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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 3512**

February 28, 2008

Authored by Lesch

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act  
1.2 relating to public safety; permitting federal law enforcement officers to have  
1.3 same authority to arrest and hold an individual in custody as Minnesota police  
1.4 officers; amending Minnesota Statutes 2006, section 626.77, subdivision 1;  
1.5 Minnesota Statutes 2007 Supplement, section 626.84, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2006, section 626.77, subdivision 1, is amended to read:

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

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

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

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

1.18 (4) (3) upon effecting an arrest, the officer surrenders custody of the arrested  
1.19 individual to a peace officer of this state without unnecessary delay.

1.20 Sec. 2. Minnesota Statutes 2007 Supplement, section 626.84, subdivision 1, is  
1.21 amended to read:

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

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

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

2.2 (c) "Peace officer" means:

2.3 (1) an employee or an elected or appointed official of a political subdivision or  
2.4 law enforcement agency who is licensed by the board, charged with the prevention and  
2.5 detection of crime and the enforcement of the general criminal laws of the state and who  
2.6 has the full power of arrest, and shall also include the Minnesota State Patrol, agents of the  
2.7 Division of Alcohol and Gambling Enforcement, state conservation officers, Metropolitan  
2.8 Transit police officers, Department of Corrections' Fugitive Apprehension Unit officers,  
2.9 and Department of Commerce Insurance Fraud Unit officers, and the statewide coordinator  
2.10 of the Gang and Drug Oversight Council; and

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

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

2.21 (e) "Reserve officer" means an individual whose services are utilized by a law  
2.22 enforcement agency to provide supplementary assistance at special events, traffic or crowd  
2.23 control, and administrative or clerical assistance. A reserve officer's duties do not include  
2.24 enforcement of the general criminal laws of the state, and the officer does not have full  
2.25 powers of arrest or authorization to carry a firearm on duty.

2.26 (f) "Law enforcement agency" means:

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

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

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

3.1           (h) "Federal law enforcement officer" means an officer empowered to enforce the  
3.2 laws of the United States, employed by any federal law enforcement agency whether  
3.3 employed inside or outside the state, who is responsible for the prevention or detection  
3.4 of crimes or for the upholding or enforcement of the laws of the United States and who  
3.5 is authorized to arrest, with or without a warrant, an individual for violations of the  
3.6 United States Code.