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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **5305**

04/08/2024

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

- 1.1 A bill for an act
- 1.2 relating to judiciary; designating certain personal information of justices, judges,
- 1.3 and judicial staff as private data on individuals; restricting dissemination of personal
- 1.4 information; providing a penalty; proposing coding for new law in Minnesota
- 1.5 Statutes, chapters 13; 480; 609.
- 1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.7 Section 1. **[13.991] JUDICIAL OFFICIAL DATA; PERSONAL INFORMATION.**
- 1.8 (a) Subject to paragraph (b), the personal information of all judicial officials collected,
- 1.9 created, or maintained by a government entity is private data on individuals. For purposes
- 1.10 of this section, the terms "personal information" and "judicial official" have the meanings
- 1.11 given in section 480.40, subdivision 1.
- 1.12 (b) If the responsible authority or government entity violates this chapter, the individual
- 1.13 remedies in section 13.08 are available only if the judicial official making a claim previously
- 1.14 provided written notification to the responsible authority or government entity confirming
- 1.15 their status as a judicial official on a form provided by the Minnesota judicial branch.
- 1.16 **EFFECTIVE DATE.** This section is effective August 1, 2024.
- 1.17 Sec. 2. **[480.40] PERSONAL INFORMATION; DISSEMINATION.**
- 1.18 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
- 1.19 the meanings given.
- 1.20 (b) "Judicial official" means:

(1) every Minnesota district court judge, senior judge, retired judge, and every judge of the Minnesota Court of Appeals and every active, senior, recalled, or retired federal judge who resides in Minnesota;

(2) a justice of the Minnesota Supreme Court; and

(3) employees of the Minnesota judicial branch.

(c) "Personal information" means:

(1) the residential address of a judicial official;

(2) the residential address of the spouse, domestic partner, or children of a judicial official;

(3) a nonjudicial branch issued telephone number or email address of a judicial official;

(4) the name of any child of a judicial official; and

(5) the name of any child care facility or school that is attended by a child of a judicial official if combined with an assertion that the named facility or school is attended by the child of a judicial official.

Subd. 2. **Dissemination of personal information.** Subject to the exceptions in subdivision 3, no person, business, association, or government entity shall publicly post, display, publish, sell, or otherwise make available on the Internet the personal information of any judicial official. Personal information shall be kept in a secure manner to prevent unauthorized access. Personal information may be disseminated pursuant to a specific authorization in law, rule, or with the written consent of the judicial official.

Subd. 3. **Exceptions.** Subdivision 2 does not apply to:

(1) the dissemination of personal information if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(2) personal information that the judicial official voluntarily disseminates publicly after the date of enactment of this section; and

(3) the dissemination of personal information made at the request of the judicial official or which is necessary to effectuate the request of a judicial official.

EFFECTIVE DATE. This section is effective August 1, 2024.

3.1 Sec. 3. **[480.45] REMOVAL OF PERSONAL INFORMATION.**

3.2 Subdivision 1. **Internet dissemination.** If personal information about a judicial official
3.3 is posted to the Internet by a person, business, association, or government entity, the judicial
3.4 official may submit a sworn affidavit to the person, business, association, or government
3.5 entity requesting that the personal information be removed. The affidavit shall:

3.6 (1) state that the individual whose information was disseminated is a judicial official as
3.7 defined in section 480.40;

3.8 (2) describe with specificity the personal information that the judicial official seeks to
3.9 remove; and

3.10 (3) state the name of the publication, website, or otherwise identify where the judicial
3.11 official's personal information is available to the public.

3.12 Subd. 2. **Removal of personal information.** Upon receipt of an affidavit requesting
3.13 removal of the personal information of a judicial official, the person, business, association,
3.14 or government entity shall not disclose the personal information to anyone not specifically
3.15 authorized by law to view the information, unless disclosure is specifically authorized in
3.16 writing by the judicial official. If the person, business, association, or government entity
3.17 fails to remove the personal information within 30 days after an affidavit is submitted, the
3.18 judicial official may seek a court order compelling compliance, including injunctive relief.

3.19 **EFFECTIVE DATE.** This section is effective August 1, 2024.

3.20 Sec. 4. **[609.476] PUBLISHING PERSONAL INFORMATION OF JUDICIAL**
3.21 **OFFICIAL.**

3.22 Subdivision 1. **Definitions.** For the purposes of this section, the terms "personal
3.23 information" and "judicial official" have the meanings given in section 480.40, subdivision
3.24 1.

3.25 Subd. 2. **Misdemeanor.** It is unlawful to knowingly publish the personal information
3.26 of any judicial official in any publicly available publication, website, or media with the
3.27 intent to threaten, intimidate, harass, or physically injure. A person convicted of violating
3.28 this subdivision is guilty of a misdemeanor.

3.29 Subd. 3. **Felony.** If a person's violation of subdivision 2 also causes bodily harm as
3.30 defined in section 609.02, subdivision 7, the person is guilty of a felony.

3.31 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
3.32 committed on or after that date.