

HOUSE RESEARCH

Bill Summary

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This bill clarifies and expands the offense of assaulting a peace officer. A recent Minnesota Supreme Court case held that the 4th degree assault offense of throwing or otherwise transferring bodily fluids or feces at or onto a peace officer also required proof of a physical assault. *State v. Struzyk*, 869 N.W.2d 280 (Minn.2015).

This bill clarifies the law by eliminating the requirement that a physical assault accompany an assault of a peace officer by bodily fluid or feces. The bill expands the scope of the law by authorizing prosecutors to file a charge even if the officer was not “effecting a lawful arrest or executing any other duty imposed by law” at the time the perpetrator threw or transferred bodily fluids or feces.