

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 399

(SENATE AUTHORS: DIBBLE)

DATE	D-PG	OFFICIAL STATUS
01/29/2015	167	Introduction and first reading Referred to Transportation and Public Safety

A bill for an act

relating to crime prevention; requiring commissioner of public safety to appoint railroad peace officers; providing for licensing and compensation of railroad peace officers; addressing civil liability issues; requiring rulemaking; amending Minnesota Statutes 2014, sections 626.05, subdivision 2; 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 219.

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

Section 1. **[219.995] RAILROAD PEACE OFFICERS.**

Subdivision 1. **Appointment.** The commissioner of public safety shall appoint as railroad peace officers persons who are employed by a railroad company to aid and supplement law enforcement agencies in the protection of property owned by or in the care, custody, or control of a railroad and to protect the persons and property of railroad passengers and employees. The appointees must be licensed by the Board of Peace Officer Standards and Training.

Subd. 2. **Authority of railroad peace officers.** Except as otherwise provided by this section, a railroad peace officer has all powers, privileges, and immunities of a licensed peace officer in this state in connection with the prevention, investigation, arrest, or prosecution of an offense occurring on railroad property and involving injury to passengers or employees of a railroad or involving an offense against property owned by or in the care, custody, or control of a railroad. If a search warrant is obtained by a railroad peace officer, the officer shall notify the chief of police of an organized full-time police department of the municipality or, if there is no local chief of police, the sheriff or a deputy sheriff of the county in which service of the warrant is to be made, prior to execution.

Subd. 3. **Licensing of railroad peace officers.** The Board of Peace Officer Standards and Training shall license railroad peace officers appointed by the commissioner

2.1 of public safety under subdivision 1 who meet the board's standards for peace officer
 2.2 licensure under chapter 626. Railroad peace officers are subject to all of the provisions
 2.3 applicable to peace officers under chapter 626.

2.4 Subd. 4. **Revocation of appointment.** The commissioner of public safety shall
 2.5 revoke the appointment of any railroad peace officer upon expiration, revocation, or
 2.6 surrender of the license issued by the Peace Officer Standards and Training Board to the
 2.7 officer. In addition, the commissioner may revoke the appointment of a railroad peace
 2.8 officer for any other reason, including, but not limited to, the conduct of the officer.

2.9 Subd. 5. **Compensation; benefits; fees.** (a) A railroad peace officer shall be
 2.10 compensated by the railroad by which the officer is employed.

2.11 (b) A railroad peace officer is not entitled to receive any compensation, benefits, or
 2.12 other remuneration provided or required to be provided to other licensed peace officers by
 2.13 this state or any political subdivision or agency of this state.

2.14 (c) A railroad peace officer may attend any training course offered to peace officers
 2.15 of this state, provided that railroad peace officers pay reasonable tuition and costs.

2.16 Subd. 6. **Railroad liable for acts of peace officer within scope of employment.**
 2.17 Subject to the privileges and immunities afforded a peace officer or an officer's employer
 2.18 under state or federal law, a railroad company employing a railroad peace officer in this
 2.19 state is liable for all acts, errors, and omissions of a railroad peace officer occurring in the
 2.20 course and scope of the peace officer's employment by the railroad and shall indemnify its
 2.21 peace officers for civil damages, penalties, or fines claimed or levied against the officer
 2.22 according to section 181.970. Neither this state nor any political subdivision or agency of
 2.23 the state is liable for any act, error, or omission of a railroad peace officer.

2.24 Subd. 7. **Construction.** Nothing in this section shall be construed to limit or in
 2.25 any way restrict the rights, powers, or privileges granted to a peace officer in this state
 2.26 who is not a railroad peace officer.

2.27 Sec. 2. Minnesota Statutes 2014, section 626.05, subdivision 2, is amended to read:

2.28 Subd. 2. **Peace officer.** The term "peace officer," as used in sections 626.04 to
 2.29 626.17, means a person who is licensed as a peace officer in accordance with section
 2.30 626.84, subdivision 1, and who serves as a sheriff, deputy sheriff, police officer,
 2.31 conservation officer, agent of the Bureau of Criminal Apprehension, agent of the
 2.32 Division of Alcohol and Gambling Enforcement, University of Minnesota peace officer,
 2.33 Metropolitan Transit police officer, Minnesota Department of Corrections Fugitive
 2.34 Apprehension Unit member, or State Patrol trooper as authorized by section 299D.03, or
 2.35 railroad peace officer as authorized by section 219.995.

3.1 Sec. 3. Minnesota Statutes 2014, section 626.84, subdivision 1, is amended to read:

3.2 Subdivision 1. **Definitions.** For purposes of sections 626.84 to 626.863, the
3.3 following terms have the meanings given them:

3.4 (a) "Board" means the Board of Peace Officer Standards and Training.

3.5 (b) "Director" means the executive director of the board.

3.6 (c) "Peace officer" means:

3.7 (1) an employee or an elected or appointed official of a political subdivision or
3.8 law enforcement agency who is licensed by the board, charged with the prevention and
3.9 detection of crime and the enforcement of the general criminal laws of the state and who
3.10 has the full power of arrest, and shall also include the Minnesota State Patrol, agents of the
3.11 Division of Alcohol and Gambling Enforcement, state conservation officers, Metropolitan
3.12 Transit police officers, Department of Corrections Fugitive Apprehension Unit officers,
3.13 ~~and~~ Department of Commerce Fraud Bureau Unit officers, ~~and~~ the statewide coordinator
3.14 of the Violent Crime Coordinating Council, and railroad peace officers; and

3.15 (2) a peace officer who is employed by a law enforcement agency of a federally
3.16 recognized tribe, as defined in United States Code, title 25, section 450b(e), and who
3.17 is licensed by the board.

3.18 (d) "Part-time peace officer" means an individual licensed by the board whose
3.19 services are utilized by law enforcement agencies no more than an average of 20 hours per
3.20 week, not including time spent on call when no call to active duty is received, calculated
3.21 on an annual basis, who has either full powers of arrest or authorization to carry a
3.22 firearm while on active duty. The term shall apply even though the individual receives
3.23 no compensation for time spent on active duty, and shall apply irrespective of the title
3.24 conferred upon the individual by any law enforcement agency.

3.25 (e) "Reserve officer" means an individual whose services are utilized by a law
3.26 enforcement agency to provide supplementary assistance at special events, traffic or
3.27 crowd control, and administrative or clerical assistance, and shall include reserve deputies,
3.28 special deputies, mounted or unmounted patrols, and all other employees or volunteers
3.29 performing reserve officer functions. A reserve officer's duties do not include enforcement
3.30 of the general criminal laws of the state, and the officer does not have full powers of arrest
3.31 or authorization to carry a firearm on duty.

3.32 (f) "Law enforcement agency" means:

3.33 (1) a unit of state or local government that is authorized by law to grant full powers
3.34 of arrest and to charge a person with the duties of preventing and detecting crime and
3.35 enforcing the general criminal laws of the state; ~~and~~

4.1 (2) subject to the limitations in section 626.93, a law enforcement agency of a
4.2 federally recognized tribe, as defined in United States Code, title 25, section 450b(e); and

4.3 (3) subject to the limitation of section 219.995, a railroad company.

4.4 (g) "Professional peace officer education" means a postsecondary degree program,
4.5 or a nondegree program for persons who already have a college degree, that is offered by
4.6 a college or university in Minnesota, designed for persons seeking licensure as a peace
4.7 officer, and approved by the board.

4.8 (h) "Railroad peace officer" means an individual:

4.9 (1) employed by a railroad for the purpose of aiding and supplementing law
4.10 enforcement agencies in the protection of property owned by or in the care, custody, or
4.11 control of a railroad and to protect the persons and property of railroad passengers and
4.12 employees;

4.13 (2) licensed by the board; and

4.14 (3) appointed by the commissioner of public safety under section 219.995.

4.15 Sec. 4. **RULEMAKING AUTHORITY.**

4.16 By July 1, 2016, the board shall adopt rules under Minnesota Statutes, chapter 14,
4.17 to provide standards for the licensing of railroad peace officers, including reciprocity
4.18 provisions comparable to other full-time peace officers seeking licensure by the board.