

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 445**

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DATE	D-PG	OFFICIAL STATUS
01/30/2017	444	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
02/02/2017	500	Author added Carlson
03/09/2017	1221a	Comm report: To pass as amended
	1244	Second reading
	6107	Rule 47, returned to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act  
 1.2 relating to public safety; authorizing the Peace Officer Standards and Training  
 1.3 Board to collect peace officer race data for a limited purpose; amending Minnesota  
 1.4 Statutes 2016, sections 363A.08, subdivision 4; 626.845, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2016, section 363A.08, subdivision 4, is amended to read:

1.7 Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when  
 1.8 based on a bona fide occupational qualification, it is an unfair employment practice for an  
 1.9 employer, employment agency, or labor organization, before a person is employed by an  
 1.10 employer or admitted to membership in a labor organization, to:

1.11 (1) require or request the person to furnish information that pertains to race, color, creed,  
 1.12 religion, national origin, sex, marital status, status with regard to public assistance, familial  
 1.13 status, disability, sexual orientation, or age; or, subject to section 363A.20, to require or  
 1.14 request a person to undergo physical examination; unless for the sole and exclusive purpose  
 1.15 of national security, information pertaining to national origin is required by the United  
 1.16 States, this state or a political subdivision or agency of the United States or this state, or for  
 1.17 the sole and exclusive purpose of compliance with the Public Contracts Act or any rule,  
 1.18 regulation, or laws of the United States or of this state requiring the information or  
 1.19 examination. A law enforcement agency may, after notifying an applicant for a peace officer  
 1.20 or part-time peace officer position that the law enforcement agency is commencing the  
 1.21 background investigation on the applicant, request the applicant's date of birth, gender, and  
 1.22 race on a separate form for the sole and exclusive purpose of conducting a criminal history  
 1.23 check, a driver's license check, and fingerprint criminal history inquiry. The Peace Officer  
 1.24 Standards and Training Board may request each license applicant and renewing license

2.1 applicant to provide their race for the exclusive purpose of determining the aggregate racial  
 2.2 composition of peace officer licensees and license applicants. Each form shall include a  
 2.3 statement indicating why the data is being collected and what its limited use will be. No  
 2.4 document which has date of birth, gender, or race information will be included in the  
 2.5 information given to or available to any person who is involved in selecting the person or  
 2.6 persons employed other than the background investigator. No person may act both as  
 2.7 background investigator and be involved in the selection of an employee except that the  
 2.8 background investigator's report about background may be used in that selection as long as  
 2.9 no direct or indirect references are made to the applicant's race, age, or gender; or

2.10 (2) seek and obtain for purposes of making a job decision, information from any source  
 2.11 that pertains to the person's race, color, creed, religion, national origin, sex, marital status,  
 2.12 status with regard to public assistance, familial status, disability, sexual orientation, or age,  
 2.13 unless for the sole and exclusive purpose of compliance with the Public Contracts Act or  
 2.14 any rule, regulation, or laws of the United States or of this state requiring the information;  
 2.15 or

2.16 (3) cause to be printed or published a notice or advertisement that relates to employment  
 2.17 or membership and discloses a preference, limitation, specification, or discrimination based  
 2.18 on race, color, creed, religion, national origin, sex, marital status, status with regard to public  
 2.19 assistance, familial status, disability, sexual orientation, or age.

2.20 (b) Any individual who is required to provide information that is prohibited by this  
 2.21 subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28,  
 2.22 subdivisions 1 to 9.

2.23 Sec. 2. Minnesota Statutes 2016, section 626.845, subdivision 1, is amended to read:

2.24 Subdivision 1. **Powers and duties.** The board shall have the following powers and  
 2.25 duties:

2.26 (1) to certify postsecondary schools to provide programs of professional peace officer  
 2.27 education based on a set of board-approved professional peace officer education learning  
 2.28 objectives;

2.29 (2) to issue certificates to postsecondary schools, and to revoke certification when  
 2.30 necessary to maintain the objectives and purposes of sections 626.841 to 626.863;

2.31 (3) to license peace officers who have met the education and experience requirements  
 2.32 and passed examinations as required by the board;

3.1 (4) to develop and administer licensing examinations based on the board's learning  
3.2 objectives;

3.3 (5) to consult and cooperate with continuing education providers for the development  
3.4 of in-service training programs for peace officers;

3.5 (6) to consult and cooperate with postsecondary schools for the development and  
3.6 improvement of professional peace officer education;

3.7 (7) to consult and cooperate with other departments and agencies of the state and federal  
3.8 government concerned with peace officer standards and training;

3.9 (8) to perform such other acts as may be necessary and appropriate to carry out the  
3.10 powers and duties of sections 626.841 to 626.863;

3.11 (9) to obtain criminal conviction data for persons seeking a license to be issued or  
3.12 possessing a license issued by the board. The board shall have authority to obtain criminal  
3.13 conviction data to the full extent that any other law enforcement agency, as that term is  
3.14 defined by state or federal law, has to obtain the data;

3.15 (10) to prepare and transmit annually to the governor a report of its activities with respect  
3.16 to allocation of money appropriated to it for peace officers training, including the name of  
3.17 each recipient of money for that purpose and the amount awarded; ~~and~~

3.18 (11) to assist and cooperate with any political subdivision or state law enforcement  
3.19 agency that employs persons licensed by the board to establish written policies as mandated  
3.20 by the state pertaining to persons licensed by the board, and to enforce licensing sanctions  
3.21 for failure to implement these policies; and

3.22 (12) to collect aggregate data on the race of license applicants and license holders for  
3.23 the sole purpose of identifying the aggregate racial composition of those seeking to become  
3.24 and those currently serving as licensed peace officers. The board shall request this information  
3.25 at the time an applicant submits a license request and when a license holder applies to renew  
3.26 the officer's license.

3.27 In addition, the board may maintain data received from law enforcement agencies under  
3.28 section 626.87, subdivision 5, provide the data to requesting law enforcement agencies who  
3.29 are conducting background investigations, and maintain data on applicants and licensees  
3.30 as part of peace officer license data. The data that may be maintained include the name of  
3.31 the law enforcement agency conducting the investigation and data on the candidate provided  
3.32 under section 626.87, subdivision 5, clauses (1) and (2).