

A bill for an act

relating to public safety; amending statutes to reflect organizational changes in Bureau of Criminal Apprehension; amending Minnesota Statutes 2008, sections 13.87, subdivision 1; 84.027, subdivision 17; 122A.18, subdivision 8; 123B.03, subdivision 1; 246.13, subdivision 2; 253B.141, subdivision 1; 299C.115; 299C.40, subdivision 1; 299C.46, subdivision 1; 299C.52, subdivisions 1, 3, 4; 299C.53, subdivision 1; 299C.62, subdivision 1; 299C.65, subdivisions 1, 5; 299C.68, subdivision 2; 388.24, subdivision 4; 401.065, subdivision 3a; 480.23; 518.165, subdivision 5; 524.5-118, subdivision 2; 611.272; 628.69, subdivision 6; repealing Minnesota Statutes 2008, sections 299C.61, subdivision 8; 299C.67, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 13.87, subdivision 1, is amended to read:

Subdivision 1. **Criminal history data.** (a) **Definition.** For purposes of this subdivision, "criminal history data" means all data maintained in criminal history records compiled by the Bureau of Criminal Apprehension ~~and disseminated through the criminal justice information system,~~ including, but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data.

(b) **Classification.** Criminal history data maintained by agencies, political subdivisions and statewide systems are classified as private, pursuant to section 13.02, subdivision 12, except that data created, collected, or maintained by the Bureau of Criminal Apprehension that identify an individual who was convicted of a crime, the offense of which the individual was convicted, associated court disposition and sentence information, controlling agency, and confinement information are public data for 15 years following the discharge of the sentence imposed for the offense. If an individual's name or other identifying information is erroneously associated with a criminal history and a

2.1 determination is made through a fingerprint verification that the individual is not the
2.2 subject of the criminal history, the name or other identifying information must be redacted
2.3 from the public criminal history data. The name and other identifying information must be
2.4 retained in the criminal history and are classified as private data.

2.5 The Bureau of Criminal Apprehension shall provide to the public at the central office
2.6 of the bureau the ability to inspect in person, at no charge, through a computer monitor the
2.7 criminal conviction data classified as public under this subdivision.

2.8 (c) **Limitation.** Nothing in paragraph (a) or (b) shall limit public access to data
2.9 made public by section 13.82.

2.10 Sec. 2. Minnesota Statutes 2008, section 84.027, subdivision 17, is amended to read:

2.11 Subd. 17. **Background checks for volunteer instructors.** (a) The commissioner
2.12 may conduct background checks for volunteer instructor applicants for department safety
2.13 training and education programs, including the programs established under sections
2.14 84.791 (youth off-highway motorcycle safety education and training), 84.86 and 84.862
2.15 (youth and adult snowmobile safety training), 84.925 (youth all-terrain vehicle safety
2.16 education and training), 97B.015 (youth firearms safety training), and 97B.025 (hunter
2.17 and trapper education and training).

2.18 (b) The commissioner shall perform the background check by retrieving criminal
2.19 history data as defined in section 13.87 maintained in the criminal justice information
2.20 system (CJIS) by the Bureau of Criminal Apprehension in the Department of Public
2.21 Safety and other data sources.

2.22 (c) The commissioner shall develop a standardized form to be used for requesting a
2.23 background check, which must include:

2.24 (1) a notification to the applicant that the commissioner will conduct a background
2.25 check under this section;

2.26 (2) a notification to the applicant of the applicant's rights under paragraph (d); and

2.27 (3) a signed consent by the applicant to conduct the background check expiring one
2.28 year from the date of signature.

2.29 (d) The volunteer instructor applicant who is the subject of a background check
2.30 has the right to:

2.31 (1) be informed that the commissioner will request a background check on the
2.32 applicant;

2.33 (2) be informed by the commissioner of the results of the background check and
2.34 obtain a copy of the background check;

2.35 (3) obtain any record that forms the basis for the background check and report;

3.1 (4) challenge the accuracy and completeness of the information contained in the
3.2 report or a record; and

3.3 (5) be informed by the commissioner if the applicant is rejected because of the
3.4 result of the background check.

3.5 Sec. 3. Minnesota Statutes 2008, section 122A.18, subdivision 8, is amended to read:

3.6 Subd. 8. **Background checks.** (a) The Board of Teaching and the commissioner
3.7 of education must request a criminal history background check from the superintendent
3.8 of the Bureau of Criminal Apprehension on all applicants for initial licenses under their
3.9 jurisdiction. An application for a license under this section must be accompanied by:

3.10 (1) an executed criminal history consent form, including fingerprints; and

3.11 (2) a money order or cashier's check payable to the Bureau of Criminal Apprehension
3.12 for the fee for conducting the criminal history background check.

3.13 (b) The superintendent of the Bureau of Criminal Apprehension shall perform
3.14 the background check required under paragraph (a) by retrieving criminal history data
3.15 ~~maintained in the criminal justice information system computers~~ as defined in section
3.16 13.87 and shall also conduct a search of the national criminal records repository, ~~including~~
3.17 ~~the criminal justice data communications network~~. The superintendent is authorized to
3.18 exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal
3.19 history check. The superintendent shall recover the cost to the bureau of a background
3.20 check through the fee charged to the applicant under paragraph (a).

3.21 (c) The Board of Teaching or the commissioner of education may issue a license
3.22 pending completion of a background check under this subdivision, but must notify
3.23 the individual that the individual's license may be revoked based on the result of the
3.24 background check.

3.25 Sec. 4. Minnesota Statutes 2008, section 123B.03, subdivision 1, is amended to read:

3.26 Subdivision 1. **Background check required.** (a) A school hiring authority shall
3.27 request a criminal history background check from the superintendent of the Bureau of
3.28 Criminal Apprehension on all individuals who are offered employment in a school and
3.29 on all individuals, except enrolled student volunteers, who are offered the opportunity to
3.30 provide athletic coaching services or other extracurricular academic coaching services to a
3.31 school, regardless of whether any compensation is paid. In order for an individual to be
3.32 eligible for employment or to provide the services, the individual must provide an executed
3.33 criminal history consent form and a money order or check payable to either the Bureau of
3.34 Criminal Apprehension or the school hiring authority, at the discretion of the school hiring

4.1 authority, in an amount equal to the actual cost to the Bureau of Criminal Apprehension
4.2 and the school district of conducting the criminal history background check. A school
4.3 hiring authority deciding to receive payment may, at its discretion, accept payment in the
4.4 form of a negotiable instrument other than a money order or check and shall pay the
4.5 superintendent of the Bureau of Criminal Apprehension directly to conduct the background
4.6 check. The superintendent of the Bureau of Criminal Apprehension shall conduct the
4.7 background check by retrieving criminal history data ~~maintained in the criminal justice~~
4.8 ~~information system computers~~ as defined in section 13.87. A school hiring authority,
4.9 at its discretion, may decide not to request a criminal history background check on an
4.10 individual who holds an initial entrance license issued by the State Board of Teaching or
4.11 the commissioner of education within the 12 months preceding an offer of employment.

4.12 (b) A school hiring authority may use the results of a criminal background check
4.13 conducted at the request of another school hiring authority if:

4.14 (1) the results of the criminal background check are on file with the other school
4.15 hiring authority or otherwise accessible;

4.16 (2) the other school hiring authority conducted a criminal background check within
4.17 the previous 12 months;

4.18 (3) the individual who is the subject of the criminal background check executes a
4.19 written consent form giving a school hiring authority access to the results of the check; and

4.20 (4) there is no reason to believe that the individual has committed an act subsequent
4.21 to the check that would disqualify the individual for employment.

4.22 (c) A school hiring authority may, at its discretion, request a criminal history
4.23 background check from the superintendent of the Bureau of Criminal Apprehension on
4.24 any individual who seeks to enter a school or its grounds for the purpose of serving as a
4.25 school volunteer or working as an independent contractor or student employee. In order
4.26 for an individual to enter a school or its grounds under this paragraph when the school
4.27 hiring authority decides to request a criminal history background check on the individual,
4.28 the individual first must provide an executed criminal history consent form and a money
4.29 order, check, or other negotiable instrument payable to the school district in an amount
4.30 equal to the actual cost to the Bureau of Criminal Apprehension and the school district
4.31 of conducting the criminal history background check. Notwithstanding section 299C.62,
4.32 subdivision 1, the cost of the criminal history background check under this paragraph is
4.33 the responsibility of the individual.

4.34 (d) For all nonstate residents who are offered employment in a school, a school
4.35 hiring authority shall request a criminal history background check on such individuals
4.36 from the superintendent of the Bureau of Criminal Apprehension and from the government

5.1 agency performing the same function in the resident state or, if no government entity
5.2 performs the same function in the resident state, from the Federal Bureau of Investigation.
5.3 Such individuals must provide an executed criminal history consent form and a money
5.4 order, check, or other negotiable instrument payable to the school hiring authority in an
5.5 amount equal to the actual cost to the government agencies and the school district of
5.6 conducting the criminal history background check. Notwithstanding section 299C.62,
5.7 subdivision 1, the cost of the criminal history background check under this paragraph is
5.8 the responsibility of the individual.

5.9 (e) At the beginning of each school year or when a student enrolls, a school hiring
5.10 authority must notify parents and guardians about the school hiring authority's policy
5.11 requiring a criminal history background check on employees and other individuals who
5.12 provide services to the school, and identify those positions subject to a background check
5.13 and the extent of the hiring authority's discretion in requiring a background check. The
5.14 school hiring authority may include the notice in the student handbook, a school policy
5.15 guide, or other similar communication. Nothing in this paragraph affects a school hiring
5.16 authority's ability to request a criminal history background check on an individual under
5.17 paragraph (c).

5.18 Sec. 5. Minnesota Statutes 2008, section 246.13, subdivision 2, is amended to read:

5.19 Subd. 2. **Definitions; risk assessment and management.** (a) As used in this
5.20 section:

5.21 (1) "appropriate and necessary medical and other records" includes patient medical
5.22 records and other protected health information as defined by Code of Federal Regulations,
5.23 title 45, section 164.501, relating to a patient in a state-operated services facility including,
5.24 but not limited to, the patient's treatment plan and abuse prevention plan that is pertinent
5.25 to the patient's ongoing care, treatment, or placement in a community-based treatment
5.26 facility or a health care facility that is not operated by state-operated services, and
5.27 includes information describing the level of risk posed by a patient when the patient
5.28 enters the facility;

5.29 (2) "community-based treatment" means the community support services listed in
5.30 section 253B.02, subdivision 4b;

5.31 (3) "criminal history data" means those data maintained or used by the Departments
5.32 of Corrections and Public Safety and by the supervisory authorities listed in section
5.33 13.84, subdivision 1, that relate to an individual's criminal history or propensity for
5.34 violence, including data in the Corrections Offender Management System (COMS) and
5.35 Statewide Supervision System (S3) maintained by the Department of Corrections; ~~the~~

6.1 ~~Criminal Justice Information System (CJIS)~~ criminal history data as defined in section
6.2 13.87, Integrated Search Service as defined in section 13.873 and the Predatory Offender
6.3 Registration (POR) system maintained by the Department of Public Safety; ~~and the~~
6.4 ~~CrimNet system;~~

6.5 (4) "designated agency" means the agency defined in section 253B.02, subdivision 5;

6.6 (5) "law enforcement agency" means the law enforcement agency having primary
6.7 jurisdiction over the location where the offender expects to reside upon release;

6.8 (6) "predatory offender" and "offender" mean a person who is required to register as
6.9 a predatory offender under section 243.166; and

6.10 (7) "treatment facility" means a facility as defined in section 253B.02, subdivision 19.

6.11 (b) To promote public safety and for the purposes and subject to the requirements of
6.12 this paragraph, the commissioner or the commissioner's designee shall have access to, and
6.13 may review and disclose, medical and criminal history data as provided by this section, as
6.14 necessary to comply with Minnesota Rules, part 1205.0400:

6.15 (1) to determine whether a patient is required under state law to register as a
6.16 predatory offender according to section 243.166;

6.17 (2) to facilitate and expedite the responsibilities of the special review board and
6.18 end-of-confinement review committees by corrections institutions and state treatment
6.19 facilities;

6.20 (3) to prepare, amend, or revise the abuse prevention plans required under section
6.21 626.557, subdivision 14, and individual patient treatment plans required under section
6.22 253B.03, subdivision 7;

6.23 (4) to facilitate the custody, supervision, and transport of individuals transferred
6.24 between the Department of Corrections and the Department of Human Services; or

6.25 (5) to effectively monitor and supervise individuals who are under the authority of
6.26 the Department of Corrections, the Department of Human Services, and the supervisory
6.27 authorities listed in section 13.84, subdivision 1.

6.28 (c) The state-operated services treatment facility must make a good faith effort
6.29 to obtain written authorization from the patient before releasing information from the
6.30 patient's medical record.

6.31 (d) If the patient refuses or is unable to give informed consent to authorize the
6.32 release of information required above, the chief executive officer for state-operated
6.33 services shall provide the appropriate and necessary medical and other records. The chief
6.34 executive officer shall comply with the minimum necessary requirements.

7.1 (e) The commissioner may have access to the National Crime Information Center
7.2 (NCIC) database, through the Department of Public Safety, in support of the law
7.3 enforcement functions described in paragraph (b).

7.4 Sec. 6. Minnesota Statutes 2008, section 253B.141, subdivision 1, is amended to read:

7.5 Subdivision 1. **Report of absence.** (a) If a patient committed under this chapter or
7.6 detained under a judicial hold is absent without authorization, and either: (1) does not
7.7 return voluntarily within 72 hours of the time the unauthorized absence began; or (2) is
7.8 considered by the head of the treatment facility to be a danger to self or others, then the
7.9 head of the treatment facility shall report the absence to the local law enforcement agency.
7.10 The head of the treatment facility shall also notify the committing court that the patient is
7.11 absent and that the absence has been reported to the local law enforcement agency. The
7.12 committing court may issue an order directing the law enforcement agency to transport the
7.13 patient to an appropriate facility.

7.14 (b) Upon receiving a report that a patient subject to this section is absent without
7.15 authorization, the local law enforcement agency shall enter information on the patient
7.16 ~~through the criminal justice information system~~ into the missing persons file of the
7.17 National Crime Information Center computer according to the missing persons practices.

7.18 Sec. 7. Minnesota Statutes 2008, section 299C.115, is amended to read:

7.19 **299C.115 WARRANT INFORMATION PROVIDED TO STATE.**

7.20 (a) By January 1, 1996, every county shall, in the manner provided in either clause
7.21 (1) or (2), make warrant information available to other users of the ~~Minnesota criminal~~
7.22 ~~justice information system~~ criminal justice data communications network as defined
7.23 in section 299C.46:

7.24 (1) the county shall enter the warrant information in the warrant file ~~of the Minnesota~~
7.25 ~~criminal justice information system~~ maintained by the Bureau of Criminal Apprehension
7.26 in the Department of Public Safety; or

7.27 (2) the county, at no charge to the state, shall make the warrant information that
7.28 is maintained in the county's computer accessible by means of a single query ~~to the~~
7.29 ~~Minnesota criminal justice information system~~ made through the Bureau of Criminal
7.30 Apprehension in the Department of Public Safety.

7.31 (b) As used in this section, "warrant information" means information on all
7.32 outstanding felony, gross misdemeanor, and misdemeanor warrants for adults and
7.33 juveniles that are issued within the county.

8.1 Sec. 8. Minnesota Statutes 2008, section 299C.40, subdivision 1, is amended to read:

8.2 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this
8.3 section.

8.4 (b) "CIBRS" means the Comprehensive Incident-Based Reporting System, located
8.5 in the Department of Public Safety and managed by the Bureau of Criminal Apprehension;
8.6 ~~Criminal Justice Information Systems Section~~. A reference in this section to "CIBRS"
8.7 includes the Bureau of Criminal Apprehension.

8.8 (c) "Law enforcement agency" means a Minnesota municipal police department,
8.9 the Metropolitan Transit Police, the Metropolitan Airports Police, the University of
8.10 Minnesota Police Department, the Department of Corrections Fugitive Apprehension
8.11 Unit, a Minnesota county sheriff's department, the Bureau of Criminal Apprehension, or
8.12 the Minnesota State Patrol.

8.13 Sec. 9. Minnesota Statutes 2008, section 299C.46, subdivision 1, is amended to read:

8.14 Subdivision 1. **Establishment; interconnection.** The commissioner of public
8.15 safety shall establish a criminal justice data communications network which will enable
8.16 the interconnection of the criminal justice agencies within the state ~~into a unified criminal~~
8.17 ~~justice information system~~. The commissioner of public safety is authorized to lease
8.18 or purchase facilities and equipment as may be necessary to establish and maintain the
8.19 data communications network.

8.20 Sec. 10. Minnesota Statutes 2008, section 299C.52, subdivision 1, is amended to read:

8.21 Subdivision 1. **Definitions.** As used in sections 299C.52 to 299C.56, the following
8.22 terms have the meanings given them:

8.23 (a) "Child" means any person under the age of 18 years or any person certified or
8.24 known to be mentally incompetent.

8.25 ~~(b) "CJIS" means Minnesota criminal justice information system.~~

8.26 ~~(c)~~ (b) "Missing" means the status of a child after a law enforcement agency that
8.27 has received a report of a missing child has conducted a preliminary investigation and
8.28 determined that the child cannot be located.

8.29 ~~(d)~~ (c) "NCIC" means National Crime Information Center.

8.30 ~~(e)~~ (d) "Endangered" means that a law enforcement official has received sufficient
8.31 evidence that the child is with a person who presents a threat of immediate physical injury
8.32 to the child or physical or sexual abuse of the child.

8.33 Sec. 11. Minnesota Statutes 2008, section 299C.52, subdivision 3, is amended to read:

9.1 Subd. 3. **Computer equipment and programs.** The commissioner shall provide
9.2 the necessary computer hardware and computer programs to enter, modify, and cancel
9.3 information on missing children in the NCIC computer ~~through the CJS~~. These programs
9.4 must provide for search and retrieval of information using the following identifiers:
9.5 physical description, name and date of birth, name and Social Security number, name
9.6 and driver's license number, vehicle license number, and vehicle identification number.
9.7 The commissioner shall also provide a system for regional, statewide, multistate, and
9.8 nationwide broadcasts of information on missing children. These broadcasts shall be
9.9 made by local law enforcement agencies where possible or, in the case of statewide or
9.10 nationwide broadcasts, by the Bureau of Criminal Apprehension upon request of the local
9.11 law enforcement agency.

9.12 Sec. 12. Minnesota Statutes 2008, section 299C.52, subdivision 4, is amended to read:

9.13 Subd. 4. **Authority to enter or retrieve information.** Only law enforcement
9.14 agencies may enter missing child information ~~through the CJS~~ into the NCIC computer or
9.15 retrieve information ~~through the CJS~~ from the NCIC computer.

9.16 Sec. 13. Minnesota Statutes 2008, section 299C.53, subdivision 1, is amended to read:

9.17 Subdivision 1. **Investigation and entry of information.** Upon receiving a report
9.18 of a child believed to be missing, a law enforcement agency shall conduct a preliminary
9.19 investigation to determine whether the child is missing. If the child is initially determined
9.20 to be missing and endangered, the agency shall immediately consult the Bureau of
9.21 Criminal Apprehension during the preliminary investigation, in recognition of the fact
9.22 that the first two hours are critical. If the child is determined to be missing, the agency
9.23 shall immediately enter identifying and descriptive information about the child ~~through~~
9.24 ~~the CJS~~ into the NCIC computer. Law enforcement agencies having direct access to ~~the~~
9.25 ~~CJS~~ and the NCIC computer shall enter and retrieve the data directly and shall cooperate
9.26 in the entry and retrieval of data on behalf of law enforcement agencies which do not
9.27 have direct access to the systems.

9.28 Sec. 14. Minnesota Statutes 2008, section 299C.62, subdivision 1, is amended to read:

9.29 Subdivision 1. **Generally.** The superintendent shall develop procedures to enable a
9.30 children's service provider to request a background check to determine whether a children's
9.31 service worker is the subject of any reported conviction for a background check crime.
9.32 The superintendent shall perform the background check by retrieving and reviewing data
9.33 on background check crimes ~~maintained in the CJS computers~~. The superintendent is

10.1 authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes
10.2 of a criminal history check. The superintendent shall recover the cost of a background
10.3 check through a fee charged the children's service provider.

10.4 Sec. 15. Minnesota Statutes 2008, section 299C.65, subdivision 1, is amended to read:

10.5 Subdivision 1. **Membership, duties.** (a) The Criminal and Juvenile Justice
10.6 Information Policy Group consists of the commissioner of corrections, the commissioner
10.7 of public safety, the state chief information officer, the commissioner of finance, four
10.8 members of the judicial branch appointed by the chief justice of the Supreme Court,
10.9 and the chair and first vice-chair of the Criminal and Juvenile Justice Information Task
10.10 Force. The policy group may appoint additional, nonvoting members as necessary from
10.11 time to time.

10.12 (b) The commissioner of public safety is designated as the chair of the policy group.
10.13 The commissioner and the policy group have overall responsibility for the ~~successful~~
10.14 ~~completion~~ integration of statewide criminal justice information ~~system integration~~
10.15 ~~(CriMNet)~~ systems. This integration effort shall be known as CriMNet. The policy group
10.16 may hire an executive director to manage the CriMNet projects and to be responsible for
10.17 the day-to-day operations of CriMNet. The executive director shall serve at the pleasure
10.18 of the policy group in unclassified service. The policy group must ensure that generally
10.19 accepted project management techniques are utilized for each CriMNet project, including:

- 10.20 (1) clear sponsorship;
10.21 (2) scope management;
10.22 (3) project planning, control, and execution;
10.23 (4) continuous risk assessment and mitigation;
10.24 (5) cost management;
10.25 (6) quality management reviews;
10.26 (7) communications management;
10.27 (8) proven methodology; and
10.28 (9) education and training.

10.29 (c) Products and services for CriMNet project management, system design,
10.30 implementation, and application hosting must be acquired using an appropriate
10.31 procurement process, which includes:

- 10.32 (1) a determination of required products and services;
10.33 (2) a request for proposal development and identification of potential sources;
10.34 (3) competitive bid solicitation, evaluation, and selection; and
10.35 (4) contract administration and close-out.

11.1 (d) The policy group shall study and make recommendations to the governor, the
11.2 Supreme Court, and the legislature on:

11.3 (1) a framework for integrated criminal justice information systems, including the
11.4 development and maintenance of a community data model for state, county, and local
11.5 criminal justice information;

11.6 (2) the responsibilities of each entity within the criminal and juvenile justice systems
11.7 concerning the collection, maintenance, dissemination, and sharing of criminal justice
11.8 information with one another;

11.9 (3) actions necessary to ensure that information maintained in the criminal justice
11.10 information systems is accurate and up-to-date;

11.11 (4) the development of an information system containing criminal justice
11.12 information on gross misdemeanor-level and felony-level juvenile offenders that is part of
11.13 the integrated criminal justice information system framework;

11.14 (5) the development of an information system containing criminal justice
11.15 information on misdemeanor arrests, prosecutions, and convictions that is part of the
11.16 integrated criminal justice information system framework;

11.17 (6) comprehensive training programs and requirements for all individuals in criminal
11.18 justice agencies to ensure the quality and accuracy of information in those systems;

11.19 (7) continuing education requirements for individuals in criminal justice agencies
11.20 who are responsible for the collection, maintenance, dissemination, and sharing of
11.21 criminal justice data;

11.22 (8) a periodic audit process to ensure the quality and accuracy of information
11.23 contained in the criminal justice information systems;

11.24 (9) the equipment, training, and funding needs of the state and local agencies that
11.25 participate in the criminal justice information systems;

11.26 (10) the impact of integrated criminal justice information systems on individual
11.27 privacy rights;

11.28 (11) the impact of proposed legislation on the criminal justice system, including any
11.29 fiscal impact, need for training, changes in information systems, and changes in processes;

11.30 (12) the collection of data on race and ethnicity in criminal justice information
11.31 systems;

11.32 (13) the development of a tracking system for domestic abuse orders for protection;

11.33 (14) processes for expungement, correction of inaccurate records, destruction of
11.34 records, and other matters relating to the privacy interests of individuals; and

11.35 (15) the development of a database for extended jurisdiction juvenile records and
11.36 whether the records should be public or private and how long they should be retained.

12.1 Sec. 16. Minnesota Statutes 2008, section 299C.65, subdivision 5, is amended to read:

12.2 Subd. 5. **Review of funding and grant requests.** (a) The Criminal and Juvenile
12.3 Justice Information Policy Group shall review the funding requests for criminal justice
12.4 information systems from state, county, and municipal government agencies. The
12.5 policy group shall review the requests for compatibility to statewide criminal justice
12.6 information system standards. The review shall be forwarded to the chairs and ranking
12.7 minority members of the house of representatives and senate committees and divisions
12.8 with jurisdiction over criminal justice funding and policy.

12.9 (b) The ~~CrimNet program office~~ executive director, in consultation with the
12.10 Criminal and Juvenile Justice Information Task Force and with the approval of the policy
12.11 group, shall create the requirements for any grant request and determine the integration
12.12 priorities for the grant period. The ~~CrimNet program office~~ executive director shall also
12.13 review the requests submitted for compatibility to statewide criminal justice information
12.14 systems standards.

12.15 (c) The task force shall review funding requests for criminal justice information
12.16 systems grants and make recommendations to the policy group. The policy group shall
12.17 review the recommendations of the task force and shall make a final recommendation
12.18 for criminal justice information systems grants to be made by the commissioner of
12.19 public safety. Within the limits of available state appropriations and federal grants, the
12.20 commissioner of public safety shall make grants for projects that have been recommended
12.21 by the policy group.

12.22 (d) The policy group may approve grants only if the applicant provides an
12.23 appropriate share of matching funds as determined by the policy group to help pay up to
12.24 one-half of the costs of the grant request. The matching requirement must be constant for
12.25 all applicants within each grant offering. The policy group shall adopt policies concerning
12.26 the use of in-kind resources to satisfy the match requirement and the sources from which
12.27 matching funds may be obtained. Local operational or technology staffing costs may be
12.28 considered as meeting this match requirement. Each grant recipient shall certify to the
12.29 policy group that it has not reduced funds from local, county, federal, or other sources
12.30 which, in the absence of the grant, would have been made available to the grant recipient
12.31 to improve or integrate criminal justice technology.

12.32 (e) All grant recipients shall submit to the ~~CrimNet program office~~ executive
12.33 director all requested documentation including grant status, financial reports, and a final
12.34 report evaluating how the grant funds improved the agency's criminal justice integration
12.35 priorities. The ~~CrimNet program office~~ executive director shall establish the recipient's
12.36 reporting dates at the time funds are awarded.

13.1 Sec. 17. Minnesota Statutes 2008, section 299C.68, subdivision 2, is amended to read:

13.2 Subd. 2. **Procedures.** The superintendent shall develop procedures to enable an
13.3 owner to request a background check to determine whether a manager is the subject of
13.4 a reported conviction for a background check crime. The superintendent shall perform
13.5 the background check by retrieving and reviewing data on background check crimes
13.6 ~~maintained in the CJS computers~~. The superintendent shall notify the owner in writing
13.7 of the results of the background check. If the manager has resided in Minnesota for
13.8 less than ten years or upon request of the owner, the superintendent shall also either:
13.9 (1) conduct a search of the national criminal records repository, including the criminal
13.10 justice data communications network; or (2) conduct a search of the criminal justice data
13.11 communications network records in the state or states where the manager has resided
13.12 for the preceding ten years. The superintendent is authorized to exchange fingerprints
13.13 with the Federal Bureau of Investigation for purposes of the criminal history check.
13.14 The superintendent shall recover the cost of a background check through a fee charged
13.15 to the owner.

13.16 Sec. 18. Minnesota Statutes 2008, section 388.24, subdivision 4, is amended to read:

13.17 Subd. 4. **Reporting of data to ~~criminal justice information system (CJS)~~**
13.18 **Bureau of Criminal Apprehension**. Effective August 1, 1997, every county attorney who
13.19 establishes a diversion program under this section shall report the following information
13.20 to the Bureau of Criminal Apprehension:

13.21 (1) the name and date of birth of each diversion program participant and any other
13.22 identifying information the superintendent considers necessary;

13.23 (2) the date on which the individual began to participate in the diversion program;

13.24 (3) the date on which the individual is expected to complete the diversion program;

13.25 (4) the date on which the individual successfully completed the diversion program,

13.26 where applicable; and

13.27 (5) the date on which the individual was removed from the diversion program for
13.28 failure to successfully complete the individual's goals, where applicable.

13.29 The superintendent shall cause the information described in this subdivision to be
13.30 entered into and maintained in the criminal history file ~~of the Minnesota Criminal Justice~~
13.31 ~~Information System~~ as defined in section 13.87.

13.32 Sec. 19. Minnesota Statutes 2008, section 401.065, subdivision 3a, is amended to read:

13.33 Subd. 3a. **Reporting of data to ~~criminal justice information system (CJS)~~**
13.34 **Bureau of Criminal Apprehension**. (a) Every county attorney who establishes a

14.1 diversion program under this section shall report the following information to the Bureau
14.2 of Criminal Apprehension:

14.3 (1) the name and date of birth of each diversion program participant and any other
14.4 identifying information the superintendent considers necessary;

14.5 (2) the date on which the individual began to participate in the diversion program;

14.6 (3) the date on which the individual is expected to complete the diversion program;

14.7 (4) the date on which the individual successfully completed the diversion program,
14.8 where applicable; and

14.9 (5) the date on which the individual was removed from the diversion program for
14.10 failure to successfully complete the individual's goals, where applicable.

14.11 The superintendent shall cause the information described in this subdivision to be
14.12 entered into and maintained in the criminal history file ~~of the Minnesota criminal justice~~
14.13 ~~information system~~ as defined in section 13.87.

14.14 (b) Effective August 1, 1997, the reporting requirements of this subdivision shall
14.15 apply to misdemeanor offenses.

14.16 Sec. 20. Minnesota Statutes 2008, section 480.23, is amended to read:

14.17 **480.23 COMPUTER ACQUISITION BY COURTS.**

14.18 In order to facilitate the effective management and coordination of the Minnesota
14.19 courts system, an appropriate official of any court or of a local governmental unit in
14.20 providing services to any court, if authorized by the state court administrator and with the
14.21 concurrence of the contracting vendor, may acquire electronic data processing equipment
14.22 or services through an existing contract originated by the Supreme Court. The state court
14.23 administrator shall grant this authority only pursuant to the implementation of justice
14.24 information systems compatible with systems ~~participating on the Minnesota Criminal~~
14.25 ~~Justice Information Systems Communications Network~~ administered by the Bureau of
14.26 Criminal Apprehension in the Department of Public Safety.

14.27 Sec. 21. Minnesota Statutes 2008, section 518.165, subdivision 5, is amended to read:

14.28 Subd. 5. **Procedure, criminal history, and maltreatment records background**
14.29 **study.** (a) When the court requests a background study under subdivision 4, paragraph
14.30 (a), the request shall be submitted to the Department of Human Services through the
14.31 department's electronic online background study system.

14.32 (b) When the court requests a search of the National Criminal Records Repository,
14.33 the court must provide a set of classifiable fingerprints of the subject of the study on a
14.34 fingerprint card provided by the commissioner of human services.

15.1 (c) The commissioner of human services shall provide the court with ~~information~~
15.2 criminal history data as defined in section 13.87 from the Bureau of Criminal
15.3 ~~Apprehension's Criminal Justice Information System~~ Apprehension in the Department of
15.4 Public Safety, other criminal history data held by the commissioner of human services,
15.5 and data regarding substantiated maltreatment of a minor under section 626.556, and
15.6 substantiated maltreatment of a vulnerable adult under section 626.557, within 15
15.7 working days of receipt of a request. If the subject of the study has been determined by
15.8 the Department of Human Services or the Department of Health to be the perpetrator
15.9 of substantiated maltreatment of a minor or vulnerable adult in a licensed facility, the
15.10 response must include a copy of the public portion of the investigation memorandum
15.11 under section 626.556, subdivision 10f, or the public portion of the investigation
15.12 memorandum under section 626.557, subdivision 12b. When the background study shows
15.13 that the subject has been determined by a county adult protection or child protection
15.14 agency to have been responsible for maltreatment, the court shall be informed of the
15.15 county, the date of the finding, and the nature of the maltreatment that was substantiated.
15.16 The commissioner shall provide the court with information from the National Criminal
15.17 Records Repository within three working days of the commissioner's receipt of the data.
15.18 When the commissioner finds no criminal history or substantiated maltreatment on a
15.19 background study subject, the commissioner shall make these results available to the court
15.20 electronically through the secure online background study system.

15.21 (d) Notwithstanding section 626.556, subdivision 10f, or 626.557, subdivision
15.22 12b, if the commissioner or county lead agency has information that a person on whom
15.23 a background study was previously done under this section has been determined to be a
15.24 perpetrator of maltreatment of a minor or vulnerable adult, the commissioner or the county
15.25 may provide this information to the court that requested the background study.

15.26 Sec. 22. Minnesota Statutes 2008, section 524.5-118, subdivision 2, is amended to read:

15.27 **Subd. 2. Procedure; criminal history and maltreatment records background**
15.28 **check.** (a) The court shall request the commissioner of human services to complete a
15.29 background study under section 245C.32. The request must be accompanied by the
15.30 applicable fee and the signed consent of the subject of the study authorizing the release of
15.31 the data obtained to the court. If the court is requesting a search of the National Criminal
15.32 Records Repository, the request must be accompanied by a set of classifiable fingerprints
15.33 of the subject of the study. The fingerprints must be recorded on a fingerprint card
15.34 provided by the commissioner of human services.

16.1 (b) The commissioner of human services shall provide the court with ~~information~~
16.2 criminal history data as defined in section 13.87 from the Bureau of Criminal
16.3 ~~Apprehension's criminal justice information system~~ Apprehension in the Department of
16.4 Public Safety, other criminal history data held by the commissioner of human services,
16.5 and data regarding substantiated maltreatment of vulnerable adults under section 626.557
16.6 and substantiated maltreatment of minors under section 626.556 within 15 working days
16.7 of receipt of a request. If the subject of the study has been the perpetrator of substantiated
16.8 maltreatment of a vulnerable adult or minor, the response must include a copy of the
16.9 public portion of the investigation memorandum under section 626.557, subdivision
16.10 12b, or the public portion of the investigation memorandum under section 626.556,
16.11 subdivision 10f. If the court did not request a search of the National Criminal Records
16.12 Repository and information from the Bureau of Criminal Apprehension indicates that the
16.13 subject is a multistate offender or that multistate offender status is undetermined, the
16.14 response must include this information. The commissioner shall provide the court with
16.15 information from the National Criminal Records Repository within three working days
16.16 of the commissioner's receipt of the data.

16.17 (c) Notwithstanding section 626.557, subdivision 12b, or 626.556, subdivision 10f, if
16.18 the commissioner of human services or a county lead agency has information that a person
16.19 on whom a background study was previously done under this section has been determined
16.20 to be a perpetrator of maltreatment of a vulnerable adult or minor, the commissioner or the
16.21 county may provide this information to the court that requested the background study. The
16.22 commissioner may also provide the court with additional criminal history or substantiated
16.23 maltreatment information that becomes available after the background study is done.

16.24 Sec. 23. Minnesota Statutes 2008, section 611.272, is amended to read:

16.25 **611.272 ACCESS TO GOVERNMENT DATA.**

16.26 The district public defender, the state public defender, or an attorney working for
16.27 a public defense corporation under section 611.216 has access to the criminal justice
16.28 data communications network described in section 299C.46, as provided in this section.
16.29 Access to data under this section is limited to data necessary to prepare criminal cases in
16.30 which the public defender has been appointed as follows:

16.31 (1) access to data about witnesses in a criminal case shall be limited to records of
16.32 criminal convictions; and

16.33 (2) access to data regarding the public defender's own client which includes, but
16.34 is not limited to, criminal history data under section 13.87; juvenile offender data under
16.35 section 299C.095; warrant information data under section 299C.115; incarceration data

17.1 under section 299C.14; conditional release data under section 241.065; and diversion
17.2 program data under section 299C.46, subdivision 5.

17.3 The public defender has access to data under this section, whether accessed via ~~CrimNet~~
17.4 the integrated search service as defined in section 13.873 or other methods. The public
17.5 defender does not have access to law enforcement active investigative data under section
17.6 13.82, subdivision 7; data protected under section 13.82, subdivision 17; confidential
17.7 arrest warrant indices data under section 13.82, subdivision 19; or data systems maintained
17.8 by a prosecuting attorney. The public defender has access to the data at no charge, except
17.9 for the monthly network access charge under section 299C.46, subdivision 3, paragraph
17.10 (b), and a reasonable installation charge for a terminal. Notwithstanding section 13.87,
17.11 subdivision 3; 299C.46, subdivision 3, paragraph (b); 299C.48, or any other law to the
17.12 contrary, there shall be no charge to public defenders for Internet access to the criminal
17.13 justice data communications network.

17.14 Sec. 24. Minnesota Statutes 2008, section 628.69, subdivision 6, is amended to read:

17.15 Subd. 6. **Reporting of data to ~~criminal justice information system (CJIS)~~**

17.16 **Bureau of Criminal Apprehension.** Every county attorney who has established a pretrial
17.17 diversion program under this section shall report the following information to the Bureau
17.18 of Criminal Apprehension:

17.19 (1) the name and date of birth of each diversion program participant, and any other
17.20 identifying information the superintendent considers necessary;

17.21 (2) the date on which the individual began to participate in the diversion program;

17.22 (3) the date on which the individual is expected to complete the diversion program;

17.23 (4) the date on which the individual successfully completed the diversion program,
17.24 where applicable; and

17.25 (5) the date on which the individual was removed from the diversion program for
17.26 failure to successfully complete the individual's goals, where applicable.

17.27 The superintendent shall cause the information described in this subdivision to be
17.28 entered into and maintained in the criminal history file ~~of the Minnesota Criminal Justice~~
17.29 ~~Information System~~ as defined in section 13.87.

17.30 Sec. 25. **REPEALER.**

17.31 Minnesota Statutes 2008, sections 299C.61, subdivision 8; and 299C.67, subdivision
17.32 3, are repealed.