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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 295

01/25/2021 Authored by Moller and Becker-Finn

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; requiring the Bureau of Criminal Apprehension to

1.3 investigate criminal sexual conduct allegations when a member of the Minnesota

1.4 National Guard accuses another member of the Minnesota National Guard of

1.5 sexual assault; amending Minnesota Statutes 2020, sections 299C.80, subdivision

1.6 3; 609.3459.

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

1.8 Section 1. Minnesota Statutes 2020, section 299C.80, subdivision 3, is amended to read:

1.9 Subd. 3. **Additional duty.** (a) The unit shall investigate all criminal sexual conduct

1.10 cases:

1.11 (1) involving peace officers, including criminal sexual conduct cases involving chief

1.12 law enforcement officers; and

1.13 (2) where a member of the Minnesota National Guard is the victim, the accused is a

1.14 member of the Minnesota National Guard, and the incident occurred in Minnesota.

1.15 (b) The unit shall assist the agency investigating an alleged sexual assault of a member

1.16 of the Minnesota National Guard by another member of the Minnesota National Guard that

1.17 occurred in a jurisdiction outside of the state, if the investigating agency requests assistance

1.18 from the unit.

1.19 (c) The unit may also investigate conflict of interest cases involving peace officers.

2.1 Sec. 2. Minnesota Statutes 2020, section 609.3459, is amended to read:

2.2 **609.3459 LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

2.3 (a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law
2.4 enforcement investigation by contacting any law enforcement agency, regardless of where
2.5 the crime may have occurred. The agency must prepare a summary of the allegation and
2.6 provide the person with a copy of it. The agency must begin an investigation of the facts,
2.7 or, if the suspected crime was committed in a different jurisdiction, refer the matter along
2.8 with the summary to the law enforcement agency where the suspected crime was committed
2.9 for an investigation of the facts. If the agency learns that both the victim and the accused
2.10 are members of the Minnesota National Guard, the agency receiving the report must refer
2.11 the matter along with the summary to the Bureau of Criminal Apprehension for investigation
2.12 pursuant to section 299C.80.

2.13 (b) If a law enforcement agency refers the matter to the law enforcement agency where
2.14 the crime was committed, it need not include the allegation as a crime committed in its
2.15 jurisdiction for purposes of information that the agency is required to provide to the
2.16 commissioner of public safety pursuant to section 299C.06, but must confirm that the other
2.17 law enforcement agency has received the referral.