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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4500

03/21/2022 Authored by Novotny, Johnson, Grossell and O'Neill
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; excluding peace officers from discipline for inclusion on
1.3 Brady-Giglio lists; establishing a task force to examine Brady-Giglio lists; requiring
1.4 a report; amending Minnesota Statutes 2020, section 626.89, by adding a
1.5 subdivision.

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

1.7 Section 1. Minnesota Statutes 2020, section 626.89, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 14a. Peace officer disclosure. (a) A peace officer may not be discharged,
1.10 disciplined, or threatened with discharge or discipline by a state, county, or municipal law
1.11 enforcement agency based upon a prosecutor's determination that the officer failed to identify
1.12 or make exculpatory evidence available to the appropriate party in an ongoing prosecution
1.13 or because the peace officer is included on a Brady-Giglio list.

1.14 (b) For the purposes of this subdivision, a "Brady-Giglio list" means a designation of
1.15 peace officers whom a prosecutor deems to be Brady-impaired, including peace officers
1.16 who may not have disclosed all impeachment information or who may have violated any
1.17 pretrial discovery rule requiring peace officers to make available all evidence that might be
1.18 used to exonerate a defendant in an ongoing prosecution.

1.19 Sec. 2. TASK FORCE.

1.20 Subdivision 1. Establishment; membership. (a) The commissioner of public safety
1.21 must establish a task force to examine peace officer inclusion on a Brady-Giglio list and
1.22 the use of that list.

2.1 (b) The task force consists of the following members:

2.2 (1) the attorney general or a designee;

2.3 (2) a district court judge appointed by the supreme court; and

2.4 (3) a representative appointed by each of the following:

2.5 (i) the Minnesota Sheriffs' Association;

2.6 (ii) the Minnesota Chiefs of Police Association;

2.7 (iii) the Minnesota Police and Peace Officers Association;

2.8 (iv) Law Enforcement Labor Services, Inc.;

2.9 (v) the Hennepin County Sheriff's Deputies Association;

2.10 (vi) the St. Paul Police Federation;

2.11 (vii) the Minnesota State Patrol Troopers Association; and

2.12 (viii) the Minnesota County Attorneys Association.

2.13 (c) Members of the task force serve without compensation.

2.14 (d) Members of the task force serve at the pleasure of the appointing authority or until
2.15 the task force expires. Vacancies shall be filled by the appointing authority consistent with
2.16 the qualifications of the vacating member required by this subdivision.

2.17 Subd. 2. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
2.18 may elect other officers as necessary.

2.19 (b) The commissioner of public safety shall convene the first meeting of the task force
2.20 no later than August 1, 2022, and shall provide meeting space and administrative assistance
2.21 as necessary for the task force to conduct its work.

2.22 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
2.23 shall meet sufficiently enough to accomplish the duties identified in this section. Meetings
2.24 of the task force are subject to Minnesota Statutes, chapter 13D.

2.25 Subd. 3. **Duties.** (a) The task force shall examine and make recommendations on:

2.26 (1) the issue of disclosing peace officer personnel file information related to a
2.27 Brady-Giglio matter;

2.28 (2) the advisability of implementing a statewide system regulating Brady-Giglio lists or
2.29 designations;

3.1 (3) identifying impartial entities to conduct investigations pertaining to a peace officer's
3.2 Brady-Giglio conduct; and

3.3 (4) appropriate procedures, due process protections, appeal rights, and criteria for the
3.4 placement or removal of a peace officer's name on or from a Brady-Giglio list or designation.

3.5 (b) The task force may receive and consider information from other organizations or
3.6 individuals relevant to the purpose of the task force and may make relevant recommendations
3.7 in addition to those identified under this subdivision.

3.8 Subd. 4. **Report.** On or before December 1, 2022, the task force shall report to the chairs
3.9 and ranking minority members of the legislative committees and divisions with jurisdiction
3.10 over public safety on the work of the task force. The report shall include at a minimum its
3.11 findings and recommendations.

3.12 Subd. 5. **Expiration.** The task force expires upon submission of the report required
3.13 under subdivision 4.