

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3051

03/13/2014 Authored by Drazkowski

The bill was read for the first time and referred to the Committee on Civil Law

1.1 A bill for an act
1.2 relating to data practices; clarifying agencies maintaining criminal investigative
1.3 data; amending Minnesota Statutes 2012, section 13.82, subdivision 7.

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

1.5 Section 1. Minnesota Statutes 2012, section 13.82, subdivision 7, is amended to read:

1.6 Subd. 7. **Criminal investigative data.** Except for the data defined in subdivisions
1.7 2, 3, and 6, investigative data collected or created by a law enforcement agency or a
1.8 prosecutorial authority in order to prepare a case against a person, whether known or
1.9 unknown, for the commission of a crime or other offense for which the agency has
1.10 primary investigative responsibility are confidential or protected nonpublic while the
1.11 investigation is active. Inactive investigative data are public unless the release of the data
1.12 would jeopardize another ongoing investigation or would reveal the identity of individuals
1.13 protected under subdivision 17. Photographs which are part of inactive investigative
1.14 files and which are clearly offensive to common sensibilities are classified as private or
1.15 nonpublic data, provided that the existence of the photographs shall be disclosed to any
1.16 person requesting access to the inactive investigative file. An investigation becomes
1.17 inactive upon the occurrence of any of the following events:

1.18 (a) a decision by the agency or appropriate prosecutorial authority not to pursue
1.19 the case;

1.20 (b) expiration of the time to bring a charge or file a complaint under the applicable
1.21 statute of limitations, or 30 years after the commission of the offense, whichever comes
1.22 earliest; or

1.23 (c) exhaustion of or expiration of all rights of appeal by a person convicted on
1.24 the basis of the investigative data.

2.1 Any investigative data presented as evidence in court shall be public. Data
2.2 determined to be inactive under clause (a) may become active if the agency or appropriate
2.3 prosecutorial authority decides to renew the investigation.

2.4 During the time when an investigation is active, any person may bring an action in
2.5 the district court located in the county where the data are being maintained to authorize
2.6 disclosure of investigative data. The court may order that all or part of the data relating to
2.7 a particular investigation be released to the public or to the person bringing the action. In
2.8 making the determination as to whether investigative data shall be disclosed, the court
2.9 shall consider whether the benefit to the person bringing the action or to the public
2.10 outweighs any harm to the public, to the agency or to any person identified in the data.
2.11 The data in dispute shall be examined by the court in camera.