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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 627

01/31/2019 Authored by Pinto, Mariani, Robbins, O'Neill, Edelson and others
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division
05/04/2020 Adoption of Report: Placed on the General Register as Amended
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
Adoption of Report: Placed on the General Register
Joint Rule 2.03 has been waived for any subsequent committee action on this bill
Read for the Second Time
05/12/2020 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
1.2 relating to public safety; requiring law enforcement policies on best practices for
1.3 eyewitness identifications; proposing coding for new law in Minnesota Statutes,
1.4 chapter 626.

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

1.6 Section 1. [626.8433] EYEWITNESS IDENTIFICATION POLICIES REQUIRED.

1.7 Subdivision 1. Statewide model policy required. By November 1, 2020, the board, in
1.8 consultation with stakeholders, shall develop a model policy that articulates best practices
1.9 in eyewitness identification and promotes uniform practices statewide. The board shall
1.10 distribute this model policy to all chief law enforcement officers. At a minimum, the policy
1.11 must require that:

1.12 (1) a person administering a live or photographic lineup be unaware of the suspect's
1.13 identity, or if that is not practical, the administrator use a photographic lineup that prevents
1.14 the administrator from seeing which member of the photographic lineup is being viewed
1.15 by the eyewitness at a given time;

1.16 (2) before the procedure, the eyewitness be instructed that the perpetrator may or may
1.17 not be in the lineup;

1.18 (3) nonsuspect "fillers" used in the lineup be substantially similar to the eyewitness'
1.19 description of the perpetrator; and

1.20 (4) immediately after an identification is made, the eyewitness provide a statement in
1.21 the eyewitness' own words that articulates the level of the eyewitness' confidence in the
1.22 identification.

2.1 Subd. 2. **Agency policies required.** By February 1, 2021, the chief law enforcement  
2.2 officers of every state and local law enforcement agency shall adopt and implement a written  
2.3 policy on eyewitness identification practices that is identical to or substantially similar to  
2.4 the model policy developed under subdivision 1.

2.5 Subd. 3. **Admissibility of evidence not impacted.** Nothing in this section is intended  
2.6 to preclude the admissibility of any relevant evidence or to affect the standards governing  
2.7 the admissibility of evidence under the United States or Minnesota Constitution.