

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 1002

(SENATE AUTHORS: HALL and Latz)

DATE	D-PG	OFFICIAL STATUS
03/04/2013	477	Introduction and first reading Referred to Judiciary
03/14/2013	987a 1021	Comm report: To pass as amended Second reading Rule 47, returned to Judiciary See SF745, Sec. 18, 36

1.1A bill for an act

1.2relating to judiciary; authorizing a public defender the same access to information

1.3about witnesses that public defenders have for information about a defendant;

1.4amending Minnesota Statutes 2012, sections 241.065, subdivision 4; 611.272.

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

1.6Section 1. Minnesota Statutes 2012, section 241.065, subdivision 4, is amended to read:

1.7Subd. 4. **Procedures.** (a) The Department of Corrections shall adopt procedures

1.8to provide for the orderly collection, entry, retrieval, and deletion of data contained in

1.9the statewide supervision system.

1.10(b) The Department of Corrections shall establish and implement audit requirements

1.11to ensure that authorized users comply with applicable data practices laws governing

1.12access to and use of the data.

1.13Sec. 2. Minnesota Statutes 2012, section 611.272, is amended to read:

1.14**611.272 ACCESS TO GOVERNMENT DATA.**

1.15The district public defender, the state public defender, or an attorney working for

1.16a public defense corporation under section 611.216 has access to the criminal justice

1.17data communications network described in section 299C.46, as provided in this section.

1.18Access to data under this section is limited to data necessary to prepare criminal cases in

1.19which the public defender has been appointed as follows:

1.20(1) access to data about witnesses in a criminal case shall be limited to records of

1.21criminal convictions, custody status, custody history, aliases and known monikers, race,

1.22probation status, identity of probation officer, and booking photos; and

(2) access to data regarding the public defender's own client which includes, but is not limited to, criminal history data under section 13.87; juvenile offender data under section 299C.095; warrant information data under section 299C.115; incarceration data under section 299C.14; conditional release data under section 241.065; and diversion program data under section 299C.46, subdivision 5.

The public defender has access to data under this section, whether accessed via the integrated search service as defined in section 13.873 or other methods. The public defender does not have access to law enforcement active investigative data under section 13.82, subdivision 7; data protected under section 13.82, subdivision 17; confidential arrest warrant indices data under section 13.82, subdivision 19; or data systems maintained by a prosecuting attorney. The public defender has access to the data at no charge, except for the monthly network access charge under section 299C.46, subdivision 3, paragraph (b), and a reasonable installation charge for a terminal. Notwithstanding section 13.87, subdivision 3; 299C.46, subdivision 3, paragraph (b); 299C.48, or any other law to the contrary, there shall be no charge to public defenders for Internet access to the criminal justice data communications network.