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State of Minnesota
HOUSE OF REPRESENTATIVES
First Division Engrossment

NINETY-FIRST SESSION

H. F. No. **2709**

03/25/2019 Authored by Mariani
The bill was read for the first time and referred to the Committee on Ways and Means

Division Action

Referred by Chair to the Judiciary Finance and Civil Law Division

03/28/2019 *Division action, to adopt as amended and return to the Committee on Ways and Means*

04/01/2019 *Referred by Chair to the Public Safety and Criminal Justice Reform Finance and Policy Division*

1.1 A bill for an act
1.2 relating to public safety; providing for a peace officer discipline report;
1.3 appropriating money for a grant for a peace officer discipline report database and
1.4 peace officer training reimbursement; amending Minnesota Statutes 2018, section
1.5 169.99, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter
1.6 626.

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

1.8 Section 1. Minnesota Statutes 2018, section 169.99, subdivision 1, is amended to read:

1.9 Subdivision 1. **Form.** (a) Except as provided in subdivision 3, and section 169.999,
1.10 subdivision 3, there shall be a uniform ticket issued throughout the state by the police and
1.11 peace officers or by any other person for violations of this chapter and ordinances in
1.12 conformity thereto. Such uniform traffic ticket shall be in the form and have the effect of a
1.13 summons and complaint. Except as provided in paragraph (b), the uniform ticket shall state
1.14 that if the defendant fails to appear in court in response to the ticket, an arrest warrant may
1.15 be issued. The uniform traffic ticket shall consist of four parts, on paper sensitized so that
1.16 copies may be made without the use of carbon paper, as follows:

1.17 (1) the complaint, which must identify the complainant's ethnicity, with reverse side for
1.18 officer's notes for testifying in court, driver's past record, and court's action, printed on white
1.19 paper;

1.20 (2) the abstract of court record for the Department of Public Safety, which shall be a
1.21 copy of the complaint with the certificate of conviction on the reverse side, printed on yellow
1.22 paper;

2.1 (3) the police record, which shall be a copy of the complaint and of the reverse side of
2.2 copy (1), printed on pink paper; and

2.3 (4) the summons, with, on the reverse side, such information as the court may wish to
2.4 give concerning the Traffic Violations Bureau, and a plea of guilty and waiver, printed on
2.5 off-white tag stock.

2.6 (b) If the offense is a petty misdemeanor, the uniform ticket must state that a failure to
2.7 appear will be considered a plea of guilty and waiver of the right to trial, unless the failure
2.8 to appear is due to circumstances beyond the person's control.

2.9 Sec. 2. [626.8435] PEACE OFFICER DISCIPLINE REPORT.

2.10 Subdivision 1. Annual data; submission. (a) Beginning January 15, 2020, and annually
2.11 thereafter, the chief law enforcement officer of a law enforcement agency shall submit the
2.12 following data regarding peace officers employed by the law enforcement agency in the
2.13 previous calendar year to the Peace Officer Standards and Training Board:

2.14 (1) the name and license number of an employed peace officer;

2.15 (2) the existence and status of a complaint made against an employed peace officer
2.16 including:

2.17 (i) the peace officer's name and license number;

2.18 (ii) the nature of the complaint;

2.19 (iii) whether the complaint was filed by a member of the public or another source;

2.20 (iv) whether the complaint resulted in disciplinary action;

2.21 (v) the final disposition of a complaint when disciplinary action was taken including:

2.22 (A) the specific reason for the action taken; and

2.23 (B) data documenting the basis of the action taken, except that data that would identify
2.24 confidential sources who are employees of the public body shall not be disclosed; and

2.25 (vi) the final disposition of any complaint:

2.26 (A) determined to be unfounded or otherwise not sustained;

2.27 (B) for which a peace officer was later exonerated; or

2.28 (C) which resulted in a nondisciplinary resolution including but not limited to employee
2.29 counseling;

3.1 (3) the name and license number of any peace officer pending criminal prosecution,
3.2 excluding traffic violations;

3.3 (4) the name and license number of any peace officer who was terminated due to
3.4 substantiated findings of officer misconduct and a summary of the basis for that termination;
3.5 and

3.6 (5) the name and license number of any peace officer, other than one terminated for
3.7 performance issues during a probationary period, whose employment was terminated by
3.8 resignation in lieu of termination as a result of officer misconduct, and a summary of the
3.9 basis for the action.

3.10 (b) For purposes of this section "complaint" means all allegations involving:

3.11 (1) public reported misconduct;

3.12 (2) excessive force;

3.13 (3) the integrity or truthfulness of an officer;

3.14 (4) violations of the law; and

3.15 (5) sexual misconduct or harassment.

3.16 (c) The reporting requirements in paragraph (a) are in addition to any other officer
3.17 discipline reporting requirements established in law.

3.18 Subd. 2. **Updated data.** Within 30 days of final disposition of a complaint, as defined
3.19 in section 13.43, subdivision 2, paragraph (b), the chief law enforcement officer of the law
3.20 enforcement agency that employs the officer shall submit a supplemental report containing
3.21 the information identified in subdivision 1, paragraph (a), clauses (2) to (5).

3.22 Subd. 3. **Confidentiality agreement prohibited.** Law enforcement agencies and political
3.23 subdivisions are prohibited from entering into a confidentiality agreement that would prevent
3.24 disclosure of the data identified in subdivision 1 to the board. Any such confidentiality
3.25 agreement is void as to the requirements of this section.

3.26 Subd. 4. **Data classification.** Data received by the board pursuant to subdivisions 1 and
3.27 2 is private data on individuals as defined in section 13.02, subdivision 12. This classification
3.28 does not restrict the board's authority to publish summary data as defined in section 13.02,
3.29 subdivision 19.

3.30 Subd. 5. **Penalty for noncompliance.** For agencies that receive training reimbursements
3.31 under section 4, substantial noncompliance with the reporting requirements of subdivisions
3.32 1 and 2 shall serve as a bar to further reimbursements under section 4, and the board may

4.1 require the agency to refund the state for grants received during the period of noncompliance.
4.2 For purposes of this section, "substantial noncompliance" means a failure to (1) meet the
4.3 deadlines established in subdivisions 1 and 2, and (2) respond to two subsequent requests
4.4 from the board.

4.5 Subd. 6. **Board report.** At least annually, the board shall publish a summary of data
4.6 submitted pursuant to subdivisions 1 and 2. The summary shall be available on the board's
4.7 website and shall be included in any written publication reporting board activities. The
4.8 summary shall exclude peace officers' names and license numbers and any other not public
4.9 data as defined by section 13.02, subdivision 8a.

4.10 Sec. 3. **APPROPRIATION; PEACE OFFICER DISCIPLINE REPORT DATABASE.**

4.11 (a) \$200,000 in fiscal year 2021 is appropriated from the general fund to the Office of
4.12 Justice Programs for a grant to a qualified community-based research organization to develop
4.13 a system to classify and report peace officer discipline by category, severity, type, and any
4.14 other factor determined to be appropriate by the board.

4.15 (b) In developing the system described in paragraph (a), the grant recipient shall consult
4.16 with:

4.17 (1) the Peace Officer Standards and Training Board;

4.18 (2) the Minnesota Police and Peace Officers Association;

4.19 (3) the Minnesota Sheriffs' Association;

4.20 (4) the Minnesota Chiefs of Police Association; and

4.21 (5) five community members appointed by the Peace Officer Standards and Training
4.22 Board.

4.23 Sec. 4. **PEACE OFFICER TRAINING ASSISTANCE.**

4.24 (a) \$6,000,000 each year is from the general fund to support and strengthen law
4.25 enforcement training and implement best practices. After January 2, 2021, these funds may
4.26 only be used to reimburse training expenses for peace officers who are employed by law
4.27 enforcement agencies that the superintendent of the Bureau of Criminal Apprehension has
4.28 certified are:

4.29 (1) substantially compliant with the Federal Bureau of Investigation's National
4.30 Incident-Based Report System (NIBRS);

5.1 (2) in compliance with the peace officer discipline reporting requirements established
5.2 in section 2;

5.3 (3) in compliance with the Bureau of Criminal Apprehension's use of force data collection
5.4 policy to include reporting whether the incident was officer generated or in response to a
5.5 call for assistance; and

5.6 (4) in compliance with the requirement to record ethnicity data on the uniform traffic
5.7 ticket under section 169.99, subdivision 1, paragraph (a), clause (1).

5.8 The base for this activity is \$6,000,000 in fiscal years 2020, 2021, 2022, and 2023 and \$0
5.9 in fiscal year 2024 and thereafter.

5.10 (b) For purposes of this section, "substantially compliant" means an agency requires its
5.11 officers to record the same incident response data for group B offenses as group A offenses
5.12 under NIBRS.

5.13 (c) The superintendent of the Bureau of Criminal Apprehension may grant up to one
5.14 additional year for an agency to become substantially compliant with NIBRS if the agency
5.15 establishes good cause for delayed compliance.

5.16 (d) The superintendent of the Bureau of Criminal Apprehension shall modify the
5.17 Supplemental Reporting System on the agency submissions page to provide fields for
5.18 agencies to report the data required under paragraph (a), clause (3).