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State of Minnesota
HOUSE OF REPRESENTATIVES

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SESSION

HOUSE FILE No. 366

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Authored by Paymar; Murphy, M.; Hilstrom; Lesch; Anderson, B., and others

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to public safety; clarifying the powers and duties of the POST Board;
1.3 amending Minnesota Statutes 2008, sections 626.843, subdivisions 1, 3; 626.845,
1.4 subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2008, section 626.843, subdivision 1, is amended to read:

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

1.8 (1) the certification of ~~peace officer training schools, programs, or courses including~~
1.9 ~~training schools for the Minnesota State Patrol. Such schools, programs and courses~~
1.10 ~~shall include those administered by the state, county, school district, municipality, or~~
1.11 ~~joint or contractual combinations thereof, and shall include preparatory instruction in~~
1.12 ~~law enforcement and minimum basic training courses~~ postsecondary schools to provide
1.13 programs of professional peace officer education;

1.14 (2) minimum courses of study, ~~attendance requirements,~~ and equipment and facilities
1.15 to be required at each certified ~~peace officers training~~ school located within the state;

1.16 (3) minimum qualifications for coordinators and instructors at certified ~~peace officer~~
1.17 ~~training~~ schools offering a program of professional peace officer education located within
1.18 this state;

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

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

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

2.5 ~~(6)~~ minimum basic training which peace officers appointed to temporary or
2.6 probationary terms shall complete before being eligible for permanent appointment,
2.7 and the time within which such basic training must be completed following any such
2.8 appointment to a temporary or probationary term;

2.9 ~~(7)~~ minimum specialized training which part-time peace officers shall complete in
2.10 order to be eligible for continued employment as a part-time peace officer or permanent
2.11 employment as a peace officer, and the time within which the specialized training must
2.12 be completed;

2.13 ~~(8)~~ content of minimum basic training courses required of graduates of certified law
2.14 enforcement training schools or programs. Such courses shall not duplicate the content
2.15 of certified academic or general background courses completed by a student but shall
2.16 concentrate on practical skills deemed essential for a peace officer. Successful completion
2.17 of such a course (7) a set of educational learning objectives that must be met within a
2.18 certified school's professional peace officer education program. These learning objectives
2.19 must concentrate on the knowledge, skills, and abilities deemed essential for a peace
2.20 officer. Education in these learning objectives shall be deemed ~~satisfaction~~ satisfactory for
2.21 the completion of the minimum basic training requirement;

2.22 ~~(9)~~ grading, reporting, attendance and other records, and certificates of attendance
2.23 or accomplishment;

2.24 ~~(10)~~ the procedures to be followed by a part-time peace officer for notifying
2.25 the board of intent to pursue the specialized training for part-time peace officers who
2.26 desire to become peace officers pursuant to clause (7), and section 626.845, subdivision
2.27 1, clause (7);

2.28 ~~(11)~~ (8) the establishment and use by any political subdivision or state law
2.29 enforcement agency ~~which~~ that employs persons licensed by the board of procedures for
2.30 investigation and resolution of allegations of misconduct by persons licensed by the board.
2.31 The procedures shall be in writing and shall be established on or before October 1, 1984;

2.32 ~~(12)~~ (9) the issues that must be considered by each political subdivision and state
2.33 law enforcement agency that employs persons licensed by the board in establishing
2.34 procedures under section 626.5532 to govern the conduct of peace officers who are in
2.35 pursuit of a vehicle being operated in violation of section 609.487, and requirements for

3.1 the training of peace officers in conducting pursuits. The adoption of specific procedures
3.2 and requirements is within the authority of the political subdivision or agency;

3.3 ~~(13)~~ (10) supervision of part-time peace officers and requirements for documentation
3.4 of hours worked by a part-time peace officer who is on active duty. These rules shall be
3.5 adopted by December 31, 1993;

3.6 ~~(14)~~ (11) citizenship requirements for ~~full-time peace officers~~ and part-time peace
3.7 officers;

3.8 ~~(15)~~ (12) driver's license requirements for ~~full-time peace officers~~ and part-time
3.9 peace officers; and

3.10 ~~(16)~~ (13) such other matters as may be necessary consistent with sections 626.84 to
3.11 626.863. Rules promulgated by the attorney general with respect to these matters may be
3.12 continued in force by resolution of the board if the board finds the rules to be consistent
3.13 with sections 626.84 to 626.863.

3.14 Sec. 2. Minnesota Statutes 2008, section 626.843, subdivision 3, is amended to read:

3.15 Subd. 3. **Board authority.** The board may, in addition:

3.16 (1) recommend studies, surveys, and reports to be made by the executive director
3.17 regarding the carrying out of the objectives and purposes of sections 626.841 to 626.863;

3.18 (2) visit and inspect any ~~peace officer training~~ certified school ~~approved by the~~
3.19 ~~executive director~~ that offers the professional peace officer education program or for
3.20 which application for ~~such approval~~ certification has been made;

3.21 (3) make recommendations, from time to time, to the executive director, attorney
3.22 general, and the governor regarding the carrying out of the objectives and purposes of
3.23 sections 626.841 to 626.863;

3.24 (4) perform such other acts as may be necessary or appropriate to carry out the
3.25 powers and duties of the board ~~as set forth in~~ under sections 626.841 to 626.863; and

3.26 (5) cooperate with and receive financial assistance from and join in projects or
3.27 enter into contracts with the federal government or its agencies for the furtherance of
3.28 the purposes of Laws 1977, chapter 433.

3.29 Sec. 3. Minnesota Statutes 2008, section 626.845, subdivision 1, is amended to read:

3.30 Subdivision 1. **Powers and duties.** The board shall have the following powers
3.31 and duties:

3.32 (1) to certify ~~peace officers' training schools or programs administered by state,~~
3.33 ~~county and municipalities located within this state in whole or in part no later than 90~~
3.34 ~~days after receipt of an application for certification. The reasons for noncertification of~~

4.1 ~~any school or program or part thereof shall be transmitted to the school within 90 days~~
 4.2 ~~and shall contain a detailed explanation of the reasons for which the school or program~~
 4.3 ~~was disapproved and an explanation of what supporting material or other requirements~~
 4.4 ~~are necessary for the board to reconsider. Disapproval of a school or program shall~~
 4.5 ~~not preclude the reapplication for certification of the school or program~~ postsecondary
 4.6 schools to provide programs of professional peace officer education based on a set of
 4.7 board-approved professional peace officer education learning objectives;

4.8 (2) to issue certificates to postsecondary schools, and to revoke ~~such~~ certification
 4.9 when necessary to maintain the objectives and purposes of sections 626.841 to 626.863;

4.10 (3) ~~to certify, as qualified, instructors at peace officer training schools, and to issue~~
 4.11 ~~appropriate certificates to such instructors;~~

4.12 (4) ~~to license peace officers who have satisfactorily completed certified basic training~~
 4.13 ~~programs;~~ met the education and experience requirements and passed examinations as
 4.14 required by the board;

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

4.17 (5) ~~to cause studies and surveys to be made relating to the establishment, operation,~~
 4.18 ~~and approval of state, county, and municipal peace officer training schools;~~

4.19 (6) ~~to consult and cooperate with state, county, and municipal peace officer training~~
 4.20 ~~schools~~ continuing education providers for the development of in-service training
 4.21 programs for peace officers;

4.22 (7) (6) ~~to consult and cooperate with universities, colleges, and technical colleges~~
 4.23 ~~postsecondary schools~~ for the development of specialized courses of instruction and study
 4.24 ~~in the state for peace officers and part-time peace officers in police science and police~~
 4.25 ~~administration~~ and improvement of professional peace officer education;

4.26 (8) (7) ~~to consult and cooperate with other departments and agencies of the state and~~
 4.27 ~~federal government concerned with peace officer standards and training;~~

4.28 (9) (8) ~~to perform such other acts as may be necessary and appropriate to carry out~~
 4.29 ~~the powers and duties as set forth in the provisions of sections 626.841 to 626.863;~~

4.30 (10) ~~to coordinate the provision, on a regional basis, of skills-oriented basic training~~
 4.31 ~~courses to graduates of certified law enforcement training schools or programs;~~

4.32 (11) (9) ~~to obtain criminal conviction data for persons seeking a license to be issued~~
 4.33 ~~or possessing a license issued by the board. The board shall have authority to obtain~~
 4.34 ~~criminal conviction data to the full extent that any other law enforcement agency, as that~~
 4.35 ~~term is defined by state or federal law, has to obtain the data;~~

5.1 ~~(12)~~ (10) to prepare and transmit annually to the governor a report of its activities
5.2 with respect to allocation of ~~moneys~~ money appropriated to it for peace officers training,
5.3 including the name ~~and address~~ of each recipient of money for that purpose; and the
5.4 amount awarded; ~~and the purpose of the award~~; and

5.5 ~~(13)~~ (11) to assist and cooperate with any political subdivision or state law
5.6 enforcement agency ~~which~~ that employs persons licensed by the board to establish written
5.7 ~~procedures for the investigation and resolution of allegations of misconduct of~~ policies as
5.8 mandated by the state pertaining to persons licensed by the board, and to enforce licensing
5.9 sanctions for failure to implement ~~such procedures~~ these policies.

5.10 In addition, the board may maintain data received from law enforcement agencies
5.11 under section 626.87, subdivision 5, provide the data to requesting law enforcement
5.12 agencies who are conducting background investigations, and maintain data on applicants
5.13 and licensees as part of peace officer license data. The data that may be maintained
5.14 include the name of the law enforcement agency conducting the investigation and data on
5.15 the candidate provided under section 626.87, subdivision 5, clauses (1) and (2).