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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1718**

02/13/2023 Authored by Huot, Novotny, Curran, Pelowski, Engen and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
03/18/2024 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to public safety; providing for appointment, licensing, and compensation
1.3 of railroad peace officers; addressing civil liability issues; requiring rulemaking;
1.4 amending Minnesota Statutes 2022, sections 626.05, subdivision 2; 626.84,
1.5 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 219.

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

1.7 Section 1. **[219.995] RAILROAD PEACE OFFICERS.**

1.8 Subdivision 1. **Chief law enforcement officer.** A railroad that intends to employ railroad
1.9 peace officers as defined in section 626.84, subdivision 1, paragraph (h), shall appoint a
1.10 chief law enforcement officer to oversee and take responsibility for all railroad peace officers
1.11 employed by the railroad. The chief law enforcement officer of a railroad company must
1.12 be a Minnesota-licensed peace officer. Before appointing a railroad chief law enforcement
1.13 officer, the railroad must submit a request for license for a license-eligible applicant, or a
1.14 notice of appointment for an officer already licensed in Minnesota, to the Board of Peace
1.15 Officer Standards and Training attesting that the appointee has met all education, training,
1.16 and minimum selection standards in Minnesota Rules, chapter 6700. The appointee may
1.17 not exercise peace officer powers until the request for license or notification form is received
1.18 and approved by the board.

1.19 Subd. 2. **Railroad; employment of peace officers.** After appointing a railroad chief
1.20 law enforcement officer, a railroad may employ railroad peace officers to aid and supplement
1.21 law enforcement agencies in the protection of property owned by or in the care, custody,
1.22 or control of a railroad and to protect the persons and property of railroad passengers and
1.23 employees.

2.1 Subd. 3. **Responsibilities of railroad company.** A railroad company that employs
2.2 railroad peace officers must cooperate with the Board of Peace Officer Standards and
2.3 Training with respect to the board's authority to oversee peace officer licensing. Upon
2.4 request by the board, a railroad company that employs railroad peace officers must share
2.5 or produce any public, private, or confidential data that the board has the authority to request
2.6 from other state and local law enforcement agencies. Failure by the railroad company to
2.7 comply with the board's exercise of its regulatory and oversight authority may result in
2.8 implementation of sanctions as described in subdivision 7.

2.9 Subd. 4. **Duties of railroad chief law enforcement officer.** A railroad chief law
2.10 enforcement officer has the same duties and responsibilities as the chief law enforcement
2.11 officer of any state or local law enforcement agency including, but not limited to, appointing
2.12 and supervising peace officers, ensuring ongoing continuing education of peace officers,
2.13 maintaining agency and peace officer records, reporting misconduct and policy compliance,
2.14 and any other duty or responsibility described in chapter 626 or Minnesota Rules, chapter
2.15 6700.

2.16 Subd. 5. **Authority; limitation.** (a) Except as otherwise provided by this section, a
2.17 railroad peace officer has all powers, privileges, and immunities of a licensed peace officer
2.18 in this state in connection with the prevention, investigation, arrest, or prosecution of an
2.19 offense occurring on railroad property and involving injury to passengers or employees of
2.20 a railroad or involving an offense against property owned by or in the care, custody, or
2.21 control of a railroad. A railroad peace officer's law enforcement powers shall apply only on
2.22 railroad property, except that an officer may exercise the authority given to peace officers
2.23 under section 629.40, subdivisions 2 and 4. If a search warrant is obtained by a railroad
2.24 peace officer, the officer shall notify the chief of police of an organized full-time police
2.25 department of the municipality or, if there is no local chief of police, the sheriff or a deputy
2.26 sheriff of the county in which service of the warrant is to be made, prior to execution.

2.27 (b) A railroad must not direct, require, or allow a railroad peace officer to enforce a
2.28 railroad's rules, policies, or procedures that are unrelated to the commission of a criminal
2.29 offense, or investigate any matter involving civil litigation by or against a railroad. A railroad
2.30 company that employs railroad peace officers must adopt or update any applicable policy
2.31 to be consistent with this paragraph and must provide a copy of the policy to the
2.32 representatives of any labor organization that represents employees of the railroad, including
2.33 but not limited to any labor organization subject to the Federal Railway Labor Act.
2.34 Notwithstanding any law to the contrary, a railroad peace officer who makes a representation
2.35 of being a peace officer and performs or attempts to perform any of those acts is subject to

3.1 discipline as if the peace officer violated the standards of conduct set forth in Minnesota
3.2 Rules, chapter 6700.

3.3 Subd. 6. **Licensing.** The Board of Peace Officer Standards and Training shall license
3.4 railroad peace officers appointed by the railroad's chief law enforcement officer under
3.5 subdivision 1 who meet the board's standards for peace officer licensure under chapter 626
3.6 and Minnesota Rules, chapter 6700. Except as otherwise provided in this section, railroad
3.7 peace officers are subject to all of the provisions applicable to peace officers under chapter
3.8 626 and Minnesota Rules, chapter 6700.

3.9 Subd. 7. **Immediate suspension of authority.** At the sole discretion of the Board of
3.10 Peace Officer Standards and Training, the board may immediately suspend or revoke the
3.11 license of the chief law enforcement officer of a railroad company for any reason within
3.12 the board's jurisdiction. If the board suspends or revokes the license of the chief law
3.13 enforcement officer, the railroad's law enforcement agency shall be deemed disbanded and
3.14 the licenses of all peace officers on the railroad agency roster will be placed in inactive
3.15 status. The requirement to place a peace officer's license in inactive status does not apply
3.16 to a railroad peace officer who also works as a licensed peace officer for a different law
3.17 enforcement agency in Minnesota, but such an officer must no longer be designated a railroad
3.18 peace officer. Except as noted in this section, the licenses of railroad peace officers are
3.19 subject to the requirements, restrictions, and disciplinary procedures that apply to any other
3.20 licensed peace officer.

3.21 Subd. 8. **Compensation; benefits; fees.** (a) A railroad peace officer shall be compensated
3.22 by the railroad by which the officer is employed.

3.23 (b) A railroad peace officer is not entitled to receive any compensation, benefits, or other
3.24 remuneration provided or required to be provided to other licensed peace officers by this
3.25 state or any political subdivision or agency of this state.

3.26 (c) A railroad peace officer may attend any training course offered to peace officers of
3.27 this state, provided that railroad peace officers pay reasonable tuition and costs.

3.28 Subd. 9. **Railroad liability.** Subject to the privileges and immunities afforded a peace
3.29 officer or an officer's employer under state or federal law, a railroad company employing
3.30 a railroad peace officer in this state is liable for all acts, errors, and omissions of a railroad
3.31 peace officer occurring in the course and scope of the peace officer's employment by the
3.32 railroad and shall indemnify its peace officers for civil damages, penalties, or fines claimed
3.33 or levied against the officer according to section 181.970. Neither this state nor any political

4.1 subdivision or agency of the state is liable for any act, error, or omission of a railroad peace
4.2 officer.

4.3 Subd. 10. **Construction.** Nothing in this section shall be construed to limit or in any
4.4 way restrict the rights, powers, or privileges granted to a peace officer in this state who is
4.5 not a railroad peace officer.

4.6 Sec. 2. Minnesota Statutes 2022, section 626.05, subdivision 2, is amended to read:

4.7 Subd. 2. **Peace officer.** The term "peace officer," as used in sections 626.04 to 626.17,
4.8 means a person who is licensed as a peace officer in accordance with section 626.84,
4.9 subdivision 1, and who serves as a sheriff, deputy sheriff, police officer, conservation officer,
4.10 agent of the Bureau of Criminal Apprehension, agent of the Division of Alcohol and
4.11 Gambling Enforcement, peace officer of the Commerce Fraud Bureau, University of
4.12 Minnesota peace officer, Metropolitan Transit police officer, Minnesota Department of
4.13 Corrections Fugitive Apprehension Unit member, ~~or~~ State Patrol trooper as authorized by
4.14 section 299D.03, or railroad peace officer as authorized by section 219.995 and United
4.15 States Code, title 49, section 28101.

4.16 Sec. 3. Minnesota Statutes 2022, section 626.84, subdivision 1, is amended to read:

4.17 Subdivision 1. **Definitions.** For purposes of sections 626.84 to 626.863, the following
4.18 terms have the meanings given them:

4.19 (a) "Board" means the Board of Peace Officer Standards and Training.

4.20 (b) "Director" means the executive director of the board.

4.21 (c) "Peace officer" means:

4.22 (1) an employee or an elected or appointed official of a political subdivision or law
4.23 enforcement agency who is licensed by the board, charged with the prevention and detection
4.24 of crime and the enforcement of the general criminal laws of the state and who has the full
4.25 power of arrest, and shall also include the Minnesota State Patrol, agents of the Division of
4.26 Alcohol and Gambling Enforcement, state conservation officers, Metropolitan Transit police
4.27 officers, Department of Corrections Fugitive Apprehension Unit officers, ~~and~~ Department
4.28 of Commerce Fraud Bureau Unit officers, ~~and~~ the statewide coordinator of the Violent
4.29 Crime Coordinating Council, and railroad peace officers as authorized by section 219.995
4.30 and United States Code, title 49, section 28101; and

5.1 (2) a peace officer who is employed by a law enforcement agency of a federally
5.2 recognized tribe, as defined in United States Code, title 25, section 450b(e), and who is
5.3 licensed by the board.

5.4 (d) "Part-time peace officer" means an individual licensed by the board whose services
5.5 are utilized by law enforcement agencies no more than an average of 20 hours per week,
5.6 not including time spent on call when no call to active duty is received, calculated on an
5.7 annual basis, who has either full powers of arrest or authorization to carry a firearm while
5.8 on active duty. The term shall apply even though the individual receives no compensation
5.9 for time spent on active duty, and shall apply irrespective of the title conferred upon the
5.10 individual by any law enforcement agency.

5.11 (e) "Reserve officer" means an individual whose services are utilized by a law
5.12 enforcement agency to provide supplementary assistance at special events, traffic or crowd
5.13 control, and administrative or clerical assistance, and shall include reserve deputies, special
5.14 deputies, mounted or unmounted patrols, and all other employees or volunteers performing
5.15 reserve officer functions. A reserve officer's duties do not include enforcement of the general
5.16 criminal laws of the state, and the officer does not have full powers of arrest or authorization
5.17 to carry a firearm on duty.

5.18 (f) "Law enforcement agency" means:

5.19 (1) a unit of state or local government that is authorized by law to grant full powers of
5.20 arrest and to charge a person with the duties of preventing and detecting crime and enforcing
5.21 the general criminal laws of the state; ~~and~~

5.22 (2) subject to the limitations in section 626.93, a law enforcement agency of a federally
5.23 recognized tribe, as defined in United States Code, title 25, section 450b(e); and

5.24 (3) subject to the limitation of section 219.995, a railroad company.

5.25 (g) "Professional peace officer education" means a postsecondary degree program, or a
5.26 nondegree program for persons who already have a college degree, that is offered by a
5.27 college or university in Minnesota, designed for persons seeking licensure as a peace officer,
5.28 and approved by the board.

5.29 (h) "Railroad peace officer" means an individual as authorized under United States Code,
5.30 title 49, section 28101:

5.31 (1) employed by a railroad for the purpose of aiding and supplementing law enforcement
5.32 agencies in the protection of property owned by or in the care, custody, or control of a
5.33 railroad and to protect the persons and property of railroad passengers and employees; and

6.1 (2) licensed by the board.