

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 5136

(SENATE AUTHORS: ANDERSON and Carlson)

DATE
03/21/2024

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to crime; modifying period of time that criminal investigation is active
1.3 regarding investigative data; amending Minnesota Statutes 2022, section 13.82,
1.4 subdivision 7.

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

1.6 Section 1. Minnesota Statutes 2022, section 13.82, subdivision 7, is amended to read:

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

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

1.20 (b) expiration of the time to bring a charge or file a complaint under the applicable statute
1.21 of limitations, or ~~30~~ 20 years after the commission of the offense, whichever comes earliest;

1.22 or

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

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

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