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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3473

02/12/2024 Authored by Coulter

The bill was read for the first time and referred to the Committee on Veterans and Military Affairs Finance and Policy

02/22/2024 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to the military; amending provisions related to the National Guard;
1.3 modifying the types of data regarding service members that the adjutant general
1.4 may request from other agencies; amending Minnesota Statutes 2022, sections
1.5 192.25; 192.67.

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

1.7 Section 1. Minnesota Statutes 2022, section 192.25, is amended to read:

1.8 192.25 EXEMPTION FROM PROCESS; TRANSFER TO CIVIL AUTHORITIES.

1.9 Subdivision 1. Exemption from process. No member of the guard shall be arrested, or
1.10 served with any summons, order, warrant or other civil process after having been ordered
1.11 to any duty or while going to, attending or returning from any place to which the member
1.12 is required to go for military duty; but nothing herein shall prevent an arrest by order of a
1.13 military officer or for a felony or breach of the peace committed while not in the actual
1.14 performance of assigned duties. The articles of equipment personally owned by such members
1.15 shall be exempt from seizure or sale for debt.

1.16 Subd. 2 Transfer to civil authorities. When any criminal offense is committed by any
1.17 officer or enlisted member of the military forces while on duty status other than federal
1.18 duty, the officer or enlisted member shall be turned over by superior officers to the proper
1.19 civil authorities of the county or municipality in which the offense occurred for punishment
1.20 for such crime, but such trial and punishment by the civil authorities shall not preclude trial
1.21 and additional punishment or dismissal from the service by court-martial for any military
1.22 offense resulting from the commission of said crime.

2.1 Sec. 2. Minnesota Statutes 2022, section 192.67, is amended to read:

2.2 **192.67 OFFENDERS; TRANSFER TO CIVIL AUTHORITIES; SERVICE**
2.3 **MEMBER DATA.**

2.4 ~~Subdivision 1. **Transfer to civil authorities.** When any criminal offense is committed~~
2.5 ~~by any officer or enlisted member of the military forces while on duty status other than~~
2.6 ~~federal duty, the officer or enlisted member shall be turned over by superior officers to the~~
2.7 ~~proper civil authorities of the county or municipality in which the offense occurred for~~
2.8 ~~punishment for such crime, but such trial and punishment by the civil authorities shall not~~
2.9 ~~preclude trial and additional punishment or dismissal from the service by court-martial for~~
2.10 ~~any military offense resulting from the commission of said crime.~~

2.11 Subd. 2. **Service member data.** Notwithstanding any provision of chapter 13 or other
2.12 state law, all confidential data, private data, investigative reports and law enforcement data,
2.13 including but not limited to all data collected and defined under section 13.82 pertaining to
2.14 any service member of the military forces, must be made accessible to the adjutant general
2.15 of the Minnesota National Guard upon request of the Office of the State Judge Advocate.
2.16 All information, data, and records obtained under this subdivision may be accessed, copied,
2.17 transmitted, or provided to the adjutant general without a court order or request from the
2.18 subject of the data when the matter involves any officer or enlisted member of the military
2.19 forces. ~~The adjutant general may only use data made accessible under this subdivision in~~
2.20 ~~support of military justice and Minnesota National Guard administrative and disciplinary~~
2.21 ~~actions.~~