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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 339

01/24/2019 Authored by Zerwas, Considine and Poston

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to corrections; extending retention of certain criminal gang investigative
1.3 data; amending Minnesota Statutes 2018, section 299C.091, subdivision 5.

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

1.5 Section 1. Minnesota Statutes 2018, section 299C.091, subdivision 5, is amended to read:

1.6 Subd. 5. **Removal of data from system.** Notwithstanding section 138.17, the bureau
1.7 shall destroy data entered into the system when three years have elapsed since the data were
1.8 entered into the system, except as otherwise provided in this subdivision. If the bureau has
1.9 information that the individual has been convicted as an adult, or has been adjudicated or
1.10 has a stayed adjudication as a juvenile for an offense that would be a crime if committed
1.11 by an adult, since entry of the data into the system, the data must be maintained until three
1.12 years have elapsed since the last record of a conviction or adjudication or stayed adjudication
1.13 of the individual; except that if the individual is committed to the custody of the
1.14 commissioner of corrections and the commissioner documents activities meeting the criminal
1.15 gang identification criteria that take place while the individual is confined in a state
1.16 correctional facility, the three-year period begins after release from incarceration. Upon
1.17 request of the law enforcement agency that submitted data to the system, the bureau shall
1.18 destroy the data regardless of whether three years have elapsed since the data were entered
1.19 into the system.