

## CHAPTER 299C

## BUREAU OF CRIMINAL APPREHENSION

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**299C.095 SYSTEM FOR IDENTIFYING JUVENILE OFFENDERS.**

Subdivision 1. **Access to data on juveniles.** (a) The bureau shall administer and maintain the computerized juvenile history record system based on sections 260B.171 and 260C.171 and other statutes requiring the reporting of data on juveniles. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to all trial courts and appellate courts, to a person who has access to the juvenile court records as provided in sections 260B.171 and 260C.171 or under court rule, to public defenders as provided in section 611.272, and to criminal justice agencies in other states in the conduct of their official duties.

(b) Except for access authorized under paragraph (a), the bureau shall only disseminate a juvenile adjudication history record in connection with a background check required by statute or rule and performed on a licensee, license applicant, or employment applicant or performed under section 299C.62 or 624.713. If the background check is performed under section 299C.62, juvenile adjudication history disseminated under this paragraph is limited to offenses that would constitute a background check crime as defined in section 299C.61, subdivision 2. A consent for release of information from an individual who is the subject of a juvenile adjudication history is not effective and the bureau shall not release a juvenile adjudication history record and shall not release information in a manner that reveals the existence of the record.

*[For text of subd 2, see M.S.2000]*

**History:** 2001 c 202 s 13

**299C.10 IDENTIFICATION DATA REQUIRED.**

Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community corrections agencies operating secure juvenile detention facilities shall take or cause to be taken immediately finger and thumb prints, photographs, distinctive physical mark identification data, information on any known aliases or street names, and other identification data requested or required by the superintendent of the bureau, of the following:

(1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross misdemeanor, or targeted misdemeanor;

(2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for, or alleged to have committed felonies or gross misdemeanors as distinguished from those committed by adult offenders;

(3) persons reasonably believed by the arresting officer to be fugitives from justice;

(4) persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes; and

(5) juveniles referred by a law enforcement agency to a diversion program for a felony or gross misdemeanor offense.

(b) Unless the superintendent of the bureau requires a shorter period, within 24 hours the fingerprint records and other identification data specified under paragraph (a) must be forwarded to the bureau on such forms and in such manner as may be prescribed by the superintendent.

(c) Prosecutors, courts, and probation officers shall attempt to ensure that the required identification data is taken on a person described in paragraph (a).

(d) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224 (fifth degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy), 609.748 (harassment or restraining order violation), or 617.23 (indecent exposure).

[For text of subs 2 to 4, see M.S.2000]

**History:** 1Sp2001 c 8 art 6 s 1

### 299C.11 IDENTIFICATION DATA FURNISHED TO BUREAU.

(a) Each sheriff and chief of police shall furnish the bureau, upon such form as the superintendent shall prescribe, with such finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data as may be requested or required by the superintendent of the bureau, which must be taken under the provisions of section 299C.10. In addition, sheriffs and chiefs of police shall furnish this identification data to the bureau for individuals found to have been convicted of a felony, gross misdemeanor, or targeted misdemeanor, within the ten years immediately preceding their arrest.

(b) No petition under chapter 609A is required if the person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding the determination of all pending criminal actions or proceedings in favor of the arrested person, and either of the following occurred:

- (1) all charges were dismissed prior to a determination of probable cause; or
- (2) the prosecuting authority declined to file any charges and a grand jury did not return an indictment.

Where these conditions are met, the bureau or agency shall, upon demand, return to the arrested person finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them.

(c) Except as otherwise provided in paragraph (b), upon the determination of all pending criminal actions or proceedings in favor of the arrested person, and the granting of the petition of the arrested person under chapter 609A, the bureau shall seal finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them if the arrested person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding such determination.

(d) DNA samples and DNA records of the arrested person shall not be returned, sealed, or destroyed as to a charge supported by probable cause.

(e) For purposes of this section:

(1) "determination of all pending criminal actions or proceedings in favor of the arrested person" does not include:

- (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or chapter 609A;
- (ii) the arrested person's successful completion of a diversion program;
- (iii) an order of discharge under section 609.165; or
- (iv) a pardon granted under section 638.02; and

(2) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision 1.

**History:** *1Sp2001 c 8 art 6 s 2*

#### 299C.111 SUSPENSE FILE REPORTING.

(a) By June 1 and December 1 of each year, the superintendent shall:

(1) provide an entity or individual having responsibility regarding identification data under section 299C.10 and the criminal and juvenile justice information policy group with summary data on the number of disposition records pertaining to the entity or individual that have not been linked to an arrest record; and

(2) provide the criminal and juvenile justice information policy group with the number of identification records not entered on the automated fingerprint identification system and the criminal history files.

(b) The superintendent shall immediately notify the appropriate entity or individual when a disposition record is received that cannot be linked to an arrest record.

**History:** *1Sp2001 c 8 art 6 s 3*

#### 299C.13 INFORMATION FURNISHED TO PEACE OFFICER.

Upon receipt of information data as to any arrested person, the bureau shall immediately ascertain whether the person arrested has a criminal record or is a fugitive from justice, and shall at once inform the arresting officer of the facts ascertained, including references to any juvenile or adult court disposition data that are not in the criminal history system. Upon application by any sheriff, chief of police, or other peace officer in the state, or by an officer of the United States or by an officer of another state, territory, or government duly authorized to receive the same and effecting reciprocal interchange of similar information with the division, it shall be the duty of the bureau to furnish all information in its possession pertaining to the identification of any person. If the bureau has a sealed record on the arrested person, it shall notify the requesting peace officer of that fact and of the right to seek a court order to open the record for purposes of law enforcement. A criminal justice agency shall be notified, upon request, of the existence and contents of a sealed record containing conviction information about an applicant for employment. For purposes of this section a "criminal justice agency" means courts or a government agency that performs the administration of criminal justice under statutory authority.

**History:** *2001 c 202 s 14*

#### 299C.147 CONDITIONAL RELEASE DATA SYSTEM.

*[For text of subd 1, see M.S.2000]*

Subd. 2. **Establishment.** The bureau shall administer and maintain a computerized data system for the purpose of assisting criminal justice agencies in monitoring and enforcing the conditions of conditional release imposed on criminal offenders by a sentencing court or the commissioner of corrections. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to public defenders as provided in section 611.272, to the district court, and to criminal justice agencies in other states in the conduct of their official duties.

*[For text of subds 3 and 4, see M.S.2000]*

**History:** *1Sp2001 c 8 art 6 s 4*

#### 299C.46 CRIMINAL JUSTICE DATA COMMUNICATIONS NETWORK.

*[For text of subds 1 to 2a, see M.S.2000]*

Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network shall be used exclusively by:

(1) criminal justice agencies in connection with the performance of duties required by law;

(2) agencies investigating federal security clearances of individuals for assignment or retention in federal employment with duties related to national security, as required by Public Law Number 99-1691;

(3) other agencies to the extent necessary to provide for protection of the public or property in an emergency or disaster situation;

(4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct checks into state databases prior to disbursing licenses or providing benefits;

(5) the public authority responsible for child support enforcement in connection with the performance of its duties;

(6) the public defender, as provided in section 611.272; and

(7) a county attorney or the attorney general, as the county attorney's designee, for the purpose of determining whether a petition for the civil commitment of a proposed patient as a sexual psychopathic personality or as a sexually dangerous person should be filed, and during the pendency of the commitment proceedings.

(b) The commissioner of public safety shall establish a monthly network access charge to be paid by each participating criminal justice agency. The network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the data communications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.

(c) The commissioner of public safety is authorized to arrange for the connection of the data communications network with the criminal justice information system of the federal government, any adjacent state, or Canada.

*[For text of subs 4 and 5, see M.S.2000]*

**History:** 2001 c 167 s 1

#### **299C.61 DEFINITIONS.**

*[For text of subs 1 to 8, see M.S.2000]*

Subd. 8a. **Conviction.** "Conviction" means a criminal conviction or an adjudication of delinquency for an offense that would be a crime if committed by an adult.

*[For text of subd 9, see M.S.2000]*

**History:** 2001 c 202 s 15

#### **299C.65 CRIMINAL AND JUVENILE INFORMATION POLICY GROUP.**

Subdivision 1. **Membership, duties.** (a) The criminal and juvenile justice information policy group consists of the commissioner of corrections, the commissioner of public safety, the commissioner of administration, the commissioner of finance, and four members of the judicial branch appointed by the chief justice of the supreme court. The policy group may appoint additional, nonvoting members as necessary from time to time.

(b) The commissioner of public safety is designated as the chair of the policy group. The commissioner and the policy group have overall responsibility for the successful completion of statewide criminal justice information system integration (CriMNet). The policy group may hire a program manager to manage the CriMNet projects and to be responsible for the day-to-day operations of CriMNet. The policy group must ensure that generally accepted project management techniques are utilized for each CriMNet project, including:

- (1) clear sponsorship;
- (2) scope management;
- (3) project planning, control, and execution;

- (4) continuous risk assessment and mitigation;
  - (5) cost management;
  - (6) quality management reviews;
  - (7) communications management; and
  - (8) proven methodology.
- (c) Products and services for CrimNet project management, system design, implementation, and application hosting must be acquired using an appropriate procurement process, which includes:
- (1) a determination of required products and services;
  - (2) a request for proposal development and identification of potential sources;
  - (3) competitive bid solicitation, evaluation, and selection; and
  - (4) contract administration and close-out.
- (d) The policy group shall study and make recommendations to the governor, the supreme court, and the legislature on:
- (1) a framework for integrated criminal justice information systems, including the development and maintenance of a community data model for state, county, and local criminal justice information;
  - (2) the responsibilities of each entity within the criminal and juvenile justice systems concerning the collection, maintenance, dissemination, and sharing of criminal justice information with one another;
  - (3) actions necessary to ensure that information maintained in the criminal justice information systems is accurate and up-to-date;
  - (4) the development of an information system containing criminal justice information on gross misdemeanor-level and felony-level juvenile offenders that is part of the integrated criminal justice information system framework;
  - (5) the development of an information system containing criminal justice information on misdemeanor arrests, prosecutions, and convictions that is part of the integrated criminal justice information system framework;
  - (6) comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems;
  - (7) continuing education requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data;
  - (8) a periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems;
  - (9) the equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems;
  - (10) the impact of integrated criminal justice information systems on individual privacy rights;
  - (11) the impact of proposed legislation on the criminal justice system, including any fiscal impact, need for training, changes in information systems, and changes in processes;
  - (12) the collection of data on race and ethnicity in criminal justice information systems;
  - (13) the development of a tracking system for domestic abuse orders for protection;
  - (14) processes for expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals; and
  - (15) the development of a database for extended jurisdiction juvenile records and whether the records should be public or private and how long they should be retained.
- Subd. 2. **Report, task force.** (a) The policy group shall file an annual report with the governor, supreme court, and chairs and ranking minority members of the senate

and house committees and divisions with jurisdiction over criminal justice funding and policy by December 1 of each year.

(b) The report must make recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently. To assist them in developing their recommendations, the policy group shall appoint a task force consisting of its members or their designees and the following additional members:

- (1) the director of the office of strategic and long-range planning;
- (2) two sheriffs recommended by the Minnesota sheriffs association;
- (3) two police chiefs recommended by the Minnesota chiefs of police association;
- (4) two county attorneys recommended by the Minnesota county attorneys association;
- (5) two city attorneys recommended by the Minnesota league of cities;
- (6) two public defenders appointed by the board of public defense;
- (7) two district judges appointed by the conference of chief judges, one of whom is currently assigned to the juvenile court;
- (8) two community corrections administrators recommended by the Minnesota association of counties, one of whom represents a community corrections act county;
- (9) two probation officers;
- (10) four public members, one of whom has been a victim of crime, and two who are representatives of the private business community who have expertise in integrated information systems;
- (11) two court administrators;
- (12) one member of the house of representatives appointed by the speaker of the house;
- (13) one member of the senate appointed by the majority leader;
- (14) the attorney general or a designee;
- (15) the commissioner of administration or a designee;
- (16) an individual recommended by the Minnesota league of cities; and
- (17) an individual recommended by the Minnesota association of counties.

In making these appointments, the appointing authority shall select members with expertise in integrated data systems or best practices.

(c) The commissioner of public safety may appoint additional, nonvoting members to the task force as necessary from time to time.

*[For text of subds 3 to 9, see M.S.2000]*

**History:** 1Sp2001 c 8 art 6 s 5,6

## 299C.67 DEFINITIONS.

*[For text of subd 1, see M.S.2000]*

Subd. 2. **Background check crime.** "Background check crime" means:

(a)(1) a felony violation of section 609.185 (first degree murder); 609.19 (second degree murder); 609.20 (first degree manslaughter); 609.221 (first degree assault); 609.222 (second degree assault); 609.223 (third degree assault); 609.25 (kidnapping); 609.342 (first degree criminal sexual conduct); 609.343 (second degree criminal sexual conduct); 609.344 (third degree criminal sexual conduct); 609.345 (fourth degree criminal sexual conduct); 609.561 (first degree stalking); or 609.749 (harassment and stalking);

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (2) in this state; or

(b)(1) a felony violation of section 609.195 (third degree murder); 609.205 (second degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.2231 (fourth degree assault); 609.224 (fifth degree assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.255 (false imprisonment); 609.52 (theft); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or a nonfelony violation of section 609.749 (harassment and stalking);

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (2) in this state.

*[For text of subds 3 to 7, see M.S.2000]*

**History:** 2001 c 7 s 62

### 299C.68 BACKGROUND CHECK ON MANAGER.

*[For text of subd 1, see M.S.2000]*

Subd. 2. **Procedures.** The superintendent shall develop procedures to enable an owner to request a background check to determine whether a manager is the subject of a reported conviction for a background check crime. The superintendent shall perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers. The superintendent shall notify the owner in writing of the results of the background check. If the manager has resided in Minnesota for less than ten years or upon request of the owner, the superintendent shall also either: (1) conduct a search of the national criminal records repository, including the criminal justice data communications network; or (2) conduct a search of the criminal justice data communications network records in the state or states where the manager has resided for the preceding ten years. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall recover the cost of a background check through a fee charged to the owner.

Subd. 3. **Form.** (a) The superintendent shall develop a standardized form to be used for requesting a background check, which must include:

(1) a notification to the manager that the owner will request the superintendent to perform a background check under this section;

(2) a notification to the manager of the manager's rights under subdivision 4; and

(3) a signed consent by the manager to conduct the background check.

(b) If the manager has resided in Minnesota for less than ten years, or if the owner is requesting a search of the national criminal records repository, the form must be accompanied by the fingerprints of the manager on whom the background check is to be performed.

*[For text of subds 4 to 6, see M.S.2000]*

**History:** 1Sp2001 c 7 s 1,2