

SENATE
STATE OF MINNESOTA
SPECIAL SESSION

S.F. No. 104

(SENATE AUTHORS: LIMMER)

DATE	D-PG	OFFICIAL STATUS
06/15/2020	124	Introduction and first reading
	124	By Motion, Laid on Table
06/16/2020	131	Taken from table
	131	Second reading
		Laid on table
	148	Taken from table
06/19/2020		Urgency declared rules suspended
	152	Third reading Passed
	196	Returned from House with amendment
		Laid on table

1.1 A bill for an act

1.2 relating to public safety; requiring updated policies regarding the use of force by

1.3 peace officers; amending Minnesota Statutes 2018, section 626.8452, subdivisions

1.4 2, 4, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2018, section 626.8452, is amended by adding a subdivision

1.7 to read:

1.8 Subd. 1a. Updated policies required. (a) By September 1, 2020, the board, in

1.9 consultation with interested parties, shall adopt an updated comprehensive written model

1.10 policy on the use of force, including deadly force, by peace officers, and distribute this

1.11 policy to the chief law enforcement officer of every law enforcement agency in the state.

1.12 The model policy must recognize and respect the sanctity and value of all human life and

1.13 the need to treat everyone with dignity and without prejudice. At a minimum, the policy

1.14 must include:

1.15 (1) a duty for peace officers to intercede when present and observing another peace

1.16 officer using force that is clearly beyond what is objectively reasonable under the law and

1.17 the particular circumstances of the case, and in a position to do so; and

1.18 (2) a duty for peace officers to report any illegal use of force by another peace officer

1.19 to the officer's chief law enforcement officer.

1.20 In addition, except in cases where the person upon whom the action is taken is committing

1.21 a violent act that imminently threatens the peace officer or another with great bodily harm,

1.22 as defined in section 609.02, subdivision 8, or death, the policy must prohibit peace officers

1.23 from using (i) carotid control, or (ii) neck restraints or chokeholds that restrict airways.

2.1 However, even in those circumstances, the policy must require that less lethal measures be
2.2 considered first by the officer.

2.3 (b) By November 1, 2020, each chief law enforcement officer shall establish and enforce
2.4 an updated comprehensive written policy on the use of force, including deadly force, by
2.5 officers within the agency that is identical or substantively similar to the model policy
2.6 required in paragraph (a). Each chief law enforcement officer shall certify to the board that
2.7 the policy has been established in compliance with this paragraph. Chief law enforcement
2.8 officers shall ensure that each officer in the agency receives a copy of the policy and adheres
2.9 to it.

2.10 (c) The board has authority to inspect law enforcement agency policies to ensure
2.11 compliance with paragraph (b). The board may conduct this inspection based upon a
2.12 complaint it receives about a particular agency or through a random selection process.

2.13 Sec. 2. Minnesota Statutes 2018, section 626.8452, subdivision 2, is amended to read:

2.14 Subd. 2. **Deadly force and firearms use; initial instruction.** Beginning January 1,
2.15 1992, the head of every local and state law enforcement agency shall provide instruction
2.16 on the use of force, deadly force, and the use of firearms to every peace officer and part-time
2.17 peace officer newly appointed by or beginning employment with the agency. This instruction
2.18 must occur before the agency head issues a firearm to the officer or otherwise authorizes
2.19 the officer to carry a firearm in the course of employment. The instruction must be based
2.20 on the agency's written policy required in ~~subdivision~~ subdivisions 1 and 1a and on the
2.21 instructional materials required by the board for peace officer and part-time peace officer
2.22 licensure.

2.23 Sec. 3. Minnesota Statutes 2018, section 626.8452, subdivision 4, is amended to read:

2.24 Subd. 4. **Record keeping required.** The head of every local and state law enforcement
2.25 agency shall maintain written records of the agency's compliance with the requirements of
2.26 subdivisions 1a, 2, and 3.