

LEGISLATIVE RESOURCE SHEET | 2018 SESSION

Minnesota Chiefs of Police Association

ISSUE/LEGISLATION:

FIRST RESPONDER PROTECTION ACT

The MCPA supports protecting the safety and well-being of police officers, firefighters and medical personnel during demonstrations and rallies by increasing the penalties for attempted assaults on these individuals to a gross misdemeanor.

PROPOSAL STATUS

MCPA will actively support this proposal as part of its 2018 Legislative Agenda

- Revise MSS 609.2231 which covers 4th degree assault against a peace officer to include first responders

BACKGROUND

First responders are particularly vulnerable when carrying out their duties during protests, rallies, demonstrations and marches. Many of our first responders are required to maintain stationary positions to redirect crowds and traffic while keeping all involved parties safe. There are many examples of event participants attempting to assault responders by throwing items dangerous items at them. In previous MN events, responders have been injured by these protestors. We recommend the Association support new legislation that clearly makes an attempted assault on first responders a gross misdemeanor during protests, rallies, demonstrations and marches

Impacts on public safety or law enforcement:

Aggregating the fourth degree assault statute to include attempted assault on first responders during these events would help deter assailants from committing these acts. The new legislation would allow investigators greater latitude when attempting to identify and charge these individuals. Additionally, prosecutors and judges would have a specific statute to reference when determining the charging and sentencing of prosecuted persons.

Recommended Change:

609.2231 ASSAULT IN THE FOURTH DEGREE. §

Subdivision 1. Peace officers....(b) Whoever physically assaults a peace officer is guilty of a gross misdemeanor (c) Whoever commits either of the following acts against a peace officer is guilty of a felony...(1) Physically assaults the officer if the assault inflicts demonstrable bodily harm (2) Intentionally throws or otherwise transfers bodily fluids or feces at or onto the officer.

Subd. 2. Firefighters and emergency medical personnel. Whoever assaults any of the following persons and inflicts demonstrable bodily harm is guilty of a felony(1) ...fire department or emergency medical services personnel unit in the performance of the member's duties; or(2) a physician, nurse, or other person providing health care services Whoever physically assaults a peace officer is guilty of a gross misdemeanor.

Subd. 2a. Certain Department of Natural Resources employees. Whoever assaults and inflicts demonstrable bodily harm...is guilty of a gross misdemeanor.

Subd. 2b Attempted Assault during Protests, Demonstrations, Rallies and Marches. Whoever attempts to assault first responders (police officers, firefighters, and ambulance personnel) while they are executing their duty during protests, demonstrations, rallies and marches are guilty of a gross misdemeanor