

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3478

(SENATE AUTHORS: NEWMAN, Limmer, Johnson, Anderson and Chamberlain)

DATE
02/24/2022

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Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

OFFICIAL STATUS

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.