

A bill for an act

relating to public safety; authorizing integrated search service inquiries; restricting use of drivers' license photographs for criminal justice use; authorizing the Department of Public Safety to establish a secure subscription service to enhance officer safety during tactical operations by and between federal, state, and local law enforcement agencies; updating and clarifying membership on the CriMNet Task Force; amending Minnesota Statutes 2006, sections 171.07, subdivision 1a; 299C.405; 299C.65, subdivisions 2, 5; proposing coding for new law in Minnesota Statutes, chapter 13.

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

Section 1. **[13.873] CRIMNET.**

Subdivision 1. **Definitions.** For purposes of this section, "integrated search service" is a service operated by the Bureau of Criminal Apprehension which allows authorized users to search and view data that are stored on one or more databases maintained by criminal justice agencies, as defined in section 299C.46, subdivision 2.

Subd. 2. **Requests by data subject.** An individual may request that an ISS query to locate data about the individual be performed by state or local law enforcement agencies with ISS access. State and local law enforcement agencies with ISS access shall only provide:

(1) a list of the government entities that have provided public or private data about that individual through ISS; and

(2) data that describe what is maintained about the individual at each government entity on the list.

Subd. 3. **Bureau responsibilities.** The bureau must provide the following information at a public Internet site:

(1) a listing of all law enforcement agencies with ISS access; and

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(2) information for individual data subjects on how to challenge the accuracy or completeness of data pursuant to section 13.04, subdivision 4.

Sec. 2. Minnesota Statutes 2006, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **Filing photograph or image; data classification.** The department shall file, or contract to file, all photographs or electronically produced images obtained in the process of issuing drivers' licenses or Minnesota identification cards. The photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographs or electronically produced images to data subjects. The use of the files is restricted:

(1) to the issuance and control of drivers' licenses;

~~(2) for law enforcement purposes in the investigation and prosecution of crimes~~
criminal justice agencies as defined in section 299C.46, subdivision 2, for the purpose of investigation and prosecution of crimes; service of process; location of missing persons; investigation and preparation of cases for criminal, juvenile, and traffic court; and supervision of offenders; and

(3) for public defenders, as provided in section 611.272, for the purpose of preparation of cases for criminal, juvenile, and traffic court; and

(4) for child support enforcement purposes under section 256.978.

Sec. 3. Minnesota Statutes 2006, section 299C.405, is amended to read:

299C.405 SUBSCRIPTION SERVICE.

(a) For the purposes of this section, "authorized data subject" means an individual who is the subject of an active criminal investigation, criminal charging process, or open case in criminal court, probation, or corrections.

(b) For the purposes of this section, "criminal justice agency" means an agency of the state or a political subdivision charged with detection, enforcement, prosecution, or supervision in respect to the criminal laws of this state.

(c) For the purposes of this section, "subscription service" means a process by which law enforcement criminal justice agency personnel may obtain ongoing, automatic electronic notice of any contacts an individual authorized data subject has with any criminal justice agency.

~~(b) (d) The Department of Public Safety must not may~~ establish a secure subscription service without prior legislative authorization, except that,

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(e) The Bureau of Criminal Apprehension may employ under this section ~~299C.40~~ a secure subscription service designed to promote and enhance officer safety during tactical operations by and between federal, state, and local law enforcement agencies by notifying law enforcement agencies of conflicts where multiple law enforcement operations may be occurring on the same subject or vehicle or on or near the same location. The notification may include warrant executions, surveillance activities, SWAT activities, undercover operations, and other investigative operations.

Sec. 4. Minnesota Statutes 2006, section 299C.65, subdivision 2, is amended to read:

Subd. 2. **Task force.** ~~(a) The policy group shall appoint~~ A task force ~~to~~ shall assist ~~them~~ the policy group in their its duties. The task force shall monitor, review, and report to the policy group on CrimNet-related projects and provide oversight to ongoing operations as directed by the policy group. The task force shall consist of the following members:

(1) ~~two sheriffs recommended~~ members appointed by the Minnesota Sheriffs Association, at least one of whom must be a sheriff;

(2) ~~two police chiefs recommended~~ members appointed by the Minnesota Chiefs of Police Association, at least one of whom must be a chief of police;

(3) ~~two county attorneys recommended~~ members appointed by the Minnesota County Attorneys Association, at least one of whom must be a county attorney;

(4) ~~two city attorneys recommended~~ members appointed by the Minnesota League of Cities representing the interests of city attorneys, at least one of whom must be a city attorney;

(5) ~~two public defenders~~ members appointed by the Board of Public Defense, at least one of whom must be a public defender;

(6) two district judges appointed by the Judicial Council, ~~one of whom is currently assigned to the juvenile court~~ at least one of whom has experience dealing with juvenile court matters;

(7) two ~~community~~ corrections administrators ~~recommended~~ appointed by the Minnesota Association of Counties; representing the interests of local corrections, at least one of whom represents a community corrections act county;

(8) two probation officers appointed by the commissioner of corrections in consultation with the president of the Minnesota Association of Community Corrections Act Counties and the president of the Minnesota Association of County Probation Officers;

(9) four public members appointed by the governor for a term of six years, one of whom ~~has been a victim of crime~~ represents the interests of victims, and two ~~who~~ of whom are representatives of the private business community who have expertise in integrated

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information systems and who for the purpose of meetings of the full task force may be compensated pursuant to section 15.059;

(10) ~~two court administrators~~ members appointed by the Minnesota Association for Court Management, at least one of whom must be a court administrator;

(11) one member of the house of representatives appointed by the speaker of the house;

(12) one member of the senate appointed by the majority leader;

(13) one member appointed by the attorney general ~~or a designee;~~

(14) ~~two individuals recommended~~ elected officials appointed by the Minnesota League of Cities, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area;

(15) ~~two individuals recommended~~ elected officials appointed by the Minnesota Association of Counties, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area;

(16) the director of the Sentencing Guidelines Commission or a designee;

(17) one member appointed by the state chief information officer;

(18) one member appointed by the commissioner of public safety;

(19) one member appointed by the commissioner of corrections;

(20) one member appointed by the commissioner of administration; and

(21) one member appointed by the chief justice of the Supreme Court.

~~(b) In making these appointments, the appointing authority shall select members with expertise in integrated data systems or best practices.~~

~~(c) The commissioner of public safety may appoint additional, nonvoting members to the task force as necessary from time to time.~~

Sec. 5. Minnesota Statutes 2006, section 299C.65, subdivision 5, is amended to read:

Subd. 5. **Review of funding and grant requests.** (a) The Criminal and Juvenile Justice Information Policy Group shall review the funding requests for criminal justice information systems from state, county, and municipal government agencies. The policy group shall review the requests for compatibility to statewide criminal justice information system standards. The review shall be forwarded to the chairs and ranking minority members of the house and senate committees and divisions with jurisdiction over criminal justice funding and policy.

(b) The CriMNet program office, in consultation with the Criminal and Juvenile Justice Information Task Force and with the approval of the policy group, shall create the requirements for any grant request and determine the integration priorities for the

5.1 grant period. The CriMNet program office shall also review the requests submitted for
5.2 compatibility to statewide criminal justice information systems standards.

5.3 (c) The task force shall review funding requests for criminal justice information
5.4 systems grants and make recommendations to the policy group. The policy group shall
5.5 review the recommendations of the task force and shall make a final recommendation
5.6 for criminal justice information systems grants to be made by the commissioner of
5.7 public safety. Within the limits of available state appropriations and federal grants, the
5.8 commissioner of public safety shall make grants for projects that have been recommended
5.9 by the policy group.

5.10 (d) The policy group may approve grants only if the applicant provides an
5.11 appropriate share of matching funds as determined by the policy group to help pay up to
5.12 one-half of the costs of the grant request. The matching requirement must be constant for
5.13 ~~all counties~~ applicants within each grant offering. The policy group shall adopt policies
5.14 concerning the use of in-kind resources to satisfy the match requirement and the sources
5.15 from which matching funds may be obtained. Local operational or technology staffing
5.16 costs may be considered as meeting this match requirement. Each grant recipient shall
5.17 certify to the policy group that it has not reduced funds from local, county, federal, or
5.18 other sources which, in the absence of the grant, would have been made available to the
5.19 grant recipient to improve or integrate criminal justice technology.

5.20 (e) All grant recipients shall submit to the CriMNet program office all requested
5.21 documentation including grant status, financial reports, and a final report evaluating how
5.22 the grant funds improved the agency's criminal justice integration priorities. The CriMNet
5.23 program office shall establish the recipient's reporting dates at the time funds are awarded.