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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 440

01/28/2021 Authored by Hollins; Hassan; Gomez; Xiong, J.; Thompson and others
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 professional liability insurance for peace officers;
1.3 establishing liability of peace officers; amending Minnesota Statutes 2020, sections
1.4 466.03, by adding a subdivision; 466.07, subdivision 1; 626.843, subdivision 1;
1.5 626.845, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2020, section 466.03, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 26. Licensed peace officers. Any claim based upon an act or omission of a licensed
1.10 peace officer during paid on-duty time or paid off-duty work approved by the employing
1.11 agency, unless the claim is for an amount greater than the officer's liability insurance policy
1.12 limit, the licensed peace officer is liable for all claims covered by this subdivision. Neither
1.13 the officer's employing agency nor any other individual or organization, public or private,
1.14 may assume liability in lieu of the officer or the officer's insurance for any claim covered
1.15 by this subdivision. Data regarding settlements of claims covered by this subdivision shall
1.16 be public data, except as otherwise provided by chapter 13.

1.17 Sec. 2. Minnesota Statutes 2020, section 466.07, subdivision 1, is amended to read:

1.18 Subdivision 1. Indemnification required. Subject to the limitations in section 466.04,
1.19 a municipality or an instrumentality of a municipality shall defend and indemnify any of
1.20 its officers and employees other than licensed peace officers, whether elective or appointive,
1.21 for damages, including punitive damages, claimed or levied against the officer or employee,
1.22 provided that the officer or employee:

1.23 (1) was acting in the performance of the duties of the position; and

2.1 (2) was not guilty of malfeasance in office, willful neglect of duty, or bad faith.

2.2 Notwithstanding any provisions to the contrary in section 123B.25, paragraph (b), this
2.3 section applies to all school districts, however organized.

2.4 Sec. 3. Minnesota Statutes 2020, section 626.843, subdivision 1, is amended to read:

2.5 Subdivision 1. **Rules required.** The board shall adopt rules with respect to:

2.6 (1) the certification of postsecondary schools to provide programs of professional peace
2.7 officer education;

2.8 (2) minimum courses of study and equipment and facilities to be required at each certified
2.9 school within the state;

2.10 (3) minimum qualifications for coordinators and instructors at certified schools offering
2.11 a program of professional peace officer education located within this state;

2.12 (4) minimum standards of physical, mental, and educational fitness which shall govern
2.13 the admission to professional peace officer education programs and the licensing of peace
2.14 officers within the state, by any state, county, municipality, or joint or contractual
2.15 combination thereof, including members of the Minnesota State Patrol;

2.16 (5) board-approved continuing education courses that ensure professional competence
2.17 of peace officers and part-time peace officers;

2.18 (6) minimum standards of conduct which would affect the individual's performance of
2.19 duties as a peace officer. These standards shall be established and published. The board
2.20 shall review the minimum standards of conduct described in this clause for possible
2.21 modification in 1998 and every three years after that time;

2.22 (7) a set of educational learning objectives that must be met within a certified school's
2.23 professional peace officer education program. These learning objectives must concentrate
2.24 on the knowledge, skills, and abilities deemed essential for a peace officer. Education in
2.25 these learning objectives shall be deemed satisfactory for the completion of the minimum
2.26 basic training requirement;

2.27 (8) the establishment and use by any political subdivision or state law enforcement
2.28 agency that employs persons licensed by the board of procedures for investigation and
2.29 resolution of allegations of misconduct by persons licensed by the board. The procedures
2.30 shall be in writing and shall be established on or before October 1, 1984;

2.31 (9) the issues that must be considered by each political subdivision and state law
2.32 enforcement agency that employs persons licensed by the board in establishing procedures

3.1 under section 626.5532 to govern the conduct of peace officers who are in pursuit of a
 3.2 vehicle being operated in violation of section 609.487, and requirements for the training of
 3.3 peace officers in conducting pursuits. The adoption of specific procedures and requirements
 3.4 is within the authority of the political subdivision or agency;

3.5 (10) supervision of part-time peace officers and requirements for documentation of hours
 3.6 worked by a part-time peace officer who is on active duty. These rules shall be adopted by
 3.7 December 31, 1993;

3.8 (11) citizenship requirements for peace officers and part-time peace officers;

3.9 (12) driver's license requirements for peace officers and part-time peace officers; ~~and~~

3.10 (13) professional liability insurance as required for licensed peace officers in accordance
 3.11 with section 626.845, subdivision 3; and

3.12 ~~(13)~~ (14) such other matters as may be necessary consistent with sections 626.84 to
 3.13 626.863. Rules promulgated by the attorney general with respect to these matters may be
 3.14 continued in force by resolution of the board if the board finds the rules to be consistent
 3.15 with sections 626.84 to 626.863.

3.16 Sec. 4. Minnesota Statutes 2020, section 626.845, is amended by adding a subdivision to
 3.17 read:

3.18 Subd. 4. **Liability insurance required for licensed peace officers.** Each licensed peace
 3.19 officer shall obtain a policy of professional liability insurance coverage in an amount no
 3.20 less than current limits for municipalities as provided in section 466.04. Each licensed peace
 3.21 officer must provide proof of such insurance and must maintain continuous coverage
 3.22 throughout the course of employment as a peace officer. The insurance shall cover claims
 3.23 against the officer for acts or omissions during paid on-duty time or paid off-duty work
 3.24 approved by the employing agency. The employing agency may reimburse the officer for
 3.25 the base rate of the policy required by this subdivision, but may not cover any additional
 3.26 premium costs due to personal or claims history.