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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2124

- 03/11/2021 Authored by Keeler, Becker-Finn, Urdahl, Gomez, Frazier and others
- 03/17/2021 The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy
- 03/17/2021 By motion, recalled and re-referred to the Committee on Judiciary Finance and Civil Law
- 03/22/2021 Adoption of Report: Re-referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act

1.2 relating to human rights; creating an office for missing and murdered indigenous

1.3 relatives; requiring a report; appropriating money; proposing coding for new law

1.4 in Minnesota Statutes, chapter 241.

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

1.6 Section 1. 241.82 **OFFICE FOR MISSING AND MURDERED INDIGENOUS**

1.7 **RELATIVES.**

1.8 Subdivision 1. Definitions. As used in this section, the following terms have the meanings

1.9 given.

1.10 (a) "Indigenous" means descended from people who were living in North America at

1.11 the time people from Europe began settling in North America.

1.12 (b) "Missing and murdered indigenous relatives" means missing and murdered indigenous

1.13 people.

1.14 (c) "Missing and Murdered Indigenous Women Task Force report" means the report

1.15 titled "Missing and Murdered Indigenous Women Task Force: a Report to the Minnesota

1.16 Legislature," published by the Wilder Research organization in December 2020.

1.17 Subd. 2. Duties. The office has the following duties:

1.18 (1) advocate in the legislature for legislation that will facilitate the accomplishment of

1.19 the mandates identified in the Missing and Murdered Indigenous Women Task Force report;

1.20 (2) advocate for state agencies to take actions to facilitate the accomplishment of the

1.21 mandates identified in the Missing and Murdered Indigenous Women Task Force report;

2.1 (3) develop recommendations for legislative and agency actions to address injustice in
2.2 the criminal justice system's response to the cases of missing and murdered indigenous
2.3 relatives;

2.4 (4) facilitate research to refine the mandates in the Missing and Murdered Indigenous
2.5 Women Task Force report and to assess the potential efficacy, feasibility, and impact of the
2.6 recommendations;

2.7 (5) develop tools and processes to evaluate the implementation and impact of the efforts
2.8 of the office;

2.9 (6) facilitate technical assistance for local and tribal law enforcement agencies during
2.10 active missing and murdered indigenous relatives cases;

2.11 (7) conduct case reviews and report on the results of case reviews for the following types
2.12 of missing and murdered indigenous relatives cases: cold cases for missing indigenous
2.13 people and death investigation review for cases of indigenous people ruled as suicide or
2.14 overdose under suspicious circumstances;

2.15 (8) conduct case reviews of the prosecution and sentencing for cases where a perpetrator
2.16 committed a violent or exploitative crime against an indigenous person. These case reviews
2.17 should identify those cases where the perpetrator is a repeat offender;

2.18 (9) prepare draft legislation as necessary to allow the office access to the data required
2.19 for the office to conduct the reviews required in this section and advocate for passage of
2.20 that legislation;

2.21 (10) review sentencing guidelines for missing and murdered indigenous women-related
2.22 crimes, recommend changes if needed, and advocate for consistent implementation of the
2.23 guidelines across Minnesota courts;

2.24 (11) develop and maintain communication with relevant divisions in the Department of
2.25 Public Safety regarding any cases involving missing and murdered indigenous relatives and
2.26 on procedures for investigating cases involving missing and murdered indigenous relatives;
2.27 and

2.28 (12) coordinate, as relevant, with the Bureau of Indian Affairs' Cold Case Office through
2.29 Operation Lady Justice and other federal efforts, as well as efforts in neighboring states and
2.30 Canada. This recommendation pertains to state efforts. Tribes are sovereign nations that
2.31 have the right to determine if and how they will coordinate with these other efforts.

2.32 Subd. 3. **Coordination with other organizations.** In fulfilling its duties the office may
2.33 coordinate, as useful, with stakeholder groups that were represented on the Missing and

3.1 Murdered Indigenous Women Task Force and state agencies that are responsible for the
3.2 systems that play a role in investigating, prosecuting, and adjudicating cases involving
3.3 violence committed against indigenous women, those who have a role in supporting or
3.4 advocating for missing or murdered indigenous women and the people who seek justice for
3.5 them, and those who represent the interests of indigenous people. This includes the following
3.6 entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau
3.7 of Criminal Apprehension; Minnesota Police and Peace Officers Association; tribal law
3.8 enforcement; Minnesota County Attorneys Association; United States Attorney's Office;
3.9 juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States
3.10 Coast Guard; state agencies, including the Departments of Health, Human Services,
3.11 Education, Corrections, and Public Safety; the Minnesota Indian Affairs Council; service
3.12 providers who offer legal services, advocacy, and other services to indigenous women and
3.13 girls; the Minnesota Indian Women's Sexual Assault Coalition; Mending the Sacred Hoop;
3.14 Indian health organizations; indigenous women and girls who are survivors; the 11 tribal
3.15 nations that share geography with Minnesota; and organizations and leadership from urban
3.16 and statewide American Indian communities.

3.17 Subd. 4. **Executive director; staff.** (a) The governor must appoint an executive director
3.18 who is a person closely connected to a tribe or indigenous community and who is highly
3.19 knowledgeable about criminal investigations. The governor is encouraged to consider
3.20 candidates for appointment who are recommended by tribes and indigenous communities.
3.21 The executive director serves in the unclassified service.

3.22 (b) The executive director may select, appoint, and compensate out of available funds
3.23 assistants and employees as necessary to discharge the office's responsibilities. The executive
3.24 director may appoint an assistant executive director in the unclassified service.

3.25 (c) The executive director and full-time staff shall be members of the Minnesota State
3.26 Retirement Association.

3.27 Subd. 5. **Reports.** The office must report on measurable outcomes achieved to meet its
3.28 statutory duties, along with specific objectives and outcome measures proposed for the
3.29 following year. The office must submit the report by January 15 each year to the chairs and
3.30 ranking minority members of the house of representatives and the senate committees with
3.31 primary jurisdiction over public safety.

3.32 Subd. 6. **Budget.** The executive director must prepare and subject the biennial budget
3.33 of the office to the commissioner of management and budget in accordance with section
3.34 16A.10.

4.1 Subd. 7. **Grants.** The office may apply for and receive grants from public and private
4.2 entities for purposes of carrying out the office's duties under this section.

4.3 Subd. 8. **Access to data.** Notwithstanding section 13.384 or 13.85, the executive director
4.4 has access to corrections and detention data and medical data maintained by an agency and
4.5 classified as private data on individuals or confidential data on individuals when access to
4.6 the data is necessary for the office to perform its duties under this section.

4.7 **Sec. 2. APPROPRIATION.**

4.8 \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the general
4.9 fund to the Office for Missing and Murdered Indigenous Relatives, under Minnesota Statutes,
4.10 section 241.82, for operations.