

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2276

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DATE	D-PG	OFFICIAL STATUS
03/30/2017		Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; requiring peace officers to receive training in crisis

1.3 response, conflict management, and cultural diversity; reforming and increasing

1.4 funding for peace officer training reimbursement; providing reimbursement grants

1.5 for pathway to policing programs; authorizing the Peace Officer Standards and

1.6 Training Board to collect peace officer race data for a limited purpose; appropriating

1.7 money; amending Minnesota Statutes 2016, sections 171.20, subdivision 4; 357.021,

1.8 subdivision 7; 363A.08, subdivision 4; 626.8432, subdivision 1; 626.845,

1.9 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

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

1.11 Section 1. Minnesota Statutes 2016, section 171.20, subdivision 4, is amended to read:

1.12 Subd. 4. **Reinstatement fee.** (a) Before the license is reinstated, (1) an individual whose

1.13 driver's license has been suspended under section 171.16, subdivisions 2 and 3; 171.175;

1.14 171.18; or 171.182, or who has been disqualified from holding a commercial driver's license

1.15 under section 171.165, and (2) an individual whose driver's license has been suspended

1.16 under section 171.186 and who is not exempt from such a fee, must pay a fee of \$20.

1.17 (b) Before the license is reinstated, an individual whose license has been suspended

1.18 under sections 169.791 to 169.798 must pay a \$20 reinstatement fee.

1.19 (c) When fees are collected by a licensing agent appointed under section 171.061, a

1.20 handling charge is imposed in the amount specified under section 171.061, subdivision 4.

1.21 The reinstatement fee and surcharge must be deposited in an approved state depository as

1.22 directed under section 171.061, subdivision 4.

1.23 (d) Reinstatement fees collected under paragraph (a) for suspensions under sections

1.24 171.16, subdivision 3, and 171.18, subdivision 1, clause (10), must be deposited in the

2.1 ~~special revenue fund and are appropriated to the Peace Officer Standards and Training Board~~
 2.2 ~~for peace officer training reimbursement to local units of government general fund.~~

2.3 (e) A suspension may be rescinded without fee for good cause.

2.4 Sec. 2. Minnesota Statutes 2016, section 357.021, subdivision 7, is amended to read:

2.5 Subd. 7. **Disbursement of surcharges by commissioner of management and budget.**

2.6 (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of management
 2.7 and budget shall disburse surcharges received under subdivision 6 and section 97A.065,
 2.8 subdivision 2, as follows:

2.9 (1) one percent shall be credited to the peace officer training account in the game and
 2.10 fish fund to provide peace officer training for employees of the Department of Natural
 2.11 Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer
 2.12 authority for the purpose of enforcing game and fish laws; and

2.13 (2) ~~39 percent shall be credited~~ the remainder shall be credited as follows:

2.14 (i) the first \$..... to the peace officers training account in the special revenue fund to
 2.15 fund the operations of the Peace Officer Standards and Training Board; and

2.16 (ii) any remaining receipts to the general fund.

2.17 ~~(3) 60 percent shall be credited to the general fund.~~

2.18 (b) The commissioner of management and budget shall credit \$3 of each surcharge
 2.19 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

2.20 (c) In addition to any amounts credited under paragraph (a), the commissioner of
 2.21 management and budget shall credit \$47 of each surcharge received under subdivision 6
 2.22 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

2.23 (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional
 2.24 \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the
 2.25 Second Judicial District shall transmit the surcharge to the commissioner of management
 2.26 and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account
 2.27 in the special revenue fund and amounts in the account are appropriated to the trial courts
 2.28 for the administration of the petty misdemeanor diversion program operated by the Second
 2.29 Judicial District Ramsey County Violations Bureau.

3.1 Sec. 3. Minnesota Statutes 2016, section 363A.08, subdivision 4, is amended to read:

3.2 Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when
3.3 based on a bona fide occupational qualification, it is an unfair employment practice for an
3.4 employer, employment agency, or labor organization, before a person is employed by an
3.5 employer or admitted to membership in a labor organization, to:

3.6 (1) require or request the person to furnish information that pertains to race, color, creed,
3.7 religion, national origin, sex, marital status, status with regard to public assistance, familial
3.8 status, disability, sexual orientation, or age; or, subject to section 363A.20, to require or
3.9 request a person to undergo physical examination; unless for the sole and exclusive purpose
3.10 of national security, information pertaining to national origin is required by the United
3.11 States, this state or a political subdivision or agency of the United States or this state, or for
3.12 the sole and exclusive purpose of compliance with the Public Contracts Act or any rule,
3.13 regulation, or laws of the United States or of this state requiring the information or
3.14 examination. A law enforcement agency may, after notifying an applicant for a peace officer
3.15 or part-time peace officer position that the law enforcement agency is commencing the
3.16 background investigation on the applicant, request the applicant's date of birth, gender, and
3.17 race on a separate form for the sole and exclusive purpose of conducting a criminal history
3.18 check, a driver's license check, and fingerprint criminal history inquiry. The Peace Officer
3.19 Standards and Training Board may request each license applicant and renewing license
3.20 applicant to provide their race for the exclusive purpose of determining the aggregate racial
3.21 composition of peace officer licensees and license applicants. Each form shall include a
3.22 statement indicating why the data is being collected and what its limited use will be. No
3.23 document which has date of birth, gender, or race information will be included in the
3.24 information given to or available to any person who is involved in selecting the person or
3.25 persons employed other than the background investigator. No person may act both as
3.26 background investigator and be involved in the selection of an employee except that the
3.27 background investigator's report about background may be used in that selection as long as
3.28 no direct or indirect references are made to the applicant's race, age, or gender; or

3.29 (2) seek and obtain for purposes of making a job decision, information from any source
3.30 that pertains to the person's race, color, creed, religion, national origin, sex, marital status,
3.31 status with regard to public assistance, familial status, disability, sexual orientation, or age,
3.32 unless for the sole and exclusive purpose of compliance with the Public Contracts Act or
3.33 any rule, regulation, or laws of the United States or of this state requiring the information;
3.34 or

4.1 (3) cause to be printed or published a notice or advertisement that relates to employment
4.2 or membership and discloses a preference, limitation, specification, or discrimination based
4.3 on race, color, creed, religion, national origin, sex, marital status, status with regard to public
4.4 assistance, familial status, disability, sexual orientation, or age.

4.5 (b) Any individual who is required to provide information that is prohibited by this
4.6 subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28,
4.7 subdivisions 1 to 9.

4.8 Sec. 4. Minnesota Statutes 2016, section 626.8432, subdivision 1, is amended to read:

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

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

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

4.14 (3) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700;

4.15 or

4.16 (4) failure to provide information in response to a request from the board made pursuant
4.17 to section 626.845, subdivision 1, clause (12).

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

4.23 Sec. 5. Minnesota Statutes 2016, section 626.845, subdivision 1, is amended to read:

4.24 Subdivision 1. **Powers and duties.** The board shall have the following powers and
4.25 duties:

4.26 (1) to certify postsecondary schools to provide programs of professional peace officer
4.27 education based on a set of board-approved professional peace officer education learning
4.28 objectives;

4.29 (2) to issue certificates to postsecondary schools, and to revoke certification when
4.30 necessary to maintain the objectives and purposes of sections 626.841 to 626.863;

5.1 (3) to license peace officers who have met the education and experience requirements
5.2 and passed examinations as required by the board;

5.3 (4) to develop and administer licensing examinations based on the board's learning
5.4 objectives;

5.5 (5) to consult and cooperate with continuing education providers for the development
5.6 of in-service training programs for peace officers;

5.7 (6) to consult and cooperate with postsecondary schools for the development and
5.8 improvement of professional peace officer education;

5.9 (7) to consult and cooperate with other departments and agencies of the state and federal
5.10 government concerned with peace officer standards and training;

5.11 (8) to perform such other acts as may be necessary and appropriate to carry out the
5.12 powers and duties of sections 626.841 to 626.863;

5.13 (9) to obtain criminal conviction data for persons seeking a license to be issued or
5.14 possessing a license issued by the board. The board shall have authority to obtain criminal
5.15 conviction data to the full extent that any other law enforcement agency, as that term is
5.16 defined by state or federal law, has to obtain the data;

5.17 (10) to prepare and transmit annually to the governor a report of its activities with respect
5.18 to allocation of money appropriated to it for peace officers training, including the name of
5.19 each recipient of money for that purpose and the amount awarded; ~~and~~

5.20 (11) to assist and cooperate with any political subdivision or state law enforcement
5.21 agency that employs persons licensed by the board to establish written policies as mandated
5.22 by the state pertaining to persons licensed by the board, and to enforce licensing sanctions
5.23 for failure to implement these policies; and

5.24 (12) to collect aggregate data on the race of license applicants and license holders for
5.25 the sole purpose of identifying the aggregate racial composition of those seeking to become
5.26 and those currently serving as licensed peace officers. The board shall request this information
5.27 at the time an applicant submits a license request and when a license holder applies to renew
5.28 the officer's license.

5.29 In addition, the board may maintain data received from law enforcement agencies under
5.30 section 626.87, subdivision 5, provide the data to requesting law enforcement agencies who
5.31 are conducting background investigations, and maintain data on applicants and licensees
5.32 as part of peace officer license data. The data that may be maintained include the name of

6.1 the law enforcement agency conducting the investigation and data on the candidate provided
6.2 under section 626.87, subdivision 5, clauses (1) and (2).

6.3 **Sec. 6. [626.8469] TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT,**
6.4 **AND CULTURAL DIVERSITY.**

6.5 **Subdivision 1. In-service training required.** Beginning July 1, 2018, the chief law
6.6 enforcement officer of every state and local law enforcement agency shall provide in-service
6.7 training in crisis intervention and mental illness crises; conflict management and mediation;
6.8 and recognizing and valuing community diversity and cultural differences to every peace
6.9 officer and part-time peace officer employed by the agency. The training shall comply with
6.10 learning objectives developed and approved by the board and shall meet board requirements
6.11 for board-approved continuing education credit. The training shall consist of at least 16
6.12 continuing education credits within an officer's three-year licensing cycle. Each peace officer
6.13 with a license renewal date after June 30, 2018, is not required to complete this training
6.14 until the officer's next full three-year licensing cycle.

6.15 **Subd. 2. Record keeping required.** The head of every local and state law enforcement
6.16 agency shall maintain written records of the agency's compliance with the requirements of
6.17 subdivision 1. The documentation is subject to periodic review by the board, and shall be
6.18 made available to the board at its request.

6.19 **Subd. 3. Licensing sanctions; injunctive relief.** The board may impose licensing
6.20 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
6.21 requirements of this section.

6.22 **Sec. 7. APPROPRIATION; PEACE OFFICER TRAINING REIMBURSEMENT**
6.23 **GRANTS.**

6.24 **\$10,000,000 each year is appropriated from the general fund to the Peace Officer**
6.25 **Standards and Training Board for peace officer training reimbursement to local governments.**
6.26 **This is an ongoing appropriation that is part of the base budget.**

6.27 **Sec. 8. APPROPRIATION; PATHWAY TO POLICING REIMBURSEMENT**
6.28 **GRANTS.**

6.29 **\$1,000,000 each year is appropriated from the general fund to the commissioner of**
6.30 **public safety for reimbursement grants to local units of government that operate pathway**
6.31 **to policing programs intended to bring persons with nontraditional backgrounds into law**
6.32 **enforcement. Applicants for reimbursement grants may receive up to 50 percent of the cost**

- 7.1 of compensating and training pathway to policing participants. Reimbursement grants shall
- 7.2 be proportionally allocated based on the number of grant applications approved by the
- 7.3 commissioner.