

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 104

02/10/2025 Authored by Feist, Curran, Virnig, Harder and Schwartz
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
03/24/2025 Adoption of Report: Amended and re-referred to the Committee on Public Safety Finance and Policy
04/03/2025 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
04/28/2025 Referred to the Chief Clerk for Comparison with S. F. No. 2200
04/29/2025 Postponed Indefinitely

1.1 A bill for an act
1.2 relating to witnesses; establishing confidentiality for restorative justice practices
1.3 participants; modifying status report for restorative practices; classifying data;
1.4 amending Minnesota Statutes 2024, sections 142A.76, subdivision 8; 595.02, by
1.5 adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter
1.6 13.

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

1.8 Section 1. **[13.891] RESTORATIVE PRACTICE PARTICIPANT DATA.**

1.9 (a) For purposes of this section, "restorative practice participant" has the meaning given
1.10 in section 595.02, subdivision 1b, paragraph (a), clause (2).

1.11 (b) Data collected, created, or maintained by a government entity that identifies an
1.12 individual as a restorative practice participant is private data on individuals but may be
1.13 disclosed for the purposes described in section 595.02, subdivision 1b, paragraph (b), clauses
1.14 (1) to (3), or paragraph (c). This section does not apply to personnel data, as defined in
1.15 section 13.43, subdivision 1, or to an individual who receives payment to facilitate a
1.16 restorative practice, as defined in section 142A.76, subdivision 1.

1.17 Sec. 2. Minnesota Statutes 2024, section 142A.76, subdivision 8, is amended to read:

1.18 Subd. 8. **Report.** By February 15 of each year, the director shall report to the chairs and
1.19 ranking minority members of the legislative committees and divisions with jurisdiction over
1.20 public safety, human services, and education, on the work of the Office of Restorative
1.21 Practices, any grants issued pursuant to this section, and the status of local restorative
1.22 practices initiatives in the state that were reviewed in the previous year. The status report
1.23 should include information provided by the grantees on their program's impact on recidivism,

2.1 public safety, and local financial investments in restorative practices. Grantees must provide
2.2 this information to the Office of Restorative Practices by November 15 of each year.

2.3 Sec. 3. Minnesota Statutes 2024, section 595.02, is amended by adding a subdivision to
2.4 read:

2.5 Subd. 1b. **Inadmissibility; exceptions.** (a) For purposes of this subdivision:

2.6 (1) "restorative practice" has the meaning given in section 142A.76, subdivision 1; and

2.7 (2) "restorative practice participant" means a facilitator, a person who has caused harm,
2.8 a person who has been harmed, a community member, and any other person attending a
2.9 restorative practice.

2.10 (b) Statements made or documents offered in the course of a restorative practice are not
2.11 subject to discovery or admissible as evidence in a civil or criminal proceeding. This
2.12 paragraph does not apply:

2.13 (1) to statements or documents that are the subject of a report made pursuant to section
2.14 626.557 or chapter 260E;

2.15 (2) if a restorative practice participant reasonably believed that disclosure of a statement
2.16 or document was necessary to prevent reasonably certain death, great bodily harm, or
2.17 commission of a crime; or

2.18 (3) if the statement or document constitutes evidence of professional misconduct by a
2.19 restorative practice participant acting in the capacity of their professional or occupational
2.20 license.

2.21 (c) Notwithstanding paragraph (b), if a court orders a person who caused harm to
2.22 participate in a restorative practice, a person overseeing the restorative practice may disclose
2.23 information necessary to demonstrate whether the person who caused harm participated as
2.24 ordered.

2.25 (d) Evidence that is otherwise admissible or subject to discovery does not become
2.26 inadmissible or protected from discovery solely because it was discussed or used in a
2.27 restorative practice.