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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4672

03/07/2024

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The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to court records; requiring prosecuting authorities to seek protective order
1.3 for certain evidence clearly offensive to common sensibilities; proposing coding
1.4 for new law in Minnesota Statutes, chapter 634.

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

1.6 Section 1. 634.355 EVIDENCE CLEARLY OFFENSIVE TO COMMON
1.7 SENSIBILITIES.

1.8 (a) This section may be cited as the "Jay Boughton Evidence Access Act."

1.9 (b) In a criminal proceeding, when a prosecuting authority introduces or plans to introduce
1.10 evidence that is clearly offensive to common sensibilities, the public release of which could
1.11 reasonably be foreseen to cause either a significant disruption to the privacy of or severe
1.12 emotional distress to a victim as defined in section 611A.01, paragraph (b), or a third party,
1.13 the prosecuting authority may file the evidence under seal with the court and must seek an
1.14 appropriate protective order from the court to protect the evidence from unnecessary
1.15 disclosure.

1.16 (c) A prosecuting authority must seek an appropriate protective order from the court
1.17 under paragraph (b) to protect the audio recording of a call placed to a 911 system for the
1.18 purpose of requesting service from a law enforcement, fire, or medical agency.

1.19 (d) In determining whether evidence warrants seeking a protective order under paragraph
1.20 (b), a prosecuting authority must give special consideration to a victim or third party who
1.21 is a minor.

2.1 (e) This section does not affect the right of a defendant in a criminal proceeding to obtain
2.2 access to evidence under the Rules of Criminal Procedure, provided that a protective order
2.3 from the court may prohibit further dissemination of the evidence by the defendant.

2.4 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to proceedings
2.5 commenced on or after that date.