

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 4624

(SENATE AUTHORS: LATZ and Dziedzic)

DATE
05/16/2020

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; authorizing Department of Public Safety to accept grant

1.3 funding; expanding access to information for law enforcement hiring; providing

1.4 for juvenile risk assessments; amending Minnesota Statutes 2018, sections

1.5 260B.176, by adding a subdivision; 626.87, subdivisions 2, 3, 5.

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

1.7 Section 1. Minnesota Statutes 2018, section 260B.176, is amended by adding a subdivision

1.8 to read:

1.9 Subd. 1a. **Risk assessment instrument.** If a peace officer or probation or parole officer

1.10 who took a child into custody does not release the child as provided in subdivision 1, the

1.11 peace officer or probation or parole officer shall communicate with or deliver the child to

1.12 a juvenile secure detention facility to determine whether the child should be released or

1.13 detained. Before detaining a child, the supervisor of the facility shall use an objective and

1.14 racially, ethnically, and gender-responsive juvenile detention risk assessment instrument

1.15 developed by the commissioner, county, group of counties, or judicial district, in consultation

1.16 with the state coordinator or coordinators of the Minnesota Juvenile Detention Alternative

1.17 Initiative. The risk assessment instrument must assess the likelihood that a child released

1.18 from preadjudication detention under this section or section 260B.178 would endanger

1.19 others or not return for a court hearing. The instrument must identify the appropriate setting

1.20 for a child who might endanger others or not return for a court hearing pending adjudication

1.21 with either continued detention or placement in a noncustodial community-based supervision

1.22 setting. The instrument must also identify the type of noncustodial community-based

1.23 supervision setting necessary to minimize the risk that a child who is released from custody

1.24 will endanger others or not return for a court hearing. If, after using the instrument, a

determination is made that the child should be released, the person taking the child into custody or the supervisor of the facility shall release the child as provided in subdivision 1.

EFFECTIVE DATE. This section is effective August 15, 2021.

Sec. 2. Minnesota Statutes 2018, section 626.87, subdivision 2, is amended to read:

Subd. 2. **Disclosure of employment information.** Upon request of a law enforcement agency, an employer shall disclose or otherwise make available for inspection employment information of an employee or former employee who is the subject of an investigation under subdivision 1 or who is a candidate for employment with a law enforcement agency in any other capacity. The request for disclosure of employment information must be in writing, must be accompanied by an ~~original~~ authorization and release signed by the employee or former employee, and must be signed by ~~a sworn peace officer or other~~ an authorized representative of the law enforcement agency conducting the background investigation.

Sec. 3. Minnesota Statutes 2018, section 626.87, subdivision 3, is amended to read:

Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose employment information in accordance with this section, upon request the district court may issue an ex parte order directing the disclosure of the employment information. The request must be made by ~~a sworn peace officer~~ an authorized representative from the law enforcement agency conducting the background investigation and must include a copy of the ~~original~~ request for disclosure made upon the employer or former employer and the authorization and release signed by the employee or former employee. The request must be signed by the ~~peace officer~~ person requesting the order and an attorney representing the state or the political subdivision on whose behalf the background investigation is being conducted. It is not necessary for the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person or entity who fails to comply to civil or criminal contempt of court.

Sec. 4. Minnesota Statutes 2018, section 626.87, subdivision 5, is amended to read:

Subd. 5. **Notice of investigation.** Upon initiation of a background investigation ~~under this section~~ for a person described in subdivision 1, the law enforcement agency shall give written notice to the Peace Officer Standards and Training Board of:

(1) the candidate's full name and date of birth; and

(2) the candidate's peace officer license number, if known.

3.1 The initiation of a background investigation does not include the submission of an
3.2 application for employment. Initiation of a background investigation occurs when the law
3.3 enforcement agency begins its determination of whether an applicant meets the agency's
3.4 standards for employment as a law enforcement employee.

3.5 Sec. 5. **ACCEPTANCE OF PRIVATE FUNDS; APPROPRIATION.**

3.6 The commissioner may accept donations, grants, bequests, and other gifts of money to
3.7 carry out the purposes of Minnesota Statutes, chapter 299A. Donations, nonfederal grants,
3.8 bequests, or other gifts of money accepted by the commissioner must be deposited in an
3.9 account in the special revenue fund and are appropriated to the commissioner for the purpose
3.10 for which it was given.