

SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION

S.F. No. 45

(SENATE AUTHORS: OSMEK and Mathews)

DATE	D-PG	OFFICIAL STATUS
01/10/2019	53	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
05/01/2019	4128	Author added Mathews

1.1A bill for an act

1.2relating to public safety; establishing policies to address motorcycle profiling;

1.3proposing coding for new law in Minnesota Statutes, chapter 626.

1.4BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5Section 1. **[626.97] MOTORCYCLE PROFILING.**

1.6Subdivision 1. **Purpose.** The legislature finds that the reality or public perception of

1.7motorcycle profiling alienates people from police, hinders community policing efforts, and

1.8causes law enforcement to lose credibility and trust among the people law enforcement is

1.9sworn to protect and serve. No stop initiated by a peace officer should be made without a

1.10legitimate reason; the fact that someone rides a motorcycle or wears motorcycle paraphernalia

1.11is not a legitimate reason. Law enforcement policies and training programs must emphasize

1.12the need to respect the balance between the rights of all persons to be free from unreasonable

1.13governmental intrusions and law enforcement's need to enforce the law.

1.14Subd. 2. **Definition.** For purposes of this section, "motorcycle profiling" means the

1.15illegal use of the fact that a person rides a motorcycle or wears motorcycle-related

1.16accouterments as a factor in deciding to stop and question, take enforcement action, arrest,

1.17or search a person or vehicle with or without a legal basis under the United States Constitution

1.18or Minnesota Constitution.

1.19Subd. 3. **Statewide model policy.** By October 1, 2019, the Board of Peace Officer

1.20Standards and Training, in consultation with the Minnesota Chiefs of Police Association,

1.21the Minnesota Sheriffs Association, the Minnesota Police and Peace Officers Association,

1.22and the Department of Public Safety Motorcycle Safety Advisory Task Force, shall develop

1.23a statewide model training policy designed to eliminate motorcycle profiling from law

enforcement in the state. The model antimotorcycle profiling policy must include training in:

(1) acts that constitute motorcycle profiling;

(2) tactics for avoiding motorcycle profiling; and

(3) methods for peace officers and supervisors of officers to identify and respond to motorcycle profiling by other peace officers.

**Subd. 4. Agency policies required.** (a) By November 1, 2019, the chief law enforcement officer of each state and local law enforcement agency must establish and enforce a written antimotorcycle profiling policy governing the conduct of peace officers engaged in stops of citizens. The chief law enforcement officer shall ensure that each peace officer receives a copy of the agency's antimotorcycle profiling policy. The chief law enforcement officer also must ensure that each peace officer is aware of the policy's purpose and prohibited conduct.

(b) The policy must, at a minimum, comply with the requirements of the model policy adopted by the board under subdivision 3 and require peace officers to give their name and badge number to each motorcycle operator stopped for any reason.

(c) Each state and local law enforcement agency must certify to the board that the agency has adopted a written policy in compliance with the board's model policy.

**Subd. 5. Compliance reviews.** The board has authority to inspect state and local agency policies to ensure compliance with subdivision 4. The board may conduct an inspection based upon a complaint about a particular agency or through a random selection process.