CHAPTER 626

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SEARCH WARRANTS

626.04 PROPERTY; SEIZURE, KEEPING, AND DISPOSAL.

(a) When any officer seizes, with or without warrant, any property or thing, it shall be safely kept by direction of the court as long as necessary for the purpose of being produced as evidence on any trial. If the owner of the property makes a written request to the seizing officer's agency for return of the property, and the property has not been returned within 48 hours of the request, excluding Saturday, Sunday, or legal holidays, the person whose property has been seized may file a petition for the return of the property in the district court in the district in which the property was seized. The court administrator shall provide a form for use as a petition under this section. A filing fee, equal to the civil motion filing fee, shall be required for filing the petition. The district court shall send a copy of the petition to the agency acting as custodian of the property with at least ten days' notice of a hearing date. A hearing on the petition shall be held within 30 days of filing unless good cause is shown for an extension of time. The determination of the petition must be without jury trial and by a simple and informal procedure. At the hearing, the court may receive relevant evidence on any issue of fact necessary to the decision on the petition without regard to whether the evidence would be admissible under the Minnesota Rules of Evidence. The court shall allow if requested, or on its own motion may require, the custodian or the custodian's designee to summarize the status and progress of an ongoing investigation that led to the seizure. Any such summary shall be done ex parte and only the custodian, the custodian's designee, and their attorneys may be present with the court and court staff. The court shall seal the ex parte record. After a hearing, the court shall not order the return if it finds that:

(1) the property is being held in good faith as potential evidence in any matter, charged or uncharged;

(2) the property may be subject to forfeiture proceedings;

(3) the property is contraband or may contain contraband; or

(4) the property is subject to other lawful retention.

(b) The court shall make findings on each of these issues as part of its order. If the property is ordered returned, the petitioner shall not be liable for any storage costs incurred from the date the petition was filed. If the petition is denied, the court may award reasonable costs and attorney fees. After the trial for which the property was being held as potential evidence, and the expiration date for all associated appeals, the property or thing shall, unless otherwise subject to lawful detention, be returned to its owner or any other person entitled to possess it. Any property or thing seized may be destroyed or otherwise disposed of under the direction of the court. Any money found in gambling devices when seized shall be paid into the county treasury. If the gambling devices are seized by a police officer of a municipality, the money shall be paid into the treasury of the municipality.

History: *(10540) RL s 5199; 1929 c 177; 1963 c 849 s 16; 1983 c 359 s 111; 2005 c 136 art 14 s 17*

626.05 DEFINITIONS.

Subdivision 1. **Search warrant.** A "search warrant" is an order in writing, in the name of the state, signed by a court other than a court exercising probate jurisdiction, directed to a peace officer, commanding the peace officer to make a search as authorized by law and hold any item seized, subject to the order of a court.

Subd. 2. **Peace officer.** The term "peace officer," as used in sections 626.04 to 626.17, means a person who is licensed as a peace officer in accordance with section 626.84, subdivision 1, and who serves as a sheriff, deputy sheriff, police officer, conservation officer, agent of the Bureau of Criminal Apprehension,

agent of the Division of Alcohol and Gambling Enforcement, University of Minnesota peace officer, Metropolitan Transit police officer, Minnesota Department of Corrections Fugitive Apprehension Unit member, State Patrol trooper as authorized by section 299D.03, or railroad peace officer as authorized by section 219.995 and United States Code, title 49, section 28101.

Subd. 3. **Crime.** The term "crime," as used in sections 626.04 to 626.17, includes (1) those offenses defined as crimes in section 609.02, subdivision 1, and (2) all violations of municipal ordinances for which a misdemeanor sentence may be imposed.

History: *1963 c 849 s 3; 1976 c 2 s 154; 1977 c 82 s 4; 1979 c 258 s 21; 1983 c 359 s 112; 1986 c 444; 1988 c 447 s 1; 1989 c 334 art 6 s 11; 1990 c 502 s 7; 1993 c 326 art 7 s 13; 1995 c 189 s 8; 1996 c 277 s 1; 1997 c 129 art 2 s 15; 2002 c 291 s 4; 2012 c 155 s 10; 2017 c 98 s 5; 2024 c 123 art 3 s 4; 2025 c 35 art 3 s 22*

626.06 JURISDICTION TO ISSUE.

Search warrants may be issued by any court, other than a court exercising probate jurisdiction, having jurisdiction in the area where the place to be searched is located.

History: *1963 c 849 s 4; 1983 c 359 s 113; 1995 c 189 s 8; 1996 c 277 s 1*

626.07 GROUNDS FOR ISSUANCE.

A search warrant may be issued upon any of the following grounds:

(1) the property or things were stolen or embezzled;

(2) the property or things were used as the means of committing a crime;

(3) the possession of the property or things constitutes a crime;

(4) the property or things are in the possession of any person with the intent to use them as a means of committing a crime, or the property or things so intended to be used are in the possession of another to whom they have been delivered for the purpose of concealing them or preventing their being discovered;

(5) the property or things to be seized consist of any item or constitute any evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The property or things described in this section may be taken pursuant to the warrant from any place, or from any person in whose possession they may be.

History: *1963 c 849 s 5*

626.08 PROBABLE CAUSE.

A search warrant cannot be issued but upon probable cause, supported by affidavit, naming or describing the person, and particularly describing the property or thing to be seized, and particularly describing the place to be searched.

History: *1963 c 849 s 6*

626.085 SEARCH WARRANT REQUIRED FOR ELECTRONIC COMMUNICATION INFORMATION.

Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given them:

(1) "electronic communication" means the transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system;

(2) "electronic communication information" means any information about an electronic communication or the use of an electronic communication service, limited to the contents of electronic communications and precise or approximate location of the sender or recipients at any point during the communication;

(3) "electronic communication service" has the meaning given in section 626A.01, subdivision 17; and

(4) "government entity" has the meaning given in section 626A.42, subdivision 1, paragraph (d).

Subd. 2. **Warrant required; exceptions.** (a) Except as provided in paragraph (b), a government entity must obtain a search warrant to require disclosure of electronic communication information.

(b) A government entity may request disclosure of electronic communication information without a search warrant if the agency has valid consent from one authorized to give it, or exigent circumstances exist where there is a danger to the life or physical safety of an individual.

Subd. 3. **Notice to subject.** A government entity accessing electronic communication information under subdivision 2 must provide notice to the subject of the information consistent with the requirements of subdivision 4 and section 626.16.

Subd. 4. **Notice; temporary nondisclosure of search warrant.** (a) Within a reasonable time but not later than 90 days after the court unseals the search warrant under this subdivision, the issuing or denying judge shall cause to be served on the persons named in the warrant and the application an inventory which shall include notice of:

(1) the issuance of the warrant or the application;

(2) the date of issuance and the period of authorized, approved, or disapproved collection of electronic communication information, or the denial of the application; and

(3) whether electronic communication information was or was not collected during the period.

(b) A search warrant authorizing collection of electronic communication information must direct that:

(1) the warrant be sealed for a period of 90 days or until the objective of the warrant has been accomplished, whichever is shorter; and

(2) the warrant be filed with the court administrator within ten days of the expiration of the warrant.

(c) The prosecutor may request that the search warrant, supporting affidavits, and any order granting the request not be filed. An order must be issued granting the request in whole or in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that filing the warrant may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation.

(d) The search warrant must direct that following the commencement of any criminal proceeding utilizing evidence obtained in or as a result of the search, the supporting application or affidavit must be filed either immediately or at any other time as the court directs. Until the filing, the documents and materials ordered withheld from filing must be retained by the judge or the judge's designee.

Subd. 5. **Reports.** (a) At the same time as notice is provided according to the requirements of subdivision 4, the issuing or denying judge shall report to the state court administrator:

(1) that a warrant was applied for under this section;

(2) whether the warrant was granted as applied for, was modified, or was denied;

(3) the period of collection of electronic communication information authorized by the warrant, and the number and duration of any extensions of the warrant;

(4) the offense specified in the warrant or application or extension of a warrant; and

(5) the identity of the applying investigative or peace officer and agency making the application and the person authorizing the application.

(b) On or before November 15 of each even-numbered year, the state court administrator shall transmit to the legislature a report concerning: (1) all warrants authorizing the collection of electronic communication information during the two previous calendar years; and (2) all applications that were denied during the two previous calendar years. Each report shall include a summary and analysis of the data required to be filed under this section. The report is public and must be available for public inspection at the Legislative Reference Library and the state court administrator's office and website.

(c) Nothing in this section prohibits or restricts a service provider from producing an annual report summarizing the demands or requests it receives under this section.

History: *2020 c 82 s 4*

626.09 EXAMINATION OF PARTIES MAKING REQUEST.

The court may, before issuing the warrant, examine on oath the person seeking the warrant and any witnesses the person may produce. It shall take the affidavits in writing, and cause them to be subscribed to by the party or parties making them.

History: *1963 c 849 s 7; 1983 c 359 s 114; 1986 c 444*

626.10 AFFIDAVIT; CONTENT.

The affidavit or affidavits must set forth the facts tending to establish the grounds of the application, or probable cause for believing that they exist.

History: *1963 c 849 s 8*

626.11 ISSUANCE OF WARRANT.

(a) If the judge is satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, the judge must issue a signed search warrant, naming the judge's judicial office, to a peace officer inside or outside the officer's jurisdiction. The warrant shall direct the officer to search the person or place named for the property or things specified, and to retain the property or things in the officer's custody subject to order of the court issuing the warrant.

(b) Nothing in sections 626.04 to 626.17 is meant to supersede another law or statute that limits a peace officer's authority to obtain, serve, or execute a search warrant.

History: *1963 c 849 s 9; 1979 c 258 s 22; 1983 c 359 s 115; 1986 c 444; 2000 c 325 s 1; 2001 c 78 s 2; 2002 c 291 s 5; 2003 c 86 s 1*

626.12 APPLICANTS; NAMES ON WARRANT.

The warrant, in addition, shall contain the names of the persons presenting affidavits in support of the application, and the grounds for its issuance.

History: *1963 c 849 s 10*

626.13 SERVICE; PERSONS MAKING.

A search warrant may in all cases be served anywhere within the issuing judge's jurisdiction by any of the officers mentioned in its directions, but by no other person, except in aid of the officer on the officer's requiring it, the officer being present and acting in its execution. An officer serving and executing a warrant shall notify the chief of police of an organized full-time police department of the municipality or, if there is no such local chief of police, the sheriff or a deputy sheriff of the county in which service is to be made prior to service and execution.

History: *1963 c 849 s 11; 1979 c 258 s 23; 1986 c 444; 1989 c 334 art 6 s 12; 1990 c 502 s 8; 1993 c 326 art 7 s 14; 1995 c 226 art 2 s 33; 1995 c 244 s 37; 1997 c 129 art 2 s 15; 2001 c 78 s 3; 2002 c 291 s 6; 2003 c 86 s 2*

626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.

Subdivision 1. **Time.** A search warrant may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public. The search warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless a nighttime search outside those hours is authorized.

Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means a search warrant authorizing peace officers to enter certain premises without first loudly and understandably announcing the officer's presence or purpose and waiting an objectively reasonable amount of time thereafter for the occupant to comply, based on a totality of the circumstances, prior to entering the premises.

Subd. 2a. **No-knock search warrants.** A court may not issue or approve a no-knock search warrant unless the judge determines that the applicant has articulated specific, objective facts that establish probable cause for belief that:

(1) the search cannot be executed while the premises is unoccupied; and

(2) the occupant or occupants in the premises present an imminent threat of death or great bodily harm to the officers executing the warrant or other persons.

Subd. 3. **Requirements for a no-knock search warrant.** (a) No peace officer shall seek a no-knock search warrant unless the warrant application includes at a minimum:

(1) all documentation and materials the issuing court requires;

(2) the information specified in paragraph (b); and

(3) a sworn affidavit as provided in section 626.08.

(b) Each warrant application seeking a no-knock entry must include, in detailed terms, the following:

(1) why peace officers are seeking the use of a no-knock entry and are unable to detain the suspect or search the premises safely through the use of a knock and announce warrant;

(2) what investigative activities have taken place to support issuance of the no-knock search warrant, or why no investigative activity is needed or able to be performed;

(3) the known or suspected occupant or occupants of the premises, including the number of occupants under age 18; and

(4) whether the warrant can be effectively executed during daylight hours according to subdivision 1.

(c) The chief law enforcement officer or designee and another superior officer must review and approve each warrant application. The agency must document the approval of both reviewing parties.

(d) A no-knock search warrant shall not be issued when the only crime alleged is possession of a controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use.

Subd. 4. **Reporting requirements regarding no-knock search warrants.** (a) Law enforcement agencies shall report to the commissioner of public safety regarding the use of no-knock search warrants in a format prescribed by the commissioner. An agency must report the use of a no-knock search warrant to the commissioner no later than three months after the date the warrant was issued. The report shall include the following information:

(1) the number of no-knock search warrants requested;

(2) the number of no-knock search warrants the court issued;

(3) the number of no-knock search warrants executed;

(4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians in the execution of no-knock search warrants; and

(5) any other information the commissioner requests.

(b) The commissioner of public safety shall report the information provided under paragraph (a) annually to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety.

History: *1963 c 849 s 12; 1983 c 359 s 116; 1992 c 569 s 29; 1Sp2021 c 11 art 9 s 23; 2023 c 52 art 9 s 5-7*

626.15 EXECUTION AND RETURN OF WARRANT; TIME.

(a) Except as provided in paragraphs (b) and (c), a search warrant must be executed and returned to the court which issued it within ten days after its date. After the expiration of this time, the warrant is void unless previously executed.

(b) A search warrant on a financial institution for financial records is valid for 30 days.

(c) A district court judge may grant an extension of a warrant on a financial institution for financial records upon an application under oath stating that the financial institution has not produced the requested financial records within the 30-day period and that an extension is necessary to achieve the purposes for which the search warrant was granted. Each extension may not exceed 30 days.

(d) For the purposes of this section, "financial institution" has the meaning given in section 13A.01, subdivision 2, and "financial records" has the meaning given in section 13A.01, subdivision 3.

History: *1963 c 849 s 13; 1983 c 359 s 117; 1999 c 117 s 1; 2023 c 52 art 9 s 8*

626.16 DELIVERY OF COPY OF WARRANT AND RECEIPT.

When the officer conducts the search the officer must give a copy of the warrant and, when property or things are taken, a receipt therefor (specifying it in detail) to the person in whose possession the premises or the property or things taken were found; or, in the absence of any person, the officer must leave such copy of the warrant and receipt in the place where the property or things were found. Such delivery of a copy of the warrant shall constitute service.

History: *1963 c 849 s 14; 1986 c 444*

626.17 RETURN AND INVENTORY.

The officer must immediately return the warrant to the court and deliver to it a written inventory of the property or things taken, verified by the certificate of the officer at the foot of the inventory.

History: *1963 c 849 s 15; 1983 c 359 s 118*

626.18 SEARCH WARRANTS RELATING TO ELECTRONIC COMMUNICATION SERVICES AND REMOTE COMPUTING SERVICES.

Subdivision 1. **Definitions.** The definitions in this subdivision apply to this section.

(a) The terms "electronic communication services" and "remote computing services" shall be construed in accordance with United States Code, title 18, sections 2701 to 2711, as amended through March 1, 2001. This section does not apply to corporations that do not provide those services to the general public.

(b) An "adverse result" occurs when notification of the existence of a search warrant results in:

(1) danger to the life or physical safety of an individual;

(2) a flight from prosecution;

(3) the destruction of or tampering with evidence;

(4) the intimidation of potential witnesses; or

(5) serious jeopardy to an investigation or undue delay of a trial.

(c) "Applicant" means a peace officer as defined in section 626.05, to whom a search warrant is issued pursuant to this chapter.

(d) "Minnesota corporation" refers to any corporation or other entity that is subject to section 5.25, excluding foreign corporations.

(e) A "foreign corporation" is considered to be doing business in Minnesota if it makes a contract or engages in a terms of service agreement with a resident of Minnesota to be performed in whole or in part by either party in Minnesota. The making of the contract or terms of service agreement is considered to be the agreement of the foreign corporation that any administrative subpoena or search warrant properly served on it has the same legal force and effect as if served personally on it within the state of Minnesota.

(f) "Properly served" means that a search warrant has been delivered by hand, or in a manner reasonably allowing for proof of delivery if delivered by United States mail, overnight delivery service, or facsimile to a person or entity listed in section 5.25 or covered by this statute.

Subd. 2. **Application.** (a) The following provisions shall apply to any search warrant issued under this chapter allowing a search for records that are in the actual or constructive possession of a foreign corporation that provides electronic communication services or remote computing services to the general public, where those records would reveal the identity of the customers using those services; data stored by, or on behalf of, the customer; the customer's usage of those services; the recipient or destination of communications sent to or from those customers; or the content of those communications.

(b) When properly served with a search warrant issued by the Minnesota court, a foreign corporation subject to this section shall provide to the applicant all records sought pursuant to that warrant within eight business days of receipt, including those records maintained or located outside this state.

(c) Where the applicant makes a showing and the judge finds that failure to produce records within less than eight business days would cause an adverse result, the warrant may require production of records within less than eight business days. A court may reasonably extend the time required for production of the records upon finding that the foreign corporation has shown good cause for that extension and that an extension of time would not cause an adverse result.

(d) A foreign corporation seeking to quash the warrant must seek relief from the court that issued the warrant within the time required for production of records under this section. The issuing court shall hear and decide that motion no later than eight court days after the motion is filed.

(e) The foreign corporation shall verify the authenticity of records that it produces by providing a written affidavit or statement to that effect.

Subd. 3. **Warrant of another state.** A Minnesota corporation that provides electronic communication services or remote computing services to the general public, when served with a warrant issued by another state to produce records that would reveal the identity of the customers using those services; data stored by, or on behalf of, the customer; the customer's usage of those services; the recipient or destination of communications sent to or from those customers; or the content of those communications, shall produce those records as if that warrant had been issued by a Minnesota court.

Subd. 4. **Immunity.** No cause of action shall lie against any foreign or Minnesota corporation subject to this section, its officers, employees, agents, or other specified persons for providing records, information, facilities, or assistance in accordance with the terms of a warrant issued pursuant to this chapter.

History: *2001 c 197 s 6*

626.19 USE OF UNMANNED AERIAL VEHICLES.

Subdivision 1. **Application; definitions.** (a) This section applies to unmanned aerial vehicle data collected, created, or maintained by a law enforcement agency and to law enforcement agencies that maintain, use, or plan to use an unmanned aerial vehicle in investigations, training, or in response to emergencies, incidents, and requests for service. Unmanned aerial vehicle data collected, created, or maintained by a government entity is classified under chapter 13.

(b) For purposes of this section, the following terms have the meanings given:

(1) "government entity" has the meaning given in section 13.02, subdivision 7a, except that it does not include a law enforcement agency;

(2) "law enforcement agency" has the meaning given in section 626.84, subdivision 1;

(3) "unmanned aerial vehicle" or "UAV" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft; and

(4) "terrorist attack" means a crime that furthers terrorism as defined in section 609.714, subdivision 1.

Subd. 2. **Use of unmanned aerial vehicles limited.** Except as provided in subdivision 3, a law enforcement agency must not use a UAV without a search warrant issued under this chapter.

Subd. 3. **Authorized use.** A law enforcement agency may use a UAV:

(1) during or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person;

(2) to document evidence that is at imminent risk of destruction;

(3) over a public event where there is a heightened risk to the safety of participants or bystanders;

(4) to counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk;

(5) to prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue, and recovery operations in the aftermath of these disasters;

(6) to conduct a threat assessment in anticipation of a specific event;

(7) to collect information from a public area if there is reasonable suspicion of criminal activity;

(8) to collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road;

(9) over a private area with the written consent of the occupant or a public area, for officer training or public relations purposes;

(10) for purposes unrelated to law enforcement at the request of a government entity provided that the government entity makes the request in writing to the law enforcement agency and specifies the reason for the request and proposed period of use; and

(11) to facilitate the active search for a missing person.

Subd. 4. **Limitations on use.** (a) A law enforcement agency using a UAV must comply with all Federal Aviation Administration requirements and guidelines.

(b) A law enforcement agency must not deploy a UAV with facial recognition or other biometric-matching technology unless expressly authorized by a warrant.

(c) A law enforcement agency must not equip a UAV with weapons.

(d) A law enforcement agency must not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under subdivision 3.

Subd. 5. **Documentation required.** A law enforcement agency must document each use of a UAV, connect each deployment to a unique case number, provide a factual basis for the use of a UAV, and identify the applicable exception under subdivision 3 unless a warrant was obtained.

Subd. 6. **Data classification; retention.** (a) Data collected by a UAV are private data on individuals or nonpublic data, subject to the following:

(1) if the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy;

(2) UAV data may be disclosed as necessary in an emergency situation under subdivision 3, clause (1);

(3) UAV data may be disclosed to the government entity making a request for UAV use under subdivision 3, clause (9);

(4) UAV data that are criminal investigative data are governed by section 13.82, subdivision 7; and

(5) UAV data that are not public data under other provisions of chapter 13 retain that classification.

(b) Section 13.04, subdivision 2, does not apply to data collected by a UAV.

(c) Notwithstanding section 138.17, a law enforcement agency must delete data collected by a UAV as soon as possible, and in no event later than seven days after collection unless the data is part of an active criminal investigation.

Subd. 7. **Evidence.** Information obtained or collected by a law enforcement agency in violation of this section is not admissible as evidence in a criminal, administrative, or civil proceeding against the data subject.

Subd. 8. **Remedies.** In addition to any other remedies provided by law, including remedies available under chapter 13, an aggrieved party may bring a civil action against a law enforcement agency to prevent or remedy a violation of this section.

Subd. 9. **Public comment.** A law enforcement agency must provide an opportunity for public comment before it purchases or uses a UAV. At a minimum, the agency must accept public comments submitted electronically or by mail. The governing body with jurisdiction over the budget of a local law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting.

Subd. 10. **Written policies and procedures required.** Prior to the operation of a UAV, the chief officer of every state and local law enforcement agency that uses or proposes to use a UAV must establish and enforce a written policy governing its use, including requests for use from government entities. In developing and adopting the policy, the law enforcement agency must provide for public comment and input as described in subdivision 9. The written policy must be posted on the agency's website, if the agency has a website.

Subd. 11. **Notice; disclosure of warrant.** (a) Within a reasonable time but not later than 90 days after the court unseals a warrant under this subdivision, the issuing or denying judge shall cause to be served on the persons named in the warrant and the application an inventory that shall include notice of:

(1) the issuance of the warrant or application;

(2) the date of issuance and the period of authorized, approved, or disapproved collection of information, or the denial of the application; and

(3) whether information was or was not collected during the period.

(b) A warrant authorizing collection of information with a UAV must direct that:

(1) the warrant be sealed for a period of 90 days or until the objective of the warrant has been accomplished, whichever is shorter; and

(2) the warrant be filed with the court administrator within ten days of the expiration of the warrant.

(c) The prosecutor may request that the warrant, supporting affidavits, and any order granting the request not be filed. An order must be issued granting the request in whole or in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that filing the warrant may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation.

(d) The warrant must direct that, following the commencement of any criminal proceeding using evidence obtained in or as a result of the search, the supporting application or affidavit must be filed either immediately or at any other time as the court directs. Until the filing, the documents and materials ordered withheld from filing must be retained by the judge or the judge's designee.

Subd. 12. **Reporting.** (a) By January 15 of each year, each law enforcement agency that maintains or uses a UAV shall report to the commissioner of public safety the following information for the preceding calendar year:

(1) the number of times a UAV was deployed without a search warrant issued under this chapter, identifying the date of deployment and the authorized use of the UAV under subdivision 3; and

(2) the total cost of the agency's UAV program.

(b) By June 15 of each year, the commissioner of public safety shall compile the reports submitted to the commissioner under paragraph (a), organize the reports by law enforcement agency, submit the compiled report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over data practices and public safety, and make the compiled report public on the department's website.

(c) By January 15 of each year, a judge who has issued or denied approval of a warrant under this section that expired during the preceding year shall report to the state court administrator:

(1) that a warrant or extension was applied for;

(2) the type of warrant or extension applied for;

(3) whether the warrant or extension was granted as applied for, modified, or denied;

(4) the period of UAV use authorized by the warrant and the number and duration of any extensions of the warrant;

(5) the offense specified in the warrant or application or extension of a warrant; and

(6) the identity of the law enforcement agency making the application and the person authorizing the application.

(d) By June 15 of each year, the state court administrator shall submit to the chairs and ranking minority members of the senate and house of representatives committees or divisions having jurisdiction over data practices and public safety and post on the supreme court's website a full and complete report concerning the number of applications for warrants authorizing or approving use of UAVs or disclosure of information

from the use of UAVs under this section and the number of warrants and extensions granted or denied under this section during the preceding calendar year. The report must include a summary and analysis of the data required to be filed with the state court administrator under paragraph (c).

History: *2020 c 82 s 5; 2025 c 35 art 5 s 23*

UNLAWFUL SEARCHES AND SEIZURES

626.21 RETURN OF PROPERTY AND SUPPRESSION OF EVIDENCE.

(a) A person aggrieved by an unlawful search and seizure may move the district court for the district in which the property was seized or the district court having jurisdiction of the substantive offense for the return of the property and to suppress the use, as evidence, of anything so obtained on the ground that:

(1) the property was illegally seized;

(2) the property was illegally seized without warrant;

(3) the warrant is insufficient on its face;

(4) the property seized is not that described in the warrant;

(5) there was not probable cause for believing the existence of the grounds on which the warrant was issued;

(6) the warrant was illegally executed;

(7) the warrant was improvidently issued; or

(8) the warrant was executed or served in violation of section 626.14.

(b) The judge shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted the property shall be restored unless otherwise subject to lawful detention, and it shall not be admissible in evidence at any hearing or trial. The motion to suppress evidence may also be made in the district where the trial is to be had. The motion shall be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.

History: *1963 c 850 s 1; 1998 c 254 art 2 s 71; 2023 c 52 art 9 s 9*

626.22 MALICIOUSLY PROCURING SEARCH WARRANT; MISCONDUCT IN USE.

Every person who shall maliciously and without probable cause procure a search warrant to be issued and executed, and every officer who, in executing a search warrant, shall willfully exceed the officer's authority, or exercise it with unnecessary severity, shall be guilty of a misdemeanor.

History: *(10031) RL s 4846; 1986 c 444*

626.223 ODOR OF CANNABIS; SEARCH PROHIBITED.

A peace officer's perception of the odor of cannabis shall not serve as the sole basis to search a motor vehicle, or to search the driver, passengers, or any of the contents of a motor vehicle.

History: *2024 c 123 art 3 s 5*

626.311 MS 1967 [Repealed, 1969 c 177 s 1]

626.312 MS 1967 [Repealed, 1969 c 177 s 1]

626.313 MS 1967 [Repealed, 1969 c 177 s 1]

626.314 MS 1967 [Repealed, 1969 c 177 s 1]

626.315 MS 1967 [Repealed, 1969 c 177 s 1]

626.316 MS 1967 [Repealed, 1969 c 177 s 1]

626.317 MS 1967 [Repealed, 1969 c 177 s 1]

626.318 MS 1967 [Repealed, 1969 c 177 s 1]

626.319 MS 1967 [Repealed, 1969 c 177 s 1]

626.32 [Obsolete]

626.33 [Renumbered 299C.03]

626.34 [Renumbered 299C.04]

626.35 [Renumbered 299C.05]

626.36 [Renumbered 299C.06]

626.365 [Renumbered 299C.07]

626.37 [Renumbered 299C.08]

626.38 [Renumbered 299C.09]

626.39 [Renumbered 299C.10]

626.40 [Renumbered 299C.11]

626.41 [Renumbered 299C.12]

626.42 [Renumbered 299C.13]

626.43 [Renumbered 299C.14]

626.44 [Renumbered 299C.15]

626.45 [Renumbered 299C.16]

626.46 MS 1957 [Repealed, Ex1959 c 34 s 12]

626.461 MS 1965 [Repealed, 1967 c 870 s 15]

626.462 MS 1965 [Repealed, 1967 c 870 s 15]

626.463 MS 1965 [Repealed, 1967 c 870 s 15]

626.464 MS 1965 [Repealed, 1967 c 870 s 15]

626.465 MS 1965 [Repealed, 1967 c 870 s 15]

626.466 MS 1965 [Repealed, 1967 c 870 s 15]

626.467 MS 1965 [Repealed, 1967 c 870 s 15]

626.468 MS 1965 [Repealed, 1967 c 870 s 15]

626.469 MS 1965 [Repealed, 1967 c 870 s 15]

626.47 [Renumbered 299C.17]

626.48 [Renumbered 299C.18]

626.49 [Renumbered 299C.19]

626.50 [Renumbered 299C.20]

626.51 [Renumbered 299C.21]

REPORTING

626.52 SUSPICIOUS WOUNDS; REPORTING BY HEALTH PROFESSIONALS.

Subdivision 1. **Definition.** As used in this section, "health professional" means a physician, surgeon, person authorized to engage in the practice of healing, superintendent or manager of a hospital, nurse, or pharmacist.

Subd. 2. **Health professionals required to report.** A health professional shall immediately report, as provided under section 626.53, to the local police department or county sheriff all bullet wounds, gunshot wounds, powder burns, or any other injury arising from, or caused by the discharge of any gun, pistol, or any other firearm, which wound the health professional is called upon to treat, dress, or bandage.

A health professional shall report to the proper police authorities any wound that the reporter has reasonable cause to believe has been inflicted on a perpetrator of a crime by a dangerous weapon other than a firearm as defined under section 609.02, subdivision 6.

Subd. 3. **Reporting burns.** A health professional shall file a written report with the state fire marshal within 72 hours after being notified of a burn injury or wound that the professional is called upon to treat, dress, or bandage, if the victim has sustained second- or third-degree burns to five percent or more of the body, the victim has sustained burns to the upper respiratory tract or sustained laryngeal edema from inhaling superheated air, or the victim has sustained a burn injury or wound that may result in the victim's death. The state fire marshal shall provide the form for the report.

Subd. 4. **Immunity from liability.** Any person reporting in good faith and exercising due care shall have immunity from any liability, civil or criminal, that otherwise might result by reason of the person's actions pursuant to this section or section 626.53. No cause of action may be brought against any person for not making a report pursuant to this section or section 626.53.

History: *(9950-22a) 1935 c 165 s 1; 1963 c 489 s 1; 1965 c 759 s 1; 1985 c 288 s 1; 1986 c 444; 1988 c 548 s 1,2; 1989 c 290 art 8 s 3; 1Sp2001 c 8 art 12 s 17*

626.53 REPORT BY TELEPHONE AND LETTER.

Subdivision 1. **Reports to sheriffs and police chiefs.** The report required by section 626.52, subdivision 2, shall be made forthwith by telephone or in person, and shall be promptly supplemented by letter, enclosed

in a securely sealed, postpaid envelope, addressed to the sheriff of the county in which the wound is examined, dressed, or otherwise treated; except that, if the place in which the patient is treated for such injury or the patient's wound dressed or bandaged be in a city of the first, second, or third class, such report shall be made and transmitted as herein provided to the chief of police of such city instead of the sheriff. Except as otherwise provided in subdivision 2, the office of any such sheriff and of any such chief of police shall keep the report as a confidential communication and shall not disclose the name of the person making the same, and the party making the report shall not by reason thereof be subpoenaed, examined, or forced to testify in court as a consequence of having made such a report.

Subd. 2. **Reports to Department of Health.** Upon receiving a report of a wound caused by or arising from the discharge of a firearm, the sheriff or chief of police shall forward the information contained in the report to the commissioner of health. The commissioner of health shall keep the report as a confidential communication, as provided under subdivision 1. The commissioner shall maintain a statewide, computerized record system containing summary data, as defined in section 13.02, on information received under this subdivision.

History: *(9950-23) 1935 c 165 s 2; 1986 c 444; 1988 c 548 s 3; 1995 c 244 s 38*

626.54 APPLICATION OF SECTIONS 626.52 TO 626.55.

The requirements of sections 626.52 to 626.55 shall not apply to a nurse employed in a hospital nor to a nurse regularly employed by a physician, surgeon, or other person practicing healing, where the employer has made a proper report in compliance therewith.

History: *(9950-24) 1935 c 165 s 3*

626.55 PENALTY.

Subdivision 1. **Gross misdemeanor.** Any person who violates any provision of sections 626.52 to 626.55, other than section 626.52, subdivision 3, is guilty of a gross misdemeanor.

Subd. 2. MS 2000 [Repealed, 1Sp2001 c 8 art 12 s 18]

History: *(9950-25) 1935 c 165 s 4; 1985 c 288 s 2; 1986 c 444; 1988 c 548 s 4*

626.553 GUNSHOT WOUNDS; PEACE OFFICERS, DISCHARGING FIREARMS; INVESTIGATIONS; REPORTS.

Subdivision 1. **Report; wounds; investigation.** Upon receipt of the report required in sections 626.52 and 626.53, the sheriff or chief of police receiving the report shall determine the general cause of the wound, and upon determining that the wound was caused by an action connected with the occupation or sport of hunting or shooting the sheriff or chief of police shall immediately conduct a detailed investigation into the facts surrounding the incident or occurrence which occasioned the injury or death reported. The investigating officer shall report the findings of the investigation to the commissioner of natural resources on forms provided by the commissioner for this purpose.

Subd. 2. **Discharge firearm; kill animal.** Whenever a peace officer discharges a firearm in the course of duty, other than for training purposes or the killing of an animal that is sick, injured, or dangerous, notification shall be filed within 30 days of the incident by the officer's department head with the commissioner of public safety. The commissioner of public safety shall forward a copy of the filing to the Board of Peace Officer Standards and Training. The notification shall contain information concerning the reason for and circumstances surrounding discharge of the firearm. The commissioner of public safety shall file a report

with the legislature by November 15 of each even-numbered year containing summary information concerning use of firearms by peace officers.

History: *1957 c 407 s 1; 1969 c 1129 art 10 s 2; 1977 c 455 s 89; 1983 c 293 s 108; 1986 c 444; 1991 c 141 s 1*

626.5531 REPORTING OF CRIMES MOTIVATED BY BIAS.

Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's department every violation of chapter 609 or a local criminal ordinance if the officer has reason to believe, or if the victim alleges, that the act was committed in whole or in substantial part because of the victim's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03. The superintendent of the Bureau of Criminal Apprehension shall adopt a reporting form to be used by law enforcement agencies in making the reports required under this section. The reports must include for each incident all of the following:

(1) the date of the offense;

(2) the location of the offense;

(3) whether the target of the incident is a person, private property, or public property;

(4) the crime committed;

(5) the type of bias and information about the offender and the victim that is relevant to that bias;

(6) any organized group involved in the incident;

(7) the disposition of the case;

(8) whether the determination that the offense was motivated by bias was based on the officer's reasonable belief or on the victim's allegation; and

(9) any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

Subd. 2. **Use of information collected.** The head of a local law enforcement agency or state law enforcement department that employs peace officers licensed under section 626.843 must file a monthly report describing crimes reported under this section with the Department of Public Safety, Bureau of Criminal Apprehension. The commissioner of public safety must summarize and analyze the information received and file an annual report with the Department of Human Rights and the legislature. The commissioner may include information in the annual report concerning any additional criminal activity motivated by bias that is not covered by this section.

History: *1988 c 643 s 1; 1989 c 261 s 9; 1992 c 571 art 15 s 12; 2023 c 52 art 10 s 9*

626.5532 PURSUIT OF FLEEING SUSPECTS BY PEACE OFFICERS.

Subdivision 1. **Reports.** If a peace officer pursues a fleeing suspect, the officer's department head must file a notice of the incident with the commissioner of public safety within 30 days following the pursuit. A pursuit must be reported under this section if it is a pursuit by a peace officer of a motor vehicle being

operated in violation of section 609.487. The notice must contain information concerning the reason for and circumstances surrounding the pursuit, including the alleged offense, the length of the pursuit in distance and time, the outcome of the pursuit, any charges filed against the suspect as a result of the pursuit, injuries and property damage resulting from the pursuit, and other information deemed relevant by the commissioner.

Subd. 2. MS 1998 [Repealed, 1999 c 216 art 5 s 15]

History: *1988 c 712 s 17*

626.5533 REPORTING POTENTIAL WELFARE FRAUD.

Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's department every arrest where the person arrested possesses more than one welfare electronic benefit transfer card. Each report must include all of the following:

(1) the name of the suspect;

(2) the suspect's driver's license or state identification card number, where available;

(3) the suspect's home address;

(4) the number on each card;

(5) the name on each electronic benefit card in the possession of the suspect, in cases where the card has a name printed on it;

(6) the date of the alleged offense;

(7) the location of the alleged offense;

(8) the alleged offense; and

(9) any other information the commissioner of human services or the commissioner of children, youth, and families deems necessary.

Subd. 2. **Use of information collected.** The head of a local law enforcement agency or state law enforcement department that employs peace officers licensed under section 626.843 must forward the report required under subdivision 1 to the commissioners of human services and children, youth, and families within 30 days of receiving the report. The commissioners of human services and children, youth, and families shall use the report to determine whether the suspect is authorized to possess any of the electronic benefit cards found in the suspect's possession.

Subd. 3. **Reporting forms.** The commissioners of human services and children, youth, and families, in consultation with the superintendent of the Bureau of Criminal Apprehension, shall adopt reporting forms to be used by law enforcement agencies in making the reports required under this section.

History: *2012 c 247 art 3 s 23; 2025 c 21 s 92*

626.5534 USE OF FORCE REPORTING; INDEPENDENT INVESTIGATIONS REQUIRED.

Subdivision 1. **Report required.** A chief law enforcement officer must provide the information requested by the Federal Bureau of Investigation about each incident of law enforcement use of force resulting in serious bodily injury or death, as those terms are defined in the Federal Bureau of Investigation's reporting requirements, to the superintendent of the Bureau of Criminal Apprehension. The superintendent shall adopt

a reporting form for use by law enforcement agencies in making the report required under this section. The report must include for each incident all of the information requested by the Federal Bureau of Investigation.

Subd. 2. **Use of information collected.** A chief law enforcement officer must file the report under subdivision 1 once a month in the form required by the superintendent. The superintendent must summarize and analyze the information received and submit an annual written report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety. The superintendent shall submit the information to the Federal Bureau of Investigation.

Subd. 3. **Independent investigations required.** (a) The Use of Force Investigations Unit within the Bureau of Criminal Apprehension must investigate any officer-involved death as defined in section 299C.80, subdivision 1, paragraph (c), unless the subject of the investigation is a peace officer employed by the Bureau of Criminal Apprehension. Section 299C.80, subdivision 4, applies to an officer-involved death investigation of a peace officer employed by the Bureau of Criminal Apprehension.

(b) Law enforcement agencies must fully cooperate with and promptly respond to requests for information from the entity conducting an investigation mandated under paragraph (a).

(c) An entity that conducts an investigation under this subdivision must prepare a report detailing the entity's investigation and promptly deliver the report to the prosecutor for the county in which the incident occurred. If a prosecuting authority determines that there is no basis to file charges against a peace officer involved in the incident, the prosecutor must simultaneously publicly disclose the prosecutor's determination and all inactive investigative data in the report that are public under section 13.82, subdivision 7, or other applicable law. The prosecutor must cooperate with the entity that conducted the investigation in determining what data in the report must be publicly disclosed.

History: *2Sp2020 c 1 s 11; 2024 c 123 art 3 s 6*

626.5535 CARJACKING; REPORTING REQUIRED.

Subdivision 1. **Definition.** For purposes of this section, "carjacking" means a violation of section 609.247.

Subd. 2. **Use of information collected.** (a) The head of a local law enforcement agency or state law enforcement department that employs peace officers, as defined in section 626.84, subdivision 1, paragraph (c), must forward the following carjacking information from the agency's or department's jurisdiction for the previous year to the commissioner of public safety by January 15 each year:

(1) the number of carjacking attempts;

(2) the number of carjackings;

(3) the ages of the offenders;

(4) the number of persons injured in each offense;

(5) the number of persons killed in each offense; and

(6) weapons used in each offense, if any.

(b) The commissioner of public safety must include the data received under paragraph (a) in a separate carjacking category in the department's annual uniform crime report.

History: *2023 c 52 art 9 s 10*

626.5536 LAW ENFORCEMENT REQUIRED TO REGISTER FOR ETRACE SYSTEM AND TRACE AND REPORT ON RECOVERED OR CONFISCATED FIREARMS.

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "recovered or confiscated" means any of the following:

(i) obtained from a crime scene or in connection with a criminal investigation;

(ii) seized by a law enforcement agency;

(iii) forfeited to a law enforcement agency;

(iv) acquired by a law enforcement agency as an abandoned or discarded firearm;

(v) obtained following the unlawful discharge of a firearm; or

(vi) otherwise obtained and reasonably believed to be connected to a crime; and

(2) "law enforcement agency" does not include the State Patrol or the Department of Natural Resources.

Subd. 2. **Reporting required.** (a) Each law enforcement agency shall register for the United States Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center's eTrace system, and opt-in to the system's collective data sharing feature.

(b) Whenever a firearm is recovered or confiscated by a law enforcement agency, the agency must, as soon as practicable, transmit information relating to the firearm to the eTrace system.

History: *2025 c 35 art 2 s 21*

626.5537 DOMESTIC ABUSE; REPORTING.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2, paragraph (a), and also includes the following, if committed against a family or household member by a family or household member:

(1) violation of an order for protection within the meaning of section 518B.01, subdivision 14;

(2) violation of a harassment restraining order within the meaning of section 609.748, subdivision 6;

(3) harassment or stalking within the meaning of section 609.749; and

(4) violation of a domestic abuse no contact order within the meaning of section 629.75, subdivision 2.

(c) "Family or household member" has the meaning given in section 518B.01, subdivision 2, paragraph (b).

Subd. 2. **Collection of information; reporting.** The head of a local law enforcement agency or state law enforcement department that employs peace officers, as defined in section 626.84, subdivision 1, paragraph (c), must report every incident a peace officer reasonably believes, or a victim alleges, constitutes an act of domestic abuse to the commissioner of public safety by January 15 each year. The superintendent of the Bureau of Criminal Apprehension must adopt a reporting form to be used by law enforcement agencies in making the reports required under this section. The reports must include all of the following for each incident:

(1) the date of the incident;

(2) the location of the incident;

(3) the crime suspected to have been committed;

(4) whether the response began as a call for service alleging an act of domestic abuse;

(5) the perceived gender of the alleged victim and suspect;

(6) the perceived race of the alleged victim and suspect;

(7) whether a suspect was arrested at the time of the incident;

(8) whether a suspect was arrested at a later date and, if so, the time between the incident and the arrest;

(9) whether the alleged victim was arrested at the time of the incident and, if so, any alleged crime that formed the basis for the arrest;

(10) whether the alleged offender possessed, or was reported to possess, a firearm at the time of the incident;

(11) whether the case was referred for prosecution;

(12) whether the determination that the incident constituted an act of domestic abuse was based on an officer's reasonable belief, the victim's allegation, or both; and

(13) any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

Subd. 3. **Annual report.** The commissioner of public safety must summarize and analyze the information received under subdivision 2 and provide an annual report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety. The annual report may be included in the department's annual uniform crime report.

History: *2026 c 97 art 7 s 5*

NOTE: This section, as added by Laws 2026, chapter 97, article 7, section 5, is effective January 1, 2028. Laws 2026, chapter 97, article 7, section 5, the effective date.

626.554 MS 1974 [Repealed, 1975 c 221 s 2]

626.555 MS 1978 [Repealed, 1980 c 542 s 2]

626.5551 Subdivision 1. MS 2004 [Repealed, 2005 c 159 art 1 s 15]

Subd. 2. MS 2004 [Repealed, 2005 c 159 art 1 s 15]

Subd. 3. MS 2004 [Repealed, 2005 c 159 art 1 s 15]

Subd. 4. MS 2004 [Repealed, 2005 c 98 art 3 s 25; 2005 c 159 art 1 s 15]

Subd. 5. MS 2004 [Repealed, 2005 c 159 art 1 s 15]

626.5552 [Never effective, 2000 c 401 s 5]

626.556 Subdivision 1. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 2. MS 2019 Supp [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 3. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 3a. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 3b. MS 2019 Supp [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 3c. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 3d. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 3e. MS 2019 Supp [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 3f. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 4. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 4a. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 5. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 6. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 6a. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 7. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 7a. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 8. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 9. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10. MS 2019 Supp [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10a. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10b. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10c. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10d. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10e. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10f. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10g. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10h. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10i. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10j. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10k. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10l. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10m. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 10n. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 11. MS 2019 Supp [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 11a. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 11b. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 11c. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 11d. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 12. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 13. MS 1986 [Repealed, 1988 c 625 s 9]

Subd. 14. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 15. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 16. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

626.5561 MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

626.5562 MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

626.5563 MS 2006 [Repealed, 2007 c 69 s 5]

626.5565 MS 2000 [Repealed, 2001 c 178 art 1 s 43]

626.557 REPORTING OF MALTREATMENT OF VULNERABLE ADULTS.

Subdivision 1. **Public policy.** The legislature declares that the public policy of this state is to protect adults who, because of physical or mental disability or dependency on institutional services, are particularly vulnerable to maltreatment; to assist in providing safe environments for vulnerable adults; and to provide safe institutional or residential services, community-based services, or living environments for vulnerable adults who have been maltreated.

In addition, it is the policy of this state to require the reporting of suspected maltreatment of vulnerable adults, to provide for the voluntary reporting of maltreatment of vulnerable adults, to require the investigation of the reports, and to provide protective and counseling services in appropriate cases.

Subd. 1a. **Adult protective services.** The Department of Human Services is the state agency responsible for supervision of adult protective services administered by county social services agencies.

Subd. 2. MS 1994 [Repealed, 1995 c 229 art 1 s 24]

Subd. 3. **Timing of report.** (a) A mandated reporter who has reason to believe that a vulnerable adult is being or has been maltreated, or who has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained shall immediately report the information to the common entry point. If an individual is a vulnerable adult solely because the individual is admitted to a facility, a mandated reporter is not required to report suspected maltreatment of the individual that occurred prior to admission, unless:

(1) the individual was admitted to the facility from another facility and the reporter has reason to believe the vulnerable adult was maltreated in the previous facility; or

(2) the reporter knows or has reason to believe that the individual is a vulnerable adult as defined in section 626.5572, subdivision 21, paragraph (a), clause (4).

(b) A person not required to report under the provisions of this section may voluntarily report as described above.

(c) Nothing in this section requires a report of known or suspected maltreatment, if the reporter knows or has reason to know that a report has been made to the common entry point.

(d) Nothing in this section shall preclude a reporter from also reporting to a law enforcement agency.

(e) A mandated reporter who knows or has reason to believe that an error under section 626.5572, subdivision 17, paragraph (d), clause (5), occurred must make a report under this subdivision. If the reporter or a facility, at any time believes that an investigation by a lead investigative agency will determine or should determine that the reported error was not neglect according to the criteria under section 626.5572, subdivision 17, paragraph (d), clause (5), the reporter or facility may provide to the common entry point or directly to the lead investigative agency information explaining how the event meets the criteria under section 626.5572, subdivision 17, paragraph (d), clause (5). The lead investigative agency shall consider this information when making an initial disposition of the report under subdivision 9c.

Subd. 3a. **Report not required.** The following events are not required to be reported under this section:

(1) A circumstance where federal law specifically prohibits a person from disclosing patient identifying information in connection with a report of suspected maltreatment, unless the vulnerable adult, or the vulnerable adult's guardian, conservator, or legal representative, has consented to disclosure in a manner which conforms to federal requirements. Facilities whose patients or residents are covered by such a federal law shall seek consent to the disclosure of suspected maltreatment from each patient or resident, or a guardian, conservator, or legal representative, upon the patient's or resident's admission to the facility. Persons who are prohibited by federal law from reporting an incident of suspected maltreatment shall immediately seek consent to make a report.

(2) Verbal or physical aggression occurring between patients, residents, or clients of a facility, or self-abusive behavior by these persons does not constitute abuse unless the behavior causes serious harm. The operator of the facility or a designee shall record incidents of aggression and self-abusive behavior to facilitate review by licensing agencies and county and local welfare agencies.

(3) Accidents as defined in section 626.5572, subdivision 3.

(4) Events occurring in a facility that result from an individual's error in the provision of therapeutic conduct to a vulnerable adult, as provided in section 626.5572, subdivision 17, paragraph (d), clause (4).

(5) Nothing in this section shall be construed to require a report of financial exploitation, as defined in section 626.5572, subdivision 9, solely on the basis of the transfer of money or property by gift or as compensation for services rendered.

Subd. 4. **Reporting.** (a) Except as provided in paragraph (b), a mandated reporter shall immediately make a report to the common entry point. To the extent possible, the report must be of sufficient content to identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident,

and any other information that the reporter believes might be helpful in investigating the suspected maltreatment. A mandated reporter may disclose not public data, as defined in section 13.02, and medical records under sections 144.291 to 144.298, to the extent necessary to comply with this subdivision.

(b) A boarding care home that is licensed under sections 144.50 to 144.58 and certified under Title 19 of the Social Security Act, a nursing home that is licensed under section 144A.02 and certified under Title 18 or Title 19 of the Social Security Act, or a hospital that is licensed under sections 144.50 to 144.58 and has swing beds certified under Code of Federal Regulations, title 42, section 482.66, may submit a report electronically to the common entry point instead of submitting an oral report. The report may be a duplicate of the initial report the facility submits electronically to the commissioner of health to comply with the reporting requirements under Code of Federal Regulations, title 42, section 483.12. The commissioner of health may modify these reporting requirements to include items required under paragraph (a) that are not currently included in the electronic reporting form.

Subd. 4a. **Internal reporting of maltreatment.** (a) Each facility shall establish and enforce an ongoing written procedure in compliance with applicable licensing rules to ensure that all cases of suspected maltreatment are reported. If a facility has an internal reporting procedure, a mandated reporter may meet the reporting requirements of this section by reporting internally. However, the facility remains responsible for complying with the immediate reporting requirements of this section.

(b) A facility with an internal reporting procedure that receives an internal report by a mandated reporter shall give the mandated reporter a written notice stating whether the facility has reported the incident to the common entry point. The written notice must be provided within two working days and in a manner that protects the confidentiality of the reporter.

(c) The written response to the mandated reporter shall note that if the mandated reporter is not satisfied with the action taken by the facility on whether to report the incident to the common entry point, then the mandated reporter may report externally.

(d) A facility may not prohibit a mandated reporter from reporting externally, and a facility is prohibited from retaliating against a mandated reporter who reports an incident to the common entry point in good faith. The written notice by the facility must inform the mandated reporter of this protection from retaliatory measures by the facility against the mandated reporter for reporting externally.

Subd. 5. **Immunity; protection for reporters.** (a) A person who makes a good faith report is immune from any civil or criminal liability that might otherwise result from making the report, or from participating in the investigation, or for failure to comply fully with the reporting obligation under section 609.234 or 626.557, subdivision 7.

(b) A person employed by a lead investigative agency or a state licensing agency who is conducting or supervising an investigation or enforcing the law in compliance with this section or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions, if the person is acting in good faith and exercising due care.

(c) A person who knows or has reason to know a report has been made to a common entry point and who in good faith participates in an investigation of alleged maltreatment is immune from civil or criminal liability that otherwise might result from making the report, or from failure to comply with the reporting obligation or from participating in the investigation.

(d) The identity of any reporter may not be disclosed, except as provided in subdivision 12b.

(e) For purposes of this subdivision, "person" includes a natural person or any form of a business or legal entity.

Subd. 5a. **Financial institution cooperation.** Financial institutions shall cooperate with a lead investigative agency, law enforcement, or prosecuting authority that is investigating maltreatment of a vulnerable adult and comply with reasonable requests for the production of financial records as authorized under section 13A.02, subdivision 1. Financial institutions are immune from any civil or criminal liability that might otherwise result from complying with this subdivision.

Subd. 6. **Falsified reports.** A person or facility who intentionally makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the reported facility, person or persons and for punitive damages up to $10,000 and attorney fees.

Subd. 7. **Failure to report.** A mandated reporter who negligently or intentionally fails to report is liable for damages caused by the failure. Nothing in this subdivision imposes vicarious liability for the acts or omissions of others.

Subd. 8. **Evidence not privileged.** No evidence regarding the maltreatment of the vulnerable adult shall be excluded in any proceeding arising out of the alleged maltreatment on the grounds of lack of competency under section 595.02.

Subd. 9. **Common entry point designation.** (a) The commissioner of human services shall establish a common entry point. The common entry point is the unit responsible for receiving the report of suspected maltreatment under this section.

(b) The common entry point must be available 24 hours per day to accept reports from reporters of suspected maltreatment and make required referrals for suspected maltreatment of a vulnerable adult. The common entry point shall use a standard intake form that includes:

(1) the time and date of the report;

(2) the name, relationship, and identifying and contact information for the person believed to be a vulnerable adult and the individual or facility alleged responsible for maltreatment;

(3) the name, relationship, and contact information for the:

(i) reporter;

(ii) initial reporter, witnesses, and persons who may have knowledge about the maltreatment; and

(iii) legal surrogate and persons who may provide support to the vulnerable adult;

(4) the basis of vulnerability for the vulnerable adult;

(5) the time, date, and location of the incident;

(6) the immediate safety risk to the vulnerable adult;

(7) a description of the suspected maltreatment;

(8) the impact of the suspected maltreatment on the vulnerable adult;

(9) whether a facility was involved and, if so, which agency licenses the facility;

(10) the actions taken to protect the vulnerable adult;

(11) the required notifications and referrals made by the common entry point; and

(12) whether the reporter wishes to receive notification of the disposition.

(c) The common entry point is not required to complete each item on the form prior to dispatching the report to the appropriate lead investigative agency.

(d) The common entry point shall immediately report to a law enforcement agency any incident in which there is reason to believe a crime has been committed.

(e) If a report is initially made to a law enforcement agency or a lead investigative agency, those agencies shall take the report on the appropriate common entry point intake forms and immediately forward a copy to the common entry point.

(f) The common entry point staff must receive training on how to screen and dispatch reports efficiently and in accordance with this section.

(g) The commissioner of human services shall maintain a centralized database for the collection of common entry point data, lead investigative agency data including maltreatment report disposition, and appeals data. The common entry point shall have access to the centralized database and must log the reports into the database.

(h) When appropriate, the common entry point staff must refer calls that do not allege the abuse, neglect, or exploitation of a vulnerable adult to other organizations that might resolve the reporter's concerns.

(i) A common entry point must be operated in a manner that enables the commissioner of human services to:

(1) track critical steps in the reporting, evaluation, referral, response, disposition, and investigative process to ensure compliance with all requirements for all reports;

(2) maintain data to facilitate the production of aggregate statistical reports for monitoring patterns of abuse, neglect, or exploitation;

(3) serve as a resource for the evaluation, management, and planning of preventative and remedial services for vulnerable adults who have been subject to abuse, neglect, or exploitation;

(4) set standards, priorities, and policies to maximize the efficiency and effectiveness of the common entry point; and

(5) track and manage consumer complaints related to the common entry point.

(j) The commissioners of human services and health shall collaborate on the creation of a system for referring reports to the lead investigative agencies. This system shall enable the commissioner of human services to track critical steps in the reporting, evaluation, referral, response, disposition, investigation, notification, determination, and appeal processes.

Subd. 9a. **Evaluation and referral of reports made to common entry point.** (a) The common entry point must screen the reports of alleged or suspected maltreatment for immediate risk and make all necessary referrals using the referral guidelines established by the commissioner and the following:

(1) if the common entry point determines that there is an immediate need for emergency adult protective services, the common entry point agency shall immediately notify the appropriate county agency;

(2) if the report contains suspected criminal activity against a vulnerable adult, the common entry point shall immediately notify the appropriate law enforcement agency;

(3) the common entry point shall refer all reports of alleged or suspected maltreatment to the appropriate lead investigative agency as soon as possible, but in any event no longer than two working days;

(4) if the report contains information about a suspicious death, the common entry point shall immediately notify the appropriate law enforcement agencies, the local medical examiner, and the ombudsman for mental health and developmental disabilities established under section 245.92. Law enforcement agencies shall coordinate with the local medical examiner and the ombudsman as provided by law; and

(5) for reports involving multiple locations or changing circumstances, the common entry point shall determine the county agency responsible for emergency adult protective services and the county responsible as the lead investigative agency.

(b) If the lead investigative agency receiving a report believes the report was referred by the common entry point in error, the lead investigative agency shall immediately notify the common entry point of the error, including the basis for the lead investigative agency's belief that the referral was made in error. The common entry point shall review the information submitted by the lead investigative agency and immediately refer the report to the appropriate lead investigative agency using the referral guidelines established by the commissioner.

Subd. 9b. **Response to reports.** Law enforcement is the primary agency to conduct investigations of any incident in which there is reason to believe a crime has been committed. Law enforcement shall initiate a response immediately. If the common entry point notified a county agency for emergency adult protective services, law enforcement shall cooperate with that county agency when both agencies are involved and shall exchange data to the extent authorized in subdivision 12b, paragraph (f). County adult protection shall initiate a response immediately. Each lead investigative agency shall complete the investigative process for reports within its jurisdiction. A lead investigative agency, county, adult protective agency, licensed facility, or law enforcement agency shall cooperate with other agencies in the provision of protective services, coordinating its investigations, and assisting another agency within the limits of its resources and expertise and shall exchange data to the extent authorized in subdivision 12b, paragraph (f). The lead investigative agency shall obtain the results of any investigation conducted by law enforcement officials. The lead investigative agency has the right to enter facilities and inspect and copy records as part of investigations. The lead investigative agency has access to not public data, as defined in section 13.02, and medical records under sections 144.291 to 144.298, that are maintained by facilities to the extent necessary to conduct its investigation. Each lead investigative agency shall develop guidelines for prioritizing reports for investigation. When a county acts as a lead investigative agency, the county shall make guidelines available to the public regarding which reports the county prioritizes for investigation and adult protective services.

Subd. 9c. **Lead investigative agency; notifications, dispositions, determinations.** (a) Upon request of the reporter, the lead investigative agency shall notify the reporter that it has received the report, and provide information on the initial disposition of the report within five business days of receipt of the report, provided that the notification will not endanger the vulnerable adult or hamper the investigation.

(b) In making the initial disposition of a report alleging maltreatment of a vulnerable adult, the lead investigative agency may consider previous reports of suspected maltreatment and may request and consider public information, records maintained by a lead investigative agency or licensed providers, and information from any person who may have knowledge regarding the alleged maltreatment and the basis for the adult's vulnerability.

(c) When the county social service agency does not accept a report for adult protective services or investigation, the agency may offer assistance to the reporter or the person who was the subject of the report.

(d) While investigating reports and providing adult protective services, the lead investigative agency may coordinate with entities identified under subdivision 12b, paragraph (f), and may coordinate with support persons to safeguard the welfare of the vulnerable adult and prevent further maltreatment of the vulnerable adult.

(e) Upon conclusion of every investigation it conducts, the lead investigative agency shall make a final disposition as defined in section 626.5572, subdivision 8.

(f) When determining whether the facility or individual is the responsible party for substantiated maltreatment or whether both the facility and the individual are responsible for substantiated maltreatment, the lead investigative agency shall consider at least the following mitigating factors:

(1) whether the actions of the facility or the individual caregivers were in accordance with, and followed the terms of, an erroneous physician order, prescription, resident care plan, or directive. This is not a mitigating factor when the facility or caregiver is responsible for the issuance of the erroneous order, prescription, plan, or directive or knows or should have known of the errors and took no reasonable measures to correct the defect before administering care;

(2) the comparative responsibility between the facility, other caregivers, and requirements placed upon the employee, including but not limited to, the facility's compliance with related regulatory standards and factors such as the adequacy of facility policies and procedures, the adequacy of facility training, the adequacy of an individual's participation in the training, the adequacy of caregiver supervision, the adequacy of facility staffing levels, and a consideration of the scope of the individual employee's authority; and

(3) whether the facility or individual followed professional standards in exercising professional judgment.

(g) When substantiated maltreatment is determined to have been committed by an individual who is also the facility license holder, both the individual and the facility must be determined responsible for the maltreatment, and both the background study disqualification standards under section 245C.15, subdivision 4, and the licensing actions under section 245A.06 or 245A.07 apply.

(h) The lead investigative agency shall complete its final disposition within 60 calendar days. If the lead investigative agency is unable to complete its final disposition within 60 calendar days, the lead investigative agency shall notify the following persons provided that the notification will not endanger the vulnerable adult or hamper the investigation: (1) the vulnerable adult or the vulnerable adult's guardian or health care agent, when known, if the lead investigative agency knows them to be aware of the investigation; and (2) the facility, where applicable. The notice shall contain the reason for the delay and the projected completion date. If the lead investigative agency is unable to complete its final disposition by a subsequent projected completion date, the lead investigative agency shall again notify the vulnerable adult or the vulnerable adult's guardian or health care agent, when known if the lead investigative agency knows them to be aware of the investigation, and the facility, where applicable, of the reason for the delay and the revised projected completion date provided that the notification will not endanger the vulnerable adult or hamper the investigation. The lead investigative agency must notify the health care agent of the vulnerable adult only if the health care agent's authority to make health care decisions for the vulnerable adult is currently effective under section 145C.06 and not suspended under section 524.5-310 and the investigation relates to a duty assigned to the health care agent by the principal. A lead investigative agency's inability to complete the final disposition within 60 calendar days or by any projected completion date does not invalidate the final disposition.

(i) When the lead investigative agency is the Department of Health or the Department of Human Services, the lead investigative agency shall provide a copy of the public investigation memorandum under subdivision 12b, paragraph (b), clause (1), within ten calendar days of completing the final disposition to the following persons:

(1) the vulnerable adult, or the vulnerable adult's guardian or health care agent, if known, unless the lead investigative agency knows that the notification would endanger the well-being of the vulnerable adult;

(2) the reporter, if the reporter requested notification when making the report, provided this notification would not endanger the well-being of the vulnerable adult;

(3) the person or facility alleged responsible for maltreatment, if known;

(4) the facility; and

(5) the ombudsman for long-term care, or the ombudsman for mental health and developmental disabilities, as appropriate.

(j) When the lead investigative agency is a county agency, within ten calendar days of completing the final disposition, the lead investigative agency shall provide notification of the final disposition to the following persons:

(1) the vulnerable adult, or the vulnerable adult's guardian or health care agent, if known, when the allegation is applicable to the authority of the vulnerable adult's guardian or health care agent, unless the agency knows that the notification would endanger the well-being of the vulnerable adult;

(2) the individual determined responsible for maltreatment, if known; and

(3) when the alleged incident involves a personal care assistant or provider agency, the personal care provider organization under section 256B.0659. Upon implementation of Community First Services and Supports (CFSS), this notification requirement applies to the CFSS support worker or CFSS agency under section 256B.85.

(k) If, as a result of a reconsideration, review, or hearing, the lead investigative agency changes the final disposition, or if a final disposition is changed on appeal, the lead investigative agency shall notify the parties specified in paragraph (i).

(l) The lead investigative agency shall notify the vulnerable adult who is the subject of the report or the vulnerable adult's guardian or health care agent, if known, and any person or facility determined to have maltreated a vulnerable adult, of their appeal or review rights under this section or section 256.021.

(m) The lead investigative agency shall routinely provide investigation memoranda for substantiated reports to the appropriate licensing boards. These reports must include the names of substantiated perpetrators. The lead investigative agency may not provide investigative memoranda for inconclusive or false reports to the appropriate licensing boards unless the lead investigative agency's investigation gives reason to believe that there may have been a violation of the applicable professional practice laws. If the investigation memorandum is provided to a licensing board, the subject of the investigation memorandum shall be notified and receive a summary of the investigative findings.

(n) In order to avoid duplication, licensing boards shall consider the findings of the lead investigative agency in their investigations if they choose to investigate. This does not preclude licensing boards from considering other information.

(o) The lead investigative agency must provide to the commissioner of human services its final dispositions, including the names of all substantiated perpetrators. The commissioner of human services shall establish records to retain the names of substantiated perpetrators.

Subd. 9d. **Administrative reconsideration; review panel.** (a) Except as provided under paragraph (e), any individual or facility which a lead investigative agency determines has maltreated a vulnerable adult, or the vulnerable adult or an interested person acting on behalf of the vulnerable adult, regardless of the lead investigative agency's determination, who contests the lead investigative agency's final disposition of an allegation of maltreatment, may request the lead investigative agency to reconsider its final disposition. The request for reconsideration must be submitted in writing to the lead investigative agency within 15 calendar days after receipt of notice of final disposition or, if the request is made by an interested person who is not entitled to notice, within 15 days after receipt of the notice by the vulnerable adult or the vulnerable adult's guardian or health care agent. If mailed, the request for reconsideration must be postmarked and sent to the lead investigative agency within 15 calendar days of the individual's or facility's receipt of the final disposition. If the request for reconsideration is made by personal service, it must be received by the lead investigative agency within 15 calendar days of the individual's or facility's receipt of the final disposition. An individual who was determined to have maltreated a vulnerable adult under this section and who was disqualified on the basis of serious or recurring maltreatment under sections 245C.14 and 245C.15, may request reconsideration of the maltreatment determination and the disqualification. The request for reconsideration of the maltreatment determination and the disqualification must be submitted in writing within 30 calendar days of the individual's receipt of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request for reconsideration of the maltreatment determination and the disqualification must be postmarked and sent to the lead investigative agency within 30 calendar days of the individual's receipt of the notice of disqualification. If the request for reconsideration is made by personal service, it must be received by the lead investigative agency within 30 calendar days after the individual's receipt of the notice of disqualification.

(b) Except as provided under paragraphs (e) and (f), if the lead investigative agency denies the request or fails to act upon the request within 15 working days after receiving the request for reconsideration, the person or facility entitled to a fair hearing under section 256.045, may submit to the commissioner of human services a written request for a hearing under that statute. The vulnerable adult, or an interested person acting on behalf of the vulnerable adult, may request a review by the Vulnerable Adult Maltreatment Review Panel under section 256.021 if the lead investigative agency denies the request or fails to act upon the request, or if the vulnerable adult or interested person contests a reconsidered disposition. The Vulnerable Adult Maltreatment Review Panel shall not conduct a review if the interested person making the request on behalf of the vulnerable adult is also the individual or facility alleged responsible for the maltreatment of the vulnerable adult. The lead investigative agency shall notify persons who request reconsideration of their rights under this paragraph. The request must be submitted in writing to the review panel and a copy sent to the lead investigative agency within 30 calendar days of receipt of notice of a denial of a request for reconsideration or of a reconsidered disposition. The request must specifically identify the aspects of the lead investigative agency determination with which the person is dissatisfied.

(c) If, as a result of a reconsideration or review, the lead investigative agency changes the final disposition, it shall notify the parties specified in subdivision 9c, paragraph (i).

(d) For purposes of this subdivision, "interested person acting on behalf of the vulnerable adult" means a person designated in writing by the vulnerable adult to act on behalf of the vulnerable adult, or a legal guardian or conservator or other legal representative, a proxy or health care agent appointed under chapter

145B or 145C, or an individual who is related to the vulnerable adult, as defined in section 245A.02, subdivision 13.

(e) If an individual was disqualified under sections 245C.14 and 245C.15, on the basis of a determination of maltreatment, which was serious or recurring, and the individual has requested reconsideration of the maltreatment determination under paragraph (a) and reconsideration of the disqualification under sections 245C.21 to 245C.27, reconsideration of the maltreatment determination and requested reconsideration of the disqualification shall be consolidated into a single reconsideration. If reconsideration of the maltreatment determination is denied and the individual remains disqualified following a reconsideration decision, the individual may request a fair hearing under section 256.045. If an individual requests a fair hearing on the maltreatment determination and the disqualification, the scope of the fair hearing shall include both the maltreatment determination and the disqualification.

(f) If a maltreatment determination or a disqualification based on serious or recurring maltreatment is the basis for a denial of a license under section 245A.05 or a licensing sanction under section 245A.07, the license holder has the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. As provided for under section 245A.08, the scope of the contested case hearing must include the maltreatment determination, disqualification, and licensing sanction or denial of a license. In such cases, a fair hearing must not be conducted under section 256.045. Except for family child care and child foster care, reconsideration of a maltreatment determination under this subdivision, and reconsideration of a disqualification under section 245C.22, must not be conducted when:

(1) a denial of a license under section 245A.05, or a licensing sanction under section 245A.07, is based on a determination that the license holder is responsible for maltreatment or the disqualification of a license holder based on serious or recurring maltreatment;

(2) the denial of a license or licensing sanction is issued at the same time as the maltreatment determination or disqualification; and

(3) the license holder appeals the maltreatment determination or disqualification, and denial of a license or licensing sanction.

Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment determination or disqualification, but does not appeal the denial of a license or a licensing sanction, reconsideration of the maltreatment determination shall be conducted under sections 260E.33 and 626.557, subdivision 9d, and reconsideration of the disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as provided under sections 245C.27, 260E.33, and 626.557, subdivision 9d.

If the disqualified subject is an individual other than the license holder and upon whom a background study must be conducted under chapter 245C, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge.

(g) Until August 1, 2002, an individual or facility that was determined by the commissioner of human services or the commissioner of health to be responsible for neglect under section 626.5572, subdivision 17, after October 1, 1995, and before August 1, 2001, that believes that the finding of neglect does not meet an amended definition of neglect may request a reconsideration of the determination of neglect. The commissioner of human services or the commissioner of health shall mail a notice to the last known address of individuals who are eligible to seek this reconsideration. The request for reconsideration must state how the established findings no longer meet the elements of the definition of neglect. The commissioner shall review the request for reconsideration and make a determination within 15 calendar days. The commissioner's decision on this reconsideration is the final agency action.

(1) For purposes of compliance with the data destruction schedule under subdivision 12b, paragraph (d), when a finding of substantiated maltreatment has been changed as a result of a reconsideration under this paragraph, the date of the original finding of a substantiated maltreatment must be used to calculate the destruction date.

(2) For purposes of any background studies under chapter 245C, when a determination of substantiated maltreatment has been changed as a result of a reconsideration under this paragraph, any prior disqualification of the individual under chapter 245C that was based on this determination of maltreatment shall be rescinded, and for future background studies under chapter 245C the commissioner must not use the previous determination of substantiated maltreatment as a basis for disqualification or as a basis for referring the individual's maltreatment history to a health-related licensing board under section 245C.31.

Subd. 9e. **Education requirements.** (a) The commissioners of health, human services, and public safety shall cooperate in the development of a joint program for education of lead investigative agency investigators in the appropriate techniques for investigation of complaints of maltreatment. This program must be developed by July 1, 1996. The program must include but need not be limited to the following areas: (1) information collection and preservation; (2) analysis of facts; (3) levels of evidence; (4) conclusions based on evidence; (5) interviewing skills, including specialized training to interview people with unique needs; (6) report writing; (7) coordination and referral to other necessary agencies such as law enforcement and judicial agencies; (8) human relations and cultural diversity; (9) the dynamics of adult abuse and neglect within family systems and the appropriate methods for interviewing relatives in the course of the assessment or investigation; (10) the protective social services that are available to protect alleged victims from further abuse, neglect, or financial exploitation; (11) the methods by which lead investigative agency investigators and law enforcement workers cooperate in conducting assessments and investigations in order to avoid duplication of efforts; and (12) data practices laws and procedures, including provisions for sharing data.

(b) The commissioner of human services shall conduct an outreach campaign to promote the common entry point for reporting vulnerable adult maltreatment. This campaign shall use the Internet and other means of communication.

(c) The commissioners of health, human services, and public safety shall offer at least annual education to others on the requirements of this section, on how this section is implemented, and investigation techniques.

(d) The commissioner of human services, in coordination with the commissioner of public safety shall provide training for the common entry point staff as required in this subdivision and the program courses described in this subdivision, at least four times per year. At a minimum, the training shall be held twice annually in the seven-county metropolitan area and twice annually outside the seven-county metropolitan area. The commissioners shall give priority in the program areas cited in paragraph (a) to persons currently performing assessments and investigations pursuant to this section.

(e) The commissioner of public safety shall notify in writing law enforcement personnel of any new requirements under this section. The commissioner of public safety shall conduct regional training for law enforcement personnel regarding their responsibility under this section.

(f) Each lead investigative agency investigator must complete the education program specified by this subdivision within the first 12 months of work as a lead investigative agency investigator.

A lead investigative agency investigator employed when these requirements take effect must complete the program within the first year after training is available or as soon as training is available.

All lead investigative agency investigators having responsibility for investigation duties under this section must receive a minimum of eight hours of continuing education or in-service training each year specific to their duties under this section.

Subd. 10. MS 2024 [Repealed, 2026 c 95 art 7 s 27]

Subd. 10a. MS 1994 [Repealed, 1995 c 229 art 1 s 24]

Subd. 10b. **Investigations; guidelines.** (a) Each lead investigative agency shall develop guidelines for prioritizing reports for investigation.

(b) When investigating a report, the lead investigative agency shall conduct the following activities as appropriate:

(1) interview of the vulnerable adult;

(2) interview of the reporter and others who may have relevant information;

(3) interview of the individual or facility alleged responsible for maltreatment; and

(4) review of records and pertinent documentation of the alleged incident.

(c) The lead investigative agency shall conduct the following activities as appropriate to further the investigation, to prevent further maltreatment, or to safeguard the vulnerable adult:

(1) examining the environment surrounding the alleged incident;

(2) consulting with professionals; and

(3) communicating with state, federal, Tribal, and other agencies including:

(i) service providers;

(ii) case managers;

(iii) ombudsmen; and

(iv) support persons for the vulnerable adult.

(d) The lead investigative agency may decide not to conduct an interview of a vulnerable adult, reporter, or witness under paragraph (b) if:

(1) the vulnerable adult, reporter, or witness declines to have an interview with the agency or is unable to be contacted despite the agency's diligent attempts;

(2) an interview of the vulnerable adult or reporter was conducted by law enforcement or a professional trained in forensic interview and an additional interview will not further the investigation;

(3) an interview of the witness will not further the investigation; or

(4) the agency has a reason to believe that the interview will endanger the vulnerable adult.

Subd. 11. MS 1994 [Repealed, 1995 c 229 art 1 s 24]

Subd. 11a. MS 1994 [Repealed, 1995 c 229 art 1 s 24]

Subd. 11b. **County social services agency; responsibilities.** The county social services agency is responsible for supervision of:

(1) intake decisions for initial disposition of the report;

(2) agency prioritization used to screen out an adult meeting eligibility for adult protective services as vulnerable and maltreated;

(3) safety, assessment, and services plans;

(4) protective service interventions;

(5) use of guardianship and other involuntary interventions;

(6) final determination for maltreatment; and

(7) case closure decisions.

Subd. 11c. **County social services agency; referrals.** (a) When the common entry point refers a report to the county social services agency as the lead investigative agency or makes a referral to the county social services agency for emergency adult protective services, or when another lead investigative agency requests adult protective services from the county social services agency for an adult referred to that lead investigative agency by the common entry point, the county social services agency must use the data report system and standardized decision and assessment tools provided by the commissioner of human services. The information entered by the county social services agency into the data system and standardized tools must be accessible to the Department of Human Services for the department to meet federal requirements, evaluate consistent application of policy, review quality of services and outcomes for adults, and meet requirements for background studies and disqualification of individuals determined responsible for vulnerable adult maltreatment under chapter 245C.

(b) The county social services agency must screen the report using the standardized tools provided by the commissioner to determine:

(1) whether the referred adult meets adult protective services eligibility as potentially vulnerable and maltreated under this section; and

(2) the response time required to initiate adult protective services.

(c) For reports referred by the common entry point for emergency adult protective services, the county social services agency must immediately screen the report to determine whether the adult should be accepted for emergency adult protective services. If the adult is accepted for emergency adult protective services, the county social services agency must immediately offer protective services to prevent further maltreatment and safeguard the welfare of the vulnerable adult. Assessment of adults accepted by the county social services agency for emergency protective services must be conducted in person by the agency or a designee within 24 hours of the agency receiving the referral. When sexual or physical abuse is suspected, the county social services agency must immediately arrange for and make available to the vulnerable adult appropriate medical examination and services.

(d) For reports referred by the common entry point to the county as lead investigative agency, the county social services agency must screen the report and make an initial determination within seven calendar days following receipt of the report from the common entry point on whether the adult should be accepted for adult protective services.

(e) For referrals made for adult protective services by the Department of Human Services or the Department of Health in the applicable department's role as the lead investigative agency responsible for reports made under this section, the county social services agency must screen the report and determine within seven calendar days following receipt of referral whether the adult should be accepted for adult protective services.

(f) If an adult meets eligibility requirements but is not accepted for adult protective services based on local agency prioritization, the agency must document the reason for the screening decision in the standardized tool provided by the commissioner.

Subd. 11d. **County social services agency; assessments.** (a) For adults accepted into adult protective services, the county social services agency must decide, prior to initiation of assessment activities, if the agency must also conduct an investigation for final disposition for responsibility of maltreatment in addition to the assessment for adult protective services.

(b) The county social services agency must conduct assessments concurrently with investigations when the county is the lead investigative agency.

(c) The county social services agency must conduct an assessment to initiate adult protective services:

(1) within 24 hours of accepting a referral for emergency protective services;

(2) within 24 hours of making an initial disposition that the adult is in immediate need of protection; or

(3) within 72 hours but in no instance later than seven calendar days from the first business day after receiving the report for adults accepted for adult protective services.

(d) The county social services agency must use the standardized decision, assessment, and service planning tools provided by the commissioner with all vulnerable adults accepted for adult protective services. The county social services agency must involve the vulnerable adult in the assessment and service plan. The county social services agency must document and update assessment and service plans consistent with significant changes in the vulnerable adult's health and safety.

(e) The county social services agency must notify the vulnerable adult and, if applicable, the guardian or health care agent of the vulnerable adult of the results of the assessment and service plan, including but not limited to recommendations for protective services intervention to stop or prevent maltreatment and to protect the vulnerable adult's health, safety, and comfort. When necessary to prevent further maltreatment or safeguard the vulnerable adult, the county social services agency may share the results of the assessment with the vulnerable adult's primary supports.

Subd. 11e. **County social services agency; investigations.** (a) The county social services agency must investigate for a final disposition of responsibility for maltreatment for an allegation of:

(1) abuse;

(2) financial exploitation by a fiduciary;

(3) financial exploitation involving a nonfiduciary that may be criminal or that involved force, coercion, harassment, deception, fraud, undue influence, or a scam;

(4) financial exploitation that involved another type of maltreatment;

(5) caregiver neglect by a paid caregiver or personal care assistance provider under chapter 256B;

(6) caregiver neglect by an unpaid caregiver that resulted in intentional harm to the vulnerable adult or involved another type of maltreatment; and

(7) a situation for which the county social services agency finds that a determination of responsibility of maltreatment may safeguard a vulnerable adult or prevent further maltreatment.

(b) The county social services agency must conduct an investigation for final disposition of responsibility for maltreatment if the agency receives information during an assessment that indicates the presence of any scenario listed in paragraph (a) or subdivision 11f.

Subd. 11f. **County social services agency; self-neglect.** (a) The county social services agency may determine that an allegation that does not result in a determination of responsibility for maltreatment is:

(1) self-neglect;

(2) neglect by an unpaid caregiver that did not result in intentional harm to the vulnerable adult and did not involve another type of alleged maltreatment; or

(3) financial exploitation by a nonfiduciary that is consistent with the choice of the adult and not criminal or involving force, coercion, harassment, deception, fraud, undue influence, a scam, or another type of alleged maltreatment.

(b) An allegation of self-neglect is a substantiated determination if the county social services agency determines that adult protective services are needed.

Subd. 11g. **County social services agency; initial contact.** (a) At the initial contact with the vulnerable adult accepted by the county social services agency, the agency must provide the vulnerable adult with information about the process for adult protective services and the vulnerable adult's rights as an adult protective client.

(b) At initial contact, the county social services agency must inform the individual or entity alleged responsible for maltreatment of the allegation in a manner consistent with requirements under this section to protect the identity of the reporter. The interview with the individual or entity alleged responsible for maltreatment may be postponed at the request of a law enforcement agency or if the interview may endanger the safety of the vulnerable adult.

Subd. 11h. **County social services agency; agency authority.** (a) A county social services agency may enter all facilities and business premises of a licensed provider to inspect and copy records as part of an adult protective services assessment or investigation. The licensed provider must provide the county social services agency access to not public data as defined in section 13.02, subdivision 8a, and medical records under sections 144.291 to 144.298 that are maintained at the facilities and business premises to the extent that the data and records are necessary to conduct the agency's investigation. The licensed provider must provide the county social services agency access to all available sources of information at the facilities and business premises, not only written records.

(b) When necessary in order to protect a vulnerable adult from serious harm from maltreatment, the county social services agency may seek any of the following protective services interventions:

(1) emergency protective services;

(2) participation of law enforcement or emergency medical services;

(3) authority from a court to remove an adult from the situation in which maltreatment occurred;

(4) a restraining order or court order for removal of the perpetrator from the residence of the vulnerable adult pursuant to section 518B.01;

(5) a referral for a financial transaction hold under chapter 45A or a protective arrangement under this chapter or chapter 524;

(6) a referral for a representative payee;

(7) a referral to the prosecuting attorney for possible criminal prosecution of the perpetrator under chapter 609;

(8) the appointment or replacement of a guardian or conservator pursuant to sections 524.5-101 to 524.5-502, or guardianship or conservatorship pursuant to chapter 252A when maltreatment has been substantiated and when less restrictive interventions are not sufficient to stop or reduce the risk of serious harm from maltreatment; and

(9) other interventions recommended by a multidisciplinary team under this section.

(c) The county social services agency may seek the protective services interventions under paragraph (b) regardless of the vulnerable adult's voluntary or involuntary participation.

(d) The county social services agency may offer voluntary service interventions to support the vulnerable adult or primary supports to stop, reduce the risk for, or prevent subsequent maltreatment.

Subd. 11i. **County social services agency; legal intervention.** (a) In proceedings under sections 524.5-101 to 524.5-502, if a suitable relative or other person is not available to petition for guardianship or conservatorship, a county employee must present the petition with representation by the county attorney. The county must contract with or arrange for a suitable person or organization to provide ongoing guardianship services. If the county presents evidence to the court exercising probate jurisdiction that the county has made diligent effort and no other suitable person can be found, a county employee may serve as guardian or conservator.

(b) The county must not retaliate against the employee for any action taken on behalf of the person subject to guardianship or conservatorship, even if the action is adverse to the county's interests. Any person retaliated against in violation of this subdivision shall have a cause of action against the county and is entitled to reasonable attorney fees and costs of the action if the action is upheld by the court.

(c) The expenses of a legal intervention must be paid by the county in the case of indigent persons under section 524.5-502 and chapter 563.

Subd. 11j. **County social services agency; conflict of interest.** (a) A county that identifies a potential conflict of interest under paragraph (c) related to an investigation, assessment, or protective services intervention must coordinate with another county social services agency to delegate the initial county's authority as the lead investigative agency to remediate the potential conflict.

(b) The initial county must notify the commissioner of human services when no other county is available to accept delegation of adult protective services duties. If the commissioner is notified that no other county is available, the commissioner may use the authority under subdivision 9a to determine the county social services agency responsible as lead investigative agency and for adult protective services.

(c) A county social services agency employee or designee must not have:

(1) a personal or family relationship with a party in the investigation or assessment;

(2) a dual relationship, as defined in Code of Federal Regulations, title 45, section 1324.401, with the vulnerable adult;

(3) a personal financial interest or financial relationship with a provider receiving referrals from the employee; or

(4) any other appearance of conflict of interest as determined by the county social services agency.

Subd. 12. MS 1994 [Repealed, 1995 c 229 art 1 s 24]

Subd. 12a. MS 1982 [Repealed, 1983 c 273 s 8]

Subd. 12b. **Data management.** (a) In performing any of the duties of this section as a lead investigative agency, the county social services agency shall maintain appropriate records. Data collected by the county social services agency under this section while providing adult protective services are welfare data under section 13.46. Investigative data collected under this section are confidential data on individuals or protected nonpublic data as defined under section 13.02. Notwithstanding section 13.46, subdivision 1, paragraph (a), data under this paragraph that are inactive investigative data on an individual who is a vendor of services are private data on individuals, as defined in section 13.02. The identity of the reporter may only be disclosed as provided in paragraph (c).

Data maintained by the common entry point are confidential data on individuals or protected nonpublic data as defined in section 13.02. Notwithstanding section 138.163, the common entry point shall maintain data for three calendar years after date of receipt and then destroy the data unless otherwise directed by federal requirements.

(b) The commissioners of health and human services shall prepare an investigation memorandum for each report alleging maltreatment investigated under this section. County social services agencies must maintain private data on individuals but are not required to prepare an investigation memorandum. During an investigation by the commissioner of health or the commissioner of human services, data collected under this section are confidential data on individuals or protected nonpublic data as defined in section 13.02. Upon completion of the investigation, the data are classified as provided in clauses (1) to (3) and paragraph (c).

(1) The investigation memorandum must contain the following data, which are public:

(i) the name of the facility investigated;

(ii) a statement of the nature of the alleged maltreatment;

(iii) pertinent information obtained from medical or other records reviewed;

(iv) the identity of the investigator;

(v) a summary of the investigation's findings;

(vi) statement of whether the report was found to be substantiated, inconclusive, false, or that no determination will be made;

(vii) a statement of any action taken by the facility;

(viii) a statement of any action taken by the lead investigative agency; and

(ix) when a lead investigative agency's determination has substantiated maltreatment, a statement of whether an individual, individuals, or a facility were responsible for the substantiated maltreatment, if known.

The investigation memorandum must be written in a manner which protects the identity of the reporter and of the vulnerable adult and may not contain the names or, to the extent possible, data on individuals or private data listed in clause (2).

(2) Data on individuals collected and maintained in the investigation memorandum are private data, including:

(i) the name of the vulnerable adult;

(ii) the identity of the individual alleged to be the perpetrator;

(iii) the identity of the individual substantiated as the perpetrator; and

(iv) the identity of all individuals interviewed as part of the investigation.

(3) Other data on individuals maintained as part of an investigation under this section are private data on individuals upon completion of the investigation.

(c) The name of the reporter must be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by a court that the report was false and there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the Rules of Criminal Procedure, except that where the identity of the reporter is relevant to a criminal prosecution, the district court shall do an in-camera review prior to determining whether to order disclosure of the identity of the reporter.

(d) Notwithstanding section 138.163, data maintained under this section by the commissioners of health and human services and county adult protective services must be maintained under the following schedule and then destroyed unless otherwise directed by federal requirements:

(1) data from reports determined to be false, maintained for three years after the finding was made for reports under the jurisdiction of the Department of Human Services or the Department of Health and five years after the finding was made for reports under the jurisdiction of county adult protective services;

(2) data from reports determined to be inconclusive, maintained for four years after the finding was made for reports under the jurisdiction of the Department of Human Services or the Department of Health and five years after the finding was made for reports under the jurisdiction of county adult protective services;

(3) data from reports determined to be substantiated, maintained for seven years after the finding was made; and

(4) data from reports which were not investigated by a lead investigative agency and for which there is no final disposition, maintained for three years from the date of the report for reports under the jurisdiction of the Department of Human Services or the Department of Health and five years from the date of the report for reports under the jurisdiction of county adult protective services.

(e) The commissioners of health and human services shall annually publish on their websites the number and type of reports of alleged maltreatment involving licensed facilities reported under this section, the number of those requiring investigation under this section, and the resolution of those investigations.

(f) Lead investigative agencies, county agencies responsible for adult protective services, prosecuting authorities, and law enforcement agencies may exchange not public data, as defined in section 13.02, with a Tribal agency, facility, service provider, vulnerable adult, primary support person for a vulnerable adult, emergency management service, financial institution, medical examiner, state licensing board, federal or state agency, the ombudsman for long-term care, or the ombudsman for mental health and developmental disabilities, if the agency or authority providing the data determines that the data are pertinent and necessary to prevent further maltreatment of a vulnerable adult, to safeguard a vulnerable adult, or for an investigation under this section. Data collected under this section must be made available to prosecuting authorities and law enforcement officials, local county agencies, the commissioner of human services as the state Medicaid agency, and licensing agencies investigating the alleged maltreatment under this section. The lead investigative agency shall exchange not public data with the vulnerable adult maltreatment review panel established in section 256.021 if the data are pertinent and necessary for a review requested under that section. Notwithstanding section 138.17, upon completion of the review, not public data received by the review panel must be destroyed.

(g) Each lead investigative agency shall keep records of the length of time it takes to complete its investigations.

(h) A lead investigative agency may notify other affected parties and their authorized representative if the lead investigative agency has reason to believe maltreatment has occurred and determines the information will safeguard the well-being of the affected parties or dispel widespread rumor or unrest in the affected facility.

(i) Under any notification provision of this section, where federal law specifically prohibits the disclosure of patient identifying information, a lead investigative agency may not provide any notice unless the vulnerable adult has consented to disclosure in a manner which conforms to federal requirements.

(j) When a county agency acting as the lead investigative agency is aware the person determined responsible for maltreatment is a guardian or conservator appointed under chapter 524, the county agency must share the final determination with the state judicial branch within 14 calendar days of the determination.

Subd. 13. MS 1994 [Repealed, 1995 c 229 art 1 s 24]

Subd. 14. **Abuse prevention plans.** (a) Each facility, except home health agencies and personal care attendant services providers, shall establish and enforce an ongoing written abuse prevention plan. The plan shall contain an assessment of the physical plant, its environment, and its population identifying factors which may encourage or permit abuse, and a statement of specific measures to be taken to minimize the risk of abuse. The plan shall comply with any rules governing the plan promulgated by the licensing agency.

(b) Each facility, including a home health care agency and personal care attendant services providers, shall develop an individual abuse prevention plan for each vulnerable adult residing there or receiving services from them. The plan shall contain an individualized assessment of: (1) the person's susceptibility to abuse by other individuals, including other vulnerable adults; (2) the person's risk of abusing other vulnerable adults; and (3) statements of the specific measures to be taken to minimize the risk of abuse to that person and other vulnerable adults. For the purposes of this paragraph, the term "abuse" includes self-abuse.

(c) If the facility, except home health agencies and personal care attendant services providers, knows that the vulnerable adult has committed a violent crime or an act of physical aggression toward others, the individual abuse prevention plan must detail the measures to be taken to minimize the risk that the vulnerable adult might reasonably be expected to pose to visitors to the facility and persons outside the facility, if

unsupervised. Under this section, a facility knows of a vulnerable adult's history of criminal misconduct or physical aggression if it receives such information from a law enforcement authority or through a medical record prepared by another facility, another health care provider, or the facility's ongoing assessments of the vulnerable adult.

Subd. 15. MS 1994 [Repealed, 1995 c 229 art 1 s 24]

Subd. 16. MS 2012 [Repealed, 2014 c 262 art 4 s 9]

Subd. 17. **Retaliation prohibited.** (a) A facility or person shall not retaliate against any person who reports in good faith suspected maltreatment pursuant to this section, or against a vulnerable adult with respect to whom a report is made, because of the report.

(b) In addition to any remedies allowed under sections 181.931 to 181.935, any facility or person which retaliates against any person because of a report of suspected maltreatment is liable to that person for actual damages, punitive damages up to $10,000, and attorney fees.

(c) There shall be a rebuttable presumption that any adverse action, as defined below, within 90 days of a report, is retaliatory. For purposes of this clause, the term "adverse action" refers to action taken by a facility or person involved in a report against the person making the report or the person with respect to whom the report was made because of the report, and includes, but is not limited to:

(1) discharge or transfer from the facility;

(2) discharge from or termination of employment;

(3) demotion or reduction in remuneration for services;

(4) restriction or prohibition of access to the facility or its residents; or

(5) any restriction of rights set forth in section 144.651.

Subd. 18. **Outreach.** The commissioner of human services shall maintain an aggressive program to educate those required to report, as well as the general public, about the requirements of this section using a variety of media. The commissioner of human services shall print and make available the form developed under subdivision 9.

Subd. 19. MS 1994 [Repealed, 1995 c 229 art 1 s 24]

Subd. 20. **Cause of action for financial exploitation; damages.** (a) A vulnerable adult who is a victim of financial exploitation as defined in section 626.5572, subdivision 9, has a cause of action against a person who committed the financial exploitation. In an action under this subdivision, the vulnerable adult is entitled to recover damages equal to three times the amount of compensatory damages or $10,000, whichever is greater.

(b) In addition to damages under paragraph (a), the vulnerable adult is entitled to recover reasonable attorney fees and costs, including reasonable fees for the services of a guardian or conservator or guardian ad litem incurred in connection with a claim under this subdivision.

(c) An action may be brought under this subdivision regardless of whether there has been a report or final disposition under this section or a criminal complaint or conviction related to the financial exploitation.

Subd. 21. **Contested case hearing.** When an appeal of a lead investigative agency determination results in a contested case hearing under chapter 245A or 245C, the administrative law judge shall notify the

vulnerable adult who is the subject of the maltreatment determination and, if known, a guardian of the vulnerable adult appointed under section 524.5-310, or a health care agent designated by the vulnerable adult in a health care directive that is currently effective under section 145C.06, and whose authority to make health care decisions is not suspended under section 524.5-310, of the hearing. The notice must be sent by certified mail and inform the vulnerable adult of the right to file a signed written statement in the proceedings. A guardian or health care agent who prepares or files a written statement for the vulnerable adult must indicate in the statement that the person is the vulnerable adult's guardian or health care agent and sign the statement in that capacity. The vulnerable adult, the guardian, or the health care agent may file a written statement with the administrative law judge hearing the case no later than five business days before commencement of the hearing. The administrative law judge shall include the written statement in the hearing record and consider the statement in deciding the appeal. This subdivision does not limit, prevent, or excuse the vulnerable adult from being called as a witness testifying at the hearing or grant the vulnerable adult, the guardian, or health care agent a right to participate in the proceedings or appeal the administrative law judge's decision in the case. The lead investigative agency must consider including the vulnerable adult victim of maltreatment as a witness in the hearing. If the lead investigative agency determines that participation in the hearing would endanger the well-being of the vulnerable adult or not be in the best interests of the vulnerable adult, the lead investigative agency shall inform the administrative law judge of the basis for this determination, which must be included in the final order. If the administrative law judge is not reasonably able to determine the address of the vulnerable adult, the guardian, or the health care agent, the administrative law judge is not required to send a hearing notice under this subdivision.

History: *1980 c 542 s 1; 1981 c 311 s 39; 1982 c 393 s 3,4; 1982 c 424 s 130; 1982 c 545 s 24; 1982 c 636 s 5,6; 1983 c 273 s 1-7; 1984 c 640 s 32; 1984 c 654 art 5 s 58; 1985 c 150 s 1-6; 1985 c 293 s 6,7; 1Sp1985 c 14 art 9 s 75; 1986 c 444; 1987 c 110 s 3; 1987 c 211 s 2; 1987 c 352 s 11; 1987 c 378 s 17; 1987 c 384 art 2 s 1; 1988 c 543 s 13; 1989 c 209 art 2 s 1; 1991 c 181 s 2; 1994 c 483 s 1; 1994 c 636 art 2 s 60-62; 1Sp1994 c 1 art 2 s 34; 1995 c 189 s 8; 1995 c 229 art 1 s 1-21; 1996 c 277 s 1; 1996 c 305 art 2 s 66; 2000 c 465 s 3-5; 1Sp2001 c 9 art 5 s 31; art 14 s 30,31; 2002 c 289 s 4; 2002 c 375 art 1 s 22,23; 2002 c 379 art 1 s 113; 2003 c 15 art 1 s 33; 2004 c 146 art 3 s 45; 2004 c 288 art 1 s 80; 2005 c 56 s 1; 2005 c 98 art 2 s 17; 2005 c 136 art 5 s 5; 1Sp2005 c 4 art 1 s 55,56; 2006 c 253 s 21; 2007 c 112 s 55,56; 2007 c 147 art 7 s 75; art 10 s 15; 2009 c 119 s 11-16; 2009 c 142 art 2 s 46,47; 2009 c 159 s 107; 2010 c 329 art 2 s 6; 2010 c 352 art 1 s 23; 2010 c 382 s 81; 2011 c 28 s 9-14,17; 2012 c 216 art 9 s 30,31; 2013 c 63 s 17; 2013 c 108 art 2 s 41-43; art 8 s 57; 2014 c 192 art 2 s 1; 2014 c 291 art 8 s 17; 2015 c 78 art 6 s 23-25; 2019 c 50 art 1 s 128; 1Sp2020 c 2 art 8 s 144; 2022 c 98 art 8 s 37-44; art 14 s 32; 2026 c 95 art 7 s 7-19*

626.5571 MULTIDISCIPLINARY ADULT PROTECTION TEAM.

Subdivision 1. **Establishment of team.** A county may establish a multidisciplinary adult protection team comprised of the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, and representatives of health care. In addition, representatives of mental health or other appropriate human service agencies, community corrections agencies, representatives from local Tribal governments, local law enforcement agencies or designees thereof, adult advocate groups, and any other organization with relevant expertise may be added to the adult protection team.

Subd. 2. **Duties of team.** A multidisciplinary adult protection team may provide public and professional education, develop resources for prevention, intervention, and treatment, and provide case consultation to the local welfare agency to better enable the agency to carry out its functions under section 626.557 and to meet the community's needs. Case consultation may be performed by a committee of the team composed of the team members representing social services, law enforcement, the county attorney, health care, and

persons directly involved in an individual case as determined by the case consultation committee. Case consultation includes a case review process that results in recommendations about services to be provided to the identified adult and family.

Subd. 3. **Information sharing.** The local welfare agency may make available to members of the team for case consultation all records collected and maintained by the agency under section 626.557 and in connection with case consultation. Any member of the case consultation committee may share data, acquired in the member's professional capacity, with the committee to assist the committee in its function. Members prohibited from disclosing patient identifying information because of federal or state law shall seek consent from each patient or resident, or a guardian, conservator or legal representative, for the disclosure of appropriate data to the case consultation committee.

History: *1988 c 575 s 1; 2005 c 98 art 3 s 23; 2011 c 28 s 15; 2022 c 98 art 6 s 19; art 8 s 45,46*

626.5572 DEFINITIONS.

Subdivision 1. **Scope.** For the purpose of section 626.557, the following terms have the meanings given them, unless otherwise specified.

Subd. 2. **Abuse.** "Abuse" means:

(a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:

(1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224;

(2) the use of drugs to injure or facilitate crime as defined in section 609.235;

(3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and

(4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451.

A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.

(b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:

(1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult;

(2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; or

(3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult unless authorized under applicable licensing requirements or Minnesota Rules, chapter 9544.

(c) Any contact with the vulnerable adult that is not therapeutic conduct and a reasonable person would consider a sexual act or any nonconsensual sexual interaction with the vulnerable adult, including but not limited to:

(1) making, viewing, or sharing sexual images or videos with or of the vulnerable adult; and

(2) using oral, written, gestured, or electronic communication that is sexually harassing, including but not limited to unwelcome sexual advances or requests for sexual favors.

(d) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

(e) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

(f) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C or 252A, or section 253B.03 or 524.5-313, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition and hydration parenterally or through intubation. This paragraph does not enlarge or diminish rights otherwise held under law by:

(1) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or

(2) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct.

(g) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult.

(h) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with:

(1) a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship; or

(2) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship.

Subd. 3. **Accident.** "Accident" means a sudden, unforeseen, and unexpected occurrence or event which:

(1) is not likely to occur and which could not have been prevented by exercise of due care; and

(2) if occurring while a vulnerable adult is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.

Subd. 3a. **Adult protective services.** "Adult protective services" means an adult protection program administered by a county social services agency under the authority of the agency's governing body or delegated to a Tribal government by the commissioner of human services to support adults referred for maltreatment to live safely and with dignity.

Subd. 3b. **Assessment.** "Assessment" means a structured process conducted by a county social services agency to review the safety, strengths, and needs of an adult referred as vulnerable and maltreated and accepted by the agency for adult protective services and to develop a service plan to stop, prevent, and reduce risk of maltreatment for the adult using standardized tools provided by the Department of Human Services.

Subd. 4. **Caregiver.** "Caregiver" means an individual or facility who has responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement. Caregiver does not include an unpaid caregiver who provides incidental care.

Subd. 5. **Common entry point.** "Common entry point" means the entity responsible for receiving reports of alleged or suspected maltreatment of a vulnerable adult under section 626.557.

Subd. 6. **Facility.** (a) "Facility" means a hospital or other entity required to be licensed under sections 144.50 to 144.58; a nursing home required to be licensed to serve adults under section 144A.02; a facility or service required to be licensed under chapter 245A; an assisted living facility required to be licensed under chapter 144G; a home care provider licensed or required to be licensed under sections 144A.43 to 144A.482; a hospice provider licensed under sections 144A.75 to 144A.755; or a person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, 256B.0659, or 256B.85.

(b) For services identified in paragraph (a) that are provided in the vulnerable adult's own home or in another unlicensed location, the term "facility" refers to the provider, person, or organization that offers, provides, or arranges for personal care services, and does not refer to the vulnerable adult's home or other location at which services are rendered.

Subd. 7. **False.** "False" means a preponderance of the evidence shows that an act that meets the definition of maltreatment did not occur.

Subd. 8. **Final disposition.** "Final disposition" is the determination of an investigation by a lead investigative agency that a report of maltreatment under Laws 1995, chapter 229, is substantiated, inconclusive, false, or that no determination will be made. When a lead investigative agency determination has substantiated maltreatment, the final disposition also identifies, if known, which individual or individuals were responsible for the substantiated maltreatment, and whether a facility was responsible for the substantiated maltreatment.

Subd. 9. **Financial exploitation.** "Financial exploitation" means:

(a) In breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501, a person:

(1) engages in unauthorized expenditure of funds entrusted to the actor by the vulnerable adult; or

(2) fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult.

(b) In the absence of legal authority a person:

(1) willfully uses, withholds, or disposes of funds or property of a vulnerable adult;

(2) obtains for the actor or another the performance of services by the vulnerable adult for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult;

(3) acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or

(4) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another.

(c) Nothing in this definition requires a facility or caregiver to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law.

Subd. 10. **Immediately.** "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

Subd. 11. **Inconclusive.** "Inconclusive" means there is less than a preponderance of evidence to show that maltreatment did or did not occur.

Subd. 12. **Initial disposition.** "Initial disposition" is the lead investigative agency's determination of whether the report will be assigned for further investigation.

Subd. 12a. **Investigation.** "Investigation" means activities for fact gathering conducted by the lead investigative agency to make a final determination of maltreatment.

Subd. 13. **Lead investigative agency.** "Lead investigative agency" is the primary administrative agency responsible for investigating reports made under section 626.557.

(a) The Department of Health is the lead investigative agency for facilities or services licensed or required to be licensed as hospitals, home care providers, nursing homes, boarding care homes, hospice providers, residential facilities that are also federally certified as intermediate care facilities that serve people with developmental disabilities, federally certified psychiatric residential treatment facilities, or any other facility or service not listed in this subdivision that is licensed or required to be licensed by the Department of Health for the care of vulnerable adults. "Home care provider" has the meaning provided in section 144A.43, subdivision 4, and applies when care or services are delivered in the vulnerable adult's home.

(b) The Department of Human Services is the lead investigative agency for facilities or services licensed or required to be licensed as adult day care, adult foster care, community residential settings, programs for people with disabilities, EIDBI agencies, family adult day services, mental health programs licensed under chapter 245I, mental health clinics, substance use disorder programs, the Minnesota Sex Offender Program, or any other facility or service not listed in this subdivision that is licensed or required to be licensed by the Department of Human Services, except federally certified psychiatric residential treatment facilities. The Department of Human Services is also the lead investigative agency for unlicensed EIDBI agencies under section 256B.0949. The Department of Human Services is the lead investigative agency for adult rehabilitative mental health services under section 245I.22, mobile crisis response services under section 245I.24, and certified community behavioral health clinics under section 245I.17.

(c) The county social services agency adult protective services or the agency's designee or a federally recognized Indian Tribe that entered into a contractual agreement with the commissioner of human services to operate adult protective services is the lead investigative agency for all other reports, including but not limited to reports involving vulnerable adults receiving services from a personal care provider organization under section 256B.0659 or 256B.85.

[See Note.]

Subd. 14. **Legal authority.** "Legal authority" includes, but is not limited to: (1) a fiduciary obligation recognized elsewhere in law, including pertinent regulations; (2) a contractual obligation; or (3) documented consent by a competent person.

Subd. 15. **Maltreatment.** "Maltreatment" means abuse as defined in subdivision 2, neglect as defined in subdivision 17, or financial exploitation as defined in subdivision 9.

Subd. 16. **Mandated reporter.** "Mandated reporter" means a professional or professional's delegate while engaged in: (1) social services; (2) law enforcement; (3) education; (4) the care of vulnerable adults; (5) any of the occupations referred to in section 214.01, subdivision 2; (6) an employee of a rehabilitation facility certified by the commissioner of jobs and training for vocational rehabilitation; (7) an employee or person providing services in a facility as defined in subdivision 6; or (8) a person that performs the duties of the medical examiner or coroner.

Subd. 17. **Neglect.** (a) "Neglect" means neglect by a caregiver or self-neglect.

(b) "Caregiver neglect" means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is:

(1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and

(2) which is not the result of an accident or therapeutic conduct.

(c) "Self-neglect" means neglect by a vulnerable adult of the vulnerable adult's own food, clothing, shelter, health care, financial management, or other services that are not the responsibility of a caregiver which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort.

(d) For purposes of this section, a vulnerable adult is not neglected for the sole reason that:

(1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult, or, where permitted under law, to provide nutrition and hydration parenterally or through intubation; this paragraph does not enlarge or diminish rights otherwise held under law by:

(i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or

(ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct;

(2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult;

(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with:

(i) a person including a facility staff person when a consensual sexual personal relationship existed prior to the caregiving relationship; or

(ii) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship;

(4) an individual makes an error in the provision of therapeutic conduct to a vulnerable adult which does not result in injury or harm which reasonably requires medical or mental health care; or

(5) an individual makes an error in the provision of therapeutic conduct to a vulnerable adult that results in injury or harm, which reasonably requires the care of a physician, and:

(i) the necessary care is provided in a timely fashion as dictated by the condition of the vulnerable adult;

(ii) if after receiving care, the health status of the vulnerable adult can be reasonably expected, as determined by the attending physician, to be restored to the vulnerable adult's preexisting condition;

(iii) the error is not part of a pattern of errors by the individual;

(iv) if in a facility, the error is immediately reported as required under section 626.557, and recorded internally in the facility;

(v) if in a facility, the facility identifies and takes corrective action and implements measures designed to reduce the risk of further occurrence of this error and similar errors; and

(vi) if in a facility, the actions required under items (iv) and (v) are sufficiently documented for review and evaluation by the facility and any applicable licensing, certification, and ombudsman agency.

(e) Nothing in this definition requires a caregiver, if regulated, to provide services in excess of those required by the caregiver's license, certification, registration, or other regulation.

(f) If the findings of an investigation by a lead investigative agency result in a determination of substantiated maltreatment for the sole reason that the actions required of a facility under paragraph (d), clause (5), item (iv), (v), or (vi), were not taken, then the facility is subject to a correction order. An individual will not be found to have neglected or maltreated the vulnerable adult based solely on the facility's not having taken the actions required under paragraph (d), clause (5), item (iv), (v), or (vi). This must not alter the lead investigative agency's determination of mitigating factors under section 626.557, subdivision 9c, paragraph (f).

Subd. 18. **Report.** "Report" means a statement concerning all the circumstances surrounding the alleged or suspected maltreatment, as defined in this section, of a vulnerable adult which are known to the reporter at the time the statement is made.

Subd. 19. **Substantiated.** "Substantiated" means a preponderance of the evidence shows that an act that meets the definition of maltreatment occurred.

Subd. 20. **Therapeutic conduct.** "Therapeutic conduct" means the provision of program services, health care, or other personal care services done in good faith in the interests of the vulnerable adult by: (1) an individual, facility, or employee or person providing services in a facility under the rights, privileges and responsibilities conferred by state license, certification, or registration; or (2) a caregiver.

Subd. 21. **Vulnerable adult.** (a) "Vulnerable adult" means any person 18 years of age or older who:

(1) is a resident or inpatient of a facility;

(2) receives services required to be licensed under chapter 245A, except that a person receiving outpatient services for treatment of substance use disorder or mental illness, or one who is served in the Minnesota Sex Offender Program on a court-hold order for commitment, or is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under section 256B.0625, subdivision 19a, 256B.0651, 256B.0653, 256B.0654, 256B.0659, or 256B.85; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

(ii) because of the dysfunction or infirmity and the need for care or services, the individual has an impaired ability to protect the individual's self from maltreatment.

(b) For purposes of this subdivision, "care or services" means care or services for the health, safety, welfare, or maintenance of an individual.

History: *1995 c 229 art 1 s 22; 2000 c 319 s 3; 1Sp2001 c 9 art 14 s 32; 2002 c 252 s 23,24; 2002 c 379 art 1 s 113; 2004 c 146 art 3 s 46; 2006 c 212 art 3 s 41; 2007 c 112 s 57; 2008 c 326 art 2 s 15; 2009 c 79 art 6 s 20,21; art 8 s 75; 2009 c 119 s 17; 2009 c 142 art 2 s 48; 2011 c 28 s 16,17; 2012 c 216 art 9 s 32; 2013 c 108 art 8 s 58; 2014 c 262 art 4 s 9; art 5 s 6; 2015 c 78 art 6 s 26-28; 2016 c 158 art 1 s 210,211; 2019 c 60 art 1 s 47; art 4 s 33; 7Sp2020 c 1 art 6 s 25; 2022 c 98 art 4 s 51; art 8 s 47-49; 1Sp2025 c 9 art 6 s 15; 2026 c 95 art 7 s 20-26; 2026 c 121 art 4 s 35; art 7 s 53*

NOTE: The amendment to subdivision 13 by Laws 2026, chapter 121, article 7, section 53, is effective January 1, 2028. Laws 2026, chapter 121, article 7, section 56.

626.5573 NEGLIGENCE ACTIONS.

A violation of sections 626.557 to 626.5572 shall be admissible as evidence of negligence, but shall not be considered negligence per se.

History: *1995 c 229 art 1 s 23*

626.558 MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

626.559 Subdivision 1. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 1a. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 1b. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 2. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 3. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

Subd. 4. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 5. MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

626.5591 MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

626.5592 MS 1992 [Repealed, 1993 c 337 s 20]

626.5593 MS 2012 [Repealed, 2014 c 262 art 1 s 12]

626.56 [Renumbered 299C.30]

626.561 MS 2018 [Repealed, 1Sp2020 c 2 art 7 s 39]

626.562 MS 2002 [Repealed, 1Sp2003 c 14 art 11 s 12]

626.563 Subdivision 1. MS 1995 Supp [Repealed, 1996 c 310 s 1]

Subd. 2. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 3. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 4. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 5. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 6. MS 1994 [Repealed, 1996 c 310 s 1]

626.57 [Renumbered 299C.31]

626.58 [Renumbered 299C.32]

626.59 [Renumbered 299C.33]

626.60 [Renumbered 299C.34]

626.61 [Renumbered 299C.35]

626.62 [Renumbered 299C.36]

626.63 [Renumbered 299C.37]

626.64 [Renumbered 299C.38]

UNIFORM ACT ON FRESH PURSUIT

626.65 UNIFORM ACT ON FRESH PURSUIT; RECIPROCAL.

Any member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest the person on the ground that the person is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county, or municipal peace unit of this state, to arrest and hold in custody a person on the ground that the person is believed to have committed a felony in this state; provided, the rights extended by this section shall be extended only to those states granting these same rights to peace officers of this state who may be in fresh pursuit of suspected criminals in such reciprocating states.

History: *(10547-1) 1939 c 64 s 1; 1986 c 444*

626.66 ARREST; HEARING.

If an arrest is made in this state by an officer of another state in accordance with the provisions of section 626.65, the officer shall, without unnecessary delay, take the person arrested before a judge of the county in which the arrest was made. The judge shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was lawful, the judge shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state, or admit the person arrested to bail for such purpose. If the judge determines that the arrest was unlawful, the judge shall discharge the person arrested.

History: *(10547-2) 1939 c 64 s 2; 1983 c 359 s 119; 1986 c 444*

626.67 CONSTRUCTION OF SECTION 626.65.

Section 626.65 shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

History: *(10547-3) 1939 c 64 s 3*

626.68 STATE INCLUDES DISTRICT OF COLUMBIA.

For the purpose of sections 626.65 to 626.69, the word "state" includes the District of Columbia.

History: *(10547-4) 1939 c 64 s 4*

626.69 FRESH PURSUIT.

The term "fresh pursuit," as used in sections 626.65 to 626.69, includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit, as used therein, shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

History: *(10547-5) 1939 c 64 s 5*

626.70 CITATION; UNIFORM ACT ON FRESH PURSUIT.

Sections 626.65 to 626.70 may be cited as the Uniform Act on Fresh Pursuit.

History: *(10547-8) 1939 c 64 s 8*

626.71 FRESH PURSUIT IN NONFELONY SITUATIONS.

Subdivision 1. **Definitions.** As used in this section:

(1) "fresh pursuit" means fresh pursuit as defined by the common law and includes the pursuit of a person who has committed or is reasonably believed to have committed a violation in the presence of the peace officer. Fresh pursuit does not necessarily imply instant pursuit, but pursuit without unreasonable delay;

(2) "peace officer" means a member of a duly organized state, county, or municipal law enforcement unit; and

(3) "violation" includes gross misdemeanors, misdemeanors, and traffic violations.

Subd. 2. **Fresh pursuit authority.** A peace officer of another state who enters this state while on duty and in fresh pursuit, and who continues in fresh pursuit, of a person in order to arrest the person for a violation committed in the peace officer's presence, has the same authority to arrest and hold the person in custody as has any peace officer of this state if reciprocal fresh pursuit authority for that type of violation is extended to Minnesota peace officers by the pursuing officer's state.

History: *1990 c 449 s 2*

PEACE OFFICERS

626.72 PEACE OFFICERS; TRANSPORTATION FOR LAW ENFORCEMENT PURPOSES.

A peace officer, as defined in section 609.487, subdivision 2, clause (2), who enters this state to perform an assigned duty of transporting persons in legal custody for law enforcement purposes has the same authority to transport persons in legal custody as any member of any duly organized state, county, or municipal law enforcement unit of this state if a reciprocal right to transport persons in legal custody is extended to Minnesota peace officers by the peace officer's state or local jurisdiction.

History: *1990 c 449 s 3*

626.74 COMPENSATION FOR DAMAGE CAUSED BY PEACE OFFICERS IN PERFORMING LAW ENFORCEMENT DUTIES.

Subdivision 1. **Definitions.** As used in this section:

(1) "just compensation" means the compensation owed to an innocent third party under the state constitution by a Minnesota local government unit due to property damage caused by a peace officer in the course of executing a search warrant or apprehending a criminal suspect; and

(2) "peace officer" has the meaning given in section 626.84.

Subd. 2. **Responsible government unit; execution of search warrant.** If just compensation is owed for damage caused in the execution of a search warrant or the apprehension of a criminal suspect, the Minnesota local government unit employing the peace officer who sought issuance of the warrant or initiated the apprehension is responsible for paying the compensation. Except as otherwise provided in this subdivision, if the search warrant is executed or the apprehension is accomplished by a peace officer from another Minnesota local government unit in aid of the officer originating the warrant or initiating the apprehension, the responsibility for paying just compensation remains with the Minnesota local government unit employing the officer who originated the warrant or initiated the apprehension. In the event the property damage is caused by the negligence of a peace officer, the Minnesota local government unit employing that peace officer is responsible for paying just compensation.

History: *1998 c 367 art 11 s 20*

626.745 USE OF CHEMICAL IRRITANTS; DISCLOSURE REQUIRED.

Subdivision 1. **Definition.** For purposes of this section, "building" has the meaning given in section 609.581, subdivision 2.

Subd. 2. **Notice of use; identification of products deployed.** (a) Notwithstanding any data classification under chapter 13, a peace officer, law enforcement agency, and local unit of government must provide

information about the use of any chemical irritant, smoke screen, or diversionary device deployed within a building as required under this section.

(b) A peace officer from a law enforcement agency that deploys a chemical irritant within a building, or an officer from the lead law enforcement agency if officers from multiple agencies deploy chemical irritants, must provide notice of the deployment to the owner of the building and, if the building is a private residence, the occupant of the residence. If the building contains two or more dwelling units, a peace officer must notify the occupant of any unit in which a chemical irritant was deployed. A peace officer may notify the occupant of any other unit. A peace officer may provide notice by giving a building owner or occupant the standard form created by the commissioner of public safety, leaving the form in a place where it is likely to be seen by a building owner or occupant, or providing the information contained in the form orally or in another format.

(c) Upon request, the law enforcement agency or local government unit that employs a peace officer who deployed a chemical irritant, smoke screen, or diversionary device within a building must disclose information about the products deployed to:

(1) the building owner;

(2) any tenant in the building;

(3) any applicable insurer; and

(4) any person retained to provide cleaning or other remediation services related to the deployment of chemical irritants, smoke screens, or diversionary devices.

(d) Information about any products deployed within a building must include the name, product number, and total number of all chemical irritants, smoke screens, and diversionary devices deployed by a peace officer employed by the law enforcement agency or local government unit.

(e) If officers from multiple law enforcement agencies deployed chemical irritants, smoke screens, or diversionary devices, the lead law enforcement agency must identify the other law enforcement agencies involved when responding to a request described in paragraph (c).

Subd. 3. **Standard form.** (a) The commissioner of public safety must create a standard notification form for use by peace officers and law enforcement agencies. At a minimum, the form must state that:

(1) a chemical irritant was deployed within the building;

(2) specialized cleanup or treatment of the building may be appropriate; and

(3) the building owner or occupant may contact the law enforcement agency or local government unit that employs the peace officer for more information about what substance was deployed in the building.

(b) The commissioner must provide the standard form to law enforcement agencies and local government units upon request and at no cost.

History: *2026 c 69 s 1*

626.76 RULES AND REGULATIONS; AIDING OTHER OFFICERS; EXCHANGE PROGRAMS.

Subdivision 1. **Interagency cooperation.** Any appointive or elective agency or office of peace officers as defined in subdivision 3 may establish rules or regulations and enter into agreements with other agencies and offices for:

(1) assisting other peace officers in the line of their duty and within the course of their employment; and

(2) exchanging the agency's peace officers with peace officers of another agency or office on a temporary basis. Additionally, the agency or office may establish rules and regulations for assisting probation, parole, and supervised release agents who are supervising probationers, parolees, or supervised releasees in the geographic area within the agency's or office's jurisdiction.

Subd. 2. **Assistance.** (a) When a peace officer gives assistance to another peace officer, or to a parole, probation, or supervised release agent, within the scope of the rules or regulations of the peace officer's appointive or elected agency or office, any such assistance shall be within the line of duty and course of employment of the officer rendering the assistance.

(b) When a peace officer acts on behalf of another agency or office within the scope of an exchange agreement entered into under subdivision 1, the officer's actions are within the officer's line of duty and course of employment to the same extent as if the officer had acted on behalf of the officer's employing agency.

Subd. 3. **Peace officer.** For the purposes of this section, "peace officer" means any member of a police department, State Patrol, game warden service, sheriff's office, or any other law enforcement agency, the members of which have, by law, the power of arrest.

Subd. 4. **No enlargement of duties.** This section shall in no way be construed as extending or enlarging the duties or authority of any peace officer or any other law enforcement agent as defined in subdivision 3 except as provided in this section.

History: *1959 c 374 s 1; 1981 c 37 s 2; 1986 c 444; 1994 c 636 art 4 s 31*

626.77 PEACE OFFICERS FROM ADJOINING STATES; FEDERAL LAW ENFORCEMENT OFFICERS.

Subdivision 1. **Arrest authority.** A peace officer of a state adjoining Minnesota and a federal law enforcement officer have the same authority to arrest and hold an individual in custody as has any peace officer of this state if all of the following circumstances are present:

(1) the officer is on duty and is acting on a request for assistance by a peace officer of this state;

(2) while in this state, the officer acts under the direction of the peace officer to whom the officer is rendering assistance;

(3) while in this state, the officer acts in accordance with the rules and regulations of the officer's own appointive or elective authority; and

(4) upon effecting an arrest, the officer surrenders custody of the arrested individual to a peace officer of this state without unnecessary delay.

Subd. 2. **Tort liability; indemnification.** A peace officer from an adjoining state or a federal law enforcement officer who responds to a request for assistance and who acts in accordance with subdivision 1 is serving in the regular line of duty as fully as though the service was within the officer's jurisdiction. For the purposes of section 3.736 and chapter 466, the officer is deemed to be an employee of the elective or appointive agency of the peace officer requesting assistance.

Subd. 3. **Definition.** As used in this section, "federal law enforcement officer" means an officer or employee whether employed inside or outside the state of the Federal Bureau of Investigation, the Drug

Enforcement Administration, the United States Marshal Service, the Secret Service, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Department of Homeland Security, or the United States Postal Inspection Service, or their successor agencies, who is responsible for the prevention or detection of crimes or for the enforcement of the United States Code and who is authorized to arrest, with or without a warrant, any individual for a violation of the United States Code.

History: *1994 c 441 s 1; 2001 c 16 s 1; 2006 c 260 art 1 s 40; 2007 c 13 art 1 s 25*

626.80 [Renumbered 299C.45]

626.81 [Renumbered 299C.46]

626.82 [Renumbered 299C.47]

626.83 [Renumbered 299C.48]

626.84 DEFINITIONS AND SCOPE.

Subdivision 1. **Definitions.** For purposes of sections 626.84 to 626.863, the following terms have the meanings given:

(a) "Board" means the Board of Peace Officer Standards and Training.

(b) "Director" means the executive director of the board.

(c) "Peace officer" means:

(1) an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota State Patrol, agents of the Division of Alcohol and Gambling Enforcement, state conservation officers, Metropolitan Transit police officers, Department of Corrections Fugitive Apprehension Unit officers, Office of the Inspector General Anti-Fraud and Waste Bureau officers, the statewide coordinator of the Violent Crime Coordinating Council, and railroad peace officers as authorized by section 219.995 and United States Code, title 49, section 28101; and

(2) a peace officer who is employed by a law enforcement agency of a federally recognized Tribe, as defined in United States Code, title 25, section 450b(e), and who is licensed by the board.

(d) "Part-time peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency.

(e) "Reserve officer" means an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance, and shall include reserve deputies, special deputies, mounted or unmounted patrols, and all other employees or volunteers performing reserve officer functions. A reserve officer's duties do not include enforcement of the general criminal laws of the state, and the officer does not have full powers of arrest or authorization to carry a firearm on duty.

(f) "Law enforcement agency" means:

(1) a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state;

(2) subject to the limitations in section 626.93, a law enforcement agency of a federally recognized Tribe, as defined in United States Code, title 25, section 450b(e); and

(3) subject to the limitation of section 219.995, a railroad company.

(g) "Professional peace officer education" means a postsecondary degree program, or a nondegree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.

(h) "Railroad peace officer" means an individual as authorized under United States Code, title 49, section 28101:

(1) employed by a railroad for the purpose of aiding and supplementing law enforcement agencies in the protection of property owned by or in the care, custody, or control of a railroad and to protect the persons and property of railroad passengers and employees; and

(2) licensed by the board.

Subd. 2. **Scope.** Notwithstanding sections 12.03, subdivision 4, 12.25, or any other law to the contrary, no individual employed or acting as an agent of any political subdivision shall be authorized to carry a firearm when on duty unless the individual has been licensed under sections 626.84 to 626.863. Nothing herein shall be construed as requiring licensure of a security guard as that term is defined in section 626.88, subdivision 1, paragraph (c).

History: *1977 c 433 s 1; 1978 c 681 s 8; 1979 c 282 s 1; 1980 c 578 s 2; 1981 c 37 s 2; 1981 c 310 s 1; 1986 c 444; 1987 c 334 s 4; 1989 c 334 art 6 s 13; 1991 c 356 art 6 s 1; 1997 c 129 art 2 s 15; 1997 c 149 s 4; 1999 c 175 s 1; 2000 c 291 s 2; 2004 c 269 art 1 s 11; 2005 c 10 art 1 s 77; art 2 s 3; 2007 c 134 art 11 s 9; 2010 c 383 s 7; 2011 c 85 s 4; 2013 c 135 art 3 s 22; 2024 c 123 art 3 s 7; 2025 c 35 art 3 s 23; 2026 c 92 art 2 s 14*

626.841 BOARD; MEMBERS.

The Board of Peace Officer Standards and Training shall be composed of the following 17 members:

(1) two members to be appointed by the governor from among the county sheriffs in Minnesota;

(2) four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(3) two members to be appointed by the governor from among peace officers, at least one of whom shall be a member of the Minnesota State Patrol Association;

(4) the superintendent of the Minnesota Bureau of Criminal Apprehension or a designee;

(5) two members appointed by the governor from among peace officers, or former peace officers, who are currently employed on a full-time basis in a professional peace officer education program;

(6) two members to be appointed by the governor, one member to be appointed from among administrators of Minnesota colleges or universities that offer professional peace officer education, and one member to be appointed from among the elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2; and

(7) four members appointed by the governor from among the general public.

A chair shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

History: *1967 c 870 s 1; 1969 c 108 s 1; 1977 c 433 s 2; 1979 c 282 s 2; 1981 c 310 s 2; 1986 c 444; 1987 c 358 s 129; 1995 c 226 art 4 s 24; 2Sp2020 c 1 s 12*

626.842 TERMS; MEETINGS; COMPENSATION; REMOVAL; VACANCIES.

Subdivision 1. **Board procedural matters.** Meetings shall be called at the request of the chair or upon the written request of a majority of the members of the board.

Membership on the board shall not constitute the holding of a public office, and members of the board shall not be required to take and file oaths of office or submit a public official's bond before serving on the board.

No member of the board shall be disqualified from holding any public office or employment, by reason of appointment to the board, nor shall the member forfeit any such office or employment notwithstanding any general, special, or local restriction, or ordinance, or city charter to the contrary.

Subd. 2. **Terms, compensation, removal, filling of vacancies.** The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841; the provision of staff, administrative services and office space; the review and processing of complaints; the setting of fees; and other matters relating to board operations shall be as provided in chapter 214.

History: *1967 c 870 s 2; 1969 c 108 s 2; 1971 c 24 s 55; 1976 c 134 s 76; 1977 c 433 s 3; 1986 c 444; 1Sp2021 c 11 art 9 s 24*

626.843 RULES, STANDARDS; EXECUTIVE DIRECTOR.

Subdivision 1. **Rules required.** The board shall adopt rules with respect to:

(1) the certification of postsecondary schools to provide programs of professional peace officer education;

(2) minimum courses of study and equipment and facilities to be required at each certified school within the state;

(3) minimum qualifications for coordinators and instructors at certified schools offering a program of professional peace officer education located within this state;

(4) minimum standards of physical, mental, and educational fitness which shall govern the admission to professional peace officer education programs and the licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota State Patrol;

(5) board-approved continuing education courses that ensure professional competence of peace officers and part-time peace officers;

(6) minimum standards of conduct which would affect the individual's performance of duties as a peace officer. These standards shall be established and published. The board shall review the minimum standards of conduct described in this clause for possible modification in 1998 and every three years after that time;

(7) a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement;

(8) the establishment and use by any political subdivision or state law enforcement agency that employs persons licensed by the board of procedures for investigation and resolution of allegations of misconduct by persons licensed by the board. The procedures shall be in writing and shall be established on or before October 1, 1984;

(9) the issues that must be considered by each political subdivision and state law enforcement agency that employs persons licensed by the board in establishing procedures under section 626.5532 to govern the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487, and requirements for the training of peace officers in conducting pursuits. The adoption of specific procedures and requirements is within the authority of the political subdivision or agency;

(10) supervision of part-time peace officers and requirements for documentation of hours worked by a part-time peace officer who is on active duty. These rules shall be adopted by December 31, 1993;

(11) citizenship requirements for peace officers and part-time peace officers;

(12) driver's license requirements for peace officers and part-time peace officers; and

(13) such other matters as may be necessary consistent with sections 626.84 to 626.863. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to 626.863.

Subd. 1a. MS 1986 [Repealed, 1988 c 563 s 8]

Subd. 1b. **Rules governing complaints.** If the board adopts rules to establish a subcommittee to investigate licensure actions, the subcommittee must have:

(1) one voting board member appointed from the general public; and

(2) three voting board members who are current or former peace officers.

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

Subd. 2. **Executive director.** An executive director shall be appointed by and serve in the unclassified service at the pleasure of the board. The executive director shall perform such duties, on behalf of the board, as the board shall prescribe. The board shall appoint such employees, agents and consultants as deemed necessary, prescribe their duties, and provide for reimbursement of their expenses. Such employees shall be in the classified service.

Subd. 3. **Board authority.** The board may, in addition:

(1) recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 626.841 to 626.863;

(2) visit and inspect any certified school that offers the professional peace officer education program or for which application for certification has been made;

(3) make recommendations, from time to time, to the executive director, attorney general, and the governor regarding the carrying out of the objectives and purposes of sections 626.841 to 626.863;

(4) perform such other acts as may be necessary or appropriate to carry out the powers and duties of the board under sections 626.841 to 626.863; and

(5) cooperate with and receive financial assistance from and join in projects or enter into contracts with the federal government or its agencies for the furtherance of the purposes of Laws 1977, chapter 433.

Subd. 4. **Reporting requirements.** The board shall report to the attorney general, from time to time, and to the governor at least biennially concerning the activities of the board. The board shall report biannually to the chairs of the senate and house of representatives committees and divisions having jurisdiction over criminal justice funding concerning the activities of the board. In addition to other relevant items, the report must include detailed information concerning the compliance reviews required in section 626.8459.

History: *1967 c 870 s 3; 1973 c 507 s 45; 1974 c 478 s 1; 1977 c 433 s 4-6; 1978 c 681 s 9-11; 1981 c 37 s 2; 1981 c 310 s 3; 1983 c 269 s 3; 1986 c 444; 1988 c 712 s 18; 1989 c 209 art 2 s 1; 1992 c 571 art 15 s 13; 1995 c 226 art 4 s 25; 1997 c 7 art 1 s 169; art 2 s 65; 1997 c 239 art 8 s 31; 1999 c 216 art 5 s 5; 2009 c 59 art 5 s 16,17; 2Sp2020 c 1 s 13; 2023 c 52 art 10 s 10*

626.8431 AUTOMATIC LICENSE REVOCATION.

The license of a peace officer convicted of a felony is automatically revoked. For purposes of this section, "conviction" includes a finding of guilt, whether or not the adjudication of guilt is stayed or executed, an admission of guilt, or a no contest plea.

History: *1995 c 226 art 4 s 26*

626.8432 REVOCATION; SUSPENSION; DENIAL.

Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The board may refuse to issue, refuse to renew, refuse to reinstate, suspend, revoke eligibility for licensure, or revoke a peace officer or part-time peace officer license for any of the following causes:

(1) fraud or misrepresentation in obtaining a license;

(2) failure to meet licensure requirements;

(3) a violation of section 626.8436, subdivision 1; or

(4) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700.

(b) Unless otherwise provided by the board, a revocation or suspension applies to each license, renewal, or reinstatement privilege held by the individual at the time final action is taken by the board. A person whose license or renewal privilege has been suspended or revoked shall be ineligible to be issued any other license by the board during the pendency of the suspension or revocation.

Subd. 2. **Discovery of disqualifying conviction after licensure.** The board may suspend or revoke a peace officer or part-time peace officer license when the licensee has been convicted of a crime recognized by the board as a crime that would disqualify the licensee from participating in a professional peace officer education course, taking the peace officer licensing examination or the part-time peace officer licensing examination, or maintaining eligibility for licensure under Minnesota Rules, chapter 6700. The authority to suspend or revoke a license shall include all individuals who have been granted a license when a disqualifying conviction that would have precluded eligibility for licensure is discovered after licensure.

History: *2001 c 135 s 1; 2023 c 52 art 10 s 11*

626.8433 EYEWITNESS IDENTIFICATION POLICIES REQUIRED.

Subdivision 1. **Statewide model policy required.** By November 1, 2020, the board, in consultation with stakeholders, shall develop a model policy that articulates best practices in eyewitness identification and promotes uniform practices statewide. The board shall distribute this model policy to all chief law enforcement officers. At a minimum, the policy must require that:

(1) a person administering a live or photographic lineup be unaware of the suspect's identity, or if that is not practical, the administrator use a photographic lineup that prevents the administrator from seeing which member of the photographic lineup is being viewed by the eyewitness at a given time;

(2) before the procedure, the eyewitness be instructed that the perpetrator may or may not be in the lineup;

(3) nonsuspect "fillers" used in the lineup be substantially similar to the eyewitness' description of the perpetrator; and

(4) immediately after an identification is made, the eyewitness provide a statement in the eyewitness' own words that articulates the level of the eyewitness' confidence in the identification.

Subd. 2. **Agency policies required.** By February 1, 2021, the chief law enforcement officers of every state and local law enforcement agency shall adopt and implement a written policy on eyewitness identification practices that is identical to or substantially similar to the model policy developed under subdivision 1.

Subd. 3. **Admissibility of evidence not impacted.** Nothing in this section is intended to preclude the admissibility of any relevant evidence or to affect the standards governing the admissibility of evidence under the United States or Minnesota Constitution.

History: *2020 c 90 s 1*

626.8434 WARRIOR-STYLE TRAINING PROHIBITED.

Subdivision 1. **Definition.** For purposes of this section, "warrior-style training" means training for peace officers that dehumanizes people or encourages aggressive conduct by peace officers during encounters with others in a manner that deemphasizes the value of human life or constitutional rights, the result of which increases a peace officer's likelihood or willingness to use deadly force.

Subd. 2. **No continuing education credits or tuition reimbursement.** (a) The board may not certify a continuing education course that includes warrior-style training.

(b) The board may not grant continuing education credit to a peace officer for a course that includes warrior-style training.

(c) The board may not reimburse a law enforcement agency or a peace officer for a course that includes warrior-style training.

Subd. 3. **Training prohibited.** A law enforcement agency may not provide warrior-style training, directly or through a third party, to a peace officer.

History: *2Sp2020 c 1 s 14*

626.8435 PUBLIC SAFETY ADVISORY COUNCIL.

Subdivision 1. **Establishment and membership.** The Public Safety Advisory Council is established under the Peace Officer Standards and Training Board. The council consists of the following 15 members:

(1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

(2) the executive director of the Peace Officer Standards and Training Board, or a designee;

(3) the executive director of the Minnesota Police and Peace Officers Association, or a designee;

(4) the executive director of the Minnesota Sheriffs' Association, or a designee;

(5) the executive director of the Minnesota Chiefs of Police Association, or a designee;

(6) six community members, of which:

(i) four members shall represent the community-specific boards established under sections 15.0145 and 3.922, reflecting one appointment made by each board;

(ii) one member shall be a mental health advocate and shall be appointed by the Minnesota chapter of the National Alliance on Mental Illness; and

(iii) one member shall be an advocate for victims and shall be appointed by Violence Free Minnesota; and

(7) four members appointed by the legislature, of which one shall be appointed by the speaker of the house, one by the house minority leader, one by the senate majority leader, and one by the senate minority leader.

The appointing authorities shall make their appointments by September 15, 2020, and shall ensure geographical balance when making appointments.

Subd. 2. **Purpose and duties.** (a) The purpose of the council is to assist the board in maintaining policies and regulating peace officers in a manner that ensures the protection of civil and human rights. The council shall provide for citizen involvement in policing policies, regulations, and supervision. The council shall advance policies and reforms that promote positive interactions between peace officers and the community.

(b) The board chair must place the council's recommendations to the board on the board's agenda within four months of receiving a recommendation from the council.

Subd. 3. **Organization.** The council shall be organized and administered under section 15.059, except that the council does not expire. Council members serve at the pleasure of the appointing authority. The council shall select a chairperson from among the members by majority vote at its first meeting. The executive director of the board shall serve as the council's executive secretary.

Subd. 4. **Meetings.** The council must meet at least quarterly. Meetings of the council are governed by chapter 13D. The executive director of the Peace Officer Standards and Training Board shall convene the council's first meeting, which must occur by October 15, 2020.

Subd. 5. **Office support.** The executive director of the Peace Officer Standards and Training Board shall provide the council with the necessary office space, supplies, equipment, and clerical support to effectively perform the duties imposed.

Subd. 6. **Reports.** The council shall submit a report by February 15 of each year to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and the board. At a minimum, the report shall include:

(1) all recommendations presented to the board and how the board acted on those recommendations;

(2) recommendations for statutory reform or legislative initiatives intended to promote police-community relations; and

(3) updates on the council's review and determinations.

History: *2Sp2020 c 1 s 15; 3Sp2020 c 2 s 3; 1Sp2021 c 11 art 9 s 25; 2024 c 123 art 3 s 8*

626.8436 HATE OR EXTREMIST GROUPS.

Subdivision 1. **Prohibition.** (a) A peace officer may not join, support, advocate for, maintain membership, or participate in the activities of:

(1) a hate or extremist group; or

(2) a criminal gang as defined in section 609.229, subdivision 1.

(b) This section does not apply when the conduct is sanctioned by the law enforcement agency as part of the officer's official duties.

Subd. 2. **Definitions.** (a) "Hate or extremist group" means a group that, as demonstrated by its official statements or principles, the statements of its leaders or members, or its activities:

(1) promotes the use of threats, force, violence, or criminal activity:

(i) against a local, state, or federal entity, or the officials of such an entity;

(ii) to deprive, or attempt to deprive, individuals of their civil rights under the Minnesota or United States Constitution; or

(iii) to achieve goals that are political, religious, discriminatory, or ideological in nature;

(2) promotes seditious activities; or

(3) advocates for differences in the right to vote, speak, assemble, travel, or maintain citizenship based on a person's perceived race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, public assistance status, or any protected class as defined in Minnesota Statutes or federal law.

(b) For the purposes of this section, advocacy, membership, or participation in a hate or extremist group or criminal gang is demonstrated by:

(1) dissemination of material that promotes:

(i) the use of threats, force, violence, or criminal activity;

(ii) seditious activities; or

(iii) the objectives described in paragraph (a), clause (3);

(2) engagement in cyber or social media posts, chats, forums, and other forms of promotion of the group's activities;

(3) display or use of insignia, colors, tattoos, hand signs, slogans, or codes associated with the group;

(4) direct financial or in-kind contributions to the group;

(5) a physical or cyber presence in the group's events; or

(6) other conduct that could reasonably be considered support, advocacy, or participation in the group's activities.

History: *2023 c 52 art 10 s 12*

626.8437 TRAINING IN EXCITED DELIRIUM AND SIMILAR TERMS PROHIBITED.

Subdivision 1. **Definition.** For the purposes of this chapter, "excited delirium" means a description of a person's state of agitation, excitability, paranoia, extreme aggression, physical violence, and apparent immunity to pain that is not listed in the most current version of the Diagnostic and Statistical Manual of Mental Disorders, or for which there is insufficient scientific evidence or diagnostic criteria to be recognized as a medical condition. Excited delirium includes excited delirium syndrome, hyperactive delirium, agitated delirium, exhaustive mania, and similar terms.

Subd. 2. **No continuing education credits or tuition reimbursement.** (a) The board may not certify a continuing education course that includes training on the detection or use of the term excited delirium.

(b) The board may not grant continuing education credit to a peace officer for a course that includes training on the detection or use of the term excited delirium.

(c) The board may not reimburse a law enforcement agency or a peace officer for a course that includes training on the detection or use of the term excited delirium.

Subd. 3. **Training prohibited.** A law enforcement agency may not provide, directly or through a third party, to a peace officer any course that includes training on the detection or use of excited delirium. This section does not prohibit peace officer training in responding to and the proper care of a person in crisis.

History: *2024 c 123 art 3 s 9*

626.844 MS 1976 [Repealed, 1977 c 433 s 16]

626.8441 Subdivision 1. MS 2010 [Repealed, 2011 c 76 art 1 s 80]

Subd. 2. [Expired]

626.8442 POLICIES ON SEXUAL ASSAULTS.

(a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy addressing how the agency will respond to and investigate reports of sexual assault. The policy must substantially incorporate the main items from the board's model policy on responding

to reports of sexual assault, but also may expand on the board's policy. As an alternative, the policy may be identical to the board's policy.

(b) Each chief law enforcement officer must certify to the board that the policy described in paragraph (a) is in place and being enforced and forward a copy of the policy to the board.

History: *1Sp2019 c 5 art 4 s 20*

626.8443 OPIATE ANTAGONISTS; TRAINING; CARRYING; USE.

Subdivision 1. **Training.** A chief law enforcement officer must provide basic training to peace officers employed by the chief's agency on:

(1) identifying persons who are suffering from narcotics overdoses; and

(2) the proper use of opiate antagonists to treat a narcotics overdose.

Subd. 2. **Mandatory supply.** A chief law enforcement officer must maintain a sufficient supply of opiate antagonists to ensure that officers employed by the chief's agency can satisfy the requirements of subdivision 3.

Subd. 3. **Mandatory carrying.** Each on-duty peace officer who is assigned to respond to emergency calls must have at least two unexpired opiate antagonist doses readily available when the officer's shift begins. An officer who depletes their supply of opiate antagonists during the officer's shift shall replace the expended doses from the officer's agency's supply so long as replacing the doses will not compromise public safety.

Subd. 4. **Authorization of use.** (a) A chief law enforcement officer must authorize peace officers employed by the chief's agency to perform administration of an opiate antagonist when an officer believes a person is suffering a narcotics overdose.

(b) In order to administer opiate antagonists, a peace officer must comply with section 151.37, subdivision 12, paragraph (b), clause (1).

History: *2023 c 52 art 15 s 16*

626.845 POWERS AND DUTIES.

Subdivision 1. **Powers and duties.** The board shall have the following powers and duties:

(1) to certify postsecondary schools to provide programs of professional peace officer education based on a set of board-approved professional peace officer education learning objectives;

(2) to issue certificates to postsecondary schools, and to revoke certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.863;

(3) to license peace officers who have met the education and experience requirements and passed examinations as required by the board;

(4) to develop and administer licensing examinations based on the board's learning objectives;

(5) to consult and cooperate with continuing education providers for the development of in-service training programs for peace officers;

(6) to consult and cooperate with postsecondary schools for the development and improvement of professional peace officer education;

(7) to consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(8) to perform such other acts as may be necessary and appropriate to carry out the powers and duties of sections 626.841 to 626.863;

(9) to obtain criminal conviction data for persons seeking a license to be issued or possessing a license issued by the board. The board shall have authority to obtain criminal conviction data to the full extent that any other law enforcement agency, as that term is defined by state or federal law, has to obtain the data;

(10) to prepare and transmit annually to the governor a report of its activities with respect to allocation of money appropriated to it for peace officers training, including the name of each recipient of money for that purpose and the amount awarded; and

(11) to assist and cooperate with any political subdivision or state law enforcement agency that employs persons licensed by the board to establish written policies as mandated by the state pertaining to persons licensed by the board, and to enforce licensing sanctions for failure to implement these policies.

In addition, the board may maintain data received from law enforcement agencies under section 626.87, subdivision 5, provide the data to requesting law enforcement agencies who are conducting background investigations, and maintain data on applicants and licensees as part of peace officer license data. The data that may be maintained include the name of the law enforcement agency conducting the investigation and data on the candidate provided under section 626.87, subdivision 5, clauses (1) and (2).

Subd. 2. MS 1986 [Repealed, 1988 c 563 s 8]

Subd. 3. **Peace officer data.** The board, in consultation with the Minnesota Chiefs of Police Association, Minnesota Sheriffs' Association, and Minnesota Police and Peace Officers Association, shall create a central repository for peace officer data. The database shall be designed to receive, in real time, the data required to be submitted to the board by law enforcement agencies in section 626.8457, subdivision 3, paragraph (b). To ensure the anonymity of individuals, the database must use encrypted data to track information transmitted on individual peace officers.

History: *1967 c 870 s 5; 1977 c 433 s 7; 1978 c 681 s 12; 1981 c 310 s 4; 1981 c 341 s 4; 1983 c 269 s 4; 1987 c 258 s 12; 1988 c 712 s 19; 1989 c 246 s 2; 1997 c 7 art 1 s 169; art 2 s 66; 1997 c 214 s 4; 1999 c 216 art 5 s 6; 2009 c 59 art 5 s 18; 2Sp2020 c 1 s 16; 1Sp2021 c 11 art 9 s 26*

626.8451 TRAINING IN IDENTIFYING AND RESPONDING TO CERTAIN CRIMES.

Subdivision 1. **Training course; crimes motivated by bias.** (a) The board must approve a list of training courses to assist peace officers in identifying, responding to, and reporting crimes committed in whole or in substantial part because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03. The course must include material to help officers distinguish bias crimes from other crimes, to help officers in understanding and assisting victims of these crimes, and to ensure that bias crimes will be accurately reported as required under section 626.5531. The board must review the approved courses every three years and update the list of

approved courses as the board, in consultation with communities most targeted by hate crimes because of their characteristics as described above, organizations with expertise in providing training on hate crimes, and the statewide coalition of organizations representing communities impacted by hate crimes, considers appropriate.

(b) In updating the list of approved training courses described in paragraph (a), the board must consult and significantly incorporate input from communities most targeted by hate crimes because of their characteristics as described in paragraph (a), organizations with expertise in providing training on hate crimes, and the statewide coalition of organizations representing communities impacted by hate crimes.

Subd. 1a. **Training course; crimes of violence.** In consultation with the school of law enforcement, the board shall prepare a training course to assist peace officers in responding to crimes of violence and to enhance peace officer sensitivity in interacting with and assisting crime victims. For purposes of this course, harassment and stalking crimes are "crimes of violence." The course must include information about:

(1) the needs of victims of these crimes and the most effective and sensitive way to meet those needs or arrange for them to be met;

(2) the extent and causes of crimes of violence, including physical and sexual abuse, physical violence, harassment and stalking, and neglect;

(3) the identification of crimes of violence and patterns of violent behavior; and

(4) culturally responsive approaches to dealing with victims and perpetrators of violence.

Subd. 2. **Preservice training requirement.** An individual may not be licensed as a peace officer unless the individual has received the training described in subdivision 1. An individual is not eligible to take the peace officer licensing examination after August 1, 1994, unless the individual has received the training described in subdivision 1a.

Subd. 3. **In-service training; board requirements.** The board must provide to chief law enforcement officers instructional materials patterned after the materials developed by the board under subdivisions 1 and 1a. These materials must meet board requirements for continuing education credit and be updated periodically as the board considers appropriate. The board must also seek funding for an educational conference to inform and sensitize chief law enforcement officers and other interested persons to the law enforcement issues associated with bias crimes and crimes of violence. If funding is obtained, the board may sponsor the educational conference on its own or with other public or private entities.

Subd. 4. **In-service training; chief law enforcement officer requirements.** A chief law enforcement officer must inform all peace officers within the officer's agency of (1) the requirements of section 626.5531, (2) the availability of the instructional materials provided by the board under subdivision 3, and (3) the availability of continuing education credit for the completion of these materials. The chief law enforcement officer must also encourage these peace officers to review or complete the materials.

History: *1988 c 643 s 2; 1992 c 571 art 15 s 14; 1993 c 326 art 2 s 27; 2007 c 13 art 1 s 19; 2023 c 52 art 10 s 13*

626.8452 DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED.

Subdivision 1. **Deadly force policy.** By January 1, 1992, the head of every local and state law enforcement agency shall establish and enforce a written policy governing the use of force, including deadly force, as defined in section 609.066, by peace officers and part-time peace officers employed by the agency. The

policy must be consistent with the provisions of section 609.066, subdivision 2, and may not prohibit the use of deadly force under circumstances in which that force is justified under section 609.066, subdivision 2.

Subd. 1a. **Updated policy required.** (a) By September 1, 2020, the board, in consultation with interested parties, shall adopt an updated comprehensive written model policy on the use of force, including deadly force, by peace officers, and distribute this policy to the chief law enforcement officer of every law enforcement agency in the state. The model policy must recognize and respect the sanctity and value of all human life and the need to treat everyone with dignity and without prejudice. At a minimum, the policy must include:

(1) a duty for peace officers to intercede when present and observing another peace officer using force that is clearly beyond what is objectively reasonable under the law and the particular circumstances of the case, and in a position to do so;

(2) a duty for peace officers to report any illegal use of force by another peace officer to the officer's chief law enforcement officer; and

(3) a duty for peace officers to only use deadly force including techniques that are restricted by section 609.06, subdivision 3, as authorized in section 609.066. However, even in those circumstances, the policy must require that less lethal measures be considered first by the officer.

(b) The board shall incorporate all applicable standards in sections 609.06, subdivision 3, and 609.066, even if a standard has a delayed effective date. The revised model policy shall clearly identify the effective date of provisions with an effective date beyond September 1, 2020.

(c) By December 15, 2020, the chief law enforcement officer of every state and local law enforcement agency must update the policy required under subdivision 1 so that it is identical or substantially similar to the model policy developed by the board under this subdivision. The board must assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing policies under this subdivision.

Subd. 1b. **Prohibition against retaliation; employers.** (a) A law enforcement agency shall not discharge, discipline, threaten, retaliate, otherwise discriminate against, or penalize a peace officer regarding the officer's compensation, terms, conditions, location, or privileges of employment because the officer interceded or made a report in compliance with section 626.8475 or a policy adopted under subdivision 1a regarding another employee or peace officer who used excessive force.

(b) A court may order the law enforcement agency to pay back wages and offer job reinstatement to any officer discharged from employment in violation of paragraph (a).

(c) In addition to any remedies otherwise provided by law, a peace officer injured by a violation of paragraph (a) may bring a civil action for recovery of damages together with costs and disbursements, including reasonable attorney fees, and may receive injunctive and other equitable relief, including reinstatement, as determined by the court.

Subd. 1c. **Prohibition against retaliation; fellow officers.** (a) A peace officer or employee of a law enforcement agency may not threaten, harass, retaliate, or otherwise discriminate against a peace officer because the officer interceded or made a report in compliance with section 626.8475 or a policy adopted under subdivision 1a regarding another employee or peace officer who used excessive force.

(b) A person who violates paragraph (a) is subject to disciplinary action as determined by the chief law enforcement officer of the agency employing the person.

(c) A peace officer who is the victim of conduct prohibited in paragraph (a) may bring a civil action for recovery of damages together with costs and disbursements, including reasonable attorney fees, and may receive injunctive and other equitable relief as determined by the court.

Subd. 2. **Deadly force and firearms use; initial instruction.** Beginning January 1, 1992, the head of every local and state law enforcement agency shall provide instruction on the use of force, deadly force, and the use of firearms to every peace officer and part-time peace officer newly appointed by or beginning employment with the agency. This instruction must occur before the agency head issues a firearm to the officer or otherwise authorizes the officer to carry a firearm in the course of employment. The instruction must be based on the agency's written policy required in subdivision 1 and on the instructional materials required by the board for peace officer and part-time peace officer licensure.

Subd. 3. **Deadly force and firearms use; continuing instruction.** Beginning January 1, 1992, the head of every local and state law enforcement agency shall provide the instruction described in subdivision 2 to every peace officer and part-time peace officer currently employed by the agency. This instruction must be provided at least once a year.

Subd. 4. **Record keeping required.** The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivisions 1a, 2, and 3.

Subd. 5. **Licensing sanctions; injunctive relief.** The board has authority to inspect state and local law enforcement agency policies to ensure compliance with this section. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process. The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

History: *1991 c 141 s 2; 2Sp2020 c 1 s 17-19; 2023 c 52 art 10 s 14,15*

626.8453 QUALIFIED FEDERAL LAW ENFORCEMENT OFFICERS; SPECIAL STATE AND FEDERAL TASK FORCES; PEACE OFFICER AUTHORITY.

Subdivision 1. **Definitions.** The terms defined in this subdivision apply to this section.

(a) "Duly authorized executive officer" means the law enforcement officer headquartered in Minnesota who is in charge of the activities of a federal law enforcement agency in this state.

(b) "Memorandum of understanding" is a written agreement between the governing bodies of the participating units of local government and the commissioners of the state agencies authorized to have a law enforcement agency as defined by section 626.84, subdivision 1, paragraph (f), the sheriffs of the participating counties, and the duly authorized executive officers of the participating federal law enforcement agencies that specifies the mission of the parties, the agreement's purpose, the exchange of powers, required training, the duration of the agreement, and other rights and responsibilities of the parties.

(c) "Qualified federal law enforcement officer" means an employee of the United States charged with the enforcement of the criminal laws of the United States who has successfully completed professionally recognized peace officer preemployment education which the board has found comparable to Minnesota peace officer preemployment education.

(d) "Special purpose task force" is a coalition of city, county, state, and federal law enforcement officers directed to accomplish specific state and federal law enforcement objectives.

Subd. 2. **Powers of federal law enforcement officers.** A qualified federal law enforcement officer assigned to a special purpose task force created under a memorandum of understanding that has been filed with the board who is acting within the scope of the memorandum of understanding shall possess the authority of the peace officers participating in the special purpose task force under the memorandum of understanding.

Subd. 3. **Federal authority preserved.** This section is not intended to limit the existing authority possessed by federal law enforcement officers.

History: *1992 c 449 s 1; 2005 c 10 art 2 s 4*

626.8454 MANUAL AND POLICY FOR INVESTIGATING CASES INVOLVING CHILDREN WHO ARE MISSING AND ENDANGERED.

Subdivision 1. **Manual.** By July 1, 1994, the superintendent of the Bureau of Criminal Apprehension shall transmit to law enforcement agencies a training and procedures manual on child abduction investigations.

Subd. 2. **Model investigation policy.** By June 1, 1995, the Peace Officer Standards and Training Board shall develop a model investigation policy for cases involving children who are missing and endangered as defined in section 299C.52. The model policy shall describe the procedures for the handling of cases involving children who are missing and endangered. In developing the policy, the board shall consult with representatives of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriff's Association, Minnesota Police and Peace Officers Association, Minnesota Association of Women Police, Minnesota County Attorneys Association, a nonprofit foundation formed to combat child abuse, and two representatives of victims advocacy groups selected by the commissioner of corrections. The manual on child abduction investigation shall serve as a basis for defining the specific actions to be taken during the early investigation.

Subd. 3. **Local policy.** By August 1, 1995, each chief of police and sheriff shall establish and implement a written policy governing the investigation of cases involving children who are missing and endangered as defined in section 299C.52. The policy shall be based on the model policy developed under subdivision 2. The policy shall include specific actions to be taken during the initial two-hour period.

Subd. 4. **Available resources.** If an agency, board, or local representative reviews or updates its policies for missing children or persons investigations, it may consider the following resources:

(1) nonprofit search and rescue organizations that provide trained animal searches, specialized equipment, and man trackers;

(2) assistance from other law enforcement agencies at the local, state, or federal level, or qualified missing persons organizations;

(3) use of subpoenas or search warrants for electronic and wireless communication devices, computers, and websites; and

(4) assistance and services provided by the Civil Air Patrol.

History: *1994 c 636 art 4 s 32; 2009 c 38 s 14*

626.8455 TRAINING IN COMMUNITY POLICING.

Subdivision 1. **Training course.** The board, in consultation with the Minnesota Institute of Community Policing, shall prepare a training course to instruct peace officers in the techniques of community policing. The course must include instruction on at least the following matters:

(1) techniques for expanding the training of peace officers to include problem-solving;

(2) techniques for organizing community members so that they are involved and trained in community policing activities;

(3) techniques for relating to diverse communities; and

(4) techniques for relating to individuals with physical or mental limitations.

The course also must include training on child development issues to enable officers to respond appropriately to perceived child protection situations. The board shall update the training course periodically as it deems appropriate.

Subd. 2. **Preservice training requirement.** An individual is not eligible to take the peace officer licensing examination after August 1, 1997, unless the individual has received the training described in subdivision 1.

Subd. 3. **Instructional materials.** The board shall provide to chief law enforcement officers instructional materials patterned after the materials developed by the board under subdivision 1. These materials must meet board requirements for continuing education credit.

History: *1996 c 411 s 1; 2013 c 62 s 30*

626.8456 TRAINING IN FIRE SCENE RESPONSE AND ARSON AWARENESS.

Subdivision 1. **Training course.** The board, in consultation with the Division of Fire Marshal, shall prepare objectives for a training course to instruct peace officers in fire scene response and arson awareness.

Subd. 2. **Preservice training requirement.** An individual is not eligible to take the peace officer licensing examination after August 1, 1998, unless the individual has received the training described in subdivision 1.

History: *1997 c 239 art 8 s 32*

626.8457 PROFESSIONAL CONDUCT OF PEACE OFFICERS.

Subdivision 1. **Model policy to be developed.** By March 1, 1996, the Peace Officer Standards and Training Board shall develop and distribute to all chief law enforcement officers a model policy regarding the professional conduct of peace officers. The policy must address issues regarding professional conduct not addressed by the standards of conduct under Minnesota Rules, part 6700.1600. The policy must define unprofessional conduct to include, but not be limited to, conduct prohibited by section 609.43, whether or not there has been a conviction for a violation of that section. The policy must also describe the procedures that a local law enforcement agency may follow in investigating and disciplining peace officers alleged to have behaved unprofessionally.

Subd. 2. **Chief law enforcement officers; written policy required.** By July 1, 1996, all chief law enforcement officers shall establish and implement a written policy defining unprofessional conduct and governing the investigation and disposition of cases involving alleged unprofessional conduct by peace

officers. A chief law enforcement officer shall adopt a policy identical or substantially similar to the model policy developed by the board under subdivision 1.

Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement officer shall report annually to the board summary data regarding the investigation and disposition of cases involving alleged misconduct, indicating the total number of investigations, the total number by each subject matter, the number dismissed as unfounded, and the number dismissed on grounds that the allegation was unsubstantiated.

(b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit individual peace officer data classified as public data on individuals, as defined by section 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision 12, and submitted using encrypted data that the board determines is necessary to:

(1) evaluate the effectiveness of statutorily required training;

(2) assist the Public Safety Advisory Council in accomplishing the council's duties; and

(3) allow for the board, the Public Safety Advisory Council, and the board's complaint investigation committee to identify patterns of behavior that suggest an officer is in crisis or is likely to violate a board-mandated model policy.

(c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer must update data within 30 days of final disposition of a complaint or investigation.

(d) Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements of this section.

(e) By February 1 of each year, the board shall prepare a report that contains summary data provided under paragraph (b). The board must post the report on its publicly accessible website and provide a copy to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy.

Subd. 4. **Data to be shared with board.** (a) Upon receiving written notice that the board is investigating any allegation of misconduct within its regulatory authority, a chief law enforcement officer, city, county, or public official must cooperate with the board's investigation and any data request from the board.

(b) Upon written request from the board that a matter alleging misconduct within its regulatory authority has occurred regarding a licensed peace officer, a chief law enforcement officer, city, county, or public official shall provide the board with all requested public and private data about the alleged misconduct involving the licensed peace officer, including any pending or final disciplinary or arbitration proceeding, any settlement or compromise, and any investigative files including but not limited to body worn camera or other audio or video files. Confidential data must only be disclosed when the board specifies that the particular identified data is necessary to fulfill its investigatory obligation concerning an allegation of misconduct within its regulatory authority.

(c) If a licensed peace officer is discharged or resigns from employment after engaging in any conduct that initiates and results in an investigation of alleged misconduct within the board's regulatory authority, regardless of whether the licensee was criminally charged or an administrative or internal affairs investigation was commenced or completed, a chief law enforcement officer must report the conduct to the board and provide the board with all public and not public data requested under paragraph (b). If the conduct involves

the chief law enforcement officer, the overseeing city, county, or public official must report the conduct to the board and provide the board with all public and not public data requested under paragraph (b).

(d) Data obtained by the board shall be classified and governed as articulated in sections 13.03, subdivision 4, and 13.09, as applicable.

(e) A chief law enforcement officer, or city, county, or public official is not required to comply with this subdivision when:

(1) there is an active criminal investigation or active criminal proceeding regarding the same incident or misconduct that is being investigated by the board; or

(2) an active internal investigation exists regarding the same incident or misconduct that is being investigated by the board during 45 days from the time the request was made by the board. The chief law enforcement officer, or city, county, or public official must comply with this subdivision upon completion of the internal investigation or once 45 days has passed, whichever occurs first.

Subd. 5. **Immunity from liability.** A chief law enforcement officer, city, county, or public official and employees of the law enforcement agency are immune from civil or criminal liability, including any liability under chapter 13, for reporting or releasing public or not public data to the board under subdivisions 3 and 4, unless the chief law enforcement officer, city, county, or public official or employees of the law enforcement agency presented false information to the board with the intention of causing reputational harm to the peace officer.

History: *1995 c 226 art 4 s 30; 2Sp2020 c 1 s 20; 3Sp2020 c 2 s 1; 1Sp2021 c 11 art 9 s 27; 2023 c 52 art 10 s 16,17; 2024 c 123 art 3 s 10*

626.8458 VEHICLE PURSUITS; POLICIES AND INSTRUCTION REQUIRED.

Subdivision 1. **Purpose.** The legislature finds that emergency vehicle operations are an integral part of law enforcement's commitment to public safety. Law enforcement agencies shall make reasonable efforts to guide their officers in the safe and responsible performance of their emergency response duties. Although laws and rules provide the foundation for the conduct of law enforcement officers, continuous and effective training is essential to ensure proper law enforcement action during emergency vehicle operations, including police pursuits. This training must be designed to give officers both skills and decision-making ability so that emergency vehicle operations can be resolved safely and successfully.

Subd. 2. **Statewide model policy.** (a) By July 1, 1999, the board shall adopt a new or revised model policy governing the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487. The board shall seek and consider comments of members of the public when adopting the policy. In order to assist peace officers in responding to the complex and unpredictable factors associated with police pursuits, the model policy shall, at a minimum, contain the following components:

(1) a statement describing the philosophy of the model policy. This philosophy must state that the safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue;

(2) the factors to be considered in initiating and terminating a pursuit, and the standards for evaluating the need to initiate or terminate a pursuit;

(3) the procedures, tactics, and technologies used during pursuits;

(4) the various responsibilities of the pursuing officers, the officer supervising the pursuit, the dispatcher, and air support;

(5) the procedures governing interjurisdictional pursuits;

(6) the procedures governing care of any persons injured in the course of the pursuit;

(7) the contents of pursuit reports filed under section 626.5532; and

(8) the procedures used to evaluate each pursuit.

(b) The board shall review and, as necessary, revise the model pursuit policy in collaboration with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, the Minnesota Police and Peace Officers Association, a representative from the State Patrol, and other interested law enforcement industry groups.

Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy governing the conduct of peace officers employed by the agency who are in pursuit of a vehicle being operated in violation of section 609.487. The policy must, at a minimum, comply with the requirements of any new or revised model pursuit policy adopted by the board under subdivision 2 and must take into account the comments of members of the public and any pursuit vehicle technology that is available to the agency.

(b) Every state and local law enforcement agency must certify annually to the board that it has adopted a written policy in compliance with the board's model pursuit policy.

(c) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing pursuit policies under this subdivision.

Subd. 4. **Preservice training in police pursuits required.** (a) By January 1, 2000, the board shall prepare learning objectives for instructing peace officers in emergency vehicle operations and in the conduct of police pursuits. The course shall consist of at least seven hours of classroom and skills-based training.

(b) An individual is not eligible to take the peace officer licensing examination or the part-time peace officer licensing examination on or after January 1, 2000, unless the individual has received the training described in paragraph (a).

Subd. 5. **In-service training in police pursuits required.** The chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in emergency vehicle operations and in the conduct of police pursuits to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines may be involved in a police pursuit given the officer's responsibilities. The training shall comply with learning objectives developed and approved by the board and shall consist of at least eight hours of classroom and skills-based training every five years.

Subd. 6. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

History: *1999 c 216 art 5 s 7; 2010 c 215 art 11 s 18; 1Sp2011 c 1 art 2 s 3*

626.8459 POST BOARD; COMPLIANCE REVIEWS REQUIRED.

(a) Each year, the board shall conduct compliance reviews on all state and local law enforcement agencies. The compliance reviews must ensure that the agencies are complying with all requirements imposed on

them by statute and rule. The board shall include in the reports to the legislature required in section 626.843, subdivision 4, detailed information on the compliance reviews conducted under this section. At a minimum, the reports must specify each requirement imposed by statute and rule on law enforcement agencies, the compliance rate of each agency, and the action taken by the board, if any, against an agency not in compliance.

(b) The board may impose licensing sanctions and seek injunctive relief under section 214.11 for an agency's failure to comply with a requirement imposed on it in statute or rule.

History: *1999 c 216 art 5 s 8*

626.846 ATTENDANCE, FORFEITURE OF POSITION.

Subdivision 1. **Licensure requirement.** Notwithstanding any general or local law or charter to the contrary, any peace officer or part-time peace officer employed or elected on or after July 1, 1979, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota shall not be eligible for permanent appointment without being licensed by the board pursuant to sections 626.84 to 626.863.

Subd. 1a. MS 1978 [Repealed, 1980 c 578 s 12]

Subd. 2. **Forfeiture of position.** Every peace officer or part-time peace officer who shall be appointed by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota on a temporary basis or for a probationary term, shall forfeit the officer's position unless the officer has been licensed by the board pursuant to sections 626.841 to 626.863. Any other peace officer or part-time peace officer employed or elected by any state, county, municipality or joint or contractual combination thereof, may attend peace officer training courses and be licensed by the board pursuant to sections 626.84 to 626.863.

Subd. 3. **Grandfather provision.** A peace officer who has received a permanent appointment prior to July 1, 1978, shall be licensed by the board if the officer has met the requirements of sections 626.841 to 626.855 in effect on June 30, 1977 and if the officer has requested licensing by the board.

Subd. 3a. MS 1978 [Repealed, 1980 c 578 s 12]

Subd. 4. MS 1978 [Repealed, 1980 c 578 s 12]

Subd. 5. MS 1978 [Repealed, 1980 c 578 s 12]

Subd. 6. **Office of sheriff; licensure as peace officer required.** A person seeking election to the office of sheriff must be licensed as a peace officer. A person seeking appointment to the office of sheriff, or seeking appointment to the position of chief law enforcement officer, as defined by the rules of the board, after June 30, 1987, must be licensed or eligible to be licensed as a peace officer. The person shall submit proof of peace officer licensure or eligibility as part of the application for office. A person elected or appointed to the office of sheriff or the position of chief law enforcement officer shall be licensed as a peace officer during the person's term of office or employment.

History: *1967 c 870 s 6; 1977 c 433 s 8; 1977 c 455 s 90; 1978 c 681 s 13-18; 1980 c 578 s 3,4; 1981 c 310 s 5,6; 1986 c 444; 1987 c 358 s 130; 1994 c 636 art 4 s 33; 1997 c 7 art 1 s 169; 1997 c 147 s 78*

626.8461 PART-TIME PEACE OFFICERS; POLICY.

The legislature finds and declares that it is necessary to establish minimum training requirements for part-time peace officers in certain specified areas to maximize protection of the rights and safety of the public and to minimize liability on the part of Minnesota counties and municipalities. The legislature further

finds that part-time peace officers are most effectively utilized as a supplement to regular, fully trained and licensed, peace officers and does not encourage the use of part-time peace officers when needs for service would otherwise justify the use of peace officers.

History: *1979 c 282 s 3; 1981 c 310 s 7*

626.8462 MS 2012 [Repealed, 2014 c 244 s 3]

626.8463 PART-TIME PEACE OFFICERS.

Subdivision 1. **Appointment requirements.** Any individual appointed or employed as a part-time peace officer shall provide proof to the board that the individual has:

(1) satisfied the selection standards of the board then in effect;

(2) successfully completed board recognized courses in first aid and firearms training, including legal limitations on the justifiable use of deadly force; and

(3) successfully passed a board part-time peace officer licensing examination.

Subd. 2. MS 1998 [Repealed, 1999 c 216 art 5 s 15]

History: *1979 c 282 s 6; 1980 c 578 s 5; 1981 c 310 s 9; 1985 c 13 s 1; 1999 c 216 art 5 s 10; 2015 c 21 art 1 s 104*

626.8464 MS 2012 [Repealed, 2014 c 244 s 3]

626.8465 PART-TIME OFFICERS; LIMITATIONS.

Subdivision 1. **Supervision of powers and duties.** No law enforcement agency shall utilize the services of a part-time peace officer unless the part-time peace officer exercises the part-time peace officer's powers and duties under the supervision of a licensed peace officer designated by the chief law enforcement officer. Supervision also may be via radio communications. With the consent of the county sheriff, the designated supervising officer may be a member of the county sheriff's department.

Subd. 2. **Part-time peace officer license; restriction.** Subject to section 626.8468, subdivision 1, any individual licensed by the board as a part-time peace officer shall be eligible for appointment or employment anywhere in the state as a part-time peace officer but not as a peace officer unless the individual meets board training and licensing requirements then in effect for peace officers.

Subd. 3. MS 2012 [Repealed, 2014 c 244 s 3]

History: *1979 c 282 s 8; 1981 c 310 s 11,12; 1986 c 444; 1992 c 571 art 15 s 15; 1999 c 216 art 5 s 11*

626.8466 RESERVE OFFICERS.

Notwithstanding any provision of this chapter or rule of the board to the contrary, no reserve officer shall be subject to mandatory training, licensing, or continuing education requirements except as may be established by the agency utilizing the services of the reserve officer.

History: *1979 c 282 s 9*

626.8467 MS 1979 Supp [Repealed, 1980 c 578 s 12]

626.8468 PART-TIME PEACE OFFICERS; CONTINUED EMPLOYMENT.

Subdivision 1. **Grandfather provision.** A law enforcement agency that employed a licensed part-time peace officer on or before June 30, 2014, may continue to employ that part-time peace officer indefinitely. The board shall cancel the license of a part-time peace officer who leaves the officer's agency of employment after June 30, 2014. The board shall cancel the license of a part-time peace officer who is not employed by a law enforcement agency on or after June 30, 2014.

Subd. 2. MS 2012 [Repealed, 2014 c 244 s 3]

Subd. 3. **Continuing education.** All licensed part-time peace officers shall comply with continuing education standards required by the board. The officers may receive reimbursement for the costs of this education from the peace officers training account described in section 357.021, subdivision 7.

History: *1999 c 216 art 5 s 12; 2003 c 23 s 1; 2014 c 244 s 1*

626.8469 TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT, AND CULTURAL DIVERSITY.

Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in crisis intervention and mental illness crises; conflict management and mediation; recognizing and valuing community diversity and cultural differences to include implicit bias training; and training to assist peace officers in identifying, responding to, and reporting incidents committed in whole or in substantial part because of the victim's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, to every peace officer and part-time peace officer employed by the agency. The training shall comply with learning objectives developed and approved by the board and shall meet board requirements for board-approved continuing education credit. Every three years the board shall review the learning objectives and must consult and collaborate with communities most targeted by hate crimes because of their characteristics as described above, organizations with expertise in providing training on hate crimes, and the statewide coalition of organizations representing communities impacted by hate crimes in identifying appropriate objectives and training courses related to identifying, responding to, and reporting incidents committed in whole or in substantial part because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03. The training shall consist of at least 16 continuing education credits within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not required to complete this training until the officer's next full three-year licensing cycle.

(b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided by an approved entity. The board shall create a list of approved entities and training courses and make the list available to the chief law enforcement officer of every state and local law enforcement agency. Each peace officer (1) with a license renewal date before June 30, 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021, is not required to receive this training by an approved entity until the officer's next full three-year licensing cycle.

(c) For every peace officer and part-time peace officer with a license renewal date of June 30, 2022, or later, the training mandated under paragraph (a) must:

(1) include a minimum of six hours for crisis intervention and mental illness crisis training that meets the standards established in subdivision 1a; and

(2) include a minimum of four hours to ensure safer interactions between peace officers and persons with autism in compliance with section 626.8474.

Subd. 1a. **Crisis intervention and mental illness crisis training.** (a) The board, in consultation with the commissioner of human services and mental health stakeholders, shall create a list of approved entities and training courses to instruct peace officers in techniques for responding to a mental illness crisis. A course must include scenario-based instruction and cover most of the following issues:

(1) techniques for relating to individuals with mental illnesses and the individuals' families;

(2) techniques for crisis de-escalation;

(3) techniques for relating to diverse communities and education on mental illness diversity;

(4) mental illnesses and the criminal justice system;

(5) community resources and supports for individuals experiencing a mental illness crisis and for the individuals' families;

(6) psychotropic medications and the medications' side effects;

(7) co-occurring mental illnesses and substance use disorders;

(8) suicide prevention; and

(9) mental illnesses and disorders and the symptoms.

(b) A course must also include training on children and families of individuals with mental illnesses to enable officers to respond appropriately to others who are present during a mental illness crisis. The board shall update the list of approved entities and training courses periodically as it considers appropriate.

Subd. 1b. **Crisis intervention and mental illness crisis training; dementia and Alzheimer's.** The board, in consultation with stakeholders, including but not limited to the Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of approved entities and training courses primarily focused on issues associated with persons with dementia and Alzheimer's disease. To receive the board's approval, a training course must:

(1) have trainers with at least two years of direct care of a person with Alzheimer's disease or dementia, crisis intervention training, and mental health experience;

(2) cover techniques for responding to and issues associated with persons with dementia and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect; and

(3) meet the crisis intervention and mental illness crisis training standards established in subdivision 1a.

Subd. 2. **Record keeping required.** The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivisions 1 and 1a including, at a minimum:

(1) documentation of the training provider;

(2) documentation of the content of the training provided;

(3) documentation that crisis intervention and mental illness crisis training included scenario-based instruction in compliance with the standards described in subdivision 1a;

(4) compiled evaluations; and

(5) explanation of expenditure of funds.

The documentation shall be submitted to the board. The board shall include in the compliance reviews required in section 626.8459 an evaluation of the effectiveness of in-service training provided under this section in reducing officer use of force and diverting people experiencing a mental illness crisis from arrest.

Subd. 3. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

History: *2017 c 95 art 3 s 26; 2Sp2020 c 1 s 21; 3Sp2020 c 2 s 2; 1Sp2021 c 11 art 9 s 28; 2023 c 52 art 10 s 18*

626.847 COMPULSORY PROGRAM; EXEMPTIONS.

Nothing contained in sections 626.841 to 626.863 shall be construed to exempt any peace officer from the provisions of sections 626.841 to 626.863, or to exempt a peace officer having received the peace officer's last permanent appointment as a peace officer prior to July 1, 1967.

History: *1967 c 870 s 7; 1977 c 433 s 9; 1978 c 681 s 19; 1986 c 444; 1997 c 7 art 1 s 169*

626.8471 AVOIDING RACIAL PROFILING; POLICIES AND LEARNING OBJECTIVES REQUIRED.

Subdivision 1. **Purpose.** The legislature finds that the reality or public perception of racial profiling alienates people from police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people law enforcement is sworn to protect and serve. No stop initiated by a peace officer should be made without a legitimate reason; race, ethnicity, or national origin alone should never provide a sufficient reason. Law enforcement policies and training programs must emphasize the need to respect the balance between the rights of all persons to be free from unreasonable governmental intrusions and law enforcement's need to enforce the law.

Subd. 2. **Definition.** "Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

(1) the behavior of that individual; or

(2) information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

Subd. 3. **Statewide model policy.** (a) The Board of Peace Officer Standards and Training shall consult with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, the Racial Profiling

Advisory Committee, and the Minnesota Police and Peace Officers Association in developing an antiracial profiling model policy governing the conduct of peace officers engaged in stops of citizens. This policy shall define racial profiling and identify conduct that violates the law. The policy must also include a duty to give the officer's name or badge number and identify the officer's department during routine traffic stops.

(b) The board shall adopt a model policy and distribute the model policy to all chief law enforcement officers by August 1, 2001.

Subd. 4. **Agency policies required.** (a) By November 1, 2001, the chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written antiracial profiling policy governing the conduct of peace officers engaged in stops of citizens. The chief law enforcement officer shall ensure that each peace officer receives a copy of the agency's antiracial profiling policy. The chief law enforcement officer also must ensure that each peace officer is aware of the policy's purpose and the conduct prohibited by it.

(b) The policy must, at a minimum, comply with the requirements of the model policy adopted by the board under subdivision 3.

(c) Every state and local law enforcement agency must certify to the board that it has adopted a written policy in compliance with the board's model policy.

(d) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing antiracial profiling policies under this subdivision.

Subd. 5. **Preservice training learning objectives; requirements.** (a) By August 1, 2001, the board shall prepare learning objectives for preservice training to instruct peace officers in avoiding racial profiling when making stops of citizens. These learning objectives shall be included in the required curriculum of professional peace officer education programs.

(b) An individual is not eligible to take the peace officer licensing examination or the part-time peace officer licensing examination on or after June 1, 2002, unless:

(1) the individual has received the training described in paragraph (a); and

(2) the individual has completed a psychological evaluation demonstrating that the individual is not likely to engage in racial profiling.

Subd. 6. **In-service training learning objectives.** By August 1, 2001, the board shall prepare learning objectives for in-service training to instruct peace officers in avoiding racial profiling when making stops of citizens. The board shall evaluate and monitor in-service training courses to ensure they satisfy the learning objectives.

Subd. 7. **Chief law enforcement officers and supervisors; requirements.** The executive director of the Board of Peace Officer Standards and Training shall prepare training materials to provide chief law enforcement officers and other peace officers with supervisory authority with information on how to detect and respond to racial profiling by peace officers under their command. The training materials must address both the agency's antiracial profiling policy and procedural components aimed at eliminating racial profiling in stops of citizens. The materials must include information on federal and state constitutional and statutory laws prohibiting discrimination by law enforcement. The procedural information must describe conduct that is unlawful or inappropriate and present guidelines for reinforcing techniques that are lawful and appropriate. The procedural information shall discuss appropriate search and seizure and interviewing techniques.

Subd. 8. **POST board; compliance reviews authorized.** The board has authority to inspect state and local agency policies to ensure compliance with subdivision 4. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process.

History: *1Sp2001 c 8 art 7 s 3*

626.8472 AUTOMATED LICENSE PLATE READER POLICY.

The chief law enforcement officer of every state and local law enforcement agency that maintains an automated license plate reader shall establish and enforce a written policy governing use of the reader. Use of an automated license plate reader without adoption of a written policy under this section is prohibited. At a minimum, the policies and procedures must incorporate the requirements of section 13.824, and the employee discipline standards for unauthorized access to data contained in section 13.09.

History: *2015 c 67 s 4*

626.8473 PORTABLE RECORDING SYSTEMS ADOPTION; WRITTEN POLICY REQUIRED.

Subdivision 1. **Definition.** As used in this section, "portable recording system" has the meaning provided in section 13.825, subdivision 1.

Subd. 2. **Public comment.** A local law enforcement agency must provide an opportunity for public comment before it purchases or implements a portable recording system. At a minimum, the agency must accept public comments submitted electronically or by mail, and the governing body with jurisdiction over the budget of the law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting.

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

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

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

(2) mandate that a portable recording system be worn at or above the mid-line of the waist in a position that maximizes the recording system's capacity to record video footage of the officer's activities;

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

(4) mandate that, notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by

law, documenting the incident within five days of the request, except as otherwise provided in this clause and clause (5):

(i) the deceased individual's next of kin;

(ii) the legal representative of the deceased individual's next of kin; and

(iii) the other parent of the deceased individual's child.

A law enforcement agency may deny a request if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access, the chief law enforcement officer must provide a prompt, written denial to the individual who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82, subdivision 7;

(5) mandate that, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency shall release all portable recording system data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82, subdivision 7;

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

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

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

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

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

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

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

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

History: *2016 c 171 s 6; 2023 c 52 art 10 s 19*

626.8474 AUTISM TRAINING.

Subdivision 1. **Learning objectives required.** (a) By January 1, 2021, the board shall prepare learning objectives for preservice and in-service training on ensuring safer interactions between peace officers and persons with autism. At a minimum, the objectives must address the following:

(1) autism overview and behavioral understanding;

(2) best practices for interventions and de-escalation strategies;

(3) prevention and crisis reduction models; and

(4) objective review of tools and technology available.

(b) In developing the learning objectives, the board shall consult with, at a minimum:

(1) individuals with autism;

(2) family members of individuals with autism;

(3) autism experts; and

(4) peace officers.

Subd. 2. **Preservice training required.** (a) The learning objectives developed pursuant to subdivision 1 must be included in the required curriculum of professional peace officer educational programs.

(b) A person is not eligible to take the peace officer licensing examination after July 1, 2022, unless the individual has received the training described in paragraph (a).

Subd. 3. **In-service training required.** Beginning July 1, 2021, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service autism training to every peace officer and part-time peace officer employed by the agency. The training must comply with the learning objectives developed and approved by the board and must meet board requirements for board-approved continuing education credit. The training must consist of at least four continuing education credits of the credits required under section 626.8469 within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2021, is not required to complete this training until the officer's next full three-year licensing cycle.

Subd. 4. **Record keeping required.** The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivision 3. The documentation is subject to periodic review by the board, and must be made available to the board at its request.

Subd. 5. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

History: *2Sp2020 c 1 s 22; 3Sp2020 c 2 s 4*

626.8475 DUTY TO INTERCEDE AND REPORT.

(a) Regardless of tenure or rank, a peace officer must intercede when:

(1) present and observing another peace officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and

(2) physically or verbally able to do so.

(b) A peace officer who observes another employee or peace officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting peace officer.

(c) A peace officer who breaches a duty established in this subdivision is subject to discipline by the board under Minnesota Rules, part 6700.1600.

History: *2Sp2020 c 1 s 23*

626.8476 CONFIDENTIAL INFORMANTS; REQUIRED POLICY AND TRAINING.

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

(b) "Confidential informant" means a person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and:

(1) seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and

(2) is able, by reason of the person's familiarity or close association with suspected criminals, to:

(i) make a controlled buy or controlled sale of contraband, controlled substances, or other items that are material to a criminal investigation;

(ii) supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or

(iii) otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

(c) "Controlled buy" means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

(d) "Controlled sale" means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

(e) "Mental harm" means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior.

(f) "Target offender" means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

Subd. 2. **Model policy.** (a) By January 1, 2022, the board shall adopt a model policy addressing the use of confidential informants by law enforcement. The model policy must establish policies and procedures for the recruitment, control, and use of confidential informants. In developing the policy, the board shall consult with representatives of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriffs' Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys Association, treatment centers for substance abuse, and mental health organizations. The model policy must include, at a minimum, the following:

(1) information that the law enforcement agency shall maintain about each confidential informant that must include, at a minimum, an emergency contact for the informant in the event of the informant's physical or mental harm or death;

(2) a process to advise a confidential informant of conditions, restrictions, and procedures associated with participating in the agency's investigative or intelligence gathering activities;

(3) procedures for compensation to an informant that is commensurate with the value of the services and information provided and based on the level of the targeted offender, the amount of any seizure, and the significance of contributions made by the informant;

(4) designated supervisory or command-level review and oversight in the use of a confidential informant;

(5) limits or restrictions on off-duty association or social relationships by law enforcement agency personnel with a confidential informant;

(6) limits or restrictions on the potential exclusion of an informant from engaging in a controlled buy or sale of a controlled substance if the informant is known by the law enforcement agency to: (i) be receiving in-patient or out-patient treatment administered by a licensed service provider for substance abuse; (ii) be participating in a treatment-based drug court program; or (iii) have experienced a drug overdose within the past year;

(7) exclusion of an informant under the age of 18 years from participating in a controlled buy or sale of a controlled substance without the written consent of a parent or legal guardian, except that the informant may provide confidential information to a law enforcement agency;

(8) consideration of an informant's diagnosis of mental illness, substance abuse, or disability, and history of mental illness, substance abuse, or disability;

(9) guidelines for the law enforcement agency to consider if the agency decides to establish a procedure to request an advocate from the county social services agency for an informant if the informant is an addict in recovery or possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the informant's ability to understand instructions and make informed decisions, where the agency determines this process does not place the informant in any danger;

(10) guidelines for the law enforcement agency to use to encourage prospective and current confidential informants who are known to be substance abusers or to be at risk for substance abuse to seek prevention or treatment services;

(11) reasonable protective measures for a confidential informant when law enforcement knows or should have known of a risk or threat of harm to a person serving as a confidential informant and the risk or threat of harm is a result of the informant's service to the law enforcement agency;

(12) guidelines for the training and briefing of a confidential informant;

(13) reasonable procedures to help protect the identity of a confidential informant during the time the person is acting as an informant;

(14) procedures to deactivate a confidential informant that maintain the safety and anonymity of the informant;

(15) optional procedures that the law enforcement agency may adopt relating to deactivated confidential informants to offer and provide assistance to them with physical, mental, or emotional health services;

(16) a process to evaluate and report the criminal history and propensity for violence of any target offenders; and

(17) guidelines for a written agreement between the confidential informant and the law enforcement agency that take into consideration, at a minimum, an informant's physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the informant's ability to knowingly contract or otherwise protect the informant's self-interest.

(b) The board shall annually review and, as necessary, revise the model confidential informant policy in collaboration with representatives from the organizations listed under paragraph (a).

Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy governing the use of confidential informants. The policy must be identical or, at a minimum, substantially similar to the new or revised model policy adopted by the board under subdivision 2.

(b) Every state and local law enforcement agency must certify annually to the board that it has adopted a written policy in compliance with the board's model confidential informant policy.

(c) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing confidential informant policies under this subdivision.

Subd. 4. **Required in-service training.** The chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in the recruitment, control, and use of confidential informants to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines is involved in working with confidential informants given the officer's responsibilities. The training shall comply with learning objectives based on the policies and procedures of the model policy developed and approved by the board.

Subd. 5. **Compliance reviews.** The board has the authority to inspect state and local agency policies to ensure compliance with this section. The board may conduct the inspection based upon a complaint it receives about a particular agency or through a random selection process.

Subd. 6. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

History: *1Sp2021 c 11 art 9 s 29*

626.8477 MENTAL HEALTH AND HEALTH RECORDS; WRITTEN POLICY REQUIRED.

The chief officer of every state and local law enforcement agency that seeks or uses mental health data under section 13.46, subdivision 7, paragraph (c), or health records under section 144.294, subdivision 2, must establish and enforce a written policy governing its use. At a minimum, the written policy must incorporate the requirements of sections 13.46, subdivision 7, paragraph (c), and 144.294, subdivision 2, and access procedures, retention policies, and data security safeguards that, at a minimum, meet the requirements of chapter 13 and any other applicable law.

History: *2022 c 98 art 6 s 20*

626.8478 WELLNESS TRAINING.

Subdivision 1. **Learning objectives and training course.** (a) The board must create learning objectives to prepare peace officers for the stressful and traumatic events that are common to policing and teach officers methods to process and cope with the stress and trauma inherent to policing. The learning objectives must be updated as the board considers appropriate.

(b) The commissioner of public safety, in consultation with the board, must create a training course that incorporates each of the learning objectives established by the board under paragraph (a).

Subd. 2. **Preservice training required.** (a) The learning objectives developed pursuant to subdivision 1 must be included in the required curriculum of a professional peace officer education program.

(b) A person is not eligible to take the peace officer licensing examination after July 1, 2024, unless the individual has received the training described in paragraph (a).

Subd. 3. **In-service training required.** Beginning July 1, 2024, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service wellness training to every peace officer and part-time peace officer employed by the agency. The training must comply with the learning objectives developed and approved by the board and must meet board requirements for board-approved continuing education credit. A peace officer with a license renewal date after June 30, 2024, is not required to complete this training until the officer's next full three-year licensing cycle.

Subd. 4. **Record keeping required.** The head of each local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivision 3. The written records are subject to periodic review by the board and must be made available to the board at its request.

History: *2023 c 48 s 30*

626.848 TRAINING COURSES, LOCATIONS.

Subject to board rules, the superintendent of the Bureau of Criminal Apprehension shall provide courses at convenient locations in the state, for training peace officers in their powers and duties, and in the use of approved equipment and the latest technique for detection, identification and apprehension of criminals. For this purpose, the superintendent may use the services and employees of the bureau.

The superintendent shall provide training to deputy constables in the limitations on their powers and duties, the conduct of inspections, and such other matters as the board may direct. Nothing herein shall be construed as establishing a mandatory training requirement for deputy constables.

History: *1967 c 870 s 8; 1977 c 433 s 10; 1978 c 681 s 20; 2005 c 10 art 2 s 4*

626.8481 EXTREME RISK PROTECTION ORDER; DEVELOPMENT OF MODEL PROCEDURES.

By December 1, 2023, the Peace Officer Standards and Training Board, after consulting with the National Alliance on Mental Illness Minnesota, the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop model procedures and standards for the storage of firearms transferred to law enforcement under section 624.7175.

History: *2023 c 52 art 14 s 10*

626.8482 SCHOOL RESOURCE OFFICERS; DUTIES; TRAINING; MODEL POLICY.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "School" means an elementary school, middle school, or secondary school, as defined in section 120A.05, subdivisions 9, 11, and 13.

(c) "School resource officer" means a peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the officer's regular responsibilities through the terms of a contract entered between the peace officer's employer and the designated school district or charter school.

Subd. 2. **Duties.** (a) A school resource officer's contractual duties with a school district or charter school shall include:

(1) fostering a positive school climate through relationship building and open communication;

(2) protecting students, staff, and visitors to the school grounds from criminal activity;

(3) serving as a liaison from law enforcement to school officials;

(4) providing advice on safety drills;

(5) identifying vulnerabilities in school facilities and safety protocols;

(6) educating and advising students and staff on law enforcement topics; and

(7) enforcement of criminal laws.

(b) A school district or charter school may contract with a school resource officer's employer for the officer to perform additional duties to those described in paragraph (a).

(c) A school resource officer must not use force or the authority of their office solely to enforce school rules or policies or participate in the enforcement of discipline for violations of school rules.

(d) Nothing in this subdivision limits any other duty or responsibility imposed on peace officers; limits the expectation that peace officers will exercise professional judgment and discretion to protect the health, safety, and general welfare of the public when carrying out their duties; or creates a duty for school resource officers to protect students, staff, or others on school grounds that is different from the duty to protect the public as a whole.

Subd. 3. **Instruction required.** (a) Except as provided for in paragraphs (b) to (d), beginning September 1, 2025, a peace officer assigned to serve as a school resource officer must complete a training course that provides instruction on the learning objectives identified in subdivision 4 prior to assuming the duties of a school resource officer.

(b) A peace officer who has completed either the School Safety Center standardized Basic School Resource Officer Training or the National School Resource Officer Basic School Resource Officer course prior to September 1, 2025, must complete the training mandated under paragraph (a) before June 1, 2027. A peace officer covered under this paragraph may complete a supplemental training course approved by the board pursuant to subdivision 4, paragraph (b), to satisfy the training requirement.

(c) If an officer's employer is unable to provide the required training course to the officer prior to the officer assuming the duties of a school resource officer, the officer must complete the required training within six months of assuming the duties of a school resource officer. The officer is not required to perform the duties described in subdivision 2, paragraph (a), clause (4) or (5), until the officer has completed the required training course. The officer must review any policy adopted by the officer's employer pursuant to subdivision 6 before assuming the other duties of a school resource officer and must comply with that policy.

(d) An officer who is serving as a substitute school resource officer for fewer than 60 student contact days within a school year is not obligated to complete the required training or perform the duties described in subdivision 2, paragraph (a), clause (4) or (5), but must review and comply with any policy adopted pursuant to subdivision 6 by the law enforcement agency that employs the substitute school resource officer.

(e) For each school resource officer employed by an agency, the chief law enforcement officer must maintain a copy of the most recent training certificate issued to the officer for completion of the training mandated under this section.

Subd. 4. **Training course.** (a) By January 15, 2025, the Board of Peace Officer Standards and Training, in consultation with the Department of Public Safety's School Safety Center, shall prepare learning objectives for training courses to instruct peace officers in serving as a school resource officer. At a minimum, the learning objectives must ensure officers receive training on:

(1) the juvenile justice system;

(2) legal standards for peace officers to use force to detain or arrest students in schools;

(3) legal standards for school employees and contractors to use force to detain, discipline, and arrest students in school;

(4) de-escalation techniques and using the least restrictive physical intervention strategies for handling conflicts in schools;

(5) responding to persons experiencing a mental health crisis in a school setting, with an emphasis placed on juveniles;

(6) understanding and working with students with disabilities and students receiving special education services;

(7) juvenile brain development, including limitations on impulse control;

(8) the impact of childhood trauma on juvenile behavior;

(9) responding to threats of violence against students and schools;

(10) detecting juvenile exploitation;

(11) investigating crimes committed in schools, including student and parental rights;

(12) identifying vulnerabilities in school facilities and safety protocols;

(13) mandated safety drills and best practices in conducting safety drills; and

(14) the topics identified in section 626.8469, subdivision 1, as they pertain to juveniles or students.

(b) The Board of Peace Officer Standards and Training may also approve supplemental training courses that are offered by providers who have trained school resource officers in the state prior to development of the learning objectives required under paragraph (a). At a minimum, an approved supplemental course must provide instruction on each of the board's learning objectives that were not covered in the provider's existing school resource officer course curriculum.

Subd. 5. **Model policy.** (a) By December 31, 2024, the Board of Peace Officer Standards and Training shall develop a model school resource officer policy. In developing the policy, the board must convene a group consisting of representatives from the Department of Public Safety's School Safety Center, the

Minnesota School Boards Association, the Minnesota Association of Secondary School Principals, Education Minnesota, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, the Minnesota Police and Peace Officers Association, the Minnesota Juvenile Officers Association, the National Association of School Resource Officers, Solutions Not Suspensions, the Minnesota Youth Council, the Minnesota Council on Disability, and one community organization supporting the rights of students receiving special education services. The group must meet at least three times to discuss the topics identified in paragraph (b), address any related issues, and provide advice and direction regarding development of the model policy.

(b) The model policy must cover, at a minimum, the following:

(1) issues to be addressed in a school resource officer contract, including but not limited to the use of plain clothes, modified uniforms, and other changes to school resource officer attire in order to foster a positive school climate, facilitate the establishment of positive relationships with students, and promote open communication;

(2) considerations for the proper use of force on school grounds, including:

(i) the prohibitions on choke holds and other restraints established in section 609.06, subdivision 3;

(ii) the prohibition on using force or the authority of the peace officer's office solely to enforce school rules or policies or participating in the enforcement of discipline for violations of school rules;

(iii) the use of de-escalation techniques and other alternatives to higher levels of force that are appropriate with juveniles and students in a school setting;

(iv) response tactics and strategies that minimize the use and duration of prone restraint, as defined in section 121A.58, and other physical holds of students; and

(v) the duty to render reasonably prompt care, consistent with the officer's training, to a person who an officer physically holds or restrains;

(3) alternative procedures that can be used to de-escalate conflicts in schools and students and others in crisis;

(4) proper procedures and limitations placed on school districts and charter schools to ensure school resource officers are being utilized appropriately and not for school disciplinary purposes;

(5) considerations to build constructive police relationships with students, administrators, and educational staff;

(6) proper procedures for protecting student data; and

(7) how soon after completing the training required under subdivision 3 that a school resource officer must complete a refresher course that covers the learning objectives established in subdivision 4.

Subd. 6. **Policies required.** By September 1, 2025, each law enforcement agency with a school resource officer program shall develop, adopt, and implement a written policy regarding school resource officers that is identical or, at a minimum, substantially similar to the model policy adopted by the board under subdivision 5.

Subd. 7. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

History: *2024 c 78 s 9*

626.849 MS 1986 [Repealed, 1987 c 358 s 132]

626.85 INSTRUCTORS; DONATIONS.

Subdivision 1. **Part-time instructors.** In addition to the bureau employees assigned to police training, full time or part time, the superintendent is authorized to engage such part-time instructors as the superintendent deems proper and necessary to furnish the best possible instruction in police sciences, subject to board rules and to the limitation of funds as appropriated and available for expenditure. Laws 1981, chapter 210, sections 1 to 48 shall not apply to such part-time employees.

Subd. 2. **Donations.** Any donations, contributions, grants or gifts which may be received shall be accepted without recourse to the donor, and shall become the property of the state. All cash receipts shall be deposited with the commissioner of management and budget, and are hereby appropriated to the bureau in the quarter in which they were so deposited.

Subd. 3. **Leave of absence.** Any peace officer who has been designated to serve as an instructor, researcher or member of a special project for the Peace Officer Training Board may in the discretion of the appointing authority be given up to a 12 month leave of absence with pay from the police department or agency by which employed for the purpose of serving as such instructor, researcher or member of a special project. While serving in such capacity peace officers shall continue to maintain the civil service status they have attained or accrued pursuant to chapters 43A, 44 and 419. The commissioner of management and budget shall reimburse solely from federal funds available for this purpose the respective law enforcement employers of such peace officers for all salaries and contributions such employers make during said leave of absence towards accrual of their civil service benefits, pension fund and hospitalization benefits.

History: *1967 c 870 s 10; 1971 c 615 s 1; 1977 c 433 s 11; 1981 c 210 s 54; 1986 c 444; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109*

626.851 ELIGIBILITY OF OFFICERS.

Subdivision 1. **Training course attendance; eligibility.** Any peace officer or part-time peace officer employed or elected by any county or municipality of the state of Minnesota shall be eligible to attend training courses as herein provided in accordance with the rules of the board.

Subd. 2. **Postsecondary educational institution eligible for training course.** Any student successfully completing a program of law enforcement instruction in a postsecondary educational institution, which program has been certified by the board, and which institution has been approved by the Minnesota state Department of Education or an accredited institution of higher learning shall be eligible to attend a skills oriented basic training course as established under section 626.843. Nothing contained in sections 626.84 to 626.863 shall be construed to preclude the provision of skills oriented basic training courses by certified law enforcement schools providing such course has been certified by the board.

History: *1967 c 870 s 11; 1973 c 565 s 1; 1976 c 52 s 1; 1977 c 433 s 12; 1978 c 681 s 21; 1980 c 578 s 6; 1981 c 310 s 13; 1Sp1995 c 3 art 16 s 13; 1997 c 7 art 1 s 169; 2003 c 130 s 12*

626.8515 CERTAIN BACCALAUREATE DEGREE HOLDERS ELIGIBLE TO TAKE LICENSING EXAMINATION.

A person with a baccalaureate degree from an accredited college or university who has successfully completed a board-certified practical skills oriented basic training course is eligible to take the peace officer licensing examination.

History: *1Sp2001 c 8 art 7 s 4*

626.8516 INTENSIVE COMPREHENSIVE PEACE OFFICER EDUCATION TRAINING PROGRAM.

Subdivision 1. **Establishment; title.** A program is established within the Department of Public Safety to fund the intensive comprehensive law enforcement education and training of two- and four-year college graduates. The program shall be known as the intensive comprehensive peace officer education and training program.

Subd. 2. **Purpose.** The program is intended to address the critical shortage of peace officers in the state. The program shall provide a grant to law enforcement agencies that have developed a plan to recruit, educate, and train highly qualified two- and four-year college graduates to become license-eligible peace officers in the state.

Subd. 3. **Eligibility for grant; grant cap.** (a) The chief law enforcement officer of a law enforcement agency may apply to the commissioner for a grant for the cost of educating, training, and paying an eligible peace officer candidate until the candidate is licensed by the board as a peace officer.

(b) The commissioner must consider all eligible expenses proposed by the chief law enforcement officer in order to issue a grant to the agency for the actual cost of educating, training, and paying an eligible candidate up to $50,000.

(c) The commissioner shall consider geographic diversity in grant distribution based on grant applications received.

Subd. 4. **Forms.** The commissioner must prepare the necessary grant application forms and make the forms available on the agency's public website no later than December 31, 2023.

Subd. 5. **Intensive education and skills training program.** No later than December 31, 2023, the commissioner, in consultation with the executive director of the board and the institutions designated as education providers under subdivision 6, shall develop an intensive comprehensive law enforcement education and skills training curriculum that will provide eligible peace officer candidates with the law enforcement education and skills training needed to be licensed as a peace officer. The curriculum must be designed to be completed in eight months or less and shall be offered at the institutions designated under subdivision 6. The curriculum may overlap, coincide with, or draw upon existing law enforcement education and training programs at institutions designated as education providers under subdivision 6. The executive director of the board may designate existing law enforcement education and training programs that are designed to be completed in eight months or less as intensive comprehensive law enforcement education and skills training programs for the purposes of this section.

Subd. 6. **Education providers; sites.** (a) No later than October 1, 2023, the Board of Trustees of the Minnesota State Colleges and Universities shall designate at least two regionally diverse system campuses to provide the required intensive comprehensive law enforcement education and skills training to eligible peace officer candidates.

(b) In addition to the campuses designated under paragraph (a), the commissioner may designate private, nonprofit postsecondary institutions to provide the required intensive comprehensive law enforcement education and skills training to eligible peace officer candidates.

(c) Effective July 1, 2025, the Board of Regents of the University of Minnesota may request that the commissioner designate one or more campuses to provide intensive comprehensive law enforcement education and skills training to eligible peace officer candidates. Upon such a request, the commissioner may designate at least one of the requested campuses.

Subd. 7. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of public safety.

(c) "Eligible peace officer candidate" means a person who:

(1) has met all of the hiring requirements to become a peace officer in the state, except for (i) completing a professional peace officer education program, and (ii) passing the licensing exam; and

(2) a chief law enforcement officer has agreed to hire upon completing the training required under this chapter and passing the licensing exam.

(d) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1, paragraph (f), clause (1).

(e) "Program" means the intensive comprehensive peace officer education and training program.

History: *2023 c 52 art 10 s 20; 2024 c 123 art 8 s 25*

626.8517 ELIGIBILITY FOR RECIPROCITY EXAMINATION BASED ON RELEVANT MILITARY EXPERIENCE.

(a) For purposes of this section:

(1) "active service" has the meaning given in section 190.05, subdivision 5; and

(2) "relevant military experience" means:

(i) four years' cumulative service experience in a military law enforcement occupational specialty;

(ii) two years' cumulative service experience in a military law enforcement occupational specialty, and completion of a two-year or more degree from a regionally accredited postsecondary education institution; or

(iii) four years' cumulative experience as a full-time peace officer in another state combined with cumulative service experience in a military law enforcement occupational specialty.

(b) A person is eligible to take the reciprocity examination if the person has relevant military experience and:

(1) has been honorably discharged from military active service as evidenced by the most recent form DD-214; or

(2) is currently in active service as evidenced by:

(i) active duty orders providing service time in military police specialty;

(ii) a United States Department of Defense Manpower Data Center status report pursuant to Service Members Civil Relief Act, active duty status report; or

(iii) Military Personnel Center assignment information.

(c) A person who passed the examination under paragraph (b), clause (2), shall not be eligible to be licensed as a peace officer until honorably discharged as evidenced by the most recent form DD-214.

History: *1Sp2001 c 8 art 7 s 5; 2009 c 94 art 3 s 20; 2013 c 142 art 4 s 11; 2014 c 268 s 1*

626.852 TUITION; SALARY AND EXPENSES.

Each officer when assigned to the Bureau of Criminal Apprehension continuing education courses pursuant to rules of the board shall receive the officer's regular salary and shall be reimbursed by the governing body of the governmental unit or combination of governmental units from which elected or by which employed for the cost of meals, travel, and lodgings while in attendance at the Bureau of Criminal Apprehension courses, not to exceed similar allowance for state employees.

History: *1967 c 870 s 12; 1980 c 578 s 8; 1981 c 310 s 14; 1986 c 444; 1987 c 358 s 131*

626.853 MS 1977 Supp [Repealed, 1978 c 681 s 22]

626.854 MS 1976 [Repealed, 1977 c 433 s 16]

626.855 MS 1994 [Repealed, 1996 c 310 s 1]

626.8555 PEACE OFFICER EDUCATION PROGRAMS.

Metropolitan State University and Minneapolis Community and Technical College, in consultation with the Board of Peace Officer Standards and Training and state and local law enforcement agencies in the seven-county metropolitan area, shall provide core law enforcement courses in an accelerated time period. The schools shall grant priority admission to students who have a bona fide offer of employment from a Minnesota law enforcement agency. These courses shall be available at the beginning of the 1995-1996 academic year and are contingent on sufficient program enrollment.

The board, Metropolitan State University, and Minneapolis Community and Technical College shall evaluate the accelerated law enforcement education program and report their findings to the 1997 legislature.

History: *1995 c 226 art 4 s 27; 2015 c 21 art 1 s 105*

626.856 SCHOOL OF LAW ENFORCEMENT.

By July 1, 1992, the state university system shall develop a school of law enforcement in the metropolitan area, as defined in section 473.121, subdivision 2, whose mission is to advance the profession of law enforcement. The school may offer professional peace officer education, graduate degree programs, and peace officer continuing education programs, and may conduct applied research.

History: *1991 c 356 art 6 s 2*

626.857 [Expired]

626.86 MS 1990 [Repealed, 1991 c 356 art 6 s 5]

626.861 MS 1996 [Repealed, 1998 c 367 art 8 s 26]

626.862 POWERS OF LAW ENFORCEMENT OFFICERS.

Except as specifically provided by statute, only a peace officer and part-time peace officer may:

(1) issue a citation in lieu of arrest or continued detention unless specifically authorized by ordinance;

(2) ask a person receiving a citation to give a written promise to appear in court; or

(3) take a person into custody as permitted by section 629.34.

History: *1987 c 334 s 5; 2005 c 10 art 2 s 4*

626.863 UNAUTHORIZED PRACTICE.

(a) A person who is not a peace officer or part-time peace officer is guilty of a misdemeanor if the person: (1) makes a representation of being a peace officer or part-time peace officer, or (2) performs or attempts to perform an act, duty, or responsibility reserved by law for licensed peace officers and part-time peace officers.

(b) A peace officer who authorizes or knowingly allows a person to violate paragraph (a) is guilty of a misdemeanor.

(c) The board shall designate the appropriate law enforcement agency to investigate violations of this section. The attorney general shall prosecute violations of this section.

(d) A person who violates this section and who has previously been convicted of a violation of this section is guilty of a gross misdemeanor.

History: *1987 c 334 s 6; 2005 c 10 art 2 s 4; 2009 c 59 art 5 s 19*

626.87 LAW ENFORCEMENT BACKGROUND INVESTIGATIONS.

Subdivision 1. **Background investigation required.** (a) A law enforcement agency shall conduct a thorough background investigation on an applicant for employment as a licensed peace officer or an applicant for a position leading to employment as a licensed peace officer before the applicant may be employed. The background investigation must determine at a minimum whether the candidate meets the following standards:

(1) standards established by the Minnesota Board of Peace Officer Standards and Training; and

(2) established security standards for access to state and national computerized record and communication systems.

(b) This requirement does not prevent a law enforcement agency from establishing higher standards for law enforcement employees if those standards are not contrary to applicable law.

Subd. 1a. **Background checks.** (a) The law enforcement agency must request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on an applicant for employment as a licensed peace officer or an applicant for a position leading to employment as a licensed peace officer within the state of Minnesota to determine eligibility for licensing. Applicants must provide, for submission to the superintendent of the Bureau of Criminal Apprehension:

(1) an executed criminal history consent form, authorizing the dissemination of state and federal records to the law enforcement agency and the Board of Peace Officer Standards and Training and fingerprints; and

(2) a money order or cashier's check payable to the Bureau of Criminal Apprehension for the fee for conducting the criminal history background check.

(b) The superintendent of the Bureau of Criminal Apprehension shall perform the background check required under paragraph (a) by retrieving criminal history data as defined in section 13.87 and shall also conduct a search of the national criminal records repository. The superintendent is authorized to exchange the applicant's fingerprints with the Federal Bureau of Investigation to obtain their national criminal history record information. The superintendent must return the results of the Minnesota and federal criminal history records checks to the law enforcement agency who is authorized to share with the Board of Peace Officer Standards and Training to determine if the individual is eligible for licensing under Minnesota Rules, chapter 6700.

Subd. 2. **Disclosure of employment information.** Upon request of a law enforcement agency, an employer shall disclose or otherwise make available for inspection employment information of an employee or former employee who is the subject of an investigation under subdivision 1 or who is a candidate for employment with a law enforcement agency in any other capacity. The request for disclosure of employment information must be in writing, must be accompanied by an authorization and release signed by the employee or former employee, and must be signed by an authorized representative of the law enforcement agency conducting the background investigation.

Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose employment information in accordance with this section, upon request the district court may issue an ex parte order directing the disclosure of the employment information. The request must be made by an authorized representative from the law enforcement agency conducting the background investigation and must include a copy of the request for disclosure made upon the employer or former employer and the authorization and release signed by the employee or former employee. The request must be signed by the person requesting the order and an attorney representing the state or the political subdivision on whose behalf the background investigation is being conducted. It is not necessary for the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person or entity who fails to comply to civil or criminal contempt of court.

Subd. 4. **Immunity from liability.** In the absence of fraud or malice, an employer is immune from civil liability for employment information released to a law enforcement agency under this section, or for any subsequent publication made by the employee or former employee of employment information released to a law enforcement agency under this section.

Subd. 5. **Notice of investigation.** Upon initiation of a background investigation for a person described in subdivision 1, the law enforcement agency shall give written notice to the Peace Officer Standards and Training Board of:

(1) the candidate's full name and date of birth; and

(2) the candidate's peace officer license number, if known.

The initiation of a background investigation does not include the submission of an application for employment. Initiation of a background investigation occurs when the law enforcement agency begins its determination of whether an applicant meets the agency's standards for employment as a law enforcement employee.

Subd. 6. **Confidentiality agreements.** If employment information is subject to a confidentiality agreement between the employee or former employee and the employer, the employer shall disclose the fact that such

an agreement exists. If the employee or former employee has authorized the release of employment information without regard to any previous agreement to the contrary, the employer shall also disclose the employment information in accordance with subdivision 2. If employment information is sealed or otherwise subject to a nondisclosure order by a court of competent jurisdiction, the employer shall disclose the fact that such an order exists, along with information identifying the court and court's file number.

Subd. 7. **Employment information.** For purposes of this section, "employment information" means written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, and eligibility for rehire.

Subd. 8. **Application.** For purposes of this section, "employer" does not include an entity that is subject to chapter 13.

History: *1997 c 214 s 5; 2023 c 52 art 10 s 21-24*

626.88 UNIFORMS; PEACE OFFICERS, SECURITY GUARDS; COLOR.

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

(b) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed pursuant to sections 626.84 to 626.863 charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has full power of arrest, and shall also include Minnesota state troopers, state conservation officers, park police, and University of Minnesota police officers.

(c) "Security guard" means any person who is paid a fee, wage, or salary to perform one or more of the following functions:

(1) prevention or detection of intrusion, unauthorized entry or activity, vandalism, or trespass on private property;

(2) prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;

(3) control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;

(4) protection of individuals from bodily harm;

(5) prevention or detection of intrusion, unauthorized entry or activity, vandalism, or trespass on Minnesota National Guard facilities, including, but not limited to, Camp Ripley and Air National Guard air bases; or

(6) enforcement of policies and rules of the security guard's employer related to crime reduction insofar as such enforcement falls within the scope of security guard's duties.

The term "security guard" does not include: (i) auditors, accountants, and accounting personnel performing audits or accounting functions; (ii) employees of a firm licensed pursuant to section 326.3381 whose duties are primarily administrative or clerical in nature; (iii) unarmed security personnel; (iv) personnel temporarily employed pursuant to statute or ordinance by political subdivisions to provide protective services at social functions; (v) employees of air or rail carriers.

(d) "Bail bondsman" or "bail enforcement agent" means a surety acting as a bonding agent or any person who acts at the direction of a surety for the purpose of arresting a defendant that the surety believes:

(1) is about to flee;

(2) will not appear in court as required by the defendant's recognizance; or

(3) will otherwise not perform the conditions of the recognizance.

Subd. 2. **Uniforms.** (a) Uniforms for peace officers shall be of uniform colors throughout the state as provided herein. Uniforms for:

(1) municipal peace officers, including University of Minnesota peace officers and peace officers assigned to patrol duties in parks, shall be blue, brown, or green;

(2) peace officers who are members of the county sheriffs' office shall be blue, brown, or green;

(3) state troopers shall be maroon;

(4) conservation officers shall be green.

(b) The uniforms of security guards may be any color other than those specified for peace officers.

(c) The uniforms of a bail bondsman or bail enforcement agent or any person who acts at the direction of a surety may be any color other than those specified for peace officers. A violation of this paragraph is a petty misdemeanor.

(d) This subdivision shall apply to uniforms purchased subsequent to January 1, 1981.

Subd. 3. **Exception.** Security guards employed by the Capitol Complex Security Division of the Department of Public Safety are not required to comply with subdivision 2.

History: *1980 c 578 s 9; 1981 c 37 s 2; 1981 c 310 s 16; 1983 c 293 s 109; 1Sp1985 c 10 s 118; 1986 c 444; 1989 c 209 art 2 s 1; 1997 c 7 art 1 s 169; 2005 c 10 art 2 s 4; 2006 c 273 s 13; 2015 c 65 art 3 s 35*

626.89 PEACE OFFICER DISCIPLINE PROCEDURES ACT.

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 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.

Subd. 2. **Applicability.** The procedures and provisions of this section apply to law enforcement agencies and government units. The procedures and provisions of this section do not apply to investigations of criminal charges against an officer.

Subd. 3. **Governing formal statement procedures.** The formal statement of an officer must be taken in accordance with subdivisions 4 to 10.

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. **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 law enforcement agency. Before an administrative hearing is begun, the officer must be given a copy of the signed complaint.

Subd. 6. **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.

Subd. 7. **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.

Subd. 8. **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.

Subd. 9. **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 attorney or the union representative, 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 attorney or the union representative.

Subd. 10. **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. 11. **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. 12. **Release of photographs.** No law enforcement agency or governmental unit may publicly release photographs of an officer without the written permission of the officer, except that the agency or unit may display a photograph of an officer to a prospective witness as part of an agency or unit investigation, and the agency or unit may provide a photograph of an officer to the civilian police review authority for it to display to a prospective witness as part of the authority's investigation.

Subd. 13. **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. 14. **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. 15. **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.

Subd. 16. **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.

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

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

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

(b) A local unit of government may establish a civilian oversight council and grant the council the authority to make a finding of fact or determination regarding a complaint against an officer and recommend discipline for an officer.

(c) At the conclusion of any criminal investigation or prosecution, if any, a civilian oversight council may conduct an investigation into allegations of peace officer misconduct and retain an investigator to facilitate an investigation. Subject to other applicable law, a council may subpoena or compel testimony and documents in an investigation. Upon completion of an investigation, a council may make a finding of misconduct and recommend appropriate discipline against peace officers employed by the agency. A council must submit investigation reports that contain findings of peace officer misconduct to the chief law enforcement officer and the Peace Officer Standards and Training Board's complaint committee. A council may also make policy recommendations to the chief law enforcement officer and the Peace Officer Standards and Training Board.

(d) The chief law enforcement officer of a law enforcement agency under the jurisdiction of a civilian oversight council shall cooperate with the council and facilitate the council's achievement of its goals. However, the officer is under no obligation to agree with individual recommendations of the council and may oppose a recommendation. If the officer elects to not implement a recommendation that is within the officer's authority, the officer shall inform the council of the decision along with the officer's underlying reasons.

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

History: *1991 c 334 s 1; 2007 c 13 art 3 s 34; 2008 c 205 s 1; 2012 c 156 s 1,2; 2023 c 52 art 10 s 25; 2026 c 59 s 9,10*

626.891 COOPERATION WITH POSTSECONDARY INSTITUTIONS.

Local law enforcement agencies, including law enforcement agencies operated by statutory cities, home rule charter cities, and counties, must enter into and honor the memoranda of understanding required under section 135A.15.

History: *2015 c 69 art 4 s 3*

626.892 PEACE OFFICER GRIEVANCE ARBITRATION SELECTION PROCEDURE.

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

(b) "Commissioner" means the commissioner of the Bureau of Mediation Services.

(c) "Employer" means a political subdivision or law enforcement agency employing a peace officer.

(d) "Grievance" means a dispute or disagreement regarding any written disciplinary action, discharge, or termination decision of a peace officer arising under a collective bargaining agreement covering peace officers.

(e) "Grievance arbitration" means binding arbitration of a grievance under the grievance procedure in a collective bargaining agreement covering peace officers, as required by this section or sections 179A.04, 179A.20, and 179A.21, subdivision 3, to the extent those sections are consistent with this section.

(f) "Grievance procedure" has the meaning given in section 179A.20, subdivision 4, except as otherwise provided in this section or to the extent inconsistent with this section.

(g) "Peace officer" means a licensed peace officer or part-time peace officer subject to licensure under sections 626.84 to 626.863.

Subd. 2. **Applicability.** (a) Notwithstanding any contrary provision of law, home rule charter, ordinance, or resolution, the arbitrator selection procedure established under this section shall apply to all peace officer grievance arbitrations for written disciplinary action, discharge, or termination heard on or after September 1, 2020.

(b) The grievance procedure for all collective bargaining agreements covering peace officers negotiated on or after July 24, 2020, must include the arbitrator selection procedure established in this section.

(c) This section does not authorize arbitrators appointed under this section to hear arbitrations of public employees who are not peace officers.

Subd. 3. **Fees.** All fees charged by arbitrators under this section shall be in accordance with a schedule of fees established by the commissioner on an annual basis.

Subd. 4. **Roster of arbitrators.** The commissioner, in consultation with community and law enforcement stakeholders, shall appoint a roster of six persons suited and qualified by training and experience to act as arbitrators for peace officer grievance arbitrations under this section. In making these appointments, and as applicable, the commissioner may consider the factors set forth in Minnesota Rules, parts 5530.0600 and 5530.0700, subpart 6, as well as a candidate's familiarity with labor law, the grievance process, and the law enforcement profession; or experience and training in cultural competency, racism, implicit bias, and recognizing and valuing community diversity and cultural differences. The appointments are effective

immediately upon filing with the secretary of state. Arbitrators on the roster created by this subdivision shall not serve as an arbitrator in a labor arbitration other than a grievance arbitration as defined in this section.

Subd. 5. **Applications.** The secretary of state shall solicit and accept applications in the same manner as for open appointments under section 15.0597.

Subd. 6. **Terms.** (a) Initial appointments to the roster of arbitrators shall be made as follows:

(1) two appointments to expire on the first Monday in January 2023;

(2) two appointments to expire on the first Monday in January 2024; and

(3) two appointments to expire on the first Monday in January 2025.

(b) Subsequent appointments to the roster of arbitrators shall be for three-year terms to expire on the first Monday in January, with the terms of no more than two arbitrators to expire in the same year.

(c) An arbitrator may be reappointed to the roster upon expiration of the arbitrator's term. If the arbitrator is not reappointed, the arbitrator may continue to serve until a successor is appointed, but in no case later than July 1 of the year in which the arbitrator's term expires.

Subd. 7. **Applicability of Minnesota Rules, chapters 5510 and 5530.** To the extent consistent with this section, the following provisions of Minnesota Rules apply to arbitrators on the roster of arbitrators established under this section:

(1) Minnesota Rules, part 5530.0500 (status of arbitrators);

(2) Minnesota Rules, part 5530.0800 (arbitrator conduct and standards);

(3) Minnesota Rules, part 5510.5220 (arbitrator responsibilities);

(4) Minnesota Rules, part 5510.5230, subpart 4 (hearing transcripts and recordings);

(5) Minnesota Rules, part 5510.5260 (briefs); and

(6) Minnesota Rules, part 5510.5295 (arbitrator fees and costs).

Subd. 8. **Performance measures.** To the extent applicable, the commissioner shall track the performance measures set forth in Minnesota Rules, part 5530.1200.

Subd. 9. **Removal; vacancies.** An arbitrator appointed to the roster of arbitrators may be removed from the roster only by the commissioner in accordance with the procedures set forth in Minnesota Rules, part 5530.1300. A vacancy on the roster caused by a removal, a resignation, or another reason shall be filled by the commissioner as necessary to fill the remainder of the arbitrator's term. A vacancy on the roster occurring with less than six months remaining in the arbitrator's term shall be filled for the existing term and the following three-year term.

Subd. 10. **Training.** (a) A person appointed to the arbitrator roster under this section must complete training as required by the commissioner during the person's appointment. At a minimum, an initial training must include:

(1) at least six hours on the topics of cultural competency, racism, implicit bias, and recognizing and valuing community diversity and cultural differences; and

(2) at least six hours on topics related to the daily experience of peace officers, which may include ride-alongs with on-duty officers or other activities that provide exposure to the environments, choices, and judgments required of officers in the field.

(b) The commissioner may adopt rules establishing training requirements consistent with this subdivision.

(c) An arbitrator appointed to the roster of arbitrators after 2020 must complete the required initial training within six months of the arbitrator's appointment.

(d) The Bureau of Mediation Services must pay for all costs associated with the required training.

Subd. 11. **Selection of arbitrators.** The commissioner shall assign or appoint an arbitrator or panel of arbitrators from the roster to a peace officer grievance arbitration under this section on rotation through the roster alphabetically ordered by last name. The parties shall not participate in, negotiate for, or agree to the selection of an arbitrator or arbitration panel under this section. The arbitrator or panel shall decide the grievance, and the decision is binding subject to the provisions of chapter 572B.

Subd. 12. **Interaction with other laws.** (a) Sections 179A.21, subdivision 2, and 572B.11, paragraph (a), and rules for arbitrator selection promulgated pursuant to section 179A.04 shall not apply to discipline-related grievance arbitrations involving peace officers governed under this section.

(b) Notwithstanding any contrary provision of law, home rule charter, ordinance, or resolution, peace officers, through their certified exclusive representatives, shall not have the right to negotiate for or agree to a collective bargaining agreement or a grievance arbitration selection procedure with their employers that is inconsistent with this section.

(c) The arbitrator selection procedure for peace officer grievance arbitrations established under this section supersedes any inconsistent provisions in chapter 179A or 572B or in Minnesota Rules, chapters 5500 to 5530 and 7325. Other arbitration requirements in those chapters remain in full force and effect for peace officer grievance arbitrations, except as provided in this section or to the extent inconsistent with this section.

History: *2Sp2020 c 1 s 24; 2023 c 25 s 188; 2024 c 110 art 5 s 32; 2024 c 127 art 7 s 1*

INDIAN LAW ENFORCEMENT AUTHORITY

626.90 LAW ENFORCEMENT AUTHORITY; MILLE LACS BAND OF CHIPPEWA.

Subdivision 1. **Definition.** As used in this section, "Band" means the federally recognized Mille Lacs Band of Chippewa Indians.

Subd. 2. **Law enforcement agency.** (a) The Band has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) are met:

(1) the Band agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of a law enforcement agency function conferred by this section, to the same extent as a municipality under chapter 466, and the Band further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity for purposes of claims of this liability;

(2) the Band files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount;

(3) the Band files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and

(4) the Band agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

(b) The Band may enter into mutual aid/cooperative agreements with the Mille Lacs County sheriff under section 471.59 to define and regulate the provision of law enforcement services under this section.

(c) Only if the requirements of paragraph (a) are met, the Band shall have concurrent jurisdictional authority under this section with the Mille Lacs County Sheriff's Department over all persons in the geographical boundaries of the Treaty of February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota.

Subd. 3. **Peace officers.** If the Band complies with the requirements set forth in subdivision 2, the Band is authorized to appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace officers employed by local units of government.

Subd. 4. **County jail.** The sheriff of the county in which the violation occurred is responsible for receiving persons arrested by peace officers appointed under subdivision 3 and acting under the authority conferred by this section.

Subd. 5. **Prosecuting authority.** The Mille Lacs County attorney is responsible to prosecute or initiate petitions for any person arrested, investigated, or detained by peace officers appointed under subdivision 3 and acting under the authority conferred by this section.

Subd. 6. **Effect on federal law.** Nothing in this section shall be construed to restrict the Band's authority under federal law.

Subd. 7. **Construction.** This section is limited to law enforcement authority only, and nothing in this section shall affect any other jurisdictional relationships or disputes involving the Band or current reservation boundaries or entitle the Band as a municipality or subdivision of government to any fine or penalty revenue allocation under section 484.90.

History: *1991 c 189 s 1; 1998 c 386 art 2 s 97; 2000 c 411 s 3; 2005 c 10 art 2 s 4; 2007 c 13 art 3 s 35; 2023 c 52 art 10 s 26*

626.91 LAW ENFORCEMENT AUTHORITY; LOWER SIOUX INDIAN COMMUNITY PEACE OFFICERS.

Subdivision 1. **Definition.** As used in this section, "Community" means the Lower Sioux Indian Community.

Subd. 2. **Law enforcement agency.** (a) The Community has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) are met:

(1) the Community agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the law enforcement agency

powers conferred by this section to the same extent as a municipality under chapter 466, and the Community further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from this liability;

(2) the Community files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount;

(3) the Community files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and

(4) the Community agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

(b) The Community may enter into an agreement under section 471.59 with the Redwood County sheriff to define and regulate the provision of law enforcement services under this section and to provide for mutual aid and cooperation. If entered, the agreement must identify and describe the trust property involved in the agreement. For purposes of entering into this agreement, the Community shall be considered a "governmental unit" as that term is defined in section 471.59, subdivision 1.

Subd. 3. **Concurrent jurisdiction.** The jurisdiction of the Community pursuant to this section shall be concurrent with that of the Redwood County sheriff, provided that it shall be limited to persons in the geographical boundaries of property held by the United States in trust for the Community.

Subd. 4. **Peace officers.** If the Community complies with the requirements set forth in subdivision 2, paragraph (a), the Community is authorized to appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace officers employed by the Redwood County sheriff over the persons and the geographic areas described in subdivision 3.

Subd. 5. **County jail.** The Redwood County sheriff is responsible for receiving persons arrested by peace officers appointed by the Community under subdivision 4 and acting under the authority conferred by this section.

Subd. 6. **Prosecuting authority.** The Redwood County attorney is responsible for prosecuting or initiating petitions for any person arrested, investigated, or detained by peace officers appointed by the Community under subdivision 4 and acting under the authority conferred by this section.

Subd. 7. **Effect on federal law.** Nothing in this section shall be construed to restrict the Community's authority under federal law.

Subd. 8. **Construction.** This section is limited to law enforcement authority only, and nothing in this section shall affect any other jurisdictional relationships or disputes involving the Community.

History: *1997 c 185 s 1; 1998 c 386 art 2 s 98; 2000 c 411 s 4; 2005 c 10 art 2 s 4; 2023 c 52 art 10 s 27,28*

626.92 ENFORCEMENT AUTHORITY; FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA.

Subdivision 1. **Definition.** As used in this section, "Band" means the Fond du Lac Band of Lake Superior Chippewa, a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934, United States Code, title 25, section 476, and which occupies the Fond du Lac Reservation pursuant to the Treaty of LaPointe, 10 Stat. 1109.

Subd. 2. **Law enforcement agency.** (a) The Band has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) and paragraph (b) are met:

(1) the Band agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the law enforcement agency powers conferred by this section to the same extent as a municipality under chapter 466, and the Band further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity for purposes of claims arising out of this liability;

(2) the Band files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount or establishes that liability coverage exists under the Federal Torts Claims Act, United States Code, title 28, section 1346(b), et al., as extended to the Band pursuant to the Indian Self-Determination and Education Assistance Act of 1975, United States Code, title 25, section 450f(c);

(3) the Band files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution or establishes that liability coverage exists under the Federal Torts Claims Act, United States Code, title 28, section 1346(b) et al., as extended to the Band pursuant to the Indian Self-Determination and Education Assistance Act of 1975, United States Code, title 25, section 450F(c); and

(4) the Band agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

(b) The Band may enter into written mutual aid or cooperative agreements with the Carlton County sheriff, the St. Louis County sheriff, and the city of Cloquet under section 471.59 to define and regulate the provision of law enforcement services under this section. If entered, the agreements must define the following:

(1) the trust property involved in the joint powers agreement;

(2) the responsibilities of the county sheriffs;

(3) the responsibilities of the county attorneys; and

(4) the responsibilities of the city of Cloquet city attorney and police department.

Subd. 3. **Concurrent jurisdiction.** The Band shall have concurrent jurisdictional authority under this section with the Carlton County and St. Louis County Sheriffs' Departments over crimes committed within the boundaries of the Fond du Lac Reservation if the requirements of subdivision 2, paragraph (a), are met, regardless of whether a cooperative agreement pursuant to subdivision 2, paragraph (b), is entered into.

Subd. 4. **Peace officers.** If the Band complies with the requirements set forth in subdivision 2, the Band is authorized to appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace officers employed by local units of government.

Subd. 5. **Effect on federal law.** Nothing in this section shall be construed to restrict the Band's authority under federal law.

Subd. 6. **Construction.** This section is limited to law enforcement authority only, and nothing in this section shall affect any other jurisdictional relationships or disputes involving the Band.

History: *1998 c 367 art 11 s 21; 2000 c 411 s 5; 2005 c 10 art 2 s 4; 2023 c 52 art 10 s 29,30*

626.93 LAW ENFORCEMENT AUTHORITY; TRIBAL PEACE OFFICERS.

Subdivision 1. **Definition.** As used in this section, "Tribe" means a federally recognized Indian Tribe, as defined in United States Code, title 25, section 450b(e), located within the state of Minnesota, but does not include a Tribe, Band, or Community described in section 626.91 or 626.92, or the Mille Lacs Band of Chippewa Indians for purposes of exercising law enforcement authority in Mille Lacs County only under section 626.90. Tribe includes the Mille Lacs Band of Chippewa Indians for purposes of exercising law enforcement authority on Mille Lacs Band of Chippewa Indians Reservation lands which lie outside of Mille Lacs County.

Subd. 2. **Tribal law enforcement agency requirements.** A Tribe may exercise authority under subdivision 3 only if it satisfies the following requirements:

(1) the Tribe agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of a law enforcement agency function conferred by section 626.84, subdivision 1, paragraph (f), to the same extent as a municipality under chapter 466, and the Tribe further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from this liability;

(2) the Tribe files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount;

(3) the Tribe files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and

(4) if the Tribe's governing body has authorized its peace officers to enforce criminal laws within the boundaries of the Tribe's reservation, the Tribe agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

Subd. 3. **Concurrent jurisdiction.** If the requirements of subdivision 2 are met, the Tribe has concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the Tribe's reservation to enforce state criminal law.

Subd. 4. **Cooperative agreements.** In order to coordinate, define, and regulate the provision of law enforcement services and to provide for mutual aid and cooperation, governmental units and the Tribe may enter into agreements under section 471.59. For the purposes of entering into these agreements, the Tribe is considered a "governmental unit" as that term is defined in section 471.59, subdivision 1.

Subd. 5. **Effect on federal law.** Nothing in this section shall be construed to restrict a Tribe's authority under federal law.

Subd. 6. **Construction.** This section is limited to law enforcement authority only, and nothing in this section shall affect any other jurisdictional relationships or disputes involving a Tribe or current reservation boundaries.

Subd. 7. MS 2022 [Repealed, 2023 c 52 art 10 s 34]

History: *1999 c 175 s 2; 2000 c 411 s 6,7; 2005 c 10 art 2 s 4; 2019 c 40 s 1; 2023 c 52 art 10 s 31,32*

626.94 CONSERVATION LAW ENFORCEMENT AUTHORITY.

Subdivision 1. **Definition.** As used in this section, "Indian conservation enforcement authority" means:

(1) a federally recognized Indian Tribe, as defined in United States Code, title 25, section 450b, subsection (e), located within Minnesota, provided that the Tribe has the authority to adopt and enforce game, fish, and natural resources codes governing the conduct of its members within the geographic boundaries of a reservation or in the 1854 or 1837 Ceded Territories; or

(2) an Indian conservation agency having the authority to adopt or enforce game, fish, and natural resources codes and regulations governing the conduct of Indians in the 1854 or 1837 Ceded Territories.

Subd. 2. **Indian conservation enforcement authority requirements.** Upon agreement by the commissioner of natural resources, an Indian conservation enforcement authority may exercise authority under subdivision 3 if it satisfies the following minimum requirements:

(1) the Indian conservation enforcement authority agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the conservation enforcement powers conferred by this section to the same extent as a municipality under chapter 466 and the Indian conservation enforcement authority further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity for purposes of claims arising out of the liability;

(2) the Indian conservation enforcement authority files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amounts;

(3) the Indian conservation enforcement authority files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its conservation law enforcement officers, employees, and agents for lawsuits under the United States Constitution;

(4) the Indian conservation enforcement authority agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies;

(5) the Indian conservation enforcement authority enters into a written cooperative agreement with the commissioner of natural resources under section 471.59 to define and regulate the provision of conservation law enforcement services under this section and to provide conservation officers employed by the Department of Natural Resources with authority described in the cooperative agreement to enforce Indian codes and regulations on lands agreed upon within the reservation or ceded territory; and

(6) the Indian conservation enforcement authority appoints a licensed peace officer to serve as a chief law enforcement officer with authority to appoint and supervise the authority's conservation officers under this section.

When entering into an agreement under clause (5), the Indian conservation enforcement authority is considered a "governmental unit" as defined under section 471.59, subdivision 1. Nothing in this section shall be construed to invalidate or limit the terms of any valid agreement approved by a federal court order.

Subd. 3. **Jurisdiction.** If the requirements of subdivision 2 are met:

(1) the Indian conservation enforcement authority's chief law enforcement officer may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), to serve as conservation officers having the same powers as conservation officers employed by the Department of Natural Resources. The exercise of these powers is limited to the geographical boundaries of the reservation or ceded territory; and

(2) the jurisdiction of conservation officers appointed under this subdivision is concurrent with the jurisdiction of conservation officers employed by the Department of Natural Resources to enforce the state's game and fish, natural resource, and recreational laws within the geographical boundaries of the reservation or ceded territory.

Subd. 4. **Effect on federal law.** Nothing in this section shall be construed to restrict the Indian conservation enforcement authority's authority under federal law.

Subd. 5. **Construction.** This section is limited to conservation enforcement authority only. Nothing in this section shall affect any other jurisdictional relationship or dispute or current agreement.

History: *1Sp2001 c 2 s 149*

RACIAL PROFILING

626.951 MS 2006 [Obsolete 1Sp2001 c 8 art 7 s 6]

626.9513 MS 2004 [Expired, 1Sp2001 c 8 art 7 s 7]

626.9514 TOLL-FREE TELEPHONE NUMBER.

The attorney general shall operate and maintain a toll-free telephone number for complaints dealing with racial profiling. The attorney general must act as a clearinghouse for racial profiling complaints and must forward complaints to the Peace Officer Standards and Training Board.

History: *1Sp2001 c 8 art 7 s 8*

626.9517 GRANT PROGRAM FOR INSTALLATION OF VIDEO CAMERAS IN POLICE VEHICLES.

Subdivision 1. **Grants; cameras described.** Video cameras installed pursuant to grants made by the commissioner of public safety to law enforcement agencies participating in the racial profiling study described in Minnesota Statutes 2006, section 626.951, for the purchase, installation, and maintenance of video cameras on police vehicles designed to record traffic stops must:

(1) be automatically activated during every traffic stop;

(2) contain an audio feature; and

(3) be designed and installed so as to record the stop in its entirety.

Cameras may not be equipped with manual shutoff switches and must be activated for the entirety of a traffic stop.

Subd. 2. **Storage of video.** Notwithstanding section 138.163 or 138.17, chief law enforcement officers of agencies receiving grants under this section for video cameras in police vehicles shall ensure that the videotape or disk from the camera be stored for a minimum of 60 days after use. If the chief law enforcement officer has not been instructed by the board or the attorney general to maintain the tape or disk beyond that

period, the chief law enforcement officer may reuse it. Tapes and disks must be stored and maintained under this subdivision in an accessible manner. The tapes and disks must be clearly labeled and ordered.

Subd. 3. **Availability of videotape.** A chief law enforcement officer shall provide a copy of a videotape or disk that recorded a traffic stop to the driver of the stopped vehicle upon the driver's request and at the driver's expense if the tape or disk has not yet been reused.

History: *1Sp2001 c 8 art 7 s 9; 2013 c 125 art 1 s 100*

BLUE ALERT

626.96 BLUE ALERT SYSTEM.

Subdivision 1. **Establishment.** The commissioner of public safety shall establish a Blue Alert system to aid in the identification, location, and apprehension of an individual or individuals suspected of killing or seriously wounding a local, state, or federal law enforcement officer. The commissioner shall coordinate with local law enforcement agencies and public and commercial television and radio broadcasters to provide an effective alert system.

Subd. 2. **Criteria and procedures.** The commissioner, in consultation with the Board of Peace Officer Standards and Training, the Minnesota Police and Peace Officers Association, the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, the Minnesota chapter of the National Emergency Number Association, the Minnesota chapter of the Association of Public Safety Communications Officials, and the commissioner of transportation, shall develop criteria and procedures for the Blue Alert system. By October 1, 2015, the commissioner shall adopt criteria and procedures for the Blue Alert system.

Subd. 3. **Oversight.** The commissioner shall regularly review the function of the Blue Alert system and revise its criteria and procedures to provide for efficient and effective public notification.

Subd. 4. **Scope.** The Blue Alert system shall include all state and local agencies capable of providing urgent and timely information to the public, together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information.

Subd. 5. **Additional notice.** The commissioner may notify authorities and entities outside of the state upon verification that the criteria established under this section have been met.

Subd. 6. **False reports.** A person who knowingly makes a false report that triggers an alert under this section is guilty of a misdemeanor.

History: *2015 c 65 art 3 s 36*