

1.1 A bill for an act

1.2 relating to public safety; establishing a certification process for multijurisdictional  
1.3 gang and drug task forces; prohibiting law enforcement agencies from  
1.4 maintaining criminal gang investigative data systems; classifying data  
1.5 received from law enforcement agencies in other states; dissolving certain  
1.6 multijurisdictional entities; delineating uses of data in the comprehensive  
1.7 incident-based reporting system; prohibiting the acquisition of cell phone  
1.8 tracking devices; amending the forfeiture reporting requirements; amending  
1.9 Minnesota Statutes 2008, sections 13.82, by adding a subdivision; 299A.641;  
1.10 299C.40, subdivision 2; 609.531, subdivision 1; 609.5315, subdivision 6;  
1.11 624.714, subdivision 2; proposing coding for new law in Minnesota Statutes,  
1.12 chapters 13; 626A; repealing Minnesota Statutes 2008, sections 13.6905,  
1.13 subdivision 14; 299C.091.

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

1.15 Section 1. Minnesota Statutes 2008, section 13.82, is amended by adding a subdivision  
1.16 to read:

1.17 Subd. 30. **Gang investigative data systems.** A law enforcement agency must  
1.18 not administer or maintain a computerized criminal gang investigative data system that  
1.19 consists of data on individuals who are or may be engaged in criminal gang activity.  
1.20 This subdivision does not prohibit the collection or maintenance of data relating to gang  
1.21 membership on an individual record basis.

1.22 Sec. 2. [13.823] LAW ENFORCEMENT DATA FROM OTHER STATES.

1.23 Subdivision 1. **Definitions.** For purposes of this section:

1.24 (1) "investigative data" means data collected or created by a law enforcement  
1.25 agency in order to prepare a case against a person, whether known or unknown, for the  
1.26 commission of a crime or an act of delinquency; and

2.1 (2) "law enforcement agency" means a government agency with a law enforcement  
2.2 function, as described in section 13.82, subdivision 1, or an equivalent agency in another  
2.3 state.

2.4 Subd. 2. **Classification of data from other states.** (a) Except as provided in  
2.5 paragraph (b) or (c), when a law enforcement agency in Minnesota receives investigative  
2.6 data from a law enforcement agency in another state, the data are classified in Minnesota  
2.7 in a manner that is the equivalent to the data classification or treatment of the data in the  
2.8 other state that applies at the time a request for access to the data in Minnesota is made.

2.9 (b) When investigative data classified under paragraph (a) become part of an active  
2.10 criminal investigation in Minnesota involving an adult, the data are classified as provided  
2.11 in section 13.82.

2.12 (c) When investigative data classified under paragraph (a) become part of an active  
2.13 juvenile delinquency investigation in Minnesota involving a child, the data are governed  
2.14 by section 260B.171, subdivision 4 or 5.

2.15 Subd. 3. **Sharing authorized.** If a Minnesota law enforcement agency receives  
2.16 investigative data that are classified as not public under subdivision 2, paragraph (a), the  
2.17 data may be shared with other law enforcement agencies if the data are pertinent and  
2.18 necessary to the receiving agency in initiating, furthering, or completing an investigation.

2.19 Subd. 4. **Transaction record.** A Minnesota law enforcement agency that receives  
2.20 or disseminates data that are classified as not public under subdivision 2, paragraph (a),  
2.21 shall maintain a record of each receipt or dissemination of the data.

2.22 Sec. 3. Minnesota Statutes 2008, section 299A.641, is amended to read:

2.23 **299A.641 GANG AND DRUG VIOLENT CRIME OVERSIGHT COUNCIL.**

2.24 Subdivision 1. **Oversight council established.** ~~The Gang and Drug Violent Crime~~  
2.25 Oversight Council is established to provide guidance related to the investigation and  
2.26 prosecution of gang and drug crime. For the purposes of this section, "gang and drug  
2.27 crime" includes violent crimes associated with gang activity.

2.28 Subd. 2. **Membership.** The oversight council shall consist of the following  
2.29 individuals or their designees:

2.30 (1) the director of the office of special investigations as the representative of the  
2.31 commissioner of corrections;

2.32 (2) the superintendent of the Bureau of Criminal Apprehension as the representative  
2.33 of the commissioner of public safety;

2.34 (3) the attorney general;

3.1 (4) ~~eight~~ two chiefs of police, selected by the Minnesota Chiefs of Police Association,  
3.2 ~~two of which one who must be selected from cities with populations greater than 200,000~~  
3.3 work in the seven-county metropolitan area and one who must work in greater Minnesota;

3.4 (5) ~~eight~~ two sheriffs, selected by the Minnesota Sheriffs Association ~~to represent~~  
3.5 ~~each district, two of which must be selected from counties with populations greater than~~  
3.6 500,000, one who must work in the seven-county metropolitan area and one who must  
3.7 work in greater Minnesota;

3.8 (6) the United States attorney for the district of Minnesota;

3.9 (7) two county attorneys, selected by the Minnesota County Attorneys Association,  
3.10 one who must work in the seven-county metropolitan area and one who must work in  
3.11 greater Minnesota;

3.12 (8) ~~a command-level representative of a gang strike force~~ two public defenders,  
3.13 selected by the Board of Public Defense, one who must work in the seven-county  
3.14 metropolitan area and one who must work in greater Minnesota;

3.15 (9) ~~a representative from a drug task force, selected by the Minnesota State~~  
3.16 ~~Association of Narcotics Investigators~~ two citizen members appointed by the  
3.17 commissioner of public safety in consultation with representatives from the councils of  
3.18 color created in sections 3.922, 3.9223, 3.9225, and 3.9226; and

3.19 (10) ~~a representative from the United States Drug Enforcement Administration;~~

3.20 (11) ~~a representative from the United States Bureau of Alcohol, Tobacco, Firearms~~  
3.21 ~~and Explosives;~~

3.22 (12) ~~a representative from the Federal Bureau of Investigation;~~

3.23 (13) ~~(10)~~ (10) a tribal peace officer, selected by the Minnesota Tribal Law Enforcement  
3.24 Association; commissioner of public safety, in consultation with the Minnesota Indian  
3.25 Affairs Council.

3.26 (14) ~~two additional members who may be selected by the oversight council;~~

3.27 (15) ~~a senator who serves on the committee having jurisdiction over criminal justice~~  
3.28 ~~policy, chosen by the Subcommittee on Committees of the senate Committee on Rules~~  
3.29 ~~and Administration; and~~

3.30 (16) ~~a representative who serves on the committee having jurisdiction over criminal~~  
3.31 ~~justice policy, chosen by the speaker of the house.~~

3.32 The oversight council ~~may~~ shall adopt procedures to govern its conduct as necessary  
3.33 and ~~may~~ shall select a chair from among its members. ~~The legislative members of the~~  
3.34 ~~council may not vote on matters before the council.~~ The chair shall serve a two-year term  
3.35 and the appointment of the chair shall alternate between a person who works in greater  
3.36 Minnesota and a person who works in the seven-county metropolitan area.

4.1 Subd. 3. **Oversight council's duties.** The oversight council shall develop an overall  
4.2 strategy to ameliorate the harm caused to the public by gang and drug crime within  
4.3 the state of Minnesota. ~~This strategy may include the development of protocols and~~  
4.4 ~~procedures to investigate gang and drug crime and a structure for best addressing these~~  
4.5 ~~issues in a multijurisdictional manner.~~ Additionally, the oversight council shall:

4.6 (1) subject to approval by the commissioner of public safety, develop an operating  
4.7 procedures and policies manual to investigate gang and drug crime in a multijurisdictional  
4.8 manner;

4.9 ~~(1)~~ (2) identify and recommend a candidate or candidates for statewide coordinator  
4.10 to the commissioner of public safety;

4.11 ~~(2)~~ (3) establish multijurisdictional task forces ~~and strike forces~~ to combat gang  
4.12 and drug crime, ~~to include a metro gang strike force and a gang strike force located in~~  
4.13 ~~the St. Cloud metropolitan area;~~

4.14 ~~(3)~~ (4) assist the Department of Public Safety in developing grant eligibility criteria  
4.15 and operating an objective and conflict-free grant review application process that is free  
4.16 from conflicts of interest;

4.17 ~~(4)~~ ~~make funding recommendations to the commissioner of public safety on grants~~  
4.18 ~~to support efforts to combat gang and drug crime;~~

4.19 (5) make recommendations to the commissioner of public safety to terminate grant  
4.20 funding for multijurisdictional entities if an entity no longer operates in accordance with  
4.21 guidelines established under subdivision 3a, or no longer functions in a manner consistent  
4.22 with the best interests of the state or public;

4.23 ~~(5)~~ (6) assist in developing a process to collect and share information to improve the  
4.24 investigation and prosecution of gang and drug offenses;

4.25 ~~(6)~~ (7) develop and approve an operational budget for the ~~office of the statewide~~  
4.26 ~~coordinator and the oversight council; and~~

4.27 (8) develop policies that prohibit the improper use of personal characteristics such as  
4.28 race, color, national origin, gender, or religion to target individuals for law enforcement  
4.29 action, prosecution, or forfeiture action;

4.30 (9) subject to approval by the commissioner of public safety, develop and update  
4.31 a statewide policy and procedure manual for criminal gang investigative data systems  
4.32 under section 626.8442; and

4.33 ~~(7)~~ (10) subject to approval by the commissioner of public safety, adopt narrowly  
4.34 tailored, objective criteria and identifying characteristics for use in determining whether  
4.35 individuals are or may be members of gangs involved in criminal activity. The council  
4.36 shall review and update the criteria and characteristics adopted under this clause every two

5.1 years with the objective to ensure effectiveness and relevance to the accurate identification  
5.2 of subjects actively involved in criminal gang activity. As part of its review process, the  
5.3 council shall obtain input from members of communities that are impacted by criminal  
5.4 gang activity. Before adopting any changes under this clause, the council must submit its  
5.5 recommendations to the commissioner of public safety for approval.

5.6 Subd. 3a. **Duties and authority of commissioner.** (a) By September 1, 2010,  
5.7 the commissioner of public safety shall establish guidelines for the certification of  
5.8 multijurisdictional entities that are established pursuant to this section. The guidelines  
5.9 shall require that all multijurisdictional entities:

5.10 (1) be subject to the operational command and supervision of one of the participating  
5.11 agencies;

5.12 (2) be subject to an operational and financial audit conducted annually by an outside,  
5.13 independent entity; and

5.14 (3) have adequate staffing and funding to support law enforcement, prosecutorial, and  
5.15 financial operations, including bookkeeping, evidence handling, and inventory recording.

5.16 (b) A multijurisdictional entity may not operate unless it meets the guidelines  
5.17 established by, and is annually certified by, the commissioner of public safety. If, at any  
5.18 time, the commissioner revokes an entity's certification, the commissioner may order  
5.19 any or all of the following:

5.20 (1) dissolution of the entity, its governing boards, or both;

5.21 (2) transfer of duties of the entity, its governing boards, or both, to the Department of  
5.22 Public Safety; and

5.23 (3) any other actions deemed necessary by the commissioner.

5.24 Notwithstanding any action taken by the commissioner, any outstanding obligations  
5.25 or liabilities of the entity remain with the entity and the parties to the agreement and  
5.26 do not transfer.

5.27 (c) Except as provided in section 8, a multijurisdictional entity that is operating  
5.28 on the effective date of this section shall have six months from the date guidelines are  
5.29 established under paragraph (a) to be certified under this section.

5.30 Subd. 4. **Statewide coordinator.** The ~~current gang strike force commander shall~~  
5.31 ~~serve as a transition coordinator until July 1, 2006, at which time the commissioner of~~  
5.32 ~~public safety shall appoint a statewide coordinator as recommended by the oversight~~  
5.33 ~~council.~~ The coordinator serving in the unclassified service shall:

5.34 (1) coordinate and monitor all multijurisdictional gang and drug enforcement  
5.35 activities;

6.1 (2) facilitate local efforts and ensure statewide coordination with efforts to combat  
6.2 gang and drug crime;

6.3 (3) facilitate training for personnel;

6.4 (4) monitor compliance with investigative protocols; and

6.5 (5) ~~implement an outcome evaluation and data quality control process~~ review annual  
6.6 audits conducted under subdivision 3a, take corrective actions based on audit results, and  
6.7 submit a summary report of the audits and any corrective actions to the commissioner of  
6.8 public safety.

6.9 Subd. 5. **Participating officers; employment status.** All participating law  
6.10 enforcement officers must be licensed peace officers as defined in section 626.84,  
6.11 subdivision 1, or qualified federal law enforcement officers as defined in section 626.8453.  
6.12 Participating officers remain employees of the same entity that employed them before  
6.13 joining any multijurisdictional entity established under this section. Participating  
6.14 officers are not employees of the state. Participating officers shall be subject to annual  
6.15 performance reviews conducted by the entity's governing board.

6.16 Subd. 6. **Jurisdiction and powers.** Law enforcement officers participating in any  
6.17 multijurisdictional entity established under this section have statewide jurisdiction to  
6.18 conduct criminal investigations and have the same powers of arrest as those possessed by  
6.19 a sheriff.

6.20 Subd. 6a. **Evidence handling.** A multijurisdictional entity established pursuant  
6.21 to this section shall process all seized cash, physical assets, and evidence through the  
6.22 standard evidence handling procedures established by the participating agencies.

6.23 Subd. 7. **Grants authorized.** The commissioner of public safety, ~~upon~~  
6.24 ~~recommendation of the council,~~ may make grants to state and local units of government to  
6.25 combat gang and drug crime. When awarding grants, the commissioner shall consider  
6.26 appropriating grants under this section to fund community-based gang intervention and  
6.27 prevention efforts for youth.

6.28 Subd. 8. **Oversight council is permanent.** Notwithstanding section 15.059, this  
6.29 section does not expire.

6.30 Subd. 8a. **Governing board; prosecutor's role.** (a) A multijurisdictional entity  
6.31 established under this section shall create a governing board consisting of the chief law  
6.32 enforcement officer, or designee, from each participating agency, a prosecutor from one of  
6.33 the participating agencies, and up to three additional members selected by the governing  
6.34 board. A governing board shall have no less than six members.

6.35 (b) The prosecutor on the governing board shall have the following responsibilities:

7.1 (1) to oversee training for officers assigned to a multijurisdictional entity in order to  
7.2 increase successful prosecutions;

7.3 (2) to advise on the lawful handling and processing of seized property and evidence  
7.4 and forfeited property and money; and

7.5 (3) to ensure that seizures and forfeitures are reported in accordance with section  
7.6 609.5315, subdivision 6.

7.7 Subd. 9. **Funding.** Participating agencies may accept lawful grants or contributions  
7.8 from any federal source or legal business or entity.

7.9 Subd. 10. **Role of attorney general.** The attorney general or a designee shall  
7.10 generally advise on any matters that the oversight council deems appropriate.

7.11 Subd. 11. **Attorney general; community liaison.** (a) The attorney general or a  
7.12 designee shall serve as a liaison between the oversight council and the councils of color  
7.13 created in sections 3.922, 3.9223, 3.9225, and 3.9226. The attorney general or designee  
7.14 will be responsible for:

7.15 (1) informing the councils of color of the plans, activities, and decisions and hearing  
7.16 their reactions to those plans, activities, and decisions; and

7.17 (2) providing the oversight council with the ~~councils'~~ position of the councils of  
7.18 color on the oversight council's plan, activities, and decisions.

7.19 (b) In no event is the oversight council required to disclose the names of individuals  
7.20 identified by it to the councils of color referenced in this subdivision.

7.21 (c) Nothing in this subdivision changes the data classification of any data held  
7.22 by the oversight council.

7.23 Subd. 12. **Required ~~report~~ reports.** (a) By ~~March~~ February 1 of each year,  
7.24 the ~~council~~ commissioner of public safety shall ~~report~~ submit the following reports  
7.25 to the chairs and ranking minority members of the senate and house of representatives  
7.26 committees and divisions having jurisdiction over criminal justice policy and funding ~~on~~  
7.27 ~~the activities of the council and any strike or task forces. This annual report shall include:~~

7.28 (1) ~~a description of the council's goals for the previous year and for the coming year~~  
7.29 report containing summary data of all audits conducted on multijurisdictional entities  
7.30 under subdivision 3a;

7.31 (2) ~~a description of the outcomes the council achieved or did not achieve during the~~  
7.32 ~~preceding year and a description of the outcomes the council will seek to achieve during~~  
7.33 the coming year report on the results of audits conducted on criminal gang investigative  
7.34 data systems under sections 299C.091 and 626.8442; and

7.35 (3) ~~any legislative recommendations the council has including, where necessary, a~~  
7.36 description of the specific legislation needed to implement the recommendations a report

8.1 on the development of, and updates to, the statewide policy and procedure manual for  
8.2 criminal gang investigative data systems under section 626.8442, subdivision 4; and  
8.3 (4) a report on the activities and goals of the oversight council.

8.4 Sec. 4. Minnesota Statutes 2008, section 299C.40, subdivision 2, is amended to read:

8.5 Subd. 2. **Purpose.** CIBRS is a statewide system containing data from law  
8.6 enforcement agencies. Data in CIBRS must be made available to law enforcement  
8.7 agencies ~~in order to:~~

8.8 (1) prepare a case against a person, whether known or unknown, for the commission  
8.9 of a crime or other offense for which the agency has investigative authority;

8.10 (2) serve process in a criminal case;

8.11 (3) inform law enforcement officers of possible safety issues prior to service of  
8.12 process;

8.13 (4) enforce no contact orders;

8.14 (5) locate missing persons; or

8.15 ~~for purposes of~~ (6) conduct background investigations required by section 626.87.

8.16 Sec. 5. Minnesota Statutes 2008, section 609.531, subdivision 1, is amended to read:

8.17 Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the  
8.18 following terms have the meanings given them.

8.19 (a) "Conveyance device" means a device used for transportation and includes, but  
8.20 is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any  
8.21 equipment attached to it. The term "conveyance device" does not include property which  
8.22 is, in fact, itself stolen or taken in violation of the law.

8.23 (b) "Weapon used" means a dangerous weapon as defined under section 609.02,  
8.24 subdivision 6, that the actor used or had in possession in furtherance of a crime.

8.25 (c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

8.26 (d) "Contraband" means property which is illegal to possess under Minnesota law.

8.27 (e) "Appropriate agency" means the Bureau of Criminal Apprehension, the  
8.28 Department of Commerce Division of Insurance Fraud Prevention, the Minnesota  
8.29 Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's  
8.30 department, the Three Rivers Park District park rangers, the Department of Natural  
8.31 Resources Division of Enforcement, the University of Minnesota Police Department, the  
8.32 Department of Corrections Fugitive Apprehension Unit, ~~or~~ a city, metropolitan transit, or  
8.33 airport police department; or a multijurisdictional entity established pursuant to section  
8.34 299A.641 or 299A.681.

9.1 (f) "Designated offense" includes:

9.2 (1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

9.3 (2) for driver's license or identification card transactions: any violation of section  
9.4 171.22; and

9.5 (3) for all other purposes: a felony violation of, or a felony-level attempt or  
9.6 conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21;  
9.7 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282;  
9.8 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1,  
9.9 clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345,  
9.10 subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466;  
9.11 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;  
9.12 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;  
9.13 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88;  
9.14 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation  
9.15 of section 609.891 or 624.7181; or any violation of section 609.324.

9.16 (g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

9.17 Sec. 6. Minnesota Statutes 2008, section 609.5315, subdivision 6, is amended to read:

9.18 Subd. 6. **Reporting requirement.** The appropriate agency shall provide a written  
9.19 record of each forfeiture incident to the state auditor. The record shall include the amount  
9.20 forfeited, date of seizure and forfeiture, the basis of the forfeiture disposition, including  
9.21 statutory or other authority, whether the forfeiture was contested, and a brief description of  
9.22 the circumstances involved. The record shall also list the number of firearms forfeited  
9.23 and the make, model, and serial number of each firearm forfeited. The state auditor may  
9.24 require information not specified in this subdivision to also be reported. Reports shall be  
9.25 made on a monthly basis in a manner prescribed by the state auditor. The state auditor  
9.26 shall report annually to the legislature on the nature and extent of forfeitures, including  
9.27 a list of agencies that failed to comply with the requirements of this subdivision for a  
9.28 cumulative period of 30 days or longer during the reporting year.

9.29 Sec. 7. Minnesota Statutes 2008, section 624.714, subdivision 2, is amended to read:

9.30 Subd. 2. **Where application made; authority to issue permit; criteria; scope.**

9.31 (a) Applications by Minnesota residents for permits to carry shall be made to the county  
9.32 sheriff where the applicant resides. Nonresidents, as defined in section 171.01, subdivision  
9.33 42, may apply to any sheriff.

10.1 (b) Unless a sheriff denies a permit under the exception set forth in subdivision 6,  
10.2 paragraph (a), clause (3), a sheriff must issue a permit to an applicant if the person:

10.3 (1) has training in the safe use of a pistol;

10.4 (2) is at least 21 years old and a citizen or a permanent resident of the United States;

10.5 (3) completes an application for a permit; and

10.6 (4) is not prohibited from possessing a firearm under the following sections:

10.7 (i) 518B.01, subdivision 14;

10.8 (ii) 609.224, subdivision 3;

10.9 (iii) 609.2242, subdivision 3;

10.10 (iv) 609.749, subdivision 8;

10.11 (v) 624.713;

10.12 (vi) 624.719;

10.13 (vii) 629.715, subdivision 2;

10.14 (viii) 629.72, subdivision 2; or

10.15 (ix) any federal law; ~~and~~

10.16 ~~(5) is not listed in the criminal gang investigative data system under section~~

10.17 ~~299C.091.~~

10.18 (c) A permit to carry a pistol issued or recognized under this section is a state permit  
10.19 and is effective throughout the state.

10.20 (d) A sheriff may contract with a police chief to process permit applications under  
10.21 this section. If a sheriff contracts with a police chief, the sheriff remains the issuing  
10.22 authority and the police chief acts as the sheriff's agent. If a sheriff contracts with a police  
10.23 chief, all of the provisions of this section will apply.

10.24 Sec. 8. **[626A.281] ACQUISITION AND USE OF CELLULAR TELEPHONE**  
10.25 **TRACKING DEVICES.**

10.26 A law enforcement agency must not purchase or acquire a device that is used for  
10.27 tracking the location of cellular telephones. A law enforcement agency may track the  
10.28 location of a cellular telephone only in the manner provided under section 626A.28,  
10.29 subdivision 3, paragraph (b), clauses (2) to (4).

10.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.31 This section does not apply to a device that was purchased or acquired before the effective  
10.32 date.

10.33 Sec. 9. **MULTIJURISDICTIONAL GANG AND DRUG STRIKE FORCES.**

11.1 A joint powers entity established pursuant to Minnesota Statutes, section 299A.641,  
11.2 before the effective date of this section that included as parties to the joint powers  
11.3 agreement two counties with a population over 500,000 each, is dissolved and any  
11.4 governing or advisory board established by the terms of the agreement is also dissolved.  
11.5 All current and future obligations and liabilities of the joint powers entity remain with the  
11.6 parties to the agreement and do not transfer to the state.

11.7 For purposes of this section, "population" means the most recent population estimate  
11.8 made by the state demographer under Minnesota Statutes, section 4A.02.

11.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.10 Sec. 10. **REVISOR'S INSTRUCTION.**

11.11 The revisor of statutes shall replace references in statute to the "Gang and Drug  
11.12 Oversight Council" with the "Violent Crime Oversight Council."

11.13 Sec. 11. **REPEALER.**

11.14 Minnesota Statutes 2008, sections 13.6905, subdivision 14; and 299C.091, are  
11.15 repealed.

**13.6905 PUBLIC SAFETY DATA CODED ELSEWHERE.**

Subd. 14. **Criminal gang investigative data system.** Data in the criminal gang investigative data system are classified in section 299C.091.

**299C.091 CRIMINAL GANG INVESTIGATIVE DATA SYSTEM.**

Subdivision 1. **Establishment.** The bureau shall administer and maintain a computerized criminal gang investigative data system for the purpose of assisting criminal justice agencies in the investigation and prosecution of criminal activity by gang members. The system consists of data on individuals whom law enforcement agencies determine are or may be engaged in criminal gang activity. Notwithstanding section 260B.171, subdivision 5, data on adults and juveniles in the system and data documenting an entry in the system may be maintained together. Data in the system must be submitted and maintained as provided in this section.

Subd. 2. **Entry of data into system.** (a) A law enforcement agency may submit data on an individual to the criminal gang investigative data system only if the agency obtains and maintains the documentation required under this subdivision. Documentation may include data obtained from other criminal justice agencies, provided that a record of all of the documentation required under paragraph (b) is maintained by the agency that submits the data to the bureau. Data maintained by a law enforcement agency to document an entry in the system are confidential data on individuals as defined in section 13.02, subdivision 3, but may be released to criminal justice agencies.

(b) A law enforcement agency may submit data on an individual to the bureau for inclusion in the system if the individual is 14 years of age or older and the agency has documented that:

(1) the individual has met at least three of the criteria or identifying characteristics of gang membership developed by the Gang and Drug Oversight Council under section 299A.641, subdivision 3, clause (7), as required by the council; and

(2) the individual has been convicted of a gross misdemeanor or felony or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult.

Subd. 3. **Classification of data in system.** Data in the criminal gang investigative data system are confidential data on individuals as defined in section 13.02, subdivision 3, but are accessible to law enforcement agencies and may be released to the criminal justice agencies.

Subd. 4. **Audit of data submitted to system.** The bureau shall conduct periodic random audits of data under subdivision 2 that documents inclusion of an individual in the criminal gang investigative data system for the purpose of determining the validity, completeness, and accuracy of data submitted to the system. The bureau has access to the documenting data for purposes of conducting an audit.

Subd. 5. **Removal of data from system.** Notwithstanding section 138.17, the bureau shall destroy data entered into the system when three years have elapsed since the data were entered into the system, except as otherwise provided in this subdivision. If the bureau has information that the individual has been convicted as an adult, or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a crime if committed by an adult, since entry of the data into the system, the data must be maintained until three years have elapsed since the last record of a conviction or adjudication or stayed adjudication of the individual. Upon request of the law enforcement agency that submitted data to the system, the bureau shall destroy the data regardless of whether three years have elapsed since the data were entered into the system.