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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3352

02/14/2022 Authored by Johnson and Novotny 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; establishing an affirmative defense for operators of
1.3 emergency vehicles in cases involving criminal vehicular homicide or operation;
1.4 amending Minnesota Statutes 2020, sections 169.17; 169.20, subdivision 5;
1.5 609.205; 609.2112, by adding a subdivision; 609.2113, by adding a subdivision;
1.6 609.2114, by adding a subdivision.

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

1.8 Section 1. Minnesota Statutes 2020, section 169.17, is amended to read:

1.9 169.17 EMERGENCY VEHICLE.

1.10 The speed limitations set forth in sections 169.14 to 169.17 do not apply to an authorized
1.11 emergency vehicle responding to an emergency call. Drivers of all emergency vehicles shall
1.12 sound an audible signal by siren and display at least one lighted red light to the front, except
1.13 that law enforcement vehicles shall sound an audible signal by siren or display at least one
1.14 lighted red light to the front. This provision does not relieve the driver of an authorized
1.15 emergency vehicle from the duty to drive with due regard for the safety of persons using
1.16 the street, nor does it protect the driver of an authorized emergency vehicle from the
1.17 consequence of a reckless disregard of the safety of others.

1.18 EFFECTIVE DATE. This section is effective August 1, 2022, and applies retroactively
1.19 to incidents occurring on or after July 1, 2021.

1.20 Sec. 2. Minnesota Statutes 2020, section 169.20, subdivision 5, is amended to read:

1.21 Subd. 5. Emergency vehicle; penalties. (a) Upon the immediate approach of an
1.22 authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light
1.23 visible under normal atmospheric conditions from a distance of 500 feet to the front of the

2.1 vehicle and, except as otherwise provided in paragraph (b), when the driver is giving audible
 2.2 signal by siren, the driver of each other vehicle shall yield the right-of-way and shall
 2.3 immediately drive to a position parallel to and as close as possible to the right-hand edge
 2.4 or curb of the highway clear of any intersection, and shall stop and remain in this position
 2.5 until the authorized emergency vehicle has passed, except when otherwise directed by a
 2.6 police officer. The driver of another vehicle on a one-way roadway shall drive to the closest
 2.7 edge or curb and stop.

2.8 (b) The driver of an authorized emergency vehicle escorting the movement of an oversize
 2.9 or overweight vehicle or load need not sound an audible signal by siren but shall exhibit
 2.10 the light required by paragraph (a). The driver of each other vehicle then shall yield the
 2.11 right-of-way, as required by paragraph (a), to the emergency vehicle escorting the oversize
 2.12 or overweight vehicle or load.

2.13 (c) Upon the approach of an authorized emergency vehicle the driver of each streetcar
 2.14 shall immediately stop the car clear of any intersection and keep it in this position and keep
 2.15 the doors and gates of the streetcar closed until the authorized emergency vehicle has passed,
 2.16 except when otherwise directed by a police officer.

2.17 (d) This subdivision does not operate to relieve the driver of an authorized emergency
 2.18 vehicle from the ~~duty to drive with due regard for the safety of persons using the highways~~
 2.19 consequence of a reckless disregard of the safety of others.

2.20 (e) A driver who fails to comply with paragraph (a), (b), or (c) is guilty of a petty
 2.21 misdemeanor and may be penalized according to section 169.89.

2.22 (f) A driver who intentionally obstructs an emergency vehicle or otherwise intentionally
 2.23 fails to comply with paragraph (a), (b), or (c) is guilty of a misdemeanor.

2.24 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies retroactively
 2.25 to incidents occurring on or after July 1, 2021.

2.26 Sec. 3. Minnesota Statutes 2020, section 609.205, is amended to read:

2.27 **609.205 MANSLAUGHTER IN THE SECOND DEGREE.**

2.28 (a) A person who causes the death of another by any of the following means is guilty
 2.29 of manslaughter in the second degree and may be sentenced to imprisonment for not more
 2.30 than ten years or to payment of a fine of not more than \$20,000, or both:

2.31 (1) by the person's culpable negligence whereby the person creates an unreasonable risk,
 2.32 and consciously takes chances of causing death or great bodily harm to another; or

3.1 (2) by shooting another with a firearm or other dangerous weapon as a result of
 3.2 negligently believing the other to be a deer or other animal; or

3.3 (3) by setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or
 3.4 device; or

3.5 (4) by negligently or intentionally permitting any animal, known by the person to have
 3.6 vicious propensities or to have caused great or substantial bodily harm in the past, to run
 3.7 uncontrolled off the owner's premises, or negligently failing to keep it properly confined;
 3.8 or

3.9 (5) by committing or attempting to commit a violation of section 609.378 (neglect or
 3.10 endangerment of a child), and murder in the first, second, or third degree is not committed
 3.11 thereby.

3.12 (b) It is not a gross deviation from the standard of care a reasonable person would observe
 3.13 or a disregard of the risk of causing bodily harm or death to another if the operator of an
 3.14 authorized emergency vehicle as defined in section 169.011, subdivision 3, enters an
 3.15 intersection without yielding the right-of-way, operates the authorized emergency vehicle
 3.16 without regard to the speed limitations set forth in sections 169.14 to 169.17, or both provided
 3.17 the operator is:

3.18 (1) sounding an audible signal by siren and displaying at least one lighted red light to
 3.19 the front; and

3.20 (2) responding to an emergency call or in pursuit of an actual or suspected violator.

3.21 (c) If proven by a preponderance of the evidence, it shall be an affirmative defense to
 3.22 criminal liability under clause (4) that the victim provoked the animal to cause the victim's
 3.23 death.

3.24 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies retroactively
 3.25 to incidents occurring on or after July 1, 2021.

3.26 Sec. 4. Minnesota Statutes 2020, section 609.2112, is amended by adding a subdivision
 3.27 to read:

3.28 Subd. 3. **Affirmative defense; emergency vehicle.** It shall be an affirmative defense to
 3.29 a charge under subdivision 1, clause (1), that the defendant was:

3.30 (1) operating an authorized emergency vehicle as defined in section 169.011, subdivision
 3.31 3;

4.1 (2) sounding an audible signal by siren and displaying at least one lighted red light to
4.2 the front; and

4.3 (3) responding to an emergency call or in pursuit of an actual or suspected violator.

4.4 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies retroactively
4.5 to incidents occurring on or after July 1, 2021.

4.6 Sec. 5. Minnesota Statutes 2020, section 609.2113, is amended by adding a subdivision
4.7 to read:

4.8 Subd. 5. **Affirmative defense; emergency vehicle.** It shall be an affirmative defense to
4.9 a charge under subdivisions 1, clause (1); 2, clause (1); and 3, clause (1), that the defendant
4.10 was:

4.11 (1) operating an authorized emergency vehicle as defined in section 169.011, subdivision
4.12 3;

4.13 (2) sounding an audible signal by siren and displaying at least one lighted red light to
4.14 the front; and

4.15 (3) responding to an emergency call or in pursuit of an actual or suspected violator.

4.16 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies retroactively
4.17 to incidents occurring on or after July 1, 2021.

4.18 Sec. 6. Minnesota Statutes 2020, section 609.2114, is amended by adding a subdivision
4.19 to read:

4.20 Subd. 5. **Affirmative defense; emergency vehicle.** It shall be an affirmative defense to
4.21 a charge under subdivisions 1, clause (1); and 2, clause (1), that the defendant was:

4.22 (1) operating an authorized emergency vehicle as defined in section 169.011, subdivision
4.23 3;

4.24 (2) sounding an audible signal by siren and displaying at least one lighted red light to
4.25 the front; and

4.26 (3) responding to an emergency call or in pursuit of an actual or suspected violator.

4.27 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies retroactively
4.28 to incidents occurring on or after July 1, 2021.