CHAPTER 59--H.F.No. 1410

An act relating to public safety; modifying correctional and peace officer disciplinary procedures; amending Minnesota Statutes 2024, sections 241.026, subdivisions 1, 3, by adding subdivisions; 626.89, subdivisions 1, 8.

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

Section 1. Minnesota Statutes 2024, section 241.026, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Administrative hearing" means a nonjudicial hearing or arbitration authorized to modify, approve, or deny discipline.

~~(b)~~ (c) "Correctional officer" and "officer" mean a person employed by the state, a state correctional facility, or a local correctional or detention facility in a security capacity.

~~(c)~~ (d) "Formal statement" means the questioning of ~~an~~ the subject officer ~~in the course of~~ for the purpose of obtaining ~~a recorded, stenographic, or signed statement~~ information to be used as a basis for discipline of the officer or as evidence in a disciplinary proceeding against the officer.

Sec. 2. Minnesota Statutes 2024, section 241.026, subdivision 3, is amended to read:

Subd. 3. **Governing formal statement procedures.** The formal statement of an officer must be taken according to ~~subdivision~~ subdivisions 4, 4a, 4b, 4c, 4d, 4e, and 5.

Sec. 3. Minnesota Statutes 2024, section 241.026, is amended by adding a subdivision to read:

Subd. 4a. **Complaint.** An officer's formal statement may not be taken unless there is filed with the employing or investigating agency a written complaint signed by the complainant stating the complainant's knowledge, and the officer has been given a summary of the allegations. Complaints stating the signer's knowledge also may be filed by members of the employing agency. Before an administrative hearing is begun, the officer must be given a copy of the signed complaint.

Sec. 4. Minnesota Statutes 2024, section 241.026, is amended by adding a subdivision to read:

Subd. 4b. **Witnesses; investigative reports.** Upon request, the investigating agency or the officer shall provide the other party with a list of witnesses that the agency or officer expects to testify at the administrative hearing and the substance of the testimony. A party is entitled to copies of any witness statements in the possession of the other party and an officer is entitled to a copy of the investigating agency's investigative report, provided that any references in a witness statement or investigative report that would reveal the identity of confidential informants need not be disclosed except upon order of the person presiding over the administrative hearing for good cause shown.

Sec. 5. Minnesota Statutes 2024, section 241.026, is amended by adding a subdivision to read:

Subd. 4c. **Sessions.** Sessions at which a formal statement is taken must be of reasonable duration and must give the officer reasonable periods for rest and personal necessities. When practicable, sessions must be held during the officer's regularly scheduled work shift. If the session is not held during the officer's regularly scheduled work shift, the officer must be paid by the employing agency at the officer's current compensation rate for time spent attending the session.

Sec. 6. Minnesota Statutes 2024, section 241.026, is amended by adding a subdivision to read:

Subd. 4d. **Record.** A complete record of sessions at which a formal statement is taken must be made by electronic recording. Upon written request of the officer whose statement is taken, a complete copy or transcript must be made available to the officer without charge or undue delay. The session may be tape recorded by the investigating officer and by the officer under investigation.

Sec. 7. Minnesota Statutes 2024, section 241.026, is amended by adding a subdivision to read:

Subd. 4e. **Presence of attorney and union representative.** The officer whose formal statement is taken has the right to have a union representative or an attorney retained by the officer, or both, present during the session. The officer may request the presence of the union representative or attorney, or both, at any time before or during the session. When a request under this subdivision is made, no formal statement may be taken until a reasonable opportunity is provided for the officer to obtain the presence of the union representative or attorney.

Sec. 8. Minnesota Statutes 2024, section 241.026, is amended by adding a subdivision to read:

Subd. 11. **Action for damages.** Notwithstanding section 3.736 or 466.03, a political subdivision or state agency that violates this section is liable to the officer for actual damages resulting from the violation, plus costs and reasonable attorney fees. The political subdivision or the state is deemed to have waived any immunity to a cause of action brought under this subdivision, except that the monetary limits on liability under section 3.736, subdivision 4, or 466.04 apply.

Sec. 9. Minnesota Statutes 2024, section 626.89, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Administrative hearing" means a nonjudicial hearing or arbitration authorized to recommend, approve, or order discipline.

(b) "Formal statement" means the questioning of an officer in the course of obtaining ~~a recorded, stenographic, or signed statement~~ information to be used as a basis for disciplining an officer or as evidence in a disciplinary proceeding against the officer.

(c) "Officer" means a licensed peace officer or part-time peace officer, as defined in section 626.84, subdivision 1, paragraphs (c) and (d), who is employed by a unit of government.

Sec. 10. Minnesota Statutes 2024, section 626.89, subdivision 8, is amended to read:

Subd. 8. **Record.** A complete record of sessions at which a formal statement is taken must be made by electronic recording ~~or otherwise~~. Upon written request of the officer whose statement is taken, a complete

copy or transcript must be made available to the officer without charge or undue delay. The session may be tape recorded by the investigating officer and by the officer under investigation.

Presented to the governor April 28, 2026