

House Research Act Summary

CHAPTER: 127

SESSION: 2001 Regular Session

TOPIC: Less Lethal Munitions

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Overview

This act provides that discharge of a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties does not constitute deadly force. Less lethal munitions are projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person.

- 1 **Deadly force defined.** Amends the definition of deadly force to provide that discharge of a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties does not constitute deadly force. Without this change, the intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, would constitute deadly force.

"Less lethal munitions" mean projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person. "Peace officer" means a peace officer licensed by the board of peace officer standards and training.

Under law, deadly force may be used by a peace officer in the line of duty only when necessary:

- to protect the peace officer or another from apparent death or great bodily harm;
- to effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force; or
- to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

2 **Effective date.** The day following final enactment.