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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1535

02/25/2021

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The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act  
1.2 relating to corrections; disciplining correctional officers; amending Minnesota  
1.3 Statutes 2020, section 626.89, subdivisions 1, 2; repealing Minnesota Statutes  
1.4 2020, section 241.026.

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

1.6 Section 1. Minnesota Statutes 2020, section 626.89, subdivision 1, is amended to read:

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

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

1.11 (b) "Correctional officer" means a person employed by the state, a state correctional  
1.12 facility, or a local correctional or detention facility in a security capacity.

1.13 ~~(b)~~(c) "Formal statement" means the questioning of an officer in the course of obtaining  
1.14 a recorded, stenographic, or signed statement to be used as evidence in a disciplinary  
1.15 proceeding against the officer.

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

1.19 Sec. 2. Minnesota Statutes 2020, section 626.89, subdivision 2, is amended to read:

1.20 Subd. 2. **Applicability.** The procedures and provisions of this section apply to law  
1.21 enforcement agencies and government units, including state and local correctional authorities.

2.1 The procedures and provisions of this section do not apply to investigations of criminal  
2.2 charges against an officer.

2.3 Sec. 3. **REPEALER.**

2.4 Minnesota Statutes 2020, section 241.026, is repealed.

**241.026 CORRECTIONAL OFFICERS DISCIPLINE PROCEDURES.**

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

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

Subd. 2. **Applicability.** The procedures and provisions of this section apply to state and local correctional authorities.

Subd. 3. **Governing formal statement procedures.** The formal statement of an officer must be taken according to subdivision 4.

Subd. 4. **Place of formal statement.** The formal statement must be taken at a facility of the employing or investigating agency or at a place agreed to by the investigating individual and the investigated officer.

Subd. 5. **Admissions.** Before an officer's formal statement is taken, the officer shall be advised in writing or on the record that admissions made in the course of the formal statement may be used as evidence of misconduct or as a basis for discipline.

Subd. 6. **Disclosure of financial records.** No employer may require an officer to produce or disclose the officer's personal financial records except pursuant to a valid search warrant or subpoena.

Subd. 7. **Release of photographs.** No state or local correctional facility or governmental unit may publicly release photographs of an officer without the written permission of the officer, except that the facility or unit may display a photograph of an officer to a prospective witness as part of an agency or unit investigation.

Subd. 8. **Disciplinary letter.** No disciplinary letter or reprimand may be included in an officer's personnel record unless the officer has been given a copy of the letter or reprimand.

Subd. 9. **Retaliatory action prohibited.** No officer may be discharged, disciplined, or threatened with discharge or discipline as retaliation for or solely by reason of the officer's exercise of the rights provided by this section.

Subd. 10. **Rights not reduced.** The rights of officers provided by this section are in addition to and do not diminish the rights and privileges of officers that are provided under an applicable collective bargaining agreement or any other applicable law.