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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1366

02/22/2021

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The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; clarifying legislative intent for the Peace Officer Standards
1.3 and Training Board's discipline review committee; amending Minnesota Statutes
1.4 2020, sections 13.41, subdivision 3; 214.10, subdivision 11; 626.842, subdivision
1.5 2; 626.8435, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2020, section 13.41, subdivision 3, is amended to read:

1.8 Subd. 3. Board of Peace Officer Standards and Training. The following government
1.9 data of the Board of Peace Officer Standards and Training are private data:

1.10 (1) personal phone numbers, and home and e-mail addresses of licensees and applicants
1.11 for licenses; ~~and~~

1.12 (2) ~~data that identify the government entity that employs a licensed peace officer.~~

1.13 The board may disseminate private data on applicants and licensees as is necessary to
1.14 administer law enforcement licensure or to provide data under section 626.845, subdivision
1.15 1, to law enforcement agencies who are conducting employment background investigations.

1.16 Sec. 2. Minnesota Statutes 2020, section 214.10, subdivision 11, is amended to read:

1.17 Subd. 11. Board of Peace Officers Standards and Training; reasonable grounds
1.18 determination. (a) After the investigation is complete, the executive director shall convene
1.19 at least a three-member four-member committee of the board to determine if the complaint
1.20 constitutes reasonable grounds to believe that a violation within the board's enforcement
1.21 jurisdiction has occurred. In conformance with section 626.843, subdivision 1b, at least ~~two~~
1.22 three members of the committee must be voting board members who are peace officers and

2.1 one member of the committee must be a voting board member appointed from the general
 2.2 public. No later than 30 days before the committee meets, the executive director shall give
 2.3 the licensee who is the subject of the complaint and the complainant written notice of the
 2.4 meeting. The executive director shall also give the licensee a copy of the complaint. Before
 2.5 making its determination, the committee shall give the complaining party and the licensee
 2.6 who is the subject of the complaint a reasonable opportunity to be heard.

2.7 (b) The committee shall, by majority vote, after considering the information supplied
 2.8 by the investigating agency and any additional information supplied by the complainant or
 2.9 the licensee who is the subject of the complaint, take one of the following actions:

2.10 (1) find that reasonable grounds exist to believe that a violation within the board's
 2.11 enforcement jurisdiction has occurred and order that an administrative hearing be held;

2.12 (2) decide that no further action is warranted; or

2.13 (3) continue the matter.

2.14 The executive director shall promptly give notice of the committee's action to the
 2.15 complainant and the licensee.

2.16 (c) If the committee determines that a complaint does not relate to matters within its
 2.17 enforcement jurisdiction but does relate to matters within another state or local agency's
 2.18 enforcement jurisdiction, it shall refer the complaint to the appropriate agency for disposition.

2.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.20 Sec. 3. Minnesota Statutes 2020, section 626.842, subdivision 2, is amended to read:

2.21 Subd. 2. **Terms, compensation, removal, filling of vacancies.** The membership terms,
 2.22 compensation, removal of members and the filling of vacancies for members appointed
 2.23 pursuant to section 626.841, ~~clauses (1), (2), (4), and (5) on the board~~; the provision of staff,
 2.24 administrative services and office space; the review and processing of complaints; the setting
 2.25 of fees; and other matters relating to board operations shall be as provided in chapter 214.

2.26 Sec. 4. Minnesota Statutes 2020, section 626.8435, subdivision 1, is amended to read:

2.27 Subdivision 1. **Establishment and membership.** The Ensuring Police Excellence and
 2.28 Improving Community Relations Advisory Council is established under the Peace Officer
 2.29 Standards and Training Board. The council consists of the following 15 members:

2.30 (1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

3.1 (2) the executive director of the Peace Officer Standards and Training Board, or a
3.2 designee;

3.3 (3) the executive director of the Minnesota Police and Peace Officers Association, or a
3.4 designee;

3.5 (4) the executive director of the Minnesota Sheriffs' Association, or a designee;

3.6 (5) the executive director of the Minnesota Chiefs of Police Association, or a designee;

3.7 (6) six community members, of which:

3.8 (i) four members shall represent the community-specific boards established under ~~section~~
3.9 ~~257.0768~~ sections 15.0145 and 3.922, reflecting one appointment made by each board;

3.10 (ii) one member shall be a mental health advocate and shall be appointed by the Minnesota
3.11 chapter of the National Alliance on Mental Illness; and

3.12 (iii) one member shall be an advocate for victims and shall be appointed by Violence
3.13 Free Minnesota; and

3.14 (7) four members appointed by the legislature, of which one shall be appointed by the
3.15 speaker of the house, one by the house minority leader, one by the senate majority leader,
3.16 and one by the senate minority leader.

3.17 The appointing authorities shall make their appointments by September 15, 2020, and
3.18 shall ensure geographical balance when making appointments.

3.19 **Sec. 5. RULEMAKING AUTHORITY.**

3.20 The executive director of the Peace Officer Standards and Training Board may adopt
3.21 rules to carry out the purposes of section 2.

3.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.