

88.6

**ARTICLE 3**

88.7

**LAW ENFORCEMENT POLICY**

88.8 Section 1. Minnesota Statutes 2020, section 214.10, subdivision 10, is amended to read:

88.9 Subd. 10. **Board of Peace Officers Standards and Training; receipt of**  
88.10 **complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the  
88.11 executive director or any member of the Board of Peace Officer Standards and Training  
88.12 produces or receives a written statement or complaint that alleges a violation of a statute or  
88.13 rule that the board is empowered to enforce, the executive director shall designate the  
88.14 appropriate law enforcement agency to investigate the complaint and ~~shall~~ may order it to  
88.15 conduct an inquiry into the complaint's allegations. The investigating agency must complete  
88.16 the inquiry and submit a written summary of it to the executive director within 30 days of  
88.17 the order for inquiry.

88.18 Sec. 2. Minnesota Statutes 2020, section 541.073, subdivision 2, is amended to read:

88.19 Subd. 2. **Limitations period.** (a) Except as provided in paragraph (b), an action for  
88.20 damages based on sexual abuse: (1) must be commenced within six years of the alleged  
88.21 sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may  
88.22 be commenced at any time in the case of alleged sexual abuse of an individual under the  
88.23 age of 18, except as provided for in subdivision 4; and (3) must be commenced before the  
88.24 plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused  
88.25 a minor when that natural person was under 14 years of age.

88.26 (b) An action for damages based on sexual abuse may be commenced at any time in the  
88.27 case of alleged sexual abuse by a peace officer, as defined in section 626.84, subdivision  
88.28 1, paragraph (c).

88.29 ~~(b)~~ (c) The plaintiff need not establish which act in a continuous series of sexual abuse  
88.30 acts by the defendant caused the injury.

88.31 ~~(c)~~ (d) This section does not affect the suspension of the statute of limitations during a  
88.32 period of disability under section 541.15.

89.1 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.  
89.2 Except as provided in paragraph (b), this section applies to actions that were not time-barred  
89.3 before the effective date.

89.4 (b) Notwithstanding any other provision of law, in the case of alleged sexual abuse of  
89.5 an individual by a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision  
89.6 1, paragraph (c), if the action would otherwise be time-barred under a previous version of  
89.7 Minnesota Statutes, section 541.073, or other time limit, an action for damages against a  
89.8 peace officer may be commenced no later than five years following the effective date of  
89.9 this section.

89.10 Sec. 3. Minnesota Statutes 2020, section 573.02, subdivision 1, is amended to read:

89.11 Subdivision 1. **Death action.** (a) When death is caused by the wrongful act or omission  
89.12 of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain  
89.13 an action therefor if the decedent might have maintained an action, had the decedent lived,  
89.14 for an injury caused by the wrongful act or omission. An action to recover damages for a  
89.15 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital  
89.16 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall  
89.17 be commenced within three years of the date of death, but in no event shall be commenced  
89.18 beyond the time set forth in section 541.076. An action to recover damages for a death  
89.19 caused by an intentional act constituting murder may be commenced at any time after the  
89.20 death of the decedent. An action to recover damages for a death caused by a peace officer,  
89.21 as defined in section 626.84, subdivision 1, paragraph (c), must be commenced within six  
89.22 years after the Bureau of Criminal Apprehension or affected agency receives notice of  
89.23 declination of charges or at the completion of criminal proceedings. Any other action under  
89.24 this section may be commenced within three years after the date of death provided that the  
89.25 action must be commenced within six years after the act or omission. The recovery in the  
89.26 action is the amount the jury deems fair and just in reference to the pecuniary loss resulting  
89.27 from the death, and shall be for the exclusive benefit of the surviving spouse and next of  
89.28 kin, proportionate to the pecuniary loss severally suffered by the death. The court then  
89.29 determines the proportionate pecuniary loss of the persons entitled to the recovery and  
89.30 orders distribution accordingly. Funeral expenses and any demand for the support of the  
89.31 decedent allowed by the court having jurisdiction of the action, are first deducted and paid.  
89.32 Punitive damages may be awarded as provided in section 549.20.

89.33 (b) If an action for the injury was commenced by the decedent and not finally determined  
89.34 while living, it may be continued by the trustee for recovery of damages for the exclusive  
90.1 benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally  
90.2 suffered by the death. The court on motion shall make an order allowing the continuance  
90.3 and directing pleadings to be made and issues framed as in actions begun under this section.

90.4 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.  
90.5 Except as provided in paragraph (b), this section applies to actions that were not time-barred  
90.6 before the effective date.

90.7 (b) Notwithstanding any other provision of law, in the case of a death caused by a peace  
90.8 officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), if  
90.9 the action would otherwise be time-barred under a previous version of Minnesota Statutes,  
90.10 section 573.02, or other time limit, an action for damages against a peace officer may be  
90.11 commenced no later than five years following the effective date of this section.

90.12 Sec. 4. Minnesota Statutes 2020, section 626.76, is amended by adding a subdivision to  
90.13 read:

90.14 Subd. 2a. **Compliance review officers.** (a) Except as provided for in paragraph (c),  
90.15 when a major public safety event requires a joint operation involving three or more law

90.16 enforcement agencies, including at least one state law enforcement agency, at least one  
90.17 representative from each state law enforcement agency's internal affairs unit must be  
90.18 temporarily reassigned as a compliance review officer. Compliance review officers assigned  
90.19 to a major public safety event must be present on the scene and perform the following  
90.20 functions:

90.21 (1) inspect and inform senior officers of any policy, regulatory, or state law violations  
90.22 by state law enforcement;

90.23 (2) proactively speak with media and the public to gather information on law  
90.24 enforcement's response to determine compliance with policy, regulation, and state law when  
90.25 it does not obstruct police operation or place officers in jeopardy; and

90.26 (3) note and report any policy, regulation, or state law violations by state law enforcement  
90.27 to the proper authority.

90.28 (b) A compliance review officer assigned to perform the duties under paragraph (a) shall  
90.29 not participate in subsequent investigations related to that major public safety event except  
90.30 for as a witness.

90.31 (c) The requirement to have compliance review officers on scene under paragraph (a)  
90.32 does not apply if the presence of compliance review officers would obstruct law enforcement  
90.33 operations or place compliance review officers or peace officers in danger.

91.1 (d) For purposes of this section, "major public safety event" means civil unrest or a  
91.2 protest event:

91.3 (1) where more than 50 peace officers are needed to respond;

91.4 (2) that is expected to, or has, a crowd in excess of 200 persons; or

91.5 (3) that is expected to, or has, a crowd in excess of 50 persons and a local or statewide  
91.6 state of emergency is declared.

91.7 Sec. 5. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to  
91.8 read:

91.9 Subd. 1c. **Physical strength and agility examinations.** (a) Beginning on December 1,  
91.10 2022, physical strength and agility screening examinations required by law enforcement  
91.11 agencies for applicants must be scientifically content-validated and job-related. This  
91.12 requirement does not apply to tests of an applicant's cardiovascular health or general physical  
91.13 fitness to serve as a peace officer.

91.14 (b) The board must enact rules establishing standards for physical strength and agility  
91.15 examinations required by law enforcement agencies that comply with the requirements set  
91.16 forth in this subdivision.

91.17 Sec. 6. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to  
91.18 read:

91.19 Subd. 1d. **Rules governing certain misconduct.** No later than January 1, 2024, the  
91.20 board must adopt rules under chapter 14 that permit the board to take disciplinary action  
91.21 on a licensee for a violation of a standard of conduct in Minnesota Rules, chapter 6700,  
91.22 whether or not criminal charges have been filed and in accordance with the evidentiary  
91.23 standards and civil processes for boards under chapter 214.

91.24 Sec. 7. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:

91.25 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state  
91.26 and local law enforcement agency that uses or proposes to use a portable recording system  
91.27 must establish and enforce a written policy governing its use. In developing and adopting  
91.28 the policy, the law enforcement agency must provide for public comment and input as  
91.29 provided in subdivision 2. Use of a portable recording system without adoption of a written  
91.30 policy meeting the requirements of this section is prohibited. The written policy must be  
91.31 posted on the agency's website, if the agency has a website.

92.1 (b) At a minimum, the written policy must incorporate and require compliance with the  
92.2 following:

92.3 (1) the requirements of section 13.825 and other data classifications, access procedures,  
92.4 retention policies, and data security safeguards that, at a minimum, meet the requirements  
92.5 of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or  
92.6 destroying any recording made with a peace officer's portable recording system or data and  
92.7 metadata related to the recording prior to the expiration of the applicable retention period  
92.8 under section 13.825, subdivision 3, except that the full, unedited, and unredacted recording  
92.9 of a peace officer using deadly force must be maintained indefinitely;

92.10 (2) mandate that a portable recording system be:

92.11 (i) worn where it affords an unobstructed view, and above the mid-line of the waist;

92.12 (ii) activated during all contacts with citizens in the performance of official duties other  
92.13 than community engagement, to the extent practical without compromising officer safety;  
92.14 and

92.15 (iii) activated when the officer arrives on scene of an incident and remain active until  
92.16 the conclusion of the officer's duties at the scene of the incident;

92.17 (3) mandate that officers assigned a portable recording system wear and operate the  
92.18 system in compliance with the agency's policy adopted under this section while performing  
92.19 law enforcement activities under the command and control of another chief law enforcement  
92.20 officer or federal law enforcement official;

92.21 (4) mandate that, notwithstanding any law to the contrary, a deceased individual's next  
92.22 of kin, legal representative of the next of kin, or other parent of the deceased individual's

92.23 children be entitled to view any and all recordings from a peace officer's portable recording  
92.24 system, redacted no more than what is required by law, of an officer's use of deadly force  
92.25 no later than five business days following an incident where deadly force used by a peace  
92.26 officer results in the death of an individual, except that a chief law enforcement officer may  
92.27 deny a request if the investigating agency requests and can articulate a compelling reason  
92.28 as to why allowing the deceased individual's next of kin, legal representative of the next of  
92.29 kin, or other parent of the deceased individual's children to review the recordings would  
92.30 interfere with a thorough investigation. If the chief law enforcement officer denies a request  
92.31 under this paragraph, the involved officer's agency must issue a prompt, written denial and  
92.32 provide notice to the deceased individual's next of kin, legal representative of the next of  
92.33 kin, or other parent of the deceased individual's children that relief may be sought from the  
92.34 district court;

93.1 (5) mandate that, notwithstanding any law to the contrary, an involved officer's agency  
93.2 shall release all body-worn camera recordings of an incident where a peace officer used  
93.3 deadly force and an individual dies to the public no later than 14 business days after the  
93.4 incident, except that a chief law enforcement officer shall not release the video if the  
93.5 investigating agency asserts in writing that allowing the public to view the recordings would  
93.6 interfere with the ongoing investigation;

93.7 (6) procedures for testing the portable recording system to ensure adequate functioning;

93.8 (7) procedures to address a system malfunction or failure, including requirements  
93.9 for documentation by the officer using the system at the time of a malfunction or failure;

93.10 (8) circumstances under which recording is mandatory, prohibited, or at the discretion  
93.11 of the officer using the system;

93.12 (9) circumstances under which a data subject must be given notice of a recording;

93.13 (10) circumstances under which a recording may be ended while an investigation,  
93.14 response, or incident is ongoing;

93.15 (11) procedures for the secure storage of portable recording system data and the  
93.16 creation of backup copies of the data; and

93.17 (12) procedures to ensure compliance and address violations of the policy, which  
93.18 must include, at a minimum, supervisory or internal audits and reviews, and the employee  
93.19 discipline standards for unauthorized access to data contained in section 13.09.

93.20 (c) The board has authority to inspect state and local law enforcement agency policies  
93.21 to ensure compliance with this section. The board may conduct this inspection based upon a  
93.22 complaint it receives about a particular agency or through a random selection process.  
93.23 The board may impose licensing sanctions and seek injunctive relief under section 214.11  
93.24 for an agency's or licensee's failure to comply with this section.

93.25 Sec. 8. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

93.26 Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the  
93.27 meanings given:

93.28 (1) "civilian oversight council" means a civilian review board, commission, or other  
93.29 oversight body established by a local unit of government to provide civilian oversight of a  
93.30 law enforcement agency and officers employed by the agency; and

93.31 (2) "misconduct" means a violation of law, standards promulgated by the Peace Officer  
93.32 Standards and Training Board, or agency policy.

94.1 (b) ~~A local unit of government may establish a civilian review board, commission, or~~  
94.2 ~~other oversight body shall not have council and grant the council the authority to make a~~  
94.3 ~~finding of fact or determination regarding a complaint against an officer or impose discipline~~  
94.4 ~~on an officer. A civilian review board, commission, or other oversight body may make a~~  
94.5 ~~recommendation regarding the merits of a complaint, however, the recommendation shall~~  
94.6 ~~be advisory only and shall not be binding on nor limit the authority of the chief law~~  
94.7 ~~enforcement officer of any unit of government.~~

94.8 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian  
94.9 oversight council may conduct an investigation into allegations of peace officer misconduct  
94.10 and retain an investigator to facilitate an investigation. Subject to other applicable law, a  
94.11 council may subpoena or compel testimony and documents in an investigation. Upon  
94.12 completion of an investigation, a council may make a finding of misconduct and recommend  
94.13 appropriate discipline against peace officers employed by the agency. If the governing body  
94.14 grants a council the authority, the council may impose discipline on peace officers employed  
94.15 by the agency. A council may submit investigation reports that contain findings of peace  
94.16 officer misconduct to the chief law enforcement officer and the Peace Officer Standards  
94.17 and Training Board's complaint committee. A council may also make policy  
94.18 recommendations to the chief law enforcement officer and the Peace Officer Standards and  
94.19 Training Board.

94.20 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction  
94.21 of a civilian oversight council shall cooperate with the council and facilitate the council's  
94.22 achievement of its goals. However, the officer is under no obligation to agree with individual  
94.23 recommendations of the council and may oppose a recommendation. If the officer fails to  
94.24 implement a recommendation that is within the officer's authority, the officer shall inform  
94.25 the council of the failure along with the officer's underlying reasons.

94.26 (e) Peace officer discipline decisions imposed pursuant to the authority granted under  
94.27 this subdivision shall be subject to the applicable grievance procedure established or agreed  
94.28 to under chapter 179A.

94.29 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight  
94.30 council related to an investigation of a peace officer are personnel data as defined under  
94.31 section 13.43, subdivision 1, and are governed by that section.

95.1 Sec. 9. Minnesota Statutes 2020, section 626.93, is amended by adding a subdivision to  
95.2 read:

95.3 Subd. 8. **Exception; Leech Lake Band of Ojibwe.** Notwithstanding any contrary  
95.4 provision in subdivision 3 or 4, the Leech Lake Band of Ojibwe has concurrent jurisdictional  
95.5 authority under this section with the local county sheriff within the geographical boundaries  
95.6 of the band's reservation to enforce state criminal law if the requirements of subdivision 2  
95.7 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered  
95.8 into.

95.9 Sec. 10. Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3,  
95.10 is amended to read:

95.11 **Subd. 3. Peace Officer Training Assistance**

95.12 **Philando Castile Memorial Training Fund**  
95.13 \$6,000,000 each year is to support and  
95.14 strengthen law enforcement training and  
95.15 implement best practices. This funding shall  
95.16 be named the "Philando Castile Memorial  
95.17 Training Fund." These funds may only be used  
95.18 to reimburse costs related to training courses  
95.19 that qualify for reimbursement under  
95.20 Minnesota Statutes, sections 626.8469  
95.21 (training in crisis response, conflict  
95.22 management, and cultural diversity) and  
95.23 626.8474 (autism training).

95.24 Each sponsor of a training course is required  
95.25 to include the following in the sponsor's  
95.26 application for approval submitted to the  
95.27 board: course goals and objectives; a course  
95.28 outline including at a minimum a timeline and  
95.29 teaching hours for all courses; instructor  
95.30 qualifications, ~~including skills and concepts~~  
95.31 ~~such as crisis intervention, de-escalation, and~~  
95.32 ~~cultural competency that are relevant to the~~  
95.33 ~~course provided;~~ and a plan for learning  
95.34 assessments of the course and documenting  
96.1 the assessments to the board during review.

96.2 Upon completion of each course, instructors

96.3 must submit student evaluations of the  
96.4 instructor's teaching to the sponsor.

96.5 The board shall keep records of the  
96.6 applications of all approved and denied  
96.7 courses. All continuing education courses shall  
96.8 be reviewed after the first year. The board  
96.9 must set a timetable for recurring review after  
96.10 the first year. For each review, the sponsor  
96.11 must submit its learning assessments to the  
96.12 board to show that the course is teaching the  
96.13 learning outcomes that were approved by the  
96.14 board.

96.15 A list of licensees who successfully complete  
96.16 the course shall be maintained by the sponsor  
96.17 and transmitted to the board following the  
96.18 presentation of the course and the completed  
96.19 student evaluations of the instructors.  
96.20 Evaluations are available to chief law  
96.21 enforcement officers. The board shall establish  
96.22 a data retention schedule for the information  
96.23 collected in this section.

96.24 Each year, if funds are available after  
96.25 reimbursing all eligible requests for courses  
96.26 approved by the board under this subdivision,  
96.27 the board may use the funds to reimburse law  
96.28 enforcement agencies for other  
96.29 board-approved law enforcement training  
96.30 courses. The base for this activity is \$0 in  
96.31 fiscal year 2026 and thereafter.

97.1 **Sec. 11. TASK FORCE ON ALTERNATIVE COURSES TO PEACE OFFICER**  
97.2 **LICENSURE.**

97.3 **Subdivision 1. Establishment.** The Task Force on Alternative Courses to Peace Officer  
97.4 Licensure is established to increase recruitment of new peace officers, increase the diversity  
97.5 of the racial makeup and professional background of licensed peace officers, promote  
97.6 education and training in community policing models, maintain the high standards of  
97.7 education and training required for licensure, and make policy and funding recommendations  
97.8 to the legislature.

97.9 **Subd. 2. Membership.** (a) The task force consists of the following members:

- 97.10 (1) the chair of the Peace Officer Standards and Training Board, or a designee;
- 97.11 (2) a member of the Peace Officer Standards and Training Board representing the general
- 97.12 public appointed by the chair of the Peace Officer Standards and Training Board;
- 97.13 (3) the chief of the State Patrol, or a designee;
- 97.14 (4) the superintendent of the Bureau of Criminal Apprehension, or a designee;
- 97.15 (5) the attorney general, or a designee;
- 97.16 (6) the president of the Minnesota Chiefs of Police Association, or a designee;
- 97.17 (7) the president of the Minnesota Sheriffs' Association, or a designee;
- 97.18 (8) a peace officer who is employed by a law enforcement agency of a federally
- 97.19 recognized Tribe, as defined in United States Code, title 25, section 450b(e), appointed by
- 97.20 the Indian Affairs Council;
- 97.21 (9) the executive director of the Minnesota Police and Peace Officers Association, or a
- 97.22 designee;
- 97.23 (10) a peace officer appointed by the executive director of the Minnesota Police and
- 97.24 Peace Officers Association;
- 97.25 (11) a member of a civilian review board appointed by the governor;
- 97.26 (12) an attorney who provides legal advice to victims of police brutality or who advocates
- 97.27 for civil liberties appointed by the governor;
- 97.28 (13) a representative from an organization that provides direct services to families or
- 97.29 communities impacted by police violence appointed by the governor; and
- 97.30 (14) two representatives from postsecondary schools certified to provide programs of
- 97.31 professional peace officer education appointed by the governor.
- 98.1 (b) Appointments must be made no later than August 30, 2022.
- 98.2 (c) Members shall serve without compensation.
- 98.3 (d) Members of the task force serve at the pleasure of the appointing authority or until
- 98.4 the task force expires. Vacancies shall be filled by the appointing authority consistent with
- 98.5 the qualifications of the vacating member required by this subdivision.
- 98.6 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair from
- 98.7 among its members. The task force may elect other officers as necessary.
- 98.8 (b) The chair of the Peace Officer Standards and Training Board shall convene the first
- 98.9 meeting of the task force no later than September 15, 2022, and shall provide meeting space
- 98.10 and administrative assistance as necessary for the task force to conduct its work.

98.11 (c) The task force shall meet at least monthly or upon the call of the chair. The task force  
98.12 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings  
98.13 of the task force are subject to Minnesota Statutes, chapter 13D.

98.14 Subd. 4. **Duties.** (a) The task force shall, at a minimum:

98.15 (1) identify barriers to recruiting peace officers;

98.16 (2) develop strategies for recruiting new peace officers;

98.17 (3) develop policies and procedures to increase the diversity of the racial makeup and

98.18 professional background of licensed peace officers;

98.19 (4) identify or develop curriculum that utilizes community policing models;

98.20 (5) provide recommendations on how to create and support an expedited pathway for

98.21 individuals to become peace officers; and

98.22 (6) assure that any alternative courses to licensure maintain the high standards of

98.23 education and training required for licensure as a peace officer in Minnesota.

98.24 (b) At its discretion, the task force may examine, as necessary, other related issues

98.25 consistent with this section.

98.26 Subd. 5. **Report.** By January 15, 2024, the task force must submit a report on its findings

98.27 and recommendations to the chairs and ranking minority members of the legislative

98.28 committees and divisions with jurisdiction over public safety finance and policy and the

98.29 Minnesota Sentencing Guidelines Commission.

98.30 Subd. 6. **Expiration.** The task force expires the day after submitting its report under

98.31 subdivision 5.

99.1 Sec. 12. **TITLE.**

99.2 Sections 2 and 3 may be known as "Justin Teigen's Law."