

## MINNESOTA POLICE & PEACE OFFICERS ASSOCIATION

### AMENDMENT NO. TWO TO THE PLAN DOCUMENT (as amended through May 2, 2017)

Pursuant to Article VII of the Plan Document and to Article IX, section A of the Trust Agreement, the Board of Trustees of the Minnesota Police & Peace Officers Association Legal Defense Fund hereby amends the Plan Document as follows:

1. The following is added as section 5 of Article III (Benefits):

#### 5. Retiree Coverage (HR 218)

(a) Notwithstanding anything to the contrary elsewhere in this Plan Document, an individual who is a "Qualified Retired Law Enforcement Officer" and a member of MPPOA, upon completion of an application and acceptance of that application by the Board of Trustees or its designee and upon timely payment of the annual contribution in the amount and upon the terms set by the Board of Trustees, shall be entitled to:

(1) Legal representation in any civil or criminal action brought against the individual arising from the use of a firearm in defense of self or others where an imminent threat of serious bodily harm to self or others is present.

(2) Legal representation in any criminal action brought against the individual arising from the possession of a concealed firearm that is not precluded under the law for the jurisdiction in which the action is brought.

(3) All customary, necessary, and reasonable services related to an action described in subsections (a)(1) or (2) above, including where it appears reasonably probable that such an action will be commenced.

(b) The benefit set forth in subsection (a) above is subject to a cap of \$500,000 in total benefits paid per covered occurrence.

(c) For purposes of this section 5, a "Qualified Retired Law Enforcement Officer" is defined to mean an individual who:

(1) retired from a Minnesota public agency (i) for service, provided the individual served as a law enforcement officer with one or more Minnesota public agencies for a total of 10 complete years or more, or (ii) for a service-connected disability retirement, provided that the disability was not mental instability and further provided that any applicable probationary period was satisfactorily completed prior to the occurrence of the injury or disease giving rise to service-connected disability retirement; and

(2) is receiving retirement benefit payments from a Minnesota public defined benefit retirement system; and

(3) immediately before retirement, possessed peace officer powers and was authorized by Minnesota law to engage in the prevention, detection, and/or investigation of any person for any violation of law and had statutory powers of arrest or apprehension; and

(4) during the twelve-month period prior to the incident giving rise to a claim for coverage has met the standards for qualification in firearms training for active law enforcement officers as determined by:

(A) the agency from which the individual retired; or

(B) the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State.

(5) at the time of the incident was not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(6) is not prohibited by state or federal law from carrying a firearm; and

(7) has not been found by a qualified medical professional to be unqualified to carry a firearm due to mental instability; and

(8) has not entered into an agreement with the agency from which the individual retired in which the individual acknowledged that he or she is not qualified to carry a firearm for reasons related to mental health, and

(9) possessed the identification described in subsection (d) of this section 5.

(d) The identification required under this section is a photographic identification card issued by the agency from which the individual retired which indicates that the individual has been employed as a police officer or law enforcement officer by that agency.

(e) Excluded from coverage under this section 5 are:

(1) Incidents occurring outside the state of Minnesota and Wisconsin.

(2) Incidents arising from domestic violence in which the individual was a participant; or

(3) Incidents arising from military service, including reserve military service; or

(4) Incidents occurring outside of the United States or in any state within the United States not listed in subsection (e)(1) above; or

(5) Incidents arising from employment or self-employment as private investigator or private security personnel or any other activity for wages or profit; or

(6) Incidents with respect to the individual's family members or neighbors;


(7) Incidents occurring before the effective date of coverage; or

(8) Incidents occurring after the date of termination of coverage.

2. The effective date of this amendment is January 1, 2021.

This amendment was adopted by the Board of Trustees at a regular meeting, held remotely, via Zoom, on December 10, 2020.

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Chair

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Vice Chair