SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 22

1.1   A bill for an act

1.2   relating to public safety; establishing policies to address motorcycle profiling;
1.3   proposing coding for new law in Minnesota Statutes, chapter 626.

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

1.5   Section 1. **[626.97] MOTORCYCLE PROFILING.**

1.6   Subdivision 1. **Purpose.** The legislature finds that the reality or public perception of

1.7   motorcycle profiling alienates people from police, hinders community policing efforts, and

1.8   causes law enforcement to lose credibility and trust among the people law enforcement is

1.9   sworn to protect and serve. No stop initiated by a peace officer should be made without a

1.10   legitimate reason; the fact that someone rides a motorcycle or wears motorcycle paraphernalia

1.11   is not a legitimate reason. Law enforcement policies and training programs must emphasize

1.12   the need to respect the balance between the rights of all persons to be free from unreasonable

1.13   governmental intrusions and law enforcement's need to enforce the law.

1.14   Subd. 2. **Definition.** For purposes of this section, "motorcycle profiling" means the

1.15   illegal use of the fact that a person rides a motorcycle or wears motorcycle-related

1.16   accouterments as a factor in deciding to stop and question, take enforcement action, arrest,

1.17   or search a person or vehicle with or without a legal basis under the United States Constitution

1.18   or Minnesota Constitution.

1.19   Subd. 3. **Statewide model policy.** By October 1, 2017, the Board of Peace Officer

1.20   Standards and Training, in consultation with the Minnesota Chiefs of Police Association,

1.21   the Minnesota Sheriffs Association, the Minnesota Police and Peace Officers Association,

1.22   and the Department of Public Safety Motorcycle Safety Advisory Task Force, shall develop

1.23   a statewide model training policy designed to eliminate motorcycle profiling from law

2.1   enforcement in the state. The model antimotorcycle profiling policy must include training

2.2   in:

2.3   (1) acts that constitute motorcycle profiling;

2.4   (2) tactics for avoiding motorcycle profiling; and

2.5   (3) methods for peace officers and their supervisors to identify and respond to motorcycle

2.6   profiling by other peace officers.

2.7   Subd. 4. **Agency policies required.** (a) By November 1, 2017, the chief law enforcement

2.8   officer of each state and local law enforcement agency must establish and enforce a written

2.9   antimotorcycle profiling policy governing the conduct of peace officers engaged in stops

2.10   of citizens. The chief law enforcement officer shall ensure that each peace officer receives

2.11   a copy of the agency's antimotorcycle profiling policy. The chief law enforcement officer

2.12   also must ensure that each peace officer is aware of the policy's purpose and prohibited

2.13   conduct.

2.14   (b) The policy must, at a minimum, comply with the requirements of the model policy

2.15   adopted by the board under subdivision 3 and require peace officers to give their name and

2.16   badge number to each motorcycle operator stopped for any reason.

2.17   (c) Each state and local law enforcement agency must certify to the board that the agency

2.18   has adopted a written policy in compliance with the board's model policy.

2.19   Subd. 5. **Compliance reviews.** The board has authority to inspect state and local agency

2.20   policies to ensure compliance with subdivision 4. The board may conduct an inspection

2.21   based upon a complaint it receives about a particular agency or through a random selection

2.22   process.