

A bill for an act

relating to government data; prohibiting law enforcement agencies from releasing data in certain situations; amending Minnesota Statutes 2008, section 13.82, subdivision 2.

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

Section 1. Minnesota Statutes 2008, section 13.82, subdivision 2, is amended to read:

Subd. 2. **Arrest data.** (a) Except as provided in paragraph (b), the following data created or collected by law enforcement agencies which documents any actions taken by them to cite, arrest, incarcerate or otherwise substantially deprive an adult individual of liberty shall be public at all times in the originating agency:

~~(a)~~ (1) time, date and place of the action;

~~(b)~~ (2) any resistance encountered by the agency;

~~(c)~~ (3) any pursuit engaged in by the agency;

~~(d)~~ (4) whether any weapons were used by the agency or other individual;

~~(e)~~ (5) the charge, arrest or search warrants, or other legal basis for the action;

~~(f)~~ (6) the identities of the agencies, units within the agencies and individual persons taking the action;

~~(g)~~ (7) whether and where the individual is being held in custody or is being incarcerated by the agency;

~~(h)~~ (8) the date, time and legal basis for any transfer of custody and the identity of the agency or person who received custody;

~~(i)~~ (9) the date, time and legal basis for any release from custody or incarceration;

~~(j)~~ (10) the name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty;

~~(k)~~ (11) whether the agency employed wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation;

~~(l)~~ (12) the manner in which the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under subdivision 17; and

~~(m)~~ (13) response or incident report number.

(b) Data created or collected under paragraph (a) is classified as private data on individuals if the data is sealed by a court, expunged, or otherwise prohibited from release pursuant to a court order. The individual subject of the data must be permitted to visually inspect the data upon request but, notwithstanding section 13.04, must not be provided a copy of the data. The individual subject of the data may not consent, in writing or otherwise, to the release of the data for any purpose.