

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 761

(SENATE AUTHORS: INGEBRIGTSEN, Eaton, Clausen, Jensen and Rosen)

DATE	D-PG	OFFICIAL STATUS
02/12/2015	269	Introduction and first reading Referred to Judiciary

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A bill for an act

relating to public safety; clarifying legislators' privilege from arrest; specifying that driving while impaired constitutes a breach of the peace for purposes of the Constitution; amending Minnesota Statutes 2014, section 3.151; proposing coding for new law in Minnesota Statutes, chapters 3; 169A.

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

Section 1. **[3.022] REVIEW OF ARREST.**

Any documentation issued by a government agency that reproduces the text of the Minnesota Constitution, article IV, section 10, must include the following language: "Any arrest under this provision is immediately reviewable before a neutral judicial officer."

Sec. 2. Minnesota Statutes 2014, section 3.151, is amended to read:

3.151 DISTURBING LEGISLATURE OR INTIMIDATING MEMBER.

(a) A person is guilty of a gross misdemeanor who:

(1) willfully disturbs the legislature, or either house of it, while in session;

(2) commits disorderly conduct in the presence and view of either house, tending to interrupt its proceedings or impair the respect due to its authority; or

(3) willfully, by intimidation or otherwise, prevents a member of the legislature from attending a session of the member's house, or of a committee of it, or from giving the member's vote upon a question which may come before the house, or from performing any other official act, including an arrest, or attempted arrest, of a member of the legislature by a licensed peace officer for the primary purpose of delaying or preventing the performance of any official act.

2.1 (b) Nothing in this section limits the authority of a licensed peace officer to arrest
2.2 or detain a member of the legislature, upon probable cause that the member has violated
2.3 any provision of chapter 169A while traveling to a session of the member's house, or of a
2.4 committee of it, provided that the arrest or detention is processed in an expedited manner
2.5 and the member is delivered to the sergeant-at-arms of the house of representatives or the
2.6 senate without unreasonable delay.

2.7 Sec. 3. **[169A.79] BREACH OF THE PEACE.**

2.8 A crime, including a felony, gross misdemeanor, or misdemeanor constitutes a
2.9 breach of the peace for purposes of the Minnesota Constitution, article IV, section 10.

2.10 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
2.11 offenses committed on or after that date.