

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 654

- 02/05/2015 Authored by Zerwas, Schoen, Scott, Lesch, Applebaum and others
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices
- 03/12/2015 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance
- 03/26/2015 Adoption of Report: Placed on the General Register as Amended
Read Second Time
Referred to the Chief Clerk for Comparison with S. F. No. 619
- 04/07/2015 Postponed Indefinitely

1.1 A bill for an act
1.2 relating to data practices; clarifying the protection of addresses in legal
1.3 proceedings for certain victims of violence; amending Minnesota Statutes 2014,
1.4 sections 5B.11; 13.03, subdivision 6.

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

1.6 Section 1. Minnesota Statutes 2014, section 5B.11, is amended to read:

1.7 **5B.11 LEGAL PROCEEDINGS; PROTECTIVE ORDER.**

1.8 ~~If a program participant is involved in a legal proceeding as a party or witness, If a~~
1.9 program participant's address is protected under section 5B.05, no person or entity shall
1.10 be compelled to disclose the participant's actual address during the discovery phase of or
1.11 during a proceeding before a court or other tribunal unless the court or tribunal finds that:

1.12 (1) there is a reasonable belief that the address is needed to obtain information or
1.13 evidence without which the investigation, prosecution, or litigation cannot proceed; and

1.14 (2) there is no other practicable way of obtaining the information or evidence.

1.15 The court must provide the program participant with notice that address disclosure
1.16 is sought and an opportunity to present evidence regarding the potential harm to the
1.17 safety of the program participant if the address is disclosed. In determining whether to
1.18 compel disclosure, the court must consider whether the potential harm to the safety of the
1.19 participant is outweighed by the interest in disclosure. In a criminal proceeding, the court
1.20 must order disclosure of a program participant's address if protecting the address would
1.21 violate a defendant's constitutional right to confront a witness.

1.22 Disclosure of a participant's actual address under this section shall be limited under
1.23 the terms of the order to ensure that the disclosure and dissemination of the actual address

2.1 will be no wider than necessary for the purposes of the investigation, prosecution, or
2.2 litigation.

2.3 Nothing in this section prevents the court or other tribunal ~~may issue~~ from issuing a
2.4 protective order to prevent disclosure of information other than the participant's actual
2.5 address that could reasonably lead to the discovery of the program participant's location.

2.6 Sec. 2. Minnesota Statutes 2014, section 13.03, subdivision 6, is amended to read:

2.7 Subd. 6. **Discoverability of not public data.** If a government entity opposes
2.8 discovery of government data or release of data pursuant to court order on the grounds
2.9 that the data are classified as not public, the party that seeks access to the data may bring
2.10 before the appropriate presiding judicial officer, arbitrator, or administrative law judge an
2.11 action to compel discovery or an action in the nature of an action to compel discovery.

2.12 The presiding officer shall first decide whether the data are discoverable or releasable
2.13 pursuant to the rules of evidence and of criminal, civil, or administrative procedure
2.14 appropriate to the action.

2.15 If the data are discoverable the presiding officer shall decide whether the benefit to
2.16 the party seeking access to the data outweighs any harm to the confidentiality interests
2.17 of the entity maintaining the data, or of any person who has provided the data or who
2.18 is the subject of the data, or to the privacy interest of an individual identified in the
2.19 data. In making the decision, the presiding officer shall consider whether notice to the
2.20 subject of the data is warranted and, if warranted, what type of notice must be given. The
2.21 presiding officer may fashion and issue any protective orders necessary to assure proper
2.22 handling of the data by the parties. If the data are a videotape of a child victim or alleged
2.23 victim alleging, explaining, denying, or describing an act of physical or sexual abuse,
2.24 the presiding officer shall consider the provisions of section 611A.90, subdivision 2,
2.25 paragraph (b). If the data are data subject to the protections under chapter 5B or section
2.26 13.045, the presiding officer shall consider the provisions of section 5B.11.