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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **2947**

02/01/2022 Authored by Lueck, Novotny, Johnson, Poston and Pfarr
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

- 1.1 A bill for an act
- 1.2 relating to judiciary; making money bail the property of the person who deposited
- 1.3 it; requiring an affidavit from a third party who deposits money bail on behalf of
- 1.4 a defendant; directing the court administrator to file certain affidavits; classifying
- 1.5 data; amending Minnesota Statutes 2020, sections 13.82, subdivision 2; 629.53;
- 1.6 proposing coding for new law in Minnesota Statutes, chapter 387.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2020, section 13.82, subdivision 2, is amended to read:
- 1.9 Subd. 2. **Arrest data.** The following data created or collected by law enforcement
- 1.10 agencies which document any actions taken by them to cite, arrest, incarcerate or otherwise
- 1.11 substantially deprive an adult individual of liberty shall be public at all times in the
- 1.12 originating agency:
- 1.13 (a) time, date and place of the action;
- 1.14 (b) any resistance encountered by the agency;
- 1.15 (c) any pursuit engaged in by the agency;
- 1.16 (d) whether any weapons were used by the agency or other individual;
- 1.17 (e) the charge, arrest or search warrants, or other legal basis for the action;
- 1.18 (f) the identities of the agencies, units within the agencies and individual persons taking
- 1.19 the action;
- 1.20 (g) whether and where the individual is being held in custody or is being incarcerated
- 1.21 by the agency;

(h) the date, time and legal basis for any transfer of custody and the identity of the agency or person who received custody;

(i) the date, time and legal basis for any release from custody or incarceration including, to the extent known, the identity and residence or post office address of any person or entity who deposited money bail to secure the release of the individual who was held in custody;

(j) the name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty;

(k) whether the agency employed a portable recording system, automated license plate reader, wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation;

(l) the manner in which the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under subdivision 17; and

(m) response or incident report number.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to individuals released on or after that date.

Sec. 2. **[387.115] COUNTY JAIL; ACCEPTANCE OF BAIL AND OTHER SURETIES.**

(a) Consistent with any order of the district court or the district court bail process or schedule, the sheriff or other officer of the county jail may accept any of the following to secure the release of a person held in the custody of the county jail:

(1) money bail;

(2) personal surety upon any bond, recognizance, or undertaking; or

(3) a surety bond, recognizance, or undertaking executed by a corporation authorized by law to execute bonds, recognizances, or undertakings.

(b) If the sheriff or other officer of the county jail accepts money bail deposited by a third person, the sheriff or other officer must require submission of the affidavit required under section 629.53, paragraph (b).

(c) Upon release of a person held in the custody of the county jail, the sheriff or other officer of the county jail shall transmit the bond, value of any money bail, and any affidavit received under paragraph (b) to the court administrator of the district court.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to bonds, money bail, and affidavits received on or after that date.

Sec. 3. Minnesota Statutes 2020, section 629.53, is amended to read:

629.53 PROVIDING RELEASE ON BAIL; COMMITMENT.

(a) A person charged with a criminal offense may be released with or without bail in accordance with rule 6.02 of the Rules of Criminal Procedure. Money bail is the property of the accused, whether deposited by that person or by a third person who deposited it on the accused's behalf. When money bail is accepted by a judge, that judge shall order it to be deposited with the court administrator. The court administrator shall retain it until the final disposition of the case and the final order of the court disposing of the case. Upon release, the amount released must be paid to the accused personally or upon that person's written order person who deposited it. In case of conviction, the judge may order the money bail ~~deposit~~ deposited by the accused to be applied to any fine or restitution imposed on the defendant by the court and, if the fine or restitution is less than the deposit, order the balance to be paid to the defendant. Money bail deposited by a third person on the accused's behalf must be returned to the person who deposited it. Money bail deposited with the court or any officer of it is exempt from garnishment or levy under attachment or execution.

(b) A third person depositing money bail to secure the appearance of a defendant in a criminal case shall make an affidavit, to be submitted at the time bail is deposited, stating:

(1) the full name of the person or organization depositing the money bail; and

(2) the residence or post office address of the person or organization depositing the money bail.

(c) When the court administrator receives the affidavit required under paragraph (b) from a third person depositing money bail or from a county jail, the court administrator must file the affidavit in the case for which money bail was posted. The information in the affidavit shall be available to the public through remote access to court records.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to money bail deposited on or after that date.