

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

SECOND SPECIAL SESSION

H. F. No. 86

07/14/2020 Authored by Xiong, J.; Gomez; Richardson; Mann; Hassan 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; prohibiting law enforcement from using tear gas, chemical
1.3 weapons, and kinetic energy munitions; amending Minnesota Statutes 2018, section
1.4 624.731, subdivisions 4, 6; proposing coding for new law in Minnesota Statutes,
1.5 chapter 626.

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

1.7 Section 1. Minnesota Statutes 2018, section 624.731, subdivision 4, is amended to read:

1.8 Subd. 4. Prohibited use. (a) No person shall knowingly, or with reason to know, use
1.9 tear gas, a tear gas compound, an authorized tear gas compound, or an electronic
1.10 incapacitation device on or against a peace officer who is in the performance of duties.

1.11 (b) No person shall use tear gas, a tear gas compound, an authorized tear gas compound,
1.12 or an electronic incapacitation device except as authorized in subdivision 2 or 6.

1.13 (c) Tear gas, a tear gas compound, or an electronic incapacitation device shall legally
1.14 constitute a weapon when it is used in the commission of a crime.

1.15 (d) No person shall use tear gas or a tear gas compound in an immobilizing concentration
1.16 against another person, except as otherwise permitted by subdivision 2.

1.17 (e) No peace officer shall use tear gas in the performance of the officer's duties. No law
1.18 enforcement agency shall supply tear gas to, or authorize the use of tear gas by, peace
1.19 officers employed by the agency.

1.20 Sec. 2. Minnesota Statutes 2018, section 624.731, subdivision 6, is amended to read:

1.21 Subd. 6. Exceptions. (a) Nothing in this section shall prohibit the possession or use of
1.22 by, or the sale or, use, sale, or furnishing of, tear gas, or a tear gas compound, an authorized

2.1 ~~tear gas compound, or electronic incapacitation device to, a law enforcement agency, peace~~  
2.2 ~~officer,~~ to the National Guard or reserves, or a member of the National Guard or reserves  
2.3 for use in their official duties, except that counties and municipalities may impose licensing  
2.4 requirements on sellers pursuant to subdivision 9.

2.5 (b) Nothing in this section shall prohibit the possession, use, sale, or furnishing of an  
2.6 electronic incapacitation device to a law enforcement agency, a peace officer, the National  
2.7 Guard or reserves, or a member of the National Guard or reserves for use in their official  
2.8 duties, except that counties and municipalities may impose licensing requirements on sellers  
2.9 pursuant to subdivision 9.

2.10 **Sec. 3. [626.8476] CHEMICAL WEAPONS AND KINETIC ENERGY MUNITIONS**  
2.11 **PROHIBITED; POLICIES REQUIRED.**

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

2.14 (b) "Chemical weapons" means:

2.15 (1) toxic chemicals and their precursors, except where intended for purposes not  
2.16 prohibited pursuant to this subdivision and where the types and quantities of such chemicals  
2.17 are consistent with such purposes;

2.18 (2) munitions and devices specifically designed to cause death or other harm through  
2.19 toxic properties of toxic chemicals as described in clause (1) which would be released as a  
2.20 result of the employment of such munitions and devices; or

2.21 (3) any equipment specifically designed for use directly in connection with the  
2.22 employment of munitions and devices as described in clause (2).

2.23 (c) "Toxic chemical" means any chemical which through its chemical action on life  
2.24 processes can cause death, temporary incapacitation, or permanent harm to humans or  
2.25 animals. Toxic chemicals include all chemicals defined as toxic chemicals pursuant to this  
2.26 paragraph, regardless of the origin or method of production of the chemical and regardless  
2.27 of whether the chemicals are produced in facilities, in munitions, or elsewhere.

2.28 (d) "Kinetic energy munitions" includes but is not limited to impact rounds, including  
2.29 rubber baton rounds, and plastic, wax, wood, or rubber-coated projectiles.

2.30 Subd. 2. Prohibition. Law enforcement agencies and peace officers are prohibited from  
2.31 using chemical weapons and kinetic energy munitions on civilian populations.

3.1 Subd. 3. **Model policy required.** By November 15, 2020, the board must develop a  
3.2 model policy for law enforcement agencies to implement the prohibition on law enforcement  
3.3 agencies and peace officers from using chemical weapons and kinetic energy munitions on  
3.4 civilian populations. The board must distribute the model policy to all chief law enforcement  
3.5 officers.

3.6 Subd. 4. **Agency policies required.** By January 15, 2021, the chief law enforcement  
3.7 officer of every state and local law enforcement agency must establish and enforce a written  
3.8 policy that is identical or substantially similar to the board's model policy described in  
3.9 subdivision 3.