

CHAPTER 299A

DEPARTMENT OF PUBLIC SAFETY

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299A.01 DEPARTMENT OF PUBLIC SAFETY; CREATION AND ORGANIZATION.

[For text of subs 1 to 5, see M.S.1996]

Subd. 6. [Repealed, 1997 c 239 art 8 s 36]

299A.02 COMMISSIONERS OF PUBLIC SAFETY AND REVENUE; LIQUOR CONTROL FUNCTIONS.

Subdivision 1. **Conflict of interest.** No employee of the department of public safety or the department of revenue having any responsibility for the administration or enforcement of chapter 297C or 340A shall have a direct or indirect interest, except through ownership or investment in pension or mutual funds, in the manufacture, transportation or sale of intoxicating liquor or any malt or vinous beverages, intoxicating, nonintoxicating, or commercial or industrial alcohol. The commissioner of public safety or the commissioner of revenue may remove an employee in the unclassified civil service for any intentional violation of any provision of chapter 297C or 340A. Intentional violation of a provision of chapter 297C or 340A by a classified employee of one of the departments may be grounds for removal of that employee pursuant to section 43A.33.

Subd. 2. **General powers.** The commissioner shall administer and enforce the provisions of chapters 297C and 340A through the director of alcohol and gambling enforcement, except for those provisions thereof for which administration and enforcement are reserved to the commissioner of revenue.

Subd. 3. **Reports; rules.** The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of chapters 297C and 340A. The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale. No rule may require the use of new containers in aging whiskey. No rule may require cordials or liqueurs to contain in excess of 2-1/2 percent by weight of sugar or dextrose or both.

[For text of subd 4, see M.S.1996]

History: 1997 c 129 art 2 s 3-5

299A.38 SOFT BODY ARMOR REIMBURSEMENT.

[For text of subd 1, see M.S.1996]

Subd. 2. **State and local reimbursement.** Peace officers and heads of local law enforcement agencies who buy vests for the use of peace officer employees may apply to the commissioner for reimbursement of funds spent to buy vests. On approving an application for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser of one-half of the vest's purchase price or \$300, as adjusted according to subdivision 2a. The political subdivision that employs the peace officer shall pay at least the lesser of one-half of the vest's purchase price or \$300, as adjusted according to subdivision 2a. The political subdivision may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar allowance otherwise provided to the peace officer by the law enforcement agency.

Subd. 2a. **Adjustment of reimbursement amount.** On October 1, 1997, the commissioner of public safety shall adjust the \$300 reimbursement amounts specified in subdivision 2, and in each subsequent year, on October 1, the commissioner shall adjust the reimbursement amount applicable immediately preceding that October 1 date. The adjusted rate must reflect the annual percentage change in the Consumer Price Index for all urban consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year period ending on the preceding June 1.

[For text of subs 3 to 6, see M.S.1996]

History: 1997 c 159 art 2 s 40,41

299A.465 CONTINUED HEALTH INSURANCE COVERAGE TO DISABLED.

Subdivision 1. **Officer or firefighter disabled in line of duty.** (a) This subdivision applies when a peace officer or firefighter suffers a disabling injury that:

- (1) results in the officer's or firefighter's retirement or separation from service;
- (2) occurs while the officer or firefighter is acting in the course and scope of duties as a peace officer or firefighter; and
- (3) the officer or firefighter has been approved to receive the officer's or firefighter's duty-related disability pension.

(b) The officer's or firefighter's employer shall continue to provide health coverage for:

- (1) the officer or firefighter; and
- (2) the officer's or firefighter's dependents if the officer or firefighter was receiving dependent coverage at the time of the injury under the employer's group health plan.

(c) The employer is responsible for the continued payment of the employer's contribution for coverage of the officer or firefighter and, if applicable, the officer's or firefighter's dependents. Coverage must continue for the officer or firefighter and, if applicable, the officer's or firefighter's dependents until the officer or firefighter reaches the age of 65. However, coverage for dependents does not have to be continued after the person is no longer a dependent.

Subd. 2. **Officer or firefighter killed in line of duty.** (a) This subdivision applies when a peace officer or firefighter is killed while on duty and discharging the officer's or firefighter's duties as a peace officer or firefighter.

(b) The officer's or firefighter's employer shall continue to cover the deceased officer's or firefighter's dependents if the officer or firefighter was receiving dependent coverage at the time of the officer's or firefighter's death under the employer's group health plan.

(c) The employer is responsible for the employer's contribution for the coverage of the officer's or firefighter's dependents. Coverage must continue for a dependent of the officer or firefighter for the period of time that the person is a dependent up to the age of 65.

Subd. 3. **Coordination of benefits.** Health insurance benefits payable to the officer or firefighter and the officer's or firefighter's dependents from any other source provide the primary coverage, and coverage available under this section is secondary.

Subd. 4. **Public employer reimbursement.** A public employer subject to this section may annually apply to the commissioner of public safety for reimbursement of its costs of complying with this section. The commissioner shall provide reimbursement to the public employer out of the public safety officer's benefit account.

Subd. 5. **Definition.** For purposes of this section:

(a) "Peace officer" or "officer" has the meaning given in section 626.84, subdivision 1, paragraph (c).

(b) "Dependent" means a person who meets the definition of dependent in section 62L.02, subdivision 11, at the time of the officer's or firefighter's injury or death. A person is not a dependent for purposes of this section during the period of time the person is covered under another group health plan.

(c) "Firefighter" has the meaning given in section 424.03, but does not include volunteer firefighters.

History: 1997 c 239 art 8 s 6

299A.61 CRIMINAL ALERT NETWORK.

Subdivision 1. **Establishment.** The commissioner of public safety, in cooperation with the commissioner of administration, shall develop and maintain an integrated criminal alert network to facilitate the communication of crime prevention information by electronic means among state agencies, law enforcement officials, and the private sector. The network shall disseminate data regarding the commission of crimes, including information on missing and endangered children, and attempt to reduce theft and other crime by the use of electronic transmission of information. In addition, the commissioner shall evaluate the feasibility of using the network to disseminate data regarding the use of fraudulent checks and the coordination of security and antiterrorism efforts with the Federal Bureau of Investigation. If the commissioner determines that one or both of these uses are feasible, the commissioner shall ensure that the network disseminates data in the area or areas determined to be feasible.

[For text of subd 2, see M.S.1996]

History: 1997 c 239 art 8 s 7

299A.63 WEED AND SEED GRANT PROGRAM.

[For text of subs 1 to 3, see M.S.1996]

Subd. 4. **Attorney general duties.** (a) The attorney general may assist cities and local law enforcement officials in developing and implementing anticrime and neighborhood community revitalization strategies and may assist local prosecutors in prosecuting crimes occurring in the targeted neighborhoods that receive funding under this section. Upon request of the local prosecuting authority, the attorney general may appear in court in those civil and criminal cases arising as a result of this section that the attorney general deems appropriate. For the purposes of this section, the attorney general may appear in court in nuisance actions under chapter 617, and misdemeanor prosecutions under chapter 609.

(b) The attorney general may assist cities in developing appropriate applications to the United States Department of Justice for federal weed and seed grants for use in conjunction with grants awarded under this section.

History: 1997 c 239 art 8 s 11

CRIMINAL GANG COUNCIL AND STRIKE FORCE**299A.64 CRIMINAL GANG COUNCIL AND STRIKE FORCE.**

Subdivision 1. **Membership of council.** The criminal gang oversight council consists of the following individuals or their designees: the commissioner of public safety; the commissioner of corrections; the superintendent of the bureau of criminal apprehension; the attorney general; the chief law enforcement officers for Minneapolis, St. Paul, St. Cloud, and Duluth; a chief of police selected by the president of the Minnesota chiefs of police association; two sheriffs, one from a county in the seven-county metropolitan area other than Hennepin or Ramsey county and the other from a county outside the metropolitan area, both selected by the president of the Minnesota sheriffs association; the executive director of the Minnesota police and peace officers association; and the Hennepin, Ramsey, St. Louis, and Olmsted county sheriffs. The council may select a chair from among its members.

Subd. 2. **Statewide gang strategy.** (a) The council shall develop an overall strategy to eliminate the harm caused to the public by criminal gangs and their illegal activities within the state of Minnesota. In developing the strategy, the council shall consult with representatives from the community services division of the Minnesota department of corrections and federal probation officers employed by the United States District Court of Minnesota. As far as practicable, the strategy must address all criminal gangs operating in the state regardless of location or the motivation or ethnicity of the gangs' members. The strategy must address criminal gangs in both the metropolitan area and greater Minnesota. The council shall consult with and take into account the needs of law enforcement agencies and prosecutorial offices in greater Minnesota in developing the strategy. The strategy must target individuals or

groups based on their criminal behavior, not their physical appearance. The strategy must take into account the rights of groups and individuals that the strike force may target and protect against abuses of these rights.

(b) In addition to developing the strategy described in paragraph (a), the council shall develop criteria and identifying characteristics for use in determining whether individuals are or may be members of gangs involved in criminal activity. The council shall also develop procedures and criteria for the investigation of criminal gangs and crimes committed by those gangs throughout the state.

Subd. 3. Criminal gang strike force. The council shall oversee the organization and deployment of a statewide criminal gang strike force. The strike force must consist of law enforcement officers, bureau of criminal apprehension agents, an assistant attorney general, and a communications and intelligence network. The council shall select the members of the strike force who shall serve at the pleasure of the council. The council shall ensure that all law enforcement officers selected to join the strike force are licensed peace officers or federal law enforcement agents found by the Minnesota board of peace officer standards and training to have equivalent qualifications. In selecting members of the strike force, the council shall consult with chiefs of local law enforcement agencies, sheriffs, and other interested parties. The council shall request these individuals to recommend willing and experienced persons under their jurisdiction who would help the strike force and to permit those persons to join it. To the greatest extent possible, entities contributing members to the strike force are encouraged to also contribute equipment and other support. The council shall attempt to ensure that these entities do so.

Subd. 4. Strike force duties. The strike force shall implement the strategy developed by the council and is responsible for tactical decisions regarding implementation of the strategy. In addition and upon request, the strike force shall assist and train local governmental units, law enforcement agencies, and prosecutors' offices in methods to identify criminal gangs and gang members. To the greatest extent possible, the strike force shall operate as a cohesive unit exclusively for the purposes listed in this section. If regional units are established under subdivision 7, the council shall ensure that the existence and operation of these units do not impair the overall goal of a uniform statewide strategy to combat crimes committed by gangs.

Subd. 5. Service; transfers. To the greatest extent possible, members of the strike force shall serve on the force for the entirety of its existence. Members continue to be employed by the same entity by which they were employed before joining the strike force. While serving on the strike force, however, members are under the exclusive command of the strike force. A member who desires to be transferred back to the position the member held before joining the strike force may request a transfer from the council. The council shall approve and arrange for the requested transfer as soon as is practicable. The person in charge of the organization from which the member came also may request that a member be transferred back. In these instances, the council shall approve and arrange for the requested transfer immediately or as soon as is practicable. If a member is transferred from the strike force, the person in charge of the organization from which the member came shall arrange for an experienced individual, acceptable to the council, to replace the transferred person on the strike force. If this arrangement cannot be made, any grant received under section 299A.66, subdivision 1, must be repaid on a prorated basis.

Subd. 6. Commanders. The council shall designate a member of the strike force to be its commander and may appoint an individual assigned to a regional unit established under subdivision 7 to be the commander of the regional unit.

Subd. 7. Regional units. If the council at any time determines that it would be more effective and efficient to have distinct units within the strike force concentrating on specific areas, it may establish regional units within the strike force and select their members. If the council chooses to do so, the other provisions of this section still apply to the individual units, and the council still has the duty and authority to develop necessary procedures and criteria for and to oversee the operation of each individual unit. The council may continue to alter the structure of the strike force and any units composing it in any way designed to further its effectiveness and to carry out the intent of this section.

Subd. 8. Role of assistant attorney general. The assistant attorney general assigned to the strike force shall generally advise the council on any matters that the council deems appropriate. The council may seek advice from other attorneys and, if the council decides it would be appropriate, may retain outside counsel. The assistant attorney general shall train local prosecutors in prosecuting cases involving criminal gangs and in interviewing witnesses and victims and shall cooperate with other strike force members in developing and building strong cases.

Subd. 9. Attorney general; community liaison. The attorney general or a designee shall serve as a liaison between the criminal gang oversight council and the councils created in sections 3.922, 3.9223, 3.9225, and 3.9226. The attorney general or the designee will be responsible for:

(1) informing the councils of the criminal gang oversight council's plans, activities, and decisions and hearing their reactions to those plans, activities, and decisions; and

(2) providing the criminal gang oversight council with information about the councils' position on the oversight council's plans, activities, and decisions.

In no event is the criminal gang oversight council required to disclose the names of individuals identified by it to the councils referenced in this subdivision.

Nothing in this subdivision changes the data classification of any data held by the oversight council.

Subd. 10. Required report. By February 1 of each year, the council shall report to the chairs of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on the activities of the council and strike force.

History: 1997 c 239 art 8 s 8

299A.65 JURISDICTION AND LIABILITY.

Subdivision 1. Statewide jurisdiction. Law enforcement officers who are members of the criminal gang strike force have statewide jurisdiction to conduct criminal investigations and possess the same powers of arrest as those possessed by a sheriff.

Subd. 2. Liability and workers' compensation. While operating under the scope of this section, members of the strike force are "employees of the state" as defined in section 3.736 and are considered employees of the department of public safety for purposes of chapter 176.

History: 1997 c 239 art 8 s 9

299A.66 GRANT PROGRAMS.

Subdivision 1. Reimbursement grants authorized. The commissioner of public safety, upon recommendation of the council, may award grants to local law enforcement agencies, sheriff's offices, and other organizations that have contributed members to the criminal gang strike force to hire new persons to replace those who have joined the force. A grant may cover a two-year period and reimburse the recipient for a maximum of 100 percent of the salary of the person contributed to the strike force. A recipient of a grant under this subdivision must use the money to hire a new person to replace the person who has joined the strike force, thus keeping its complement of employees at the same level. The money may not be used to pay for equipment or uniforms.

Subd. 2. Grants to expand local capacity to combat criminal gangs. (a) The commissioner of public safety, upon recommendation of the council, may award grants to local law enforcement agencies and city and county attorneys' offices to expand the agency's or office's capacity to successfully investigate and prosecute crimes committed by criminal gangs.

(b) Grant applicants under this subdivision shall submit to the commissioner and the council a detailed plan describing the uses for which the money will be put. The commissioner and the council shall evaluate grant applications and award grants in a manner that will best ensure positive results. The commissioner may award grants to purchase necessary equipment and to develop or upgrade computer systems if the commissioner determines that those uses would best aid the recipient's attempts to combat criminal gangs. The commis-

sioner shall require recipients of grants to provide follow-up reports to the council detailing the success of the recipient in combating criminal gangs.

(c) The commissioner shall condition grants made under this subdivision to require that recipients agree to cooperate with the council and the bureau of criminal apprehension in establishing and expanding the criminal gang investigative data system described in section 299C.091 and in implementing the strategy developed by the council to combat criminal gangs. Grant recipients must agree to provide the council and bureau with any requested information regarding the activities and characteristics of criminal gangs and gang members operating within their jurisdictions.

History: 1997 c 239 art 8 s 10

299A.70 PUBLIC SAFETY MOTOR VEHICLE ACCOUNT.

The public safety motor vehicle account is created in the special revenue fund, consisting of the fees collected under section 168A.29, subdivision 1, paragraph (b). Money in the account is annually appropriated to the commissioner for purchasing and equipping department vehicles.

History: 1997 c 159 art 2 s 42