

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 738

(SENATE AUTHORS: HOWE)

DATE
01/25/2023

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Introduction and first reading
 Referred to Judiciary and Public Safety

OFFICIAL STATUS

- 1.1 A bill for an act
- 1.2 relating to public safety; requiring that peace officers be United States citizens
- 1.3 prior to receiving a license in the state; amending Minnesota Statutes 2022, sections
- 1.4 626.845, subdivision 1, by adding a subdivision; 626.87, subdivision 1.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2022, section 626.845, subdivision 1, is amended to read:
- 1.7 Subdivision 1. **Powers and duties.** The board shall have the following powers and
- 1.8 duties:
- 1.9 (1) to certify postsecondary schools to provide programs of professional peace officer
- 1.10 education based on a set of board-approved professional peace officer education learning
- 1.11 objectives;
- 1.12 (2) to issue certificates to postsecondary schools, and to revoke certification when
- 1.13 necessary to maintain the objectives and purposes of sections 626.841 to 626.863;
- 1.14 (3) to license peace officers who have met the minimum qualifications mandated by the
- 1.15 statute or rule, including education and experience requirements and ~~passed~~ passing all
- 1.16 required examinations as required by the board;
- 1.17 (4) to develop and administer licensing examinations based on the board's learning
- 1.18 objectives;
- 1.19 (5) to consult and cooperate with continuing education providers for the development
- 1.20 of in-service training programs for peace officers;
- 1.21 (6) to consult and cooperate with postsecondary schools for the development and
- 1.22 improvement of professional peace officer education;

2.1 (7) to consult and cooperate with other departments and agencies of the state and federal
2.2 government concerned with peace officer standards and training;

2.3 (8) to perform such other acts as may be necessary and appropriate to carry out the
2.4 powers and duties of sections 626.841 to 626.863;

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

2.9 (10) to prepare and transmit annually to the governor a report of its activities with respect
2.10 to allocation of money appropriated to it for peace officers training, including the name of
2.11 each recipient of money for that purpose and the amount awarded; and

2.12 (11) to assist and cooperate with any political subdivision or state law enforcement
2.13 agency that employs persons licensed by the board to establish written policies as mandated
2.14 by the state pertaining to persons licensed by the board, and to enforce licensing sanctions
2.15 for failure to implement these policies.

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

2.22 Sec. 2. Minnesota Statutes 2022, section 626.845, is amended by adding a subdivision to
2.23 read:

2.24 Subd. 4. **Citizenship required.** The board may not issue a peace officer license to an
2.25 applicant who is not a citizen of the United States.

2.26 Sec. 3. Minnesota Statutes 2022, section 626.87, subdivision 1, is amended to read:

2.27 Subdivision 1. **Background investigation required.** (a) A law enforcement agency
2.28 shall conduct a thorough background investigation on an applicant for employment as a
2.29 licensed peace officer or an applicant for a position leading to employment as a licensed
2.30 peace officer before the applicant may be employed. The background investigation must
2.31 determine at a minimum whether the candidate meets the following standards:

3.1 (1) standards established by the Minnesota Board of Peace Officer Standards and
3.2 Training; ~~and~~

3.3 (2) established security standards for access to state and national computerized record
3.4 and communication systems; and

3.5 (3) is a citizen of the United States.

3.6 (b) This requirement does not prevent a law enforcement agency from establishing higher
3.7 standards for law enforcement employees if those standards are not contrary to applicable
3.8 law.