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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3730

1.1   A bill for an act

1.2   relating to public safety; giving a coroner or medical examiner access to the criminal
1.3   justice data communications network for purposes of identifying unknown deceased
1.4   persons; amending Minnesota Statutes 2018, section 299C.46, subdivision 3.

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

1.6   Section 1. Minnesota Statutes 2018, section 299C.46, subdivision 3, is amended to read:

1.7   Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network

1.8   shall be used exclusively by:

1.9   (1) criminal justice agencies in connection with the performance of duties required by

1.10   law;

1.11   (2) agencies investigating federal security clearances of individuals for assignment or

1.12   retention in federal employment with duties related to national security, as required by

1.13   United States Code, title 5, section 9101;

1.14   (3) other agencies to the extent necessary to provide for protection of the public or

1.15   property in a declared emergency or disaster situation;

1.16   (4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct

1.17   checks into state databases prior to disbursing licenses or providing benefits;

1.18   (5) the public authority responsible for child support enforcement in connection with

1.19   the performance of its duties;

1.20   (6) the public defender, as provided in section 611.272;

Section 1.

2.1 (7) a county attorney or the attorney general, as the county attorney's designee, for the

2.2 purpose of determining whether a petition for the civil commitment of a proposed patient

2.3 as a sexual psychopathic personality or as a sexually dangerous person should be filed, and

2.4 during the pendency of the commitment proceedings;

2.5 (8) an agency of the state or a political subdivision whose access to systems or services

2.6 provided from or through the bureau is specifically authorized by federal law or regulation

2.7 or state statute; ~~and~~

2.8 (9) a court for access to data as authorized by federal law or regulation or state statute

2.9 and related to the disposition of a pending case~~.~~; and

2.10 (10) a coroner or medical examiner to identify a deceased person as required by section

2.11 390.25.

2.12 (b) The commissioner of public safety shall establish a monthly network access charge

2.13 to be paid by each participating criminal justice agency. The network access charge shall

2.14 be a standard fee established for each terminal, computer, or other equipment directly

2.15 addressable by the data communications network, as follows: January 1, 1984 to December

2.16 31, 1984, $40 connect fee per month; January 1, 1985 and thereafter, $50 connect fee per

2.17 month.

2.18 (c) The commissioner of public safety is authorized to arrange for the connection of the

2.19 data communications network with the criminal justice information system of the federal

2.20 government, any state, or country for the secure exchange of information for any of the

2.21 purposes authorized in paragraph (a), clauses (1), (2), (3), (8) and (9).

2.22 (d) Prior to establishing a secure connection, a criminal justice agency that is not part

2.23 of the Minnesota judicial branch must:

2.24 (1) agree to comply with all applicable policies governing access to, submission of or

2.25 use of the data and Minnesota law governing the classification of the data;

2.26 (2) meet the bureau's security requirements;

2.27 (3) agree to pay any required fees; and

2.28 (4) conduct fingerprint-based state and national background checks on its employees

2.29 and contractors as required by the Federal Bureau of Investigation.

2.30 (e) Prior to establishing a secure connection, a criminal justice agency that is part of the

2.31 Minnesota judicial branch must:

3.1   (1) agree to comply with all applicable policies governing access to, submission of or

3.2   use of the data and Minnesota law governing the classification of the data to the extent

3.3   applicable and with the Rules of Public Access to Records of the Judicial Branch promulgated

3.4   by the Minnesota Supreme Court;

3.5   (2) meet the bureau's security requirements;

3.6   (3) agree to pay any required fees; and

3.7   (4) conduct fingerprint-based state and national background checks on its employees

3.8   and contractors as required by the Federal Bureau of Investigation.

3.9   (f) Prior to establishing a secure connection, a noncriminal justice agency must:

3.10   (1) agree to comply with all applicable policies governing access to, submission of or

3.11   use of the data and Minnesota law governing the classification of the data;

3.12   (2) meet the bureau's security requirements;

3.13   (3) agree to pay any required fees; and

3.14   (4) conduct fingerprint-based state and national background checks on its employees

3.15   and contractors.

3.16   (g) Those noncriminal justice agencies that do not have a secure network connection

3.17   yet receive data either retrieved over the secure network by an authorized criminal justice

3.18   agency or as a result of a state or federal criminal history records check shall conduct a

3.19   background check as provided in paragraph (h) of those individuals who receive and review

3.20   the data to determine another individual's eligibility for employment, housing, a license, or

3.21   another legal right dependent on a statutorily mandated background check.

3.22   (h) The background check required by paragraph (f) or (g) is accomplished by submitting

3.23   a request to the superintendent of the Bureau of Criminal Apprehension that includes a

3.24   signed, written consent for the Minnesota and national criminal history records check,

3.25   fingerprints, and the required fee. The superintendent may exchange the fingerprints with

3.26   the Federal Bureau of Investigation for purposes of obtaining the individual's national

3.27   criminal history record information.

3.28   The superintendent shall return the results of the national criminal history records check to

3.29   the noncriminal justice agency to determine if the individual is qualified to have access to

3.30   state and federal criminal history record information or the secure network. An individual

3.31   is disqualified when the state and federal criminal history record information show any of

3.32   the disqualifiers that the individual will apply to the records of others.

4.1   When the individual is to have access to the secure network, the noncriminal justice agency

4.2   shall review the criminal history of each employee or contractor with the Criminal Justice

4.3   Information Services systems officer at the bureau, or the officer's designee, to determine

4.4   if the employee or contractor qualifies for access to the secure network. The Criminal Justice

4.5   Information Services systems officer or the designee shall make the access determination

4.6   based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension

4.7   policy.