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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1769

03/01/2021

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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; expanding the grounds that justify the Peace Officer
1.3 Standards and Training Board to take licensure action against peace officers;
1.4 amending Minnesota Statutes 2020, section 626.8432, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2020, section 626.8432, subdivision 1, is amended to read:

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

1.10 (1) fraud or misrepresentation in obtaining a license;

1.11 (2) failure to meet licensure requirements; ~~or~~

1.12 (3) engaging in conduct prohibited by, or listed as, grounds for disciplinary action in
1.13 this chapter, chapter 214, or sections 626.84 to 626.90, engaging in conduct that violates
1.14 any statute enforced by the board, or a violation of the standards of conduct set forth in
1.15 Minnesota Rules, chapter 6700.;

1.16 (4) being convicted of a felony, gross misdemeanor, or misdemeanor in this state, or in
1.17 any other state or federal jurisdiction of an offense that would constitute a felony, gross
1.18 misdemeanor, misdemeanor if committed in Minnesota including a finding or verdict of
1.19 guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of
1.20 guilt, or no contest;

2.1 (5) having been the subject of revocation, suspension, or surrender of a peace officer
2.2 license or certificate in resolution of a complaint or other adverse action relating to licensing
2.3 or certification in another jurisdiction;

2.4 (6) failing to report the revocation, suspension, or surrender of a license or certificate
2.5 in resolution of a complaint, or other disciplinary or adverse action taken against a licensee
2.6 in this or another jurisdiction, or having been refused a license or certificate by any other
2.7 jurisdiction;

2.8 (7) being adjudicated by a court of competent jurisdiction, inside or outside of this state,
2.9 as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent,
2.10 mentally ill and dangerous to the public, or as having a psychopathic personality, or required
2.11 to register as a predatory offender under section 243.166 or 243.167;

2.12 (8) violating any order issued by the board;

2.13 (9) practicing outside the scope of section 626.863;

2.14 (10) making an intentional false statement or misrepresentation to the board;

2.15 (11) engaging in sexual penetration or contact without consent, as defined in section
2.16 609.341, or engaging in conduct that violates section 617.23. Sexual contact does not include
2.17 contact that is part of standard police procedure such as search and arrest;

2.18 (12) failing to cooperate with an investigation of the board as required by Minnesota
2.19 Rules, part 6700.1610, subpart 4;

2.20 (13) engaging in sexual harassment, as defined in section 363A.03, subdivision 43;

2.21 (14) using deadly force when not authorized by section 609.066; or

2.22 (15) conduct unbecoming an officer.

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

2.28 (c) For purposes of this section, "conduct unbecoming an officer" means any conduct
2.29 for which the board finds an officer violated a mandatory policy or acts in a manner that:

2.30 (1) adversely affects the morale, operations, or efficiency of the officer's department;

- 3.1 (2) has a tendency to adversely affect, lower, or destroy public respect, trust, or confidence
- 3.2 in law enforcement or the officer's department or colleagues;
- 3.3 (3) brings the officer's department or colleagues into disrepute; or
- 3.4 (4) brings discredit upon the officer's department or colleagues.