A bill for an act

relating to public safety; requiring law enforcement agencies to adopt policies for maintaining gang investigative and evidence databases; proposing coding for new law in Minnesota Statutes, chapter 626.

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

Section 1. **[626.8442] CRIMINAL GANG INVESTIGATIVE AND EVIDENCE DATABASES.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them:

(1) "criminal gang investigative and evidence database" means a computerized database maintained and administered by a law enforcement agency for purposes of identifying gang members and for purposes of investigating and prosecuting criminal activity by gang members; and

(2) "law enforcement agency" means a unit of local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state.

Subd. 2. **Agency policies required.** (a) Beginning October 1, 2010, the chief law enforcement officer of any law enforcement agency that maintains or administers a criminal gang investigative and evidence database shall establish and enforce a written policy governing the following:

(1) collection and inclusion of data in the database;

(2) accessing, utilizing, disseminating, and safeguarding data contained in the database; and

(3) retention periods for data and removal of data from the database.

The policy adopted by the chief law enforcement officer shall comply with the guidelines provided in Code of Federal Regulations, title 28, part 23.

(b) Every law enforcement agency must certify annually to the board that it has adopted a written policy in compliance with paragraph (a) or that it does not maintain or administer a criminal gang investigative and evidence database.

EFFECTIVE DATE. This section is effective July 1, 2010.