omission. The recovery in the action is the amount the jury deems
12.31 fair and just in reference to the pecuniary loss resulting from the death, and shall be for the
12.32 exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary
12.33 loss severally suffered by the death. The court then determines the proportionate pecuniary
12.34 loss of the persons entitled to the recovery and orders distribution accordingly. Funeral

13.1 expenses and any demand for the support of the decedent allowed by the court having
13.2 jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as
13.3 provided in section 549.20.

13.4 If an action for the injury was commenced by the decedent and not finally determined
13.5 while living, it may be continued by the trustee for recovery of damages for the exclusive
13.6 benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally
13.7 suffered by the death. The court on motion shall make an order allowing the continuance
13.8 and directing pleadings to be made and issues framed as in actions begun under this section.

13.9 **EFFECTIVE DATE.** This section is effective the day following final enactment and
13.10 applies to causes of action that arise on or after that date; causes of action that arose before
13.11 that date if the limitations period has not expired; and, notwithstanding any statutory or
13.12 common law to the contrary, retroactively to any causes of action that arose before that
13.13 date.

13.14 Sec. 4. Minnesota Statutes 2018, section 609.06, subdivision 1, is amended to read:

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

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

13.21 (a) in effecting a lawful arrest; or

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

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

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

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

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

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

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

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

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

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

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

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

14.17 Sec. 5. Minnesota Statutes 2018, section 609.06, is amended by adding a subdivision to
14.18 read:

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

14.21 (1) lateral vascular neck restraint;

14.22 (2) choke holds;

14.23 (3) neck holds;

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

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

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

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

15.1 Sec. 6. **[626.8272] PROCEDURAL JUSTICE; POLICIES REQUIRED.**

15.2 Subdivision 1. Model policy required. (a) By August 15, 2020, the board, in consultation
15.3 with interested parties, shall develop and distribute to all chief law enforcement officers a
15.4 procedural justice model policy to govern interactions between peace officers and community
15.5 members. At a minimum, the policy must require that peace officers:

15.6 (1) obtain consent before conducting searches of individuals in the absence of a search
15.7 warrant or probable cause;

15.8 (2) obtain written acknowledgment that consent has been sought from individuals that
15.9 the officer has requested to search under clause (1);

15.10 (3) identify themselves by their full name, rank, badge number, and command, when
15.11 applicable, to all individuals they have stopped;

15.12 (4) state the reason to the individual affected for any search requests, searches conducted,
15.13 or stops; and

15.14 (5) report to the officer's chief law enforcement officer relevant information related to
15.15 the encounter between the officer and the person affected.

15.16 (b) The model policy must specify the information required to be reported under
15.17 paragraph (a), clause (5), which, at a minimum, must include the individual officer's reason
15.18 for making the stop or conducting or requesting consent for the search and information
15.19 about the person encountered, including the person's gender, race, ethnicity, and approximate
15.20 age. In addition, the policy must specify how the information is to be summarized and
15.21 reported by chief law enforcement officers under subdivision 2.

15.22 Subd. 2. Local policies required. (a) By November 1, 2020, the chief law enforcement
15.23 officer of every state and local law enforcement agency shall establish and enforce a written
15.24 procedural justice policy governing the conduct of peace officers engaged in interactions
15.25 with community members. The chief law enforcement officer shall ensure that each peace
15.26 officer receives a copy of the agency's policy. The chief law enforcement officer also shall
15.27 ensure that each peace officer is aware of the policy's purpose and the conduct addressed
15.28 by the policy.

15.29 (b) The policy must, at a minimum, comply with the requirements of the model policy
15.30 adopted by the board under subdivision 1.

15.31 (c) Every state and local law enforcement agency shall certify to the board that the
15.32 agency has adopted a written policy in compliance with the board's model policy and shall

16.1 submit an electronic copy of the policy to the board. The board shall review each policy to
16.2 ensure compliance and post each policy on the board's website.

16.3 (d) The board shall assist the chief law enforcement officer of each state and local law
16.4 enforcement agency in developing and implementing procedural justice policies under this
16.5 subdivision.

16.6 (e) The chief law enforcement officer shall report a summary of the information described
16.7 in subdivision 1, paragraph (a), clause (5), as directed in the board's model policy.

16.8 **Sec. 7. [626.8434] WARRIOR-STYLE TRAINING PROHIBITED.**

16.9 Subdivision 1. **Definition.** For purposes of this section, "warrior-style training" means
16.10 training for peace officers that teaches that self-preservation of an officer is an officer's
16.11 highest priority or that trains peace officers to approach each interaction with a citizen as a
16.12 threat, or potential threat, to an officer's safety.

16.13 Subd. 2. **No continuing education credits or tuition reimbursement.** (a) The board
16.14 may not certify a continuing education course that includes warrior-style training.

16.15 (b) The board may not grant continuing education credit to a peace officer for a course
16.16 that includes warrior-style training.

16.17 (c) The board may not reimburse a law enforcement agency or a peace officer for a
16.18 course that includes warrior-style training.

16.19 Subd. 3. **Training prohibited.** A law enforcement agency may not provide warrior-style
16.20 training, directly or through a third party, to a peace officer.

16.21 **Sec. 8. Minnesota Statutes 2018, section 626.8452, is amended by adding a subdivision**
16.22 **to read:**

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

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

16.27 (2) the use of choke holds;

16.28 (3) the use of neck holds;

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

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

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

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

17.5 Sec. 9. **[626.8474] PROCEDURAL JUSTICE AND COMMUNITY INTERACTION**
17.6 **SKILLS; LEARNING OBJECTIVES.**

17.7 Subdivision 1. **Preservice training learning objectives; requirements.** (a) By August
17.8 15, 2020, the board shall prepare learning objectives as described in subdivision 3 for
17.9 preservice training to instruct peace officers in procedural justice and community-interaction
17.10 skills. The learning objectives must be included in the required curriculum of professional
17.11 peace officer education programs.

17.12 (b) An individual is not eligible to take the peace officer licensing examination or the
17.13 part-time peace officer licensing examination on or after July 1, 2021, unless the individual
17.14 has received the training described in paragraph (a).

17.15 Subd. 2. **In-service training learning objectives.** By August 15, 2020, the board shall
17.16 prepare learning objectives as described in subdivision 3 for in-service training to instruct
17.17 all peace officers in procedural justice and community interaction skills. The board shall
17.18 evaluate and monitor in-service training courses to ensure they satisfy the learning objectives.

17.19 Subd. 3. **Learning objectives described.** (a) The preservice and in-service learning
17.20 objectives required in subdivisions 1 and 2 must address the following:

17.21 (1) community policing and problem-solving skills;

17.22 (2) interpersonal and communication skills;

17.23 (3) bias awareness, including both implicit and explicit bias;

17.24 (4) scenario-based situational decision-making skills;

17.25 (5) crisis intervention and de-escalation skills;

17.26 (6) procedural justice and impartial policing techniques;

17.27 (7) trauma and victim-services skills;

17.28 (8) mental health issues;

17.29 (9) use of analytical research and technology; and

17.30 (10) language and cultural responsiveness skills.

18.1 (b) The board shall determine the parameters and total number of hours required for the
18.2 learning objectives required in this section.

18.3 Sec. 10. **[626.8475] DUTY TO INTERCEDE AND REPORT; POLICIES REQUIRED.**

18.4 Subdivision 1. **Duties; discipline.** (a) A peace officer must intercede when:

18.5 (1) present and observing another peace officer using force that is beyond that which is
18.6 objectively reasonable under the circumstances; and

18.7 (2) physically able to do so.

18.8 (b) A peace officer who observes another employee or peace officer use force that
18.9 exceeds the degree of force permitted by law has the duty to report the incident within 24
18.10 hours to a supervisor.

18.11 (c) A peace officer who breaches a duty established in this subdivision is subject to
18.12 discipline by the board under Minnesota Rules, part 6700.1600.

18.13 Subd. 2. **Model policy required.** By September 15, 2020, the commissioner of public
18.14 safety, in consultation with the board, the attorney general, and other interested parties,
18.15 must develop a comprehensive model policy to require peace officers to intercede to prevent
18.16 the use of unreasonable force and report incidents of excessive use of force. The policy, at
18.17 a minimum, must be consistent with subdivision 1. The board must distribute the model
18.18 policy to all chief law enforcement officers.

18.19 Subd. 3. **Agency policies required.** (a) By December 15, 2020, the chief law enforcement
18.20 officer of every state and local law enforcement agency must establish and enforce a written
18.21 policy requiring peace officers employed by the agency to intercede and report that is
18.22 identical or substantially similar to the model policy developed under subdivision 2.

18.23 (b) Every state and local law enforcement agency must certify to the board that it has
18.24 adopted a written policy in compliance with this subdivision.

18.25 (c) The board must assist the chief law enforcement officer of each state and local law
18.26 enforcement agency in developing and implementing policies under this subdivision.

18.27 Subd. 4. **Compliance reviews authorized.** The board has authority to inspect state and
18.28 local law enforcement agency policies to ensure compliance with subdivision 3. The board
18.29 may conduct this inspection based upon a complaint it receives about a particular agency
18.30 or through a random selection process. The board may impose licensing sanctions and seek
18.31 injunctive relief under section 214.11 for an agency's failure to comply with subdivision 3.

19.1 Sec. 11. **[626.892] PEACE OFFICER GRIEVANCE ARBITRATION SELECTION**
19.2 **PROCEDURE.**

19.3 **Subdivision 1. Definitions.** (a) For the purposes of this section, the terms defined in this
19.4 section have the meanings given them.

19.5 (b) "Commissioner" means the commissioner of the Bureau of Mediation Services.

19.6 (c) "Employer" means a political subdivision or law enforcement agency employing a
19.7 peace officer.

19.8 (d) "Grievance" means a dispute or disagreement regarding any written disciplinary
19.9 action, discharge, or termination decision of a peace officer arising under a collective
19.10 bargaining agreement covering peace officers.

19.11 (e) "Grievance arbitration" means binding arbitration of a grievance under the grievance
19.12 procedure in a collective bargaining agreement covering peace officers, as required by this
19.13 section or sections 179A.04, 179A.20, and 179A.21, subdivision 3, to the extent those
19.14 sections are consistent with this section.

19.15 (f) "Grievance procedure" has the meaning given in section 179A.20, subdivision 4,
19.16 except as otherwise provided in this section or to the extent inconsistent with this section.

19.17 (g) "Peace officer" means a licensed peace officer or part-time peace officer subject to
19.18 licensure under sections 626.84 to 626.863.

19.19 **Subd. 2. Applicability.** Notwithstanding any contrary provision of law, home rule
19.20 charter, ordinance, or resolution, effective the day following final enactment, the arbitrator
19.21 selection procedure established under this section shall apply to all peace officer grievance
19.22 arbitrations for written disciplinary action, discharge, or termination, and must be included
19.23 in the grievance procedure for all collective bargaining agreements covering peace officers
19.24 negotiated on or after that date. This section does not apply to any other public employees.

19.25 **Subd. 3. Roster of arbitrators.** The governor, in consultation with community and law
19.26 enforcement stakeholders, shall appoint a roster of no fewer than 25 persons specifically
19.27 suited and qualified by training and experience to act as arbitrators for peace officer grievance
19.28 arbitrations under this section. The governor shall exercise this power of appointment as
19.29 conferred by law. Arbitrator terms and roster requirements under Minnesota Rules, chapters
19.30 5500 to 5530, shall apply to the extent consistent with this section.

19.31 **Subd. 4. Arbitrator qualifications.** A person seeking appointment to the arbitrator
19.32 roster under this section must complete initial training on culture competency, racism,
19.33 implicit bias, and recognizing and valuing community diversity and cultural differences,

20.1 and must continue to complete the training as required during the person's appointment.
20.2 The commissioner may adopt rules establishing training and requirements for this purpose.

20.3 Subd. 5. **Selection of arbitrators.** The commissioner shall assign or appoint an arbitrator
20.4 or panel of arbitrators from the roster to a peace officer grievance arbitration under this
20.5 section on a random or rotating basis. The parties shall not participate in, negotiate for, or
20.6 agree to the selection of an arbitrator or arbitration panel under this section. The arbitrator
20.7 or panel shall decide the grievance, and the decision is binding subject to the provisions of
20.8 chapter 572B.

20.9 Subd. 6. **Interaction with other laws.** (a) Sections 179A.21, subdivision 2, and 572B.11,
20.10 paragraph (a), and rules for arbitrator selection promulgated pursuant to section 179A.04
20.11 shall not apply to a peace officer grievance arbitration under this section.

20.12 (b) Notwithstanding any contrary provision of law, home rule charter, ordinance, or
20.13 resolution, peace officers, through their certified exclusive representatives, shall not have
20.14 the right to negotiate for or agree to a collective bargaining agreement or a grievance
20.15 arbitration selection procedure with their employers that is inconsistent with this section.

20.16 (c) The arbitrator selection procedure for peace officer grievance arbitrations established
20.17 under this section supersedes any inconsistent provisions in chapter 179A or 572B or in
20.18 Minnesota Rules, chapters 5500 to 5530 and 7315 to 7325. Other arbitration requirements
20.19 in those chapters remain in full force and effect for peace officer grievance arbitrations,
20.20 except as provided in this section or to the extent inconsistent with this section.

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

20.22 **Sec. 12. GUIDELINES ON POSITIVE COMMUNITY INTERACTIONS.**

20.23 (a) The commissioner of public safety, in consultation with interested parties, shall
20.24 develop guidelines to encourage law enforcement agencies to implement changes in how
20.25 peace officers may interact more positively with community members. At a minimum, the
20.26 guidelines must address changes in the deployment of peace officers to allow officers to
20.27 rotate into and out of assignments so as to ensure that individual officers are not consistently
20.28 exposed to stressful situations.

20.29 (b) The commissioner shall report to the legislature on any recommended changes to
20.30 law or funding to better achieve the goals in paragraph (a).

21.1 **Sec. 13. MINNEAPOLIS PEACE OFFICERS; RESIDENCY REQUIREMENTS.**

21.2 Notwithstanding Minnesota Statutes, section 415.16, or provision of other law, home
21.3 rule charter, ordinance, resolution, or rule to the contrary, the city of Minneapolis may
21.4 require residency within the territorial limits of the city of Minneapolis as a condition of
21.5 employment as a peace officer. The residency requirement applies only to persons hired
21.6 after the date the requirement is imposed.

21.7 **EFFECTIVE DATE.** This section is effective the day after the governing body of the
21.8 city of Minneapolis and its chief clerical officer comply with Minnesota Statutes, section
21.9 645.021, subdivisions 2 and 3.

21.10 **Sec. 14. ST. PAUL PEACE OFFICERS; RESIDENCY REQUIREMENTS.**

21.11 Notwithstanding Minnesota Statutes, section 415.16, or provision of other law, home
21.12 rule charter, ordinance, resolution, or rule to the contrary, the city of St. Paul may require
21.13 residency within the territorial limits of the city of St. Paul as a condition of employment
21.14 as a peace officer. The residency requirement applies only to persons hired after the date
21.15 the requirement is imposed.

21.16 **EFFECTIVE DATE.** This section is effective the day after the governing body of the
21.17 city of St. Paul and its chief clerical officer comply with Minnesota Statutes, section 645.021,
21.18 subdivisions 2 and 3.

21.19 **Sec. 15. APPROPRIATION.**

21.20 (a) \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner
21.21 of public safety for: (1) increased soft body armor reimbursements under Minnesota Statutes,
21.22 section 299A.38; (2) grants to law enforcement agencies for counseling services for peace
21.23 officers; and (3) grants to local units of government to establish and maintain citizen oversight
21.24 councils under article 1. Notwithstanding the maximum amount specified in Minnesota
21.25 Statutes, section 299A.38, the commissioner shall use the appropriation in clause (1) to
21.26 increase the state share and lower the local share for soft body armor reimbursements.

21.27 (b) \$..... in fiscal year 2021 is appropriated from the general fund to the Peace Officers
21.28 Standards and Training Board for costs associated with this act.