SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

A bill for an act

S.F. No. 835

(SENATE AUTHORS: INGEBRIGTSEN, Jungbauer and Gimse)

DATE	D-PG	OFFICIAL STATUS
03/16/2011	521	Introduction and first reading Referred to Judiciary and Public Safety
03/23/2011 03/29/2011	634 1034	Author stricken Harrington Author stricken Saxhaug

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1.2 1.3	relating to public safety; expanding the authorized use of tear gas; amending Minnesota Statutes 2010, section 624.731, subdivisions 1, 2, 6.
1.4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.5	Section 1. Minnesota Statutes 2010, section 624.731, subdivision 1, is amended to read:
1.6	Subdivision 1. Definitions. (a) For the purposes of this section:, the terms in
1.7	paragraphs (b) and (c) have the meanings given.
1.8	(1) (b) "authorized tear gas compound" means a lachrymator or any
1.9	substance composed of a mixture of a lachrymator including chloroacetophenone,
1.10	alpha-chloroacetophenone; phenylchloromethylketone, orthochlorobenzalmalononitrile or
1.11	oleoresin capsicum, commonly known as tear gas; and. The term also includes substances
1.12	employing a nonlethal PAVA (capsaicin II) pepper irritant.
1.13	(2) (c) "electronic incapacitation device" means a portable device which is designed
1.14	or intended by the manufacturer to be used, offensively or defensively, to temporarily
1.15	immobilize or incapacitate persons by means of electric pulse or current, including devices
1.16	operating by means of carbon dioxide propellant. "Electronic incapacitation device" does
1.17	not include cattle prods, electric fences, or other electric devices when used in agricultural,

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

Sec. 2. Minnesota Statutes 2010, section 624.731, subdivision 2, is amended to read:

Sec. 2.

animal husbandry, or food production activities.

and applies to crimes committed on or after that date.

S.F. No. 835, as introduced - 87th Legislative Session (2011-2012) [11-2247]

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Subd. 2. Authorized possession; use. (a) A person may possess and use an
authorized tear gas compound in the exercise of reasonable force in defense of the person
or the person's property only if it is propelled from an aerosol container, labeled with or
accompanied by clearly written instructions as to its use and the dangers involved in its
use, and dated to indicate its anticipated useful life. A person may possess and use an
authorized tear gas compound employing a nonlethal PAVA (capsaicin II) pepper irritant,
regardless of its method of propulsion, limited to 15 rounds or less, in the exercise of
reasonable force in defense of the person or the person's property or in the reasonable
exercise of crowd control.

(b) A person may possess and use an electronic incapacitation device in the exercise of reasonable force in defense of the person or the person's property only if the electronic incapacitation device is labeled with or accompanied by clearly written instructions as to its use and the dangers involved in its use.

<u>EFFECTIVE DATE.</u> This section is effective the day following final enactment and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2010, section 624.731, subdivision 6, is amended to read:

Subd. 6. **Exceptions.** Nothing in this section shall prohibit the possession or use of by, or the sale or furnishing of, tear gas, a tear gas compound, an authorized tear gas compound, or electronic incapacitation device to, a law enforcement agency, peace officer, a person licensed as a protective agent under sections 326.32 to 326.339 or employed by a licensed protective agent to perform services as a protective agent, the National Guard or reserves, or a member of the National Guard or reserves for use in their official duties, except that counties and municipalities may impose licensing requirements on sellers pursuant to subdivision 9.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to crimes committed on or after that date.

Sec. 3. 2