# RICHARD HODSDON
***ATTORNEY AT LAW***

[redacted]


October 23, 2026

Minnesota POST Board
Attn. Alicia Popowski
Suite 200
1600 University Avenue
St. Paul, MN 55104
(Email: Alicia.popowski@state.mn.us)

RE: Comments to Proposed Rule Amendments

These comments are submitted in response to the published rule amendments as reflected in the document dated September16, 2026. These comments are submitted on behalf of the Minnesota Sheriff Association (MSA) as unanimously approved by its Board of Directors on October 23, 2026. As the record reflects I also served as a member of the advisory committee and long ago for eight years was the counsel to the POST Board when the rules were first enacted in 1978-1979.

Having reviewed the proposed rules and SONAR the MSA is not requesting a public hearing be convened concerning adoption of the rules. We believe overall the rules are appropriate and will help modernize and keep current peace officer pre-service education and also facilitate the ability of competent peace officers from other jurisdictions to enter the profession in Minnesota. We do have some suggestions for some clarifications that we do not believe are so substantive that the POST Board would be required to modify or slow down the rule-making process.

We note that the effective date of many of the pre-service education changes is proposed to be August 1, 2029, which we agree makes sense given the current "pipeline" of students already enrolled in the program.

We fully support the updated definition of conviction found in lines 2.10 to 2.15. As the SONAR notes, lack of a public record of a criminal conviction does not mean the person did not engage in the behavior for which the POST Board can and should properly deny a peace officer license. Having noted that fact, we are discouraged by the tendency of the Minnesota legislature to massively expand over the past several years the scope of criminal record expungment and encourage the POST Board to be ever vigilant to make sure it and the law enforcement agencies mandated to conduct background investigations as part of the licensing and hiring process have full and easy access to such records.

In lines 3.12 to 3.14 there is a definition of inactive license. We suggest as a matter of clarity that definition adds at its end the term "in the role of a peace officer." The reason is that many agencies employ people either full-time or part-time who are retired officers who return for other duties. For example many sheriffs hire such people to conduct background investigations, work in the gun permit units or handle administrative duties so such an addition would recognize that can be done without impacting licensing issues.

Either in the definition section of the applicable rules themselves we propose a clear definition of what geography is included in greater Minnesota or the metropolitan area. For example the proposed rules concerning the pre-service advisory group representation are impacted to create an urban and rural balance of representation. The MSA appreciates and agrees with the need to recognize the differing realities of these communities, but time has shown there is no clear definition of these ideas and seems to have changed with time. For example the "Twin Cities" for some purposes is defined to include the seven counties of Hennepin, Ramsey, Washington, Anoka, Carver, Scott and Dakota. However, the federal designation of the Minneapolis-St. Paul Metropolitan Statistical area includes all or part of 14 Minnesota counties. The districts employed by the MSA include in the Fourth District counties such as Wright, Chisago, Sherburne, Benton and Stearns. Given the length these rules are likely to be in effect we think it would be useful to better define this designation, whatever the decision turns out to be, so in the future as representatives of the various groups are considered there is a reduced risk of confusion. This clarification could be inserted as subpart 17b.

The background requirements that a person must undergo to enter into the educational component such as in 6700.0300, subp. 5 is supported by the MSA. One concern is in Subpart 5a where an applicant must submit evidence to the school from a medical provider that they are fit to perform the duties of a peace officer. The concern is that there is no state-wide determination of what all of those duties are. While this is not directly a concern of sheriffs at the training stage, it might be at the hiring stage if sheriffs have as a bona fide occupational qualification that are not reflected in the school's standards. For that reason it might be better to have the provider state that the applicant can safely meet the requirements of being a student in the program so reduce this later risk.

In lines 11.22 to 12.2 MSA supports inclusion of criminal history background checks and we are concerned that since this check is not done for criminal justice employment that the schools will not be able to fully access criminal records as a result of the massive expansion of criminal records expungment under Minn. Stat. 609A. To the extent the POST rules can serve to maximize access to any and all such records we encourage that be done.

Thank you for this opportunity to comment on the proposed rules. If there are any questions about this submission please feel free to contact me.

Sincerely,

S/Richard Hodsdon
MSA General Counsel