



Minnesota Board of Peace Officer Standards and Training

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December 16, 2014

Director Elizabeth Lincoln
Legislative Reference Library
Attn: Acquisitions Dept.
645 State Office Building
St. Paul, MN 55155-1050

Dear Director Lincoln,

Minnesota Statutes, section 14.05, subdivision 5, states in part, "By December 1 of each year, an agency must submit to the governor, the legislative coordinating commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules..."

The Board has identified the following rules as being obsolete, unnecessary or duplicative:

- **Minnesota Rules, Chapter 6700.0100, subpart 2, and 18 (partial)**
- **Minnesota Rules, Chapter 6700.0500, subpart 3, (partial)**
- **Minnesota Rules, Chapter 6700.0600, subpart 2 (C)**
- **Minnesota Rules, Chapter 6700.1000, subparts 1 (partial), 3 (partial), 7 (B), and 9 (B)**
- **Minnesota Rules, Chapter 6700.1101, subparts 2 (E) and 7 (partial)**

These rules were amended by the 2014 Legislature.

Please do not hesitate to contact me at 651-201-7788 or email Nathan.Gove@state.mn.us with questions or if I can provide further assistance.

Sincerely,

A handwritten signature in black ink that reads "Nathan R. Gove". The signature is fluid and cursive.

Nathan R. Gove
Executive Director

c: Governor Mark Dayton
Michele Timmons, Revisor of Statutes
Director Greg Hubinger, Legislative Coordinating Commission
Senator D. Scott Dibble, Chair, Senate Transportation and Public Safety Committee
Senator Ron Latz, Chair, Senate Judiciary Committee
Representative Michael Paymar, Chair, House Public Safety Finance and Policy Committee
Representative Debra Hilstrom, Chair, House Judiciary Finance and Policy Committee

Minnesota Administrative Rules

6700.0100 DEFINITIONS.

Subpart 1. Scope. For the purpose of this chapter, the terms in this part have the meanings given them, unless another intention clearly appears.

Subp. 2. Agency. ~~"Agency" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, paragraph (h).~~

Subp. 2a. Law Enforcement Agency. "Law Enforcement Agency" means:

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

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

Subp. 3. Appointing authority. "Appointing authority" means the public official, board, commission, or other person or group of persons responsible for the initial appointment and continued tenure of persons employed by the agency as peace officers and part-time peace officers.

Subp. 4. Appointment. "Appointment" means the official declaration provided by the agency to the POST Board which indicates that the agency has engaged the services of a peace officer or part-time peace officer beginning on a specified date.

Subp. 5. [Repealed, 14 SR 12]

Subp. 5a. Professional peace officer education. "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. Board or POST Board. "Board" or "POST Board" means the Board of Peace Officer Standards and Training.

Subp. 7. Certification. "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. Chief law enforcement officer. "Chief law enforcement officer" means the designated head and the highest ranking board-licensed peace officer within an agency.

Subp. 9. [Repealed, 14 SR 12]

Subp. 9a. Conviction. "Conviction" means that a person has been charged with a crime and the person was found guilty of that crime, regardless of length of or imposition or execution of any sentence received, any deferred finding of guilt or imposition of sentence by the court, any continuance for dismissal granted by the court, or any expungement of the offense records or conviction.

Subp. 10. Coordinator. "Coordinator" means a person who is employed full-time by a certified school, and designated by a certified school, to manage the day-to-day activities of the professional peace officer education program.

Subp. 11. Eligible to be licensed. "Eligible to be licensed" means the status of an individual who has passed the peace officer licensing examination or the reciprocity examination, but who has not yet secured employment as a peace officer.

Subp. 12. Executive director. "Executive director" means executive director of the board.

Subp. 12a. Felony. "Felony" means a crime punishable by more than one year in prison.

Subp. 13. [Repealed, 18 SR 1961]

Subp. 14. [Repealed, L 2005 c 10 art 1 s 82]

Subp. 15. Guest lecturer. "Guest lecturer" means a person who is invited by the instructor to teach occasionally in a school or a board-approved course in continuing education.

Subp. 16. Inactive licensed officer. "Inactive licensed officer" means an individual who holds a currently valid peace officer license issued by the board, but who is not currently employed by an agency.

Subp. 17. Instructor. "Instructor" means a person who is recognized as being qualified to teach in a school or board-approved continuing education course.

Subp. 18. Part-time peace officer. "Part-time peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause ~~(f)~~ (d).

Subp. 19. Peace officer. "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (c).

Subp. 20. School. "School" means a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but

not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Repealed, 18 SR 1961]

Subp. 22. Postsecondary degree. "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. Postsecondary certificate. "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. Certified school. "Certified school" means a school that has been given certification.

Subp. 25. Classroom discrimination. "Classroom discrimination" means oral, written, graphic, or physical conduct directed against any person or group of persons because of their race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, disability, or veteran's status that has the purpose or reasonably foreseeable effect of demeaning or intimidating that person or group of persons.

Statutory Authority: MS s [214.10](#); [214.12](#); [626.84](#) to [626.863](#)

History: 11 SR 2337; 14 SR 12; 18 SR 1961; L 2005 c 10 art 1 s 82; [32 SR 2173](#)

Published Electronically: October 11, 2013

Minnesota Administrative Rules

6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subpart 1. [Repealed, 14 SR 12]

Subp. 2. [Repealed, 14 SR 12]

Subp. 3. Eligibility for examination. Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, are eligible to take the peace officer licensing examination. An application must include ~~an official certified transcript showing the completion of a postsecondary degree and~~ the coordinator's signature attesting to the student's successful completion of professional peace officer education.

Subp. 4. [Repealed, 11 SR 2337]

Subp. 5. Reinstatement of eligibility. Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the peace officer licensing examination again. Upon successful completion of the examination the person is eligible to be licensed for three years.

Statutory Authority: MS s 214.10; 214.12; 626.843; 626.845

History: 11 SR 2337; 14 SR 12; 18 SR 1961

Published Electronically: July 9, 2008

Minnesota Administrative Rules

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board to be received by the board no later than two weeks before the scheduled date of the examination. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2. Applications and all supporting documents for the peace officer licensing examination must be received by the board no later than two weeks before the day of the examination. In no cases shall applications and supporting documentation be accepted after the two-week deadline. The application and supporting documents are valid for one year from the date the application is received by the board.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board before taking the following licensing examinations:

- A. peace officer licensing examination, \$105;
- B. reciprocity examination, \$105; and
- ~~C. part-time peace officer licensing examination, \$52.50.~~

Subp. 3. **Retaking examinations.** An applicant who fails an examination will be allowed to retake that examination two times, upon furnishing to the board a renewed written application and appropriate fee.

Subp. 4. **Remedial examination procedures.** A third or subsequent retake of the examination will require the applicant to submit a remedial training plan to the executive director for board approval. This plan must be directed at deficiencies indicated in previous examinations and must include, at a minimum, the following:

- A. training activities to be completed;
- B. evaluation process to be used in verifying satisfactory completion of the listed activities; and
- C. date of completion of all activities.

An additional written application and appropriate fee will be required for each administration of the examination.

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after the application to take the examination was received by the board. The fee and any supporting documents are invalid at the same time the application becomes invalid. In order to reinstate eligibility, the person shall comply with subparts 1 and 2.

Statutory Authority: MS s 14.06; 214.06; 626.843; 626.845

History: 14 SR 12; 18 SR 1961; 22 SR 1449

Published Electronically: July 9, 2008

Minnesota Administrative Rules

6700.1000 LICENSE RENEWAL.

Subpart 1. Validity of licenses and renewal dates. Peace officer licenses issued by the board under part 6700.0800 are valid until they expire, are revoked, or are surrendered by the licensee. Part-time peace officer licenses issued by the board pursuant to part 6700.1101 are valid until they expire, are revoked, or are surrendered by the licensee.

~~The licenses of licensees whose surnames begin with the letters A through G are due for renewal on July 1, 1983, and on July 1 every third year thereafter.~~

~~The licenses of licensees whose surnames begin with the letters H through M are due for renewal on July 1, 1984, and on July 1 every third year thereafter.~~

~~The licenses of licensees whose surnames begin with the letters N through Z are due for renewal on July 1, 1982, and on July 1 every third year thereafter.~~

Subp. 2. Application. The board shall require a written application for renewal of licenses.

Subp. 3. Certificate of renewal. The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education. The appropriate fees are \$90 for renewal of a peace officer license and 48 hours every three years. ~~\$45 for renewal of a part-time peace officer license. The required hours of continuing education are:~~

~~A. 16 hours for a peace officer or a part-time peace officer who has been licensed for at least six months but less than 18 months;~~

~~B. 32 hours for a peace officer or a part-time peace officer who has been licensed for at least 18 months but less than 30 months; and~~

~~C. 48 hours for a peace officer or a part-time peace officer who has been licensed for at least 30 months.~~

Subp. 4. Change of name. When a licensee's surname is changed by reason of marriage or a judicial order, the original date of expiration of the licensee's license shall not change.

Subp. 5. Expiration of license. A license shall expire when the requirements of subpart 3 are not met.

Subp. 6. License expired less than three years. The executive director shall restore a license and issue a certificate of renewal for a license which has been expired for less than three years when the licensee submits:

A. the appropriate license renewal fee for an expired license; and

B. documentation which shows that the licensee has completed the number of continuing education credits required by subpart 3.

Subp. 7. License renewal fee. For the purposes of subparts 6 and 9, the appropriate license renewal fee for an expired license is as follows:

A. expired peace officer license is \$125; or

~~**B.** expired part-time peace officer license is \$80.~~

Subp. 8. License expired more than three years. When a license has been expired for more than three years, the executive director shall restore the license when:

A. the licensee successfully completes the appropriate licensing examination; and

B. the licensee submits the appropriate license renewal fee for an expired license.

Subp. 9. Licensing examination. For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the peace officer licensing examination for a peace officer; or

~~**B.** the part-time peace officer licensing examination for a part-time peace officer.~~

Subp. 10. Continuing education after license is restored. Notwithstanding any rule to the contrary, after a peace officer license has been restored, the licensee shall complete 48 hours of board-approved continuing education on or before June 30 of the year when the license becomes due for renewal.

Subp. 11. Appeals. Any contested case which arises from subpart 3, 6, or 8 will be processed in accordance with Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings.

Statutory Authority: MS s 14.06; 16A.128; 214.06; 214.12; 626.84 to 626.863

History: 8 SR 2774; 9 SR 2701; 14 SR 12; 18 SR 1961; 20 SR 828; 22 SR 1449; 26 SR 181; 27 SR 1866

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Minnesota Administrative Rules

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. Scope and purpose. In view of the legislature's stated policy on part-time peace officers in Minnesota Statutes, section 626.8461, and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency.

Subp. 2. Minimum selection and training standards. An applicant for a part-time peace officer position license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, section 626.8463, prior to being appointed. The chief law enforcement officer must affirm that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant must not have been convicted of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of part-time peace officer duties.

C. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of part-time peace officer duties.

D. The applicant for a part-time peace officer position license shall successfully complete a first aid course and a firearms training course.

~~E. The applicant shall pass the part-time peace officer licensing examination. An applicant is eligible to take the part-time peace officer licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.~~

Subp. 3. Documentation. The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. Notification of appointment of part-time peace officer. The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of part-time peace officer. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5. The appointee shall not exercise part-time peace officer powers until the notification form is received and approved by the board.

Subp. 5. [Repealed, L 2014 c 244 s 3]

Subp. 6. [Repealed, L 2014 c 244 s 3]

Subp. 7. Inactive status of part-time peace officer license. The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of part-time peace officers. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination. ~~An individual who possesses an inactive part-time peace officer license has no part-time peace officer power or authority.~~

~~An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.~~

~~An individual who is appointed to the position of a part-time peace officer within three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.~~

~~An individual who is appointed as a part-time peace officer more than three years after the date the individual's license was placed on an inactive status is required to complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the documentation necessary to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.~~

Subp. 8. Inapplicability. This part does not apply to peace officers who are employed on a part-time basis.

Statutory Authority: MS s 14.06; 214.06; 214.10; 214.12; 626.843; 626.845

History: 10 SR 354; 11 SR 2337; 18 SR 1961; 22 SR 1449; 26 SR 181; L 2014 c 244 s 3

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