

HOUSE RESEARCH

Bill Summary

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Subject: Legislative immunity; breach of the peace

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Overview

This bill contains a variety of proposals affecting legislative immunity from arrest with a focus on DWI related offenses.

Section

- 1** **Review of arrest.** Requires that a card printed by a government agency that reproduces the legislative immunity clause of the Constitution also contain the following language: “Any arrest under this provision is immediately reviewable before a neutral judicial officer.”
- 2** **Disturbing legislature or intimidating member.** Clarifies that the gross misdemeanor offense of intimidating a member of the legislature includes peace officers who abuse their arrest authority as a means of intimidating a member of the legislature. Further clarifies that arresting a legislator for DWI is not a violation of this law. Directs a peace officer who arrests a legislator for DWI to deliver the legislator to the sergeant-at-arms of the member’s body without unreasonable delay.
- 3** **Breach of the peace.** Provides that a violation of laws prohibiting driving while impaired constitutes a breach of the peace for purposes of Minnesota Constitution, Article IV, section 10. That section of the Minnesota Constitution provides:

Sec. 10. **Privilege from arrest.** The members of each house in all cases except treason, felony and breach of the peace, shall be privileged from arrest during the session of their respective houses and in going to or returning from the same. For any speech or debate in either house they shall not be questioned in any other place.