

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1256

(SENATE AUTHORS: INGEBRIGTSEN, Latz, Dziejdzic and Hall)

DATE	D-PG	OFFICIAL STATUS
02/14/2019	390	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
02/13/2020	4763	Chief author stricken, shown as co-author Latz Chief author added Ingebrigtsen
02/17/2020	4792	Author added Hall
02/24/2020	4865a	Comm report: To pass as amended
	4878	Second reading
05/13/2020	6870	Rule 45-amend, subst. General Orders HF627

1.1 A bill for an act

1.2 relating to public safety; requiring law enforcement policies on best practices for

1.3 eyewitness identifications; proposing coding for new law in Minnesota Statutes,

1.4 chapter 626.

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

1.6 Section 1. **[626.8433] EYEWITNESS IDENTIFICATION POLICIES REQUIRED.**

1.7 Subdivision 1. Statewide model policy required. By November 1, 2020, the board, in

1.8 consultation with stakeholders, shall develop a model policy that articulates best practices

1.9 in eyewitness identification and promotes uniform practices statewide. The board shall

1.10 distribute this model policy to all chief law enforcement officers. At a minimum, the policy

1.11 must require that:

1.12 (1) a person administering a live or photographic lineup be unaware of the suspect's

1.13 identity, or if that is not practical, the administrator use a photographic lineup that prevents

1.14 the administrator from seeing which member of the photographic lineup is being viewed

1.15 by the eyewitness at a given time;

1.16 (2) before the procedure, the eyewitness be instructed that the perpetrator may or may

1.17 not be in the lineup;

1.18 (3) nonsuspect "fillers" used in the lineup be substantially similar to the eyewitness'

1.19 description of the perpetrator; and

1.20 (4) immediately after an identification is made, the eyewitness provide a statement in

1.21 the eyewitness' own words that articulates the level of the eyewitness' confidence in the

1.22 identification.

2.1 Subd. 2. **Agency policies required.** By February 1, 2021, the chief law enforcement
2.2 officers of every state and local law enforcement agency shall adopt and implement a written
2.3 policy on eyewitness identification practices that is identical to or substantially similar to
2.4 the model policy developed under subdivision 1.

2.5 Subd. 3. **Admissibility of evidence not impacted.** Nothing in this section is intended
2.6 to preclude the admissibility of any relevant evidence or to affect the standards governing
2.7 the admissibility of evidence under the United States Constitution or Minnesota Constitution.