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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4591

03/07/2024 Authored by Tabke and Edelson
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to private detectives; specifying that a protective agent license is required
1.3 for private companies to transport prisoners; requiring license revocation for certain
1.4 acts committed by a licensee or employee of a licensee; requiring a minimum
1.5 administrative penalty for certain violations; amending Minnesota Statutes 2022,
1.6 sections 326.338, subdivision 4; 326.3388; Minnesota Statutes 2023 Supplement,
1.7 section 326.3387, subdivision 1.

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

1.9 Section 1. Minnesota Statutes 2022, section 326.338, subdivision 4, is amended to read:

1.10 Subd. 4. Protective agent. A person who for a fee, reward, or other valuable consideration
1.11 undertakes any of the following acts is considered to be engaged in the business of protective
1.12 agent:

1.13 (1) providing guards, private patrol, or other security personnel to protect persons or
1.14 their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or
1.15 to prevent the misappropriation or concealment of goods, merchandise, money, or other
1.16 valuable things, or to procure the return of those things;

1.17 (2) physically responding to any alarm signal device, burglar alarm, television camera,
1.18 still camera, or a mechanical or electronic device installed or used to prevent or detect
1.19 burglary, theft, shoplifting, pilferage, losses, or other security measures;

1.20 (3) providing armored car services for the protection of persons or property;

1.21 (4) controlling motor traffic on public streets, roads, and highways for the purpose of
1.22 escorting a funeral procession and oversized loads; ~~or~~

- 2.1 (5) providing management and control of crowds for the purpose of safety and protection;
- 2.2 or
- 2.3 (6) providing guards or other security personnel to transport prisoners or any other person
- 2.4 arrested on a warrant, except that this does not apply to the transport or escort of offenders
- 2.5 by staff of the Department of Corrections; the transport of a person by the sheriff of a county
- 2.6 to the appropriate adult or juvenile correctional facility as designated by the commissioner
- 2.7 of corrections or to and from court in connection with postconviction, habeas corpus, or
- 2.8 intrastate mandatory disposition of detainers proceedings; the transfer of a person by
- 2.9 emergency medical services personnel; or the transfer of a person by a peace officer as
- 2.10 defined in section 626.84, subdivision 1, paragraph (c).

2.11 A person covered by this subdivision may perform the traffic-control duties in clause

2.12 (4) in place of a police officer when a special permit is required, provided that the protective

2.13 agent is first-aid qualified.

2.14 Sec. 2. Minnesota Statutes 2023 Supplement, section 326.3387, subdivision 1, is amended

2.15 to read:

2.16 Subdivision 1. **Basis for action.** (a) The board may revoke or suspend or refuse to issue

2.17 or reissue a private detective or protective agent license if:

2.18 (1) the license holder violates a provision of sections 326.32 to 326.339 or a rule adopted

2.19 under those sections;

2.20 (2) the license holder has engaged in fraud, deceit, or misrepresentation while in the

2.21 business of private detective or protective agent;

2.22 (3) the license holder has made a false statement in an application submitted to the board

2.23 or in a document required to be submitted to the board;

2.24 (4) the license holder violates an order of the board; or

2.25 (5) the individual or entity previously operated without a license.

2.26 (b) The board must revoke or suspend or refuse to issue or reissue a protective agent

2.27 license if the license holder provides guards or other security personnel to transport prisoners

2.28 or any other person arrested on a warrant and the board determines that the license holder

2.29 or any employee or agent of the license holder committed an act in any place that, if

2.30 committed in Minnesota, would constitute criminal sexual conduct against a person being

2.31 transported or committed an act in any place that involved the unreasonable use of force on

2.32 a person being transported.

3.1 Sec. 3. Minnesota Statutes 2022, section 326.3388, is amended to read:

3.2 **326.3388 ADMINISTRATIVE PENALTIES.**

3.3 The board shall, by rule, establish a graduated schedule of administrative penalties for
3.4 violations of sections 326.32 to 326.339 or the board's rules. The schedule must include
3.5 minimum and maximum penalties for each violation and be based on and reflect the
3.6 culpability, frequency, and severity of the violator's actions. The minimum penalty for an
3.7 act described in section 326.3387, subdivision 1, paragraph (b), must be \$10,000 for each
3.8 act. The board may impose a penalty from the schedule on a license holder for a violation
3.9 of sections 326.32 to 326.339 or the rules of the board. The penalty is in addition to any
3.10 criminal penalty imposed for the same violation. Administrative penalties imposed by the
3.11 board must be paid to the general fund.