

## CHAPTER 334—H.F.No. 1312

*An act relating to peace officers; requiring licensure as a prerequisite to exercising the authority of a peace officer; prohibiting persons from misrepresenting themselves as peace officers or part-time peace officers; prescribing penalties; amending Minnesota Statutes 1986, sections 169.98, by adding subdivisions; 367.41, subdivision 1; and 626.84; proposing coding for new law in Minnesota Statutes, chapter 626.*

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

Section 1. Minnesota Statutes 1986, section 169.98, is amended by adding a subdivision to read:

Subd. 1a. VEHICLE STOPS. Except as otherwise permitted under sections 221.221 and 299D.06, only a person who is licensed as a peace officer, constable, or part-time peace officer under sections 626.84 to section 6 may use a motor vehicle governed by subdivision 1 to stop a vehicle as defined in section 169.01, subdivision 2.

Sec. 2. Minnesota Statutes 1986, section 169.98, is amended by adding a subdivision to read:

Subd. 1b. OPERATION OF MARKED VEHICLES. Except as otherwise permitted under sections 221.221 and 299D.06, a motor vehicle governed by subdivision 1 may only be operated by a person licensed as a peace officer, constable, or part-time peace officer under sections 626.84 to section 6. This prohibition does not apply to the following:

- (1) a marked vehicle that is operated for maintenance purposes only;
- (2) a marked vehicle that is operated during a skills course approved by the peace officers standards and training board;
- (3) a marked vehicle that is operated to transport prisoners or equipment; or
- (4) a marked vehicle that is operated by a reserve officer providing supplementary assistance at the direction of the chief law enforcement officer or the officer's designee, when a licensed peace officer as defined in section 626.84, subdivision 1, paragraph (c), who is employed by that political subdivision, is on duty within the political subdivision.

Sec. 3. Minnesota Statutes 1986, section 367.41, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any general or local law or charter to the contrary, ~~any~~ a constable employed on or after March 23, 1982, by ~~any~~ a political subdivision of the state of Minnesota ~~shall~~ is not be eligible for permanent appointment without being licensed by the Minnesota board of peace officer standards and training ~~pursuant to~~ under section 626.8463, ~~clauses (a) to (e).~~

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 4. Minnesota Statutes 1986, section 626.84, is amended to read:

**626.84 DEFINITIONS AND SCOPE.**

Subdivision 1. **DEFINITIONS.** For the purposes of sections 626.84 to ~~626.855~~ section 6, the following terms ~~shall~~ have the meanings given them:

(a) "Board" means the ~~Minnesota~~ board of peace officer standards and training;

(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee or an elected or appointed official of a political subdivision or state law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol and state conservation officers.

(d) "Constable" ~~shall have~~ has the meaning assigned to it in section 367.40.

(e) "Deputy constable" ~~shall have~~ has the meaning assigned to it in section 367.40.

(f) "Part-time peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency. The limitation on the average number of hours in which the services of a part-time peace officer may be utilized shall not apply to a part-time peace officer who has formally notified the board pursuant to rules adopted by the board of the part-time peace officer's intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g) and 626.845, subdivision 1, clause (g).

(g) "Reserve peace officer" means an individual whose services are utilized by a law enforcement agency ~~for purposes including, but not limited to, providing to provide~~ supplementary assistance at special events, traffic or crowd control, ~~or administrative or clerical assistance; provided that the individual's~~ A reserve officer's duties do not include enforcement of the general criminal laws of the state ~~unless accompanied by a licensed peace officer; further provided that the individual, and the officer~~ does not have full powers of arrest or authorization to carry a firearm on duty. ~~The term shall apply even though the individual receives no compensation and irrespective of the number of hours worked by, or the title conferred upon, the individual by any law enforcement agency.~~

(h) "Law enforcement agency" means a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **SCOPE.** Notwithstanding sections 12.03, subdivision 4, 12.25, or any other law to the contrary, no individual employed or acting as an agent of any political subdivision shall be authorized to carry a firearm when on duty unless the individual has been licensed ~~pursuant to~~ under sections 626.84 to ~~626.855~~ section 6. Nothing herein shall be construed as requiring licensure of a security guard as that term is defined in section 626.88, subdivision 1, clause (c).

**Sec. 5. [626.862] POWERS OF LAW ENFORCEMENT OFFICERS.**

Except as specifically provided by statute, only a peace officer, constable, and part-time peace officer may:

(1) issue a citation in lieu of arrest or continued detention unless specifically authorized by ordinance;

(2) ask a person receiving a citation to give a written promise to appear in court; or

(3) take a person into custody as permitted by section 629.34.

**Sec. 6. [626.863] UNAUTHORIZED PRACTICE.**

(a) A person who is not a peace officer, constable, or part-time peace officer is guilty of a misdemeanor if the person: (1) makes a representation of being a peace officer, constable, or part-time peace officer, or (2) performs or attempts to perform an act, duty, or responsibility reserved by law for licensed peace officers, constables, and part-time peace officers.

(b) The board shall designate the appropriate law enforcement agency to investigate violations of this section. The attorney general shall prosecute violations of this section.

Approved May 29, 1987

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**CHAPTER 335—H.F.No. 1374**

*An act relating to the office of the attorney general; removing the numerical limit on the number of assistant attorneys general; authorizing the attorney general to delegate contract review duties; amending Minnesota Statutes 1986, section 8.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 8.*

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

Section 1. Minnesota Statutes 1986, section 8.02, subdivision 1, is amended to read:

**Subdivision 1. APPOINTMENT OF DEPUTIES AND ASSISTANTS.**

Changes or additions are indicated by underline, deletions by ~~strikeout~~.