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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 538

01/19/2023 Authored by Frazier, Moller, Noor, Hollins, Lee, F., and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
03/09/2023 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to public safety; prohibiting peace officers from joining or supporting hate
1.3 or extremist groups or criminal gangs; providing for revocation, suspension, or
1.4 denial of peace officer license for hate or extremist group or criminal gang activity;
1.5 amending Minnesota Statutes 2022, section 626.8432, subdivision 1; proposing
1.6 coding for new law in Minnesota Statutes, chapter 626.

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

1.8 Section 1. Minnesota Statutes 2022, section 626.8432, subdivision 1, is amended to read:

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

- 1.12 (1) fraud or misrepresentation in obtaining a license;
1.13 (2) failure to meet licensure requirements; ~~or~~
1.14 (3) a violation of section 626.8436, subdivision 1; or
1.15 (4) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700.

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

2.1 Sec. 2. [626.8436] HATE OR EXTREMIST GROUPS.

2.2 Subdivision 1. Prohibition. (a) A peace officer may not join, support, advocate for,
2.3 maintain membership, or participate in the activities of:

2.4 (1) a hate or extremist group; or

2.5 (2) a criminal gang as defined in section 609.229, subdivision 1.

2.6 (b) This section does not apply when the conduct is sanctioned by the law enforcement
2.7 agency as part of the officer's official duties.

2.8 Subd. 2. Definitions. (a) "Hate or extremist group" means a group that, as demonstrated
2.9 by its official statements or principles, the statements of its leaders or members, or its
2.10 activities:

2.11 (1) promotes the use of threats, force, violence, or criminal activity:

2.12 (i) against a local, state, or federal entity, or the officials of such an entity;

2.13 (ii) to deprive, or attempt to deprive, individuals of their civil rights under the Minnesota
2.14 or United States Constitution; or

2.15 (iii) to achieve goals that are political, religious, discriminatory, or ideological in nature;

2.16 (2) promotes seditious activities; or

2.17 (3) advocates for differences in the right to vote, speak, assemble, travel, or maintain
2.18 citizenship based on a person's perceived race, color, creed, religion, national origin,
2.19 disability, sex, sexual orientation, gender identity, public assistance status, or any protected
2.20 class as defined in Minnesota Statutes or federal law.

2.21 (b) For the purposes of this section, advocacy, membership, or participation in a hate or
2.22 extremist group or criminal gang is demonstrated by:

2.23 (1) dissemination of material that promotes:

2.24 (i) the use of threats, force, violence, or criminal activity;

2.25 (ii) seditious activities; or

2.26 (iii) the objectives described in paragraph (a), clause (3);

2.27 (2) engagement in cyber or social media posts, chats, forums, and other forms of
2.28 promotion of the group's activities;

2.29 (3) display or use of insignia, colors, tattoos, hand signs, slogans, or codes associated
2.30 with the group;

- 3.1 (4) direct financial or in-kind contributions to the group;
- 3.2 (5) a physical or cyber presence in the group's events; or
- 3.3 (6) other conduct that could reasonably be considered support, advocacy, or participation
- 3.4 in the group's activities.