

## CHAPTER 299C

## BUREAU OF CRIMINAL APPREHENSION

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**299C.01 CRIMINAL BUREAU.**

Subdivision 1. **Powers transferred to commissioner.** All the powers and duties now vested in or imposed upon the Bureau of Criminal Apprehension or the superintendent of the Bureau of Criminal Apprehension as prescribed by chapter 626, or any other law, are hereby transferred to, vested in, and imposed upon the commissioner of public safety. The Bureau of Criminal Apprehension and the Office of the Superintendent of the Bureau of Criminal Apprehension as heretofore constituted are abolished.

Subd. 2. **Division of Department of Public Safety.** A division in the Department of Public Safety to be known as the Bureau of Criminal Apprehension is hereby created, under the supervision and control of the superintendent of criminal apprehension, who shall be appointed by the commissioner and serve at the commissioner's pleasure in the

unclassified service of the state civil service, to whom shall be assigned the duties and responsibilities described in this section.

Subd. 3. [Repealed, 1984 c 649 s 6]

Subd. 4. **Duties generally.** The Division of the Bureau of Criminal Apprehension shall perform such functions and duties as relate to statewide and nationwide crime information systems as the commissioner may direct.

**History:** 1969 c 1129 art 1 s 3; 1986 c 444

### 299C.03 SUPERINTENDENT; RULES.

The superintendent, with the approval of the commissioner of public safety, from time to time, shall make such rules and adopt such measures as the superintendent deems necessary, within the provisions and limitations of sections 299C.03 to 299C.08, 299C.10, 299C.11, 299C.17, 299C.18, and 299C.21, to secure the efficient operation of the bureau. The bureau shall cooperate with the respective sheriffs, constables, marshals, police, and other peace officers of the state in the detection of crime and the apprehension of criminals throughout the state, and shall have the power to conduct such investigations as the superintendent, with the approval of the commissioner of public safety, may deem necessary to secure evidence which may be essential to the apprehension and conviction of alleged violators of the criminal laws of the state. The various members of the bureau shall have and may exercise throughout the state the same powers of arrest possessed by a sheriff, but they shall not be employed to render police service in connection with strikes and other industrial disputes.

**History:** (9950-6) 1927 c 224 s 2; 1935 c 197 s 1; 1949 c 739 s 21; 1951 c 713 s 34; 1971 c 25 s 97; 1985 c 248 s 70; 1986 c 444

### 299C.04 EMPLOYEES, CIVIL SERVICE; EXPENSES.

The superintendent is hereby authorized to appoint, in the manner provided, and to remove as provided by the state civil service law, and to prescribe the duties of such skilled and unskilled employees, including an identification expert, as may be necessary to carry out the work of the bureau; provided, that the appointment and removal of such skilled and unskilled employees shall be in the manner provided by the state civil service law. The superintendent and all officers and employees of the bureau shall, in addition to their compensation, receive their actual and necessary expenses incurred in the discharge of their duties, provided that the total expense of the bureau during any year shall not exceed the appropriation therefor.

**History:** (9950-7) 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41; 1953 c 503 s 1

299C.041 [Repealed, 1982 c 568 s 13]

### 299C.05 DIVISION OF CRIMINAL STATISTICS.

There is hereby established within the bureau a Division of Criminal Statistics, and the superintendent, within the limits of membership herein prescribed, shall appoint a qualified statistician and one assistant to be in charge thereof. It shall be the duty of this division to collect, and preserve as a record of the bureau, information concerning the number and nature of offenses known to have been committed in the state, of the legal steps taken in connection therewith from the inception of the complaint to the final discharge of the defendant, and such other information as may be useful in the study of crime and the administration of justice. The information so collected and preserved shall include such data as may be requested by the United States Department of Justice, at Washington, under its national system of crime reporting. To the extent possible, the superintendent must utilize a nationally recognized system or standard approved by the Federal Bureau of Investigation to collect and preserve crime data.

**History:** (9950-7) 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41; 1Sp2003 c 2 art 4 s 5

**299C.06 DIVISION POWERS AND DUTIES; COOPERATION.**

It shall be the duty of all sheriffs, chiefs of police, city marshals, constables, prison wardens, superintendents of insane hospitals, reformatories and correctional schools, probation and parole officers, school attendance officers, coroners, county attorneys, court clerks, the commissioner of public safety, the commissioner of transportation, and the state fire marshal to furnish to the division statistics and information regarding the number of crimes reported and discovered, arrests made, complaints, informations, and indictments, filed and the disposition made of same, pleas, convictions, acquittals, probations granted or denied, conditional release information, receipts, transfers, and discharges to and from prisons, reformatories, correctional schools, and other institutions, paroles granted and revoked, commutation of sentences and pardons granted and rescinded, and all other data useful in determining the cause and amount of crime in this state and to form a basis for the study of crime, police methods, court procedure, and penal problems. Such statistics and information shall be furnished upon the request of the division and upon such forms as may be prescribed and furnished by it. Unless otherwise required or permitted by the superintendent of the Bureau of Criminal Apprehension, an agency or person furnishing information under this section must utilize a nationally recognized system or standard approved by the Federal Bureau of Investigation for reporting statistics and information. The division shall have the power to inspect and prescribe the form and substance of the records kept by those officials from which the information is so furnished.

**History:** (9950-7) 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41; 1976 c 5 s 11; 1976 c 166 s 7; 1998 c 367 art 7 s 4; 1Sp2003 c 2 art 4 s 6

**299C.063 BOMB DISPOSAL EXPENSE REIMBURSEMENT.**

Subdivision 1. **Definitions.** The terms used in this section have the meanings given them in this subdivision:

(a) "Bomb disposal unit" means a commissioner-approved unit consisting of persons who are trained and equipped to dispose of or neutralize bombs or other similar hazardous explosives and who are employed by a municipality.

(b) "Commissioner" means the commissioner of public safety.

(c) "Municipality" has the meaning given it in section 466.01.

(d) "Hazardous explosives" means explosives as defined in section 299F.72, subdivision 2, explosive devices and incendiary devices as defined in section 609.668, subdivision 1, and all materials subject to regulation under United States Code, title 18, chapter 40.

Subd. 2. **Expense reimbursement.** The commissioner may reimburse bomb disposal units for reasonable expenses incurred to dispose of or neutralize bombs or other similar hazardous explosives for their employer-municipality or for another municipality outside the jurisdiction of the employer-municipality but within the state. Reimbursement is limited to the extent of appropriated funds.

Subd. 3. **Agreements.** The commissioner may enter into contracts or agreements with bomb disposal units to implement and administer this section.

**History:** 1995 c 226 art 4 s 7

**SPECIAL FUNDS****299C.065 UNDERCOVER BUY FUND; WITNESS AND VICTIM PROTECTION.**

Subdivision 1. **Grants.** The commissioner of public safety shall make grants to local officials for the following purposes:

(1) the cooperative investigation of cross jurisdictional criminal activity relating to the possession and sale of controlled substances;

(2) receiving or selling stolen goods;

(3) participating in gambling activities in violation of section 609.76;

(4) violations of section 609.322 or any other state or federal law prohibiting the recruitment, transportation, or use of juveniles for purposes of prostitution;

(5) for partial reimbursement of local costs associated with unanticipated, intensive, long-term, multijurisdictional criminal investigations that exhaust available local resources, except that the commissioner may not reimburse the costs of a local investigation involving a child who is reported to be missing and endangered unless the law enforcement agency complies with section 299C.53 and the agency's own investigative policy; and

(6) for partial reimbursement of local costs associated with criminal investigations into the activities of violent criminal gangs and gang members.

**Subd. 1a. Witness and victim protection fund.** (a) A witness and victim protection fund is created under the administration of the commissioner of public safety. The commissioner may make grants to local officials to provide for the relocation or other protection of a victim, witness, or potential witness who is involved in a criminal prosecution and who the commissioner has reason to believe is or is likely to be the target of a violent crime or a violation of section 609.498 or 609.713, in connection with that prosecution. The awarding of grants under this subdivision is not limited to the crimes and investigations described in subdivision 1.

(b) The commissioner may award grants for any of the following actions in connection with the protection of a witness or victim under this subdivision:

(1) to provide suitable documents to enable the person to establish a new identity or otherwise protect the person;

(2) to provide housing for the person;

(3) to provide for the transportation of household furniture and other personal property to the person's new residence;

(4) to provide the person with a payment to meet basic living expenses for a time period the commissioner deems necessary;

(5) to assist the person in obtaining employment; and

(6) to provide other services necessary to assist the person in becoming self-sustaining.

**Subd. 2. Application for grant.** A county sheriff or the chief administrative officer of a municipal police department may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 1 or 1a, on forms and pursuant to procedures developed by the superintendent. For grants under subdivision 1, the application shall describe the type of intended criminal investigation, an estimate of the amount of money required, and any other information the superintendent deems necessary.

**Subd. 3. Investigation report.** A report shall be made to the commissioner at the conclusion of an investigation for which a grant was made under subdivision 1 stating: (1) the number of persons arrested, (2) the nature of charges filed against them, (3) the nature and value of controlled substances or contraband purchased or seized, (4) the amount of money paid to informants during the investigation, and (5) a separate accounting of the amount of money spent for expenses, other than "buy money," of bureau and local law enforcement personnel during the investigation. The commissioner shall prepare and submit to the chairs of the committees in the senate and house of representatives with jurisdiction over criminal justice policy by January 1 of each even-numbered year a report of investigations receiving grants under subdivision 1.

**Subd. 3a. Accounting report.** The head of a law enforcement agency that receives a grant under subdivision 1a shall file a report with the commissioner at the conclusion of the case detailing the specific purposes for which the money was spent. The commissioner shall prepare and submit to the chairs of the committees in the senate and house of representatives with jurisdiction over criminal justice policy by January 1 of each even-numbered year a summary report of witness assistance services provided under this section.

Subd. 4. **Data classification.** An application to the commissioner for money is a confidential record. Information within investigative files that identifies or could reasonably be used to ascertain the identity of assisted witnesses, sources, or undercover investigators is a confidential record. A report at the conclusion of an investigation is a public record, except that information in a report pertaining to the identity or location of an assisted witness is private data.

**History:** 1979 c 333 s 96; 1985 c 126 s 1; 1991 c 279 s 20; 1993 c 326 art 12 s 6; 1994 c 636 art 4 s 17; 1995 c 226 art 4 s 8,9; art 7 s 2; 1997 c 239 art 2 s 1; 1998 c 367 art 2 s 32

#### **299C.066 CRIME INFORMATION REWARD FUND.**

Subdivision 1. **Fund created; advisory group.** A crime information reward fund is created as an account in the state treasury. Money appropriated to the account is available to pay rewards as directed by the commissioner of public safety, in consultation with the attorney general, under this section.

The attorney general shall appoint an advisory group, in consultation with the commissioner, of five members to assist in implementation of this section.

Subd. 2. **Reward.** The commissioner is authorized to pay a reward to any person who, in response to a reward offer, provides information leading to the arrest and conviction of a criminal offender. The commissioner shall establish criteria for determining the amount of the reward and the duration of the reward offer. In no event shall a reward exceed \$10,000 or a reward offer remain open longer than ten days. The commissioner shall select the criminal investigations for which rewards are offered based on recommendations made by the advisory group members or by the law enforcement agency or agencies conducting the criminal investigation.

**History:** 1994 c 636 art 4 s 18

### **DISPOSAL OF STOLEN PROPERTY**

#### **299C.07 RESTORATION OR DISPOSAL OF STOLEN PROPERTY.**

The Bureau of Criminal Apprehension shall make every effort for a period of 90 days after the seizure or recovery of abandoned or stolen property to return the property to the lawful owner or to the sheriff of the county from which it was stolen.

Any such property held by the bureau for more than 90 days, in case the owner cannot be found or if it cannot be determined from what county the property was stolen, shall be sold at public auction by the superintendent of the bureau, or the superintendent's agent, after two weeks' published notice thereof in a legal newspaper in Ramsey County, stating the time and place of the sale and a list of the property to be sold.

The proceeds of the sale shall be applied in payment of the necessary expenses of the sale and all necessary costs, storage, or charges incurred in relation to the property. The balance of the proceeds shall be paid into the general fund.

**History:** 1941 c 389; 1969 c 399 s 1; 1979 c 333 s 97; 1986 c 444

### **OATH**

#### **299C.08 OATH OF SUPERINTENDENT AND EMPLOYEES.**

The superintendent and each employee in the bureau whom the superintendent shall designate, before entering upon the performance of duties under sections 299C.03 to 299C.08, 299C.10, 299C.11, 299C.17, 299C.18, and 299C.21, shall take the usual oath.

**History:** (9950-8) 1927 c 224 s 4; 1935 c 197 s 3; 1986 c 444; 1991 c 326 s 14

## IDENTIFICATION AND INVESTIGATION DATA SYSTEMS

**299C.09 SYSTEM FOR IDENTIFYING CRIMINALS; RECORD, INDEX.**

The bureau shall install systems for identification of criminals, including the fingerprint system, the modus operandi system, and such others as the superintendent deems proper. The bureau shall keep a complete record and index of all information received in convenient form for consultation and comparison. The bureau shall obtain from wherever procurable and file for record finger and thumb prints, measurements, photographs, plates, outline pictures, descriptions, modus operandi statements, conditional release information, or such other information as the superintendent considers necessary, of persons who have been or shall hereafter be convicted of a felony, gross misdemeanor, or an attempt to commit a felony or gross misdemeanor, within the state, or who are known to be habitual criminals. To the extent that the superintendent may determine it to be necessary, the bureau shall obtain like information concerning persons convicted of a crime under the laws of another state or government, the central repository of this records system is the Bureau of Criminal Apprehension in St. Paul.

**History:** (9950-9) 1927 c 224 s 5; 1957 c 790 s 1; 1969 c 9 s 92; 1998 c 367 art 7 s 5; 2002 c 233 s 2

**299C.091 CRIMINAL GANG INVESTIGATIVE DATA SYSTEM.**

Subdivision 1. **Establishment.** The bureau shall administer and maintain a computerized criminal gang investigative data system for the purpose of assisting criminal justice agencies in the investigation and prosecution of criminal activity by gang members. The system consists of data on individuals whom law enforcement agencies determine are or may be engaged in criminal gang activity. Notwithstanding section 260B.171, subdivision 5, data on adults and juveniles in the system and data documenting an entry in the system may be maintained together. Data in the system must be submitted and maintained as provided in this section.

Subd. 2. **Entry of data into system.** (a) A law enforcement agency may submit data on an individual to the criminal gang investigative data system only if the agency obtains and maintains the documentation required under this subdivision. Documentation may include data obtained from other criminal justice agencies, provided that a record of all of the documentation required under paragraph (b) is maintained by the agency that submits the data to the bureau. Data maintained by a law enforcement agency to document an entry in the system are confidential data on individuals as defined in section 13.02, subdivision 3, but may be released to criminal justice agencies.

(b) A law enforcement agency may submit data on an individual to the bureau for inclusion in the system if the individual is 14 years of age or older and the agency has documented that:

(1) the individual has met at least three of the criteria or identifying characteristics of gang membership developed by the Criminal Gang Oversight Council under section 299A.65 as required by the council; and

(2) the individual has been convicted of a gross misdemeanor or felony or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult.

Subd. 3. **Classification of data in system.** Data in the criminal gang investigative data system are confidential data on individuals as defined in section 13.02, subdivision 3, but are accessible to law enforcement agencies and may be released to the criminal justice agencies.

Subd. 4. **Audit of data submitted to system.** The bureau shall conduct periodic random audits of data under subdivision 2 that documents inclusion of an individual in the criminal gang investigative data system for the purpose of determining the validity, completeness, and accuracy of data submitted to the system. The bureau has access to the documenting data for purposes of conducting an audit.

Subd. 5. **Removal of data from system.** Notwithstanding section 138.17, the bureau shall destroy data entered into the system when three years have elapsed since the data

were entered into the system, except as otherwise provided in this subdivision. If the bureau has information that the individual has been convicted as an adult, or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a crime if committed by an adult, since entry of the data into the system, the data must be maintained until three years have elapsed since the last record of a conviction or adjudication or stayed adjudication of the individual. Upon request of the law enforcement agency that submitted data to the system, the bureau shall destroy the data regardless of whether three years have elapsed since the data were entered into the system.

*History: 1997 c 239 art 8 s 12; 1999 c 139 art 4 s 2*

#### **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

The superintendent of the bureau of criminal apprehension shall maintain a computerized data system relating to individuals required to register as predatory offenders under section 243.166. To the degree feasible, the system must include the information required to be provided under section 243.166, subdivisions 4 and 4a, and indicate the time period that the person is required to register. The superintendent shall maintain this information in a manner that ensures that it is readily available to law enforcement agencies. This information is private data on individuals under section 13.02, subdivision 12, but may be used for law enforcement and corrections purposes.

*History: 2000 c 311 art 2 s 14*

#### **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.

Subd. 2. **Retention.** (a) Notwithstanding section 138.17, the bureau shall retain juvenile history records for the time periods provided in this subdivision. Notwithstanding contrary provisions of paragraphs (b) to (e), all data in a juvenile history record must be retained for the longest time period applicable to any item in the individual juvenile history record. If, before data are destroyed under this subdivision, the subject of the data is convicted of a felony as an adult, the individual's juvenile history record must be retained for the same time period as an adult criminal history record.

(b) Juvenile history data on a child who was arrested must be destroyed six months after the arrest if the child has not been referred to a diversion program and no petition has been filed against the child by that time.

(c) Juvenile history data on a child against whom a delinquency petition was filed and subsequently dismissed must be destroyed upon receiving notice from the court that the petition was dismissed.

(d) Juvenile history data on a child who was referred to a diversion program or against whom a delinquency petition has been filed and continued for dismissal must be destroyed when the child reaches age 21.

(e) Juvenile history data on a child against whom a delinquency petition was filed and continued without adjudication, or a child who was found to have committed a felony or gross misdemeanor-level offense, must be destroyed when the child reaches age 28. If the offender commits a felony violation as an adult, the bureau shall retain the data for as long as the data would have been retained if the offender had been an adult at the time of the juvenile offense.

(f) The bureau shall retain extended jurisdiction juvenile data on an individual received under section 260B.171, subdivision 2, paragraph (c), for as long as the data would have been retained if the offender had been an adult at the time of the offense.

(g) Data retained on individuals under this subdivision are private data under section 13.02, except that extended jurisdiction juvenile data become public data under section 13.87, subdivision 2, when the juvenile court notifies the bureau that the individual's adult sentence has been executed under section 260B.130, subdivision 5.

(h) A person who receives data on a juvenile under paragraphs (b) to (e) from the bureau shall destroy the data according to the schedule in this subdivision, unless the person has access to the data under other law. The bureau shall include a notice of the destruction schedule with all data it disseminates on juveniles.

**History:** 1992 c 571 art 7 s 10; 1996 c 440 art 1 s 49; 1997 c 239 art 8 s 13; 1998 c 371 s 16; 1999 c 139 art 4 s 2; 2000 c 377 s 1; 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).



Subd. 2. **Law enforcement education.** The sheriffs and police officers who take finger and thumb prints must obtain training in the proper methods of taking and transmitting finger prints under this section consistent with bureau requirements.

Subd. 3. **Bureau duty.** The bureau must enter in the criminal records system finger and thumb prints within five working days after they are received under this section.

Subd. 4. **Fee for background check; account; appropriation.** The superintendent shall collect a fee in an amount to cover the expense for each background check provided for a purpose not directly related to the criminal justice system or required by section 624.7131, 624.7132, or 624.714. The proceeds of the fee must be deposited in a special account. Money in the account is annually appropriated to the commissioner to maintain and improve the quality of the criminal record system in Minnesota. The superintendent shall collect an additional handling fee of \$7 for FBI background fingerprint checks.

Subd. 5. **Fee for taking fingerprints; account, appropriation.** The superintendent may charge a fee of \$10 to take fingerprints for the public when required by an employer or government entity for either employment or licensing. No fee will be charged when there is a question whether the person is the subject of a criminal history record. The proceeds of the fee must be deposited in an account in the special revenue fund. Money in the account is annually appropriated to the commissioner to maintain and improve the quality of the criminal record system in Minnesota.

**History:** (9950-10) 1927 c 224 s 6; 1929 c 46 s 1; 1935 c 197 s 4; 1957 c 790 s 2; 1993 c 266 s 32; 1994 c 636 art 4 s 19; 1995 c 226 art 4 s 10,11; 1996 c 408 art 6 s 11; 1996 c 440 art 1 s 50; 1997 c 159 art 2 s 43; 1997 c 239 art 8 s 14,15; 2000 c 478 art 2 s 7; 1Sp2001 c 8 art 6 s 1; 1Sp2003 c 2 art 4 s 7,8

#### 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:** (9950-11) 1927 c 224 s 7; 1929 c 46 s 2; 1935 c 197 s 5; 1957 c 790 s 3; 1986 c 444; 1992 c 569 s 16; 1994 c 636 art 4 s 20; 1995 c 259 art 1 s 49; 1996 c 408 art 9 s 5; 1997 c 7 art 1 s 122; 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.115 WARRANT INFORMATION PROVIDED TO STATE.

(a) By January 1, 1996, every county shall, in the manner provided in either clause (1) or (2), make warrant information available to other users of the Minnesota criminal justice information system:

(1) the county shall enter the warrant information in the warrant file of the Minnesota criminal justice information system; or

(2) the county, at no charge to the state, shall make the warrant information that is maintained in the county's computer accessible by means of a single query to the Minnesota criminal justice information system.

(b) As used in this section, "warrant information" means information on all outstanding felony, gross misdemeanor, and misdemeanor warrants for adults and juveniles that are issued within the county.

**History:** 1994 c 636 art 4 s 21

#### 299C.12 RECORD KEPT BY PEACE OFFICER; REPORT.

Every peace officer shall keep or cause to be kept a permanent written record, in such form as the superintendent may prescribe, of all felonies reported to or discovered by the officer within the officer's jurisdiction and of all warrants of arrest for felonies and search warrants issued to the officer in relation to the commission of felonies, and shall make or cause to be made to the sheriff of the county and the bureau reports of all such crimes, upon such forms as the superintendent may prescribe, including a statement of the facts and a description of the offender, so far as known, the offender's method of operation, the action taken by the officer, and such other information as the superintendent may require.

**History:** (9950-12) 1927 c 224 s 8; 1959 c 409 s 1; 1986 c 444

**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:** (9950-13) 1927 c 224 s 9; 1992 c 569 s 17; 1996 c 408 art 9 s 6; 1997 c 239 art 8 s 16; 2001 c 202 s 14

**299C.14 INFORMATION ON RELEASED PRISONER.**

It shall be the duty of the officials having charge of the penal institutions of the state or the release of prisoners therefrom to furnish to the bureau, as the superintendent may require, finger and thumb prints, photographs, distinctive physical mark identification data, other identification data, modus operandi reports, and criminal records of prisoners heretofore, now, or hereafter confined in such penal institutions, together with the period of their service and the time, terms, and conditions of their discharge.

**History:** (9950-14) 1937 c 224 s 10; 1969 c 9 s 93; 1994 c 636 art 4 s 22

**299C.145 DISTINCTIVE PHYSICAL MARK IDENTIFICATION SYSTEM.**

Subdivision 1. **Definition.** As used in this section and in sections 299C.10, 299C.11, and 299C.14, "distinctive physical mark identification data" means a photograph of a brand, scar, or tattoo, and a description of the body location where the distinctive physical mark appears.

Subd. 2. **System establishment.** The superintendent shall establish and maintain a system within the bureau to enable law enforcement agencies to submit and obtain distinctive physical mark identification data on persons who are under investigation for criminal activity. The system shall cross-reference the distinctive physical mark identification data with the name of the individual from whose body the distinctive physical mark identification data was obtained. The system also shall cross-reference distinctive physical mark identification data with the names of individuals who have been identified as having a similar or identical distinctive physical mark in the same body location.

Subd. 3. **Authority to enter or retrieve data.** Only law enforcement agencies may submit data to and obtain data from the distinctive physical mark identification system.

Subd. 4. **Rules.** The bureau may adopt rules to provide for the orderly collection, entry, and retrieval of data contained in the distinctive physical mark identification system.

**History:** 1994 c 636 art 4 s 23

**299C.147** [Renumbered 241.065]**299C.15 COOPERATION; CRIMINAL IDENTIFICATION ORGANIZATIONS.**

The bureau shall cooperate and exchange information with other organizations for criminal identification, either within or without the state, for the purpose of developing,

improving, and carrying on an efficient system for the identification and apprehension of criminals.

**History:** (9950-15) 1927 c 224 s 11

### 299C.155 STANDARDIZED EVIDENCE COLLECTION; DNA ANALYSIS.

Subdivision 1. **Definition.** As used in this section, "DNA analysis" means the process through which deoxyribonucleic acid (DNA) in a human biological specimen is analyzed and compared with DNA from another human biological specimen for identification purposes.

Subd. 2. **Uniform evidence collection.** The bureau shall develop uniform procedures and protocols for collecting evidence in cases of alleged or suspected criminal sexual conduct, including procedures and protocols for the collection and preservation of human biological specimens for DNA analysis. Law enforcement agencies and medical personnel who conduct evidentiary exams shall use the uniform procedures and protocols in their investigation of criminal sexual conduct offenses. The uniform procedures and protocols developed under this subdivision are not subject to the rulemaking provisions of chapter 14.

Subd. 3. **DNA analysis and data bank.** The bureau shall adopt uniform procedures and protocols to maintain, preserve, and analyze human biological specimens for DNA. The bureau shall establish a centralized system to cross-reference data obtained from DNA analysis. The uniform procedures and protocols developed under this subdivision are not subject to the rulemaking provisions of chapter 14.

Subd. 4. **Record.** The bureau shall perform DNA analysis and make data obtained available to law enforcement officials in connection with criminal investigations in which human biological specimens have been recovered. Upon request, the bureau shall also make the data available to the prosecutor and the subject of the data in any subsequent criminal prosecution of the subject.

**History:** 1989 c 290 art 4 s 7; 1990 c 499 s 5,6

## INFORMATION GATHERING AND DISSEMINATION

### 299C.16 INFORMATION BROADCAST TO PEACE OFFICERS.

The bureau shall broadcast, by mail, wire, and wireless, to peace officers such information as to wrongdoers wanted, property stolen or recovered, and other intelligence as may help in controlling crime.

**History:** (9950-16) 1927 c 224 s 12

### 299C.17 REPORT BY COURT ADMINISTRATOR.

The superintendent shall have power to require the court administrator of any county to file with the department, at such time as the superintendent may designate, a report, upon such form as the superintendent may prescribe, furnishing such information as the superintendent may require with regard to the prosecution and disposition of criminal cases. A copy of the report shall be kept on file in the office of the court administrator.

**History:** (9950-18) 1927 c 224 s 14; 1935 c 197 s 6; 1986 c 444; 1Sp1986 c 3 art 1 s 82

### 299C.18 BUREAU OPERATIONS REPORT.

Biennially, on or before November 15, in each even-numbered year the superintendent shall submit to the governor and the legislature a detailed report of the operations of the bureau, of information about crime and the handling of crimes and criminals by state and local officials collected by the bureau, and the superintendent's interpretations of the information, with comments and recommendations. The data contained in the report on Part I offenses cleared by arrest, as defined by the United States Department of Justice, shall be collected and tabulated geographically at least on a

county-by-county basis. In such reports the superintendent shall, from time to time, include recommendations to the legislature for dealing with crime and criminals and information as to conditions and methods in other states in reference thereto, and shall furnish a copy of such report to each member of the legislature.

**History:** (9950-19) 1927 c 224 s 15; 1935 c 197 s 7; 1955 c 847 s 29; 1969 c 540 s 14; 1986 c 444; 1992 c 511 art 1 s 12

#### OTHER PROVISIONS

##### 299C.19 EMPLOYEES INCLUDED IN WORKERS' COMPENSATION LAWS.

Every employee of the bureau shall be deemed an employee of the state within the meaning of the workers' compensation laws of this state and entitled to the benefit of all the provisions of those laws applicable to state employees.

**History:** (9950-20) 1927 c 224 s 16; 1975 c 359 s 23; 1981 c 64 s 1

##### 299C.20 STATUTORY CONSTRUCTION.

It is hereby declared that sections 299C.03 to 299C.20 are necessary for the public safety, peace and welfare, are remedial in nature, shall be construed liberally, and that, in case any part thereof shall be declared unconstitutional, it shall not in any way affect any other part.

**History:** (9950-21) 1927 c 224 s 17

##### 299C.21 PENALTY ON LOCAL OFFICER REFUSING INFORMATION.

If any public official charged with the duty of furnishing to the bureau fingerprint records, reports, or other information required by sections 299C.06, 299C.10, 299C.11, 299C.17, shall neglect or refuse to comply with such requirement, the bureau, in writing, shall notify the state, county, or city officer charged with the issuance of a warrant for the payment of the salary of such official. Upon the receipt of the notice the state, county, or city official shall withhold the issuance of a warrant for the payment of the salary or other compensation accruing to such officer for the period of 30 days thereafter until notified by the bureau that such suspension has been released by the performance of the required duty.

**History:** (9950-22) 1935 c 197 s 8

##### 299C.215 REPORT OF 30-DAY STORAGE OF MOTOR VEHICLE.

Every operator of a structure or place where motor vehicles are stored shall report in writing to the Bureau of Criminal Apprehension the fact that any motor vehicle has been continuously stored in such structure or place more than 30 days without having been removed therefrom when the owner thereof is not personally known to such operator and no contract exists between such operator and owner for such term storage. Such report shall be in form prescribed by such bureau, furnishing identification of such vehicle.

Any person violating this section shall be guilty of a misdemeanor.

**History:** 1957 c 872 s 1

##### 299C.22 SECURITY GUARD; DISCHARGE OF FIREARM; REPORT.

Subdivision 1. **Definitions.** (a) For purposes of this section, "security guard" means any person who is paid a fee, wage or salary to perform one or more of the following functions:

(1) prevention or detection of intrusion, unauthorized entry or activity, vandalism, or trespass on private property;

(2) prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;

(3) control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;

(4) protection of individuals from bodily harm; or

(5) enforcement of policies and rules of the security guard's employer related to crime reduction insofar as such enforcement falls within the scope of the guard's duties.

(b) The provisions of this subdivision are not intended to include within the definition of "security guard" auditors, accountants, and accounting personnel whether or not they are employees of a private firm, corporation or independent accounting firm.

Subd. 2. **Report.** Each discharge of a firearm by a security guard in the course of employment, other than for training purposes, shall be reported to the chief of police of an organized full-time police department of the municipality in which the discharge occurred or to the county sheriff if there is no local chief of police. Reports required to be made under this subdivision shall be forwarded to the Bureau of Criminal Apprehension upon forms as may be prescribed and furnished by the bureau. The superintendent shall cause a summary of the reports to be compiled and published annually.

**History:** 1979 c 196 s 1; 1986 c 444

#### **299C.23 CONTINUING EDUCATION FEE; APPROPRIATION.**

The commissioner of public safety may charge tuition to cover the cost of continuing education courses provided by the Bureau of Criminal Apprehension when money available to the commissioner for this purpose is not adequate to pay these costs. The tuition fees collected are appropriated to the commissioner.

**History:** 1989 c 269 s 44

### **RADIO BROADCASTING**

#### **299C.30 RADIO BROADCASTING STATION MAY BE INSTALLED.**

The commissioner of administration is hereby authorized to purchase, secure the necessary air privilege, lease or otherwise acquire, and install one or more radio broadcasting stations to be used for police purposes only, under the direction of the Bureau of Criminal Apprehension.

**History:** (9950-41) 1935 c 195 s 1

#### **299C.31 BUREAU TO MAINTAIN STATION.**

The bureau is hereby charged with the maintenance, operation, and conduct of all radio broadcasting stations established under the provisions of sections 299C.30 to 299C.38.

**History:** (9950-42) 1935 c 195 s 2

#### **299C.32 POLICE CAR TO HAVE RADIO.**

When the broadcasting station or stations authorized by sections 299C.30 to 299C.38 have been established and are ready for operation, the bureau shall notify immediately the board of county commissioners in each county of the state that such radio service has been established; and forthwith the board shall provide for the purchase and installation in the office of the sheriff and at such other places within each county as it may direct, and in at least one motor vehicle used by the sheriff in the conduct of the sheriff's office, a locked-in radio receiving set of the character prescribed by the bureau for use in connection with the broadcasting station or stations so established.

**History:** (9950-43) 1935 c 195 s 3; Ex1936 c 104 s 1; 1986 c 444

#### **299C.33 RECEIVING STATION IN CITY.**

The council of each city in the state shall, and the council of each statutory city in the state may, purchase, install, and maintain in such place as the council may

determine, at least one such locked-in radio receiving set, as may be prescribed by the bureau for use in law enforcement and police work in such city or statutory city in connection with the broadcasting system thereby established.

**History:** (9950-44) 1935 c 195 s 4; Ex1936 c 104 s 2; 1973 c 123 art 5 s 7

#### **299C.34 COMMISSIONER TO SUPPLY BROADCASTING SET.**

The commissioner of administration shall purchase and supply the Bureau of Criminal Apprehension with such locked-in radio receiving sets as are deemed necessary by the superintendent.

**History:** (9950-45) 1935 c 195 s 5; Ex1936 c 104 s 3

#### **299C.35 BUREAU TO BROADCAST CRIMINAL INFORMATION.**

It shall be the duty of the bureau to broadcast all police dispatches and reports submitted which, in the opinion of the superintendent, shall have a reasonable relation to or connection with the apprehension of criminals, the prevention of crime, and the maintenance of peace and order throughout the state. Every sheriff, peace officer, or other person employing a radio receiving set under the provisions of sections 299C.30 to 299C.38 shall make report to the bureau at such times and containing such information as the superintendent shall direct.

**History:** (9950-46) 1935 c 195 s 6

#### **299C.36 PRIORITY FOR STATION CALLS AND MESSAGES.**

Every telegraph and telephone company operating in the state shall give priority to all messages or calls directed to the broadcasting station or stations established under sections 299C.30 to 299C.38.

**History:** (9950-47) 1935 c 195 s 7

#### **299C.37 POLICE COMMUNICATION EQUIPMENT; USE, SALE.**

Subdivision 1. **Use regulated.** (a) No person other than peace officers within the state, the members of the State Patrol, and persons who hold an amateur radio license issued by the Federal Communications Commission, shall equip any motor vehicle with any radio equipment or combination of equipment, capable of receiving any radio signal, message, or information from any police emergency frequency, or install, use, or possess the equipment in a motor vehicle without permission from the superintendent of the bureau upon a form prescribed by the superintendent. An amateur radio license holder is not entitled to exercise the privilege granted by this paragraph if the license holder has been convicted in this state or elsewhere of a crime of violence, as defined in section 624.712, subdivision 5, unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, "crime of violence" includes a crime in another state or jurisdiction that would have been a crime of violence if it had been committed in this state. Radio equipment installed, used, or possessed as permitted by this paragraph must be under the direct control of the license holder whenever it is used. A person who is designated in writing by the chief law enforcement officer of a political subdivision issued a permit under subdivision 3 may use and possess radio equipment while in the course and scope of duties or employment without also having to obtain an individual permit.

(b) Except as provided in paragraph (c), any person who is convicted of a violation of this subdivision shall, upon conviction for the first offense, be guilty of a misdemeanor, and for the second and subsequent offenses shall be guilty of a gross misdemeanor.

(c) An amateur radio license holder who exercises the privilege granted by paragraph (a) shall carry the amateur radio license in the motor vehicle at all times and shall present the license to a peace officer on request. A violation of this paragraph is a petty misdemeanor. A second or subsequent violation is a misdemeanor.

Subd. 2. [Repealed, 1971 c 71 s 2]

Subd. 3. **Permit.** The superintendent of the bureau shall, upon written application, issue a written permit, which shall be nontransferable, to a person, firm, political subdivision, or corporation showing good cause to use radio equipment capable of receiving a police emergency frequency, as a necessity, in the lawful pursuit of a business, trade, or occupation.

Subd. 4. [Repealed, 1983 c 293 s 115]

**History:** (9950-48) 1935 c 195 s 8; 1961 c 661 s 1; 1965 c 721 s 1; 1981 c 37 s 2; 1983 c 293 s 91; 1986 c 444; 1987 c 191 s 1; 2003 c 121 s 1,2

### 299C.38 PRIORITY OF POLICE COMMUNICATIONS; MISDEMEANOR.

Any telegraph or telephone operator who shall fail to give priority to police messages or calls as provided in sections 299C.30 to 299C.38, and any person who willfully makes any false, misleading, or unfounded report to any broadcasting station established thereunder for the purpose of interfering with the operation thereof, or with the intention of misleading any officer of this state, shall be guilty of a misdemeanor.

**History:** (9950-50) 1935 c 195 s 10; 1965 c 721 s 2

## DATA COMMUNICATIONS NETWORK

299C.45 [Repealed, 1977 c 424 s 5]

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

Subdivision 1. **Establishment; interconnection.** The commissioner of public safety shall establish a criminal justice data communications network which will enable the interconnection of the criminal justice agencies within the state into a unified criminal justice information system. The commissioner of public safety is authorized to lease or purchase facilities and equipment as may be necessary to establish and maintain the data communications network.

Subd. 2. **Criminal justice agency defined.** For the purposes of sections 299C.46 to 299C.49, "criminal justice agency" means an agency of the state or an agency of a political subdivision charged with detection, enforcement, prosecution, adjudication or incarceration in respect to the criminal or traffic laws of this state. This definition also includes all sites identified and licensed as a detention facility by the commissioner of corrections under section 241.021.

Subd. 2a. **Noncriminal justice agency defined.** For the purposes of sections 299C.46 to 299C.49, "noncriminal justice agency" means an agency of a state or an agency of a political subdivision of a state charged with the responsibility of performing checks of state databases connected to the criminal justice data communications network.

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 99-169;

(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.

**Subd. 4. Commissioner administers and coordinates.** The commissioner of public safety shall administer the data communications network and shall coordinate matters relating to its use by other state agencies and political subdivisions. The commissioner shall receive the assistance of the commissioner of administration on matters involving the department of administration and its information systems division. Other state department or agency heads shall assist the commissioner where necessary in the performance of the commissioner's duties under this section.

**Subd. 5. Diversion program data.** Counties operating diversion programs under section 401.065 shall supply to the bureau of criminal apprehension the names of and other identifying data specified by the bureau concerning diversion program participants. Notwithstanding section 299C.11, the bureau shall maintain the names and data in the computerized criminal history system for 20 years from the date of the offense. Data maintained under this subdivision are private data.

**History:** 1965 c 903 s 1; 1967 c 334 s 2; 1977 c 424 s 1; 1983 c 293 s 92; 1986 c 444; 1987 c 166 s 1; 1993 c 326 art 10 s 8; 1996 c 440 art 1 s 51; 1997 c 159 art 2 s 44,45; 1997 c 203 art 6 s 31; 2000 c 377 s 4; 2001 c 167 s 1

**299C.47** [Repealed, 1976 c 149 s 63]

**299C.48 CONNECTION BY AUTHORIZED AGENCY; FEE, APPROPRIATION.**

(a) An agency authorized under section 299C.46, subdivision 3, may connect with and participate in the criminal justice data communications network upon approval of the commissioner of public safety; provided, that the agency shall first agree to pay installation charges as may be necessary for connection and monthly operational charges as may be established by the commissioner of public safety. Before participation by a criminal justice agency may be approved, the agency must have executed an agreement with the commissioner providing for security of network facilities and restrictions on access to data supplied to and received through the network.

(b) In addition to any fee otherwise authorized, the commissioner of public safety shall impose a fee for providing secure dial-up or Internet access for criminal justice agencies and noncriminal justice agencies. The following monthly fees apply:

- (1) criminal justice agency accessing via Internet, \$15;
- (2) criminal justice agency accessing via dial-up, \$35;
- (3) noncriminal justice agency accessing via Internet, \$35; and
- (4) noncriminal justice agency accessing via dial-up, \$35.

(c) The installation and monthly operational charges collected by the commissioner of public safety under paragraphs (a) and (b) are annually appropriated to the commissioner to administer sections 299C.46 to 299C.50.

**History:** 1965 c 903 s 3; 1967 c 334 s 2; 1973 c 123 art 5 s 7; 1977 c 424 s 2; 1987 c 166 s 2; 1987 c 320 s 2; 1Sp2003 c 2 art 4 s 9

**299C.49 GRANT REVIEW.**

The commissioner of public safety, after consultation with representatives of criminal justice agencies, shall review all grant requests for federal and state funds from the Governor's Commission on Crime Prevention and Control or its successor for criminal justice information systems and recommend action to the commission.

*History: 1977 c 424 s 3*

**299C.50 TRANSFER OF FUNCTIONS.**

The commissioner of public safety shall perform all duties in respect to the state's criminal justice information system which were transferred from the commissioner of finance and the Governor's Commission on Crime Prevention and Control by executive order of the governor; provided, that a transfer shall not occur if the state is informed by a federal agency that the transfer will result in the loss of federal moneys to which the state would otherwise be entitled pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, and the Crime Control Act of 1976, Public Law 94-503.

*History: 1977 c 424 s 4*

**MISSING CHILDREN****299C.51 CITATION.**

Sections 299C.51 to 299C.53 may be cited as the "Minnesota Missing Children's Act."

*History: 1984 c 510 s 1*

**299C.52 MINNESOTA MISSING CHILD PROGRAM.**

Subdivision 1. **Definitions.** As used in sections 299C.52 to 299C.56, the following terms have the meanings given them:

- (a) "Child" means any person under the age of 18 years or any person certified or known to be mentally incompetent.
- (b) "CJIS" means Minnesota criminal justice information system.
- (c) "Missing" means the status of a child after a law enforcement agency that has received a report of a missing child has conducted a preliminary investigation and determined that the child cannot be located.
- (d) "NCIC" means National Crime Information Center.
- (e) "Endangered" means that a law enforcement official has received sufficient evidence that the child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child.

Subd. 2. **Establishment.** The commissioner of public safety shall maintain a Minnesota missing child program within the department to enable documented information about missing Minnesota children to be entered into the NCIC computer.

Subd. 3. **Computer equipment and programs.** The commissioner shall provide the necessary computer hardware and computer programs to enter, modify, and cancel information on missing children in the NCIC computer through the CJIS. These programs must provide for search and retrieval of information using the following identifiers: physical description, name and date of birth, name and Social Security number, name and driver's license number, vehicle license number, and vehicle identification number. The commissioner shall also provide a system for regional, statewide, multistate, and nationwide broadcasts of information on missing children. These broadcasts shall be made by local law enforcement agencies where possible or, in the case of statewide or nationwide broadcasts, by the Bureau of Criminal Apprehension upon request of the local law enforcement agency.

Subd. 4. **Authority to enter or retrieve information.** Only law enforcement agencies may enter missing child information through the CJIS into the NCIC computer or retrieve information through the CJIS from the NCIC computer.

Subd. 5. **Statistical data.** The commissioner shall annually compile and make available statistical information on the number of missing children entered into the NCIC computer and, if available, information on the number located.

Subd. 6. **Rules.** The commissioner may adopt rules in conformance with sections 299C.52 to 299C.56 to provide for the orderly collection and entry of missing child information and requests for retrieval of missing child information.

**History:** 1984 c 510 s 2; 1991 c 285 s 4-6; 1994 c 636 art 4 s 24

#### **299C.53 MISSING CHILD REPORT; DUTIES OF COMMISSIONER AND LAW ENFORCEMENT AGENCIES.**

Subdivision 1. **Investigation and entry of information.** Upon receiving a report of a child believed to be missing, a law enforcement agency shall conduct a preliminary investigation to determine whether the child is missing. If the child is initially determined to be missing and endangered, the agency shall immediately consult the Bureau of Criminal Apprehension during the preliminary investigation, in recognition of the fact that the first two hours are critical. If the child is determined to be missing, the agency shall immediately enter identifying and descriptive information about the child through the CJIS into the NCIC computer. Law enforcement agencies having direct access to the CJIS and the NCIC computer shall enter and retrieve the data directly and shall cooperate in the entry and retrieval of data on behalf of law enforcement agencies which do not have direct access to the systems.

Subd. 2. **Location of missing child.** Immediately after a missing child is located, the law enforcement agency which located or returned the missing child shall notify the law enforcement agency having jurisdiction over the investigation, and that agency shall cancel the entry from the NCIC computer.

Subd. 3. **Missing and endangered children.** If the Bureau of Criminal Apprehension receives a report from a law enforcement agency indicating that a child is missing and endangered, the superintendent may assist the law enforcement agency in conducting the preliminary investigation, offer resources, and assist the agency in helping implement the investigation policy with particular attention to the need for immediate action.

**History:** 1984 c 510 s 3; 1994 c 636 art 4 s 25,26

#### **299C.54 MISSING CHILDREN BULLETIN.**

Subdivision 1. **Distribution.** The commissioner shall distribute a missing children bulletin on a quarterly basis to local law enforcement agencies, county attorneys, and public and nonpublic schools. The commissioner shall also make this information accessible to other parties involved in efforts to locate missing children and to other persons as the commissioner considers appropriate.

Subd. 2. **Photograph.** The commissioner shall provide appropriate local law enforcement agencies with a list of missing children, with an appropriate waiver form to assist the agency in obtaining a photograph of each missing child. Local agencies shall obtain the most recent photograph available for missing children and forward those photographs to the commissioner. The commissioner shall include these photographs, as they become available, in the quarterly bulletins.

Subd. 3. **Included with mailing.** State and local elected officials and agencies may enclose in their mailings information regarding missing children obtained from law enforcement agencies or from any organization that is recognized as a nonprofit, tax-exempt organization under state or federal law and has an ongoing missing children program. Elected officials and commissioners of state agencies are urged to develop policies to enclose missing children information in mailings when it will not increase postage costs and is otherwise considered appropriate.

Subd. 3a. **Collection of data.** Identifying information on missing children entered into the NCIC computer regarding cases that are still active at the time the missing children bulletin is compiled each quarter may be included in the bulletin.

Subd. 4. **Data classification.** The information included in the missing children bulletin is public data as defined in section 13.01, subdivision 15.

**History:** 1991 c 285 s 7; 1993 c 326 art 10 s 9

#### 299C.55 TRAINING.

The commissioner shall adopt standards for training appropriate personnel concerning the investigation of missing children cases.

**History:** 1991 c 285 s 8

#### 299C.56 RELEASE OF MEDICAL DATA.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Health care facility" means the office of a dentist or physician, or another medical facility, that is in possession of identifying data.

(c) "Identifying data" means dental or skeletal X-rays, or both, and related information, previously created in the course of providing dental or medical care to a child who has now been reported as missing.

Subd. 2. **Written declaration.** If a child is reported missing, a law enforcement agency may execute a written declaration, stating that an active investigation seeking the location of the missing child is being conducted, and that the identifying data are necessary for the exclusive purpose of furthering the investigation. Notwithstanding chapter 13 or section 144.651, subdivision 16, when a written declaration executed under this subdivision, signed by a peace officer, is presented to a health care facility, the facility shall provide access to the missing child's identifying data to the law enforcement agency.

**History:** 1991 c 285 s 9

### NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

#### 299C.57 CITATION.

Sections 299C.58 and 299C.582 may be cited as the National Crime Prevention and Privacy Compact.

**History:** 2002 c 269 s 1

#### 299C.58 COMPACT.

The National Crime Prevention and Privacy Compact is hereby ratified, enacted into law, and entered into by this state with any other states legally joining therein in the form substantially as follows:

#### ARTICLE I DEFINITIONS

In this compact:

(1) **Attorney general.** The term "attorney general" means: the attorney general of the United States.

(2) **Compact officer.** The term "compact officer" means

(A) with respect to the federal government, an official so designated by the director of the FBI; and

(B) with respect to a party state, the chief administrator of the state's criminal history record repository or a designee of the chief administrator who is a regular full-time employee of the repository.

(3) **Council.** The term “council” means the Compact Council established under article VI.

(4) **Criminal history records.** The term “criminal history records”

(A) means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, or release; and

(B) does not include identification information such as fingerprint records if such information does not indicate involvement of the individual with the criminal justice system.

(5) **Criminal history record repository.** The term “criminal history record repository” means the state agency designated by the governor or other appropriate executive official or the legislature of a state to perform centralized record-keeping functions for criminal history records and services in the state.

(6) **Criminal justice.** The term “criminal justice” includes activities relating to the detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice includes criminal identification activities and the collection, storage, and dissemination of criminal history records.

(7) **Criminal justice agency.** The term “criminal justice agency”

(A) means:

(i) courts; and

(ii) a governmental agency or any subunit thereof that:

(I) performs the administration of criminal justice pursuant to a statute or executive order; and

(II) allocates a substantial part of its annual budget to the administration of criminal justice; and

(B) includes federal and state inspectors general offices.

(8) **Criminal justice services.** The term “criminal justice services” means services provided by the FBI to criminal justice agencies in response to a request for information about a particular individual or as an update to information previously provided for criminal justice purposes.

(9) **Criterion offense.** The term “criterion offense” means any felony or misdemeanor offense not included on the list of nonserious offenses published periodically by the FBI.

(10) **Direct access.** The term “direct access” means access to the National Identification Index by computer terminal or other automated means not requiring the assistance of or intervention by any other party or agency.

(11) **Executive order.** The term “executive order” means an order of the president of the United States or the chief executive officer of a state that has the force of law and that is promulgated in accordance with applicable law.

(12) **FBI.** The term “FBI” means the Federal Bureau of Investigation.

(13) **Interstate Identification Index System.** The term “Interstate Identification Index System” or “III System”

(A) means the cooperative federal-state system for the exchange of criminal history records; and

(B) includes the National Identification Index, the National Fingerprint File, and, to the extent of their participation in such system, the criminal history record repositories of the states and the FBI.

(14) **National Fingerprint File.** The term “National Fingerprint File” means a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual maintained by the FBI to provide positive identification of record subjects indexed in the III System.

(15) **National Identification Index.** The term “National Identification Index” means an index maintained by the FBI consisting of names, identifying numbers, and other descriptive information relating to record subjects about whom there are criminal history records in the III System.

(16) **National indexes.** The term “national indexes” means the National Identification Index and the National Fingerprint File.

(17) **Nonparty state.** The term “nonparty state” means a state that has not ratified this compact.

(18) **Noncriminal justice purposes.** The term “noncriminal justice purposes” means uses of criminal history records for purposes authorized by federal or state law other than purposes relating to criminal justice activities, including employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances.

(19) **Party state.** The term “party state” means a state that has ratified this compact.

(20) **Positive identification.** The term “positive identification” means a determination, based upon a comparison of fingerprints or other equally reliable biometric identification techniques, that the subject of a record search is the same person as the subject of a criminal history record or records indexed in the III System. Identifications based solely upon a comparison of subjects’ names or other nonunique identification characteristics or numbers, or combinations thereof, shall not constitute positive identification.

(21) **Sealed record information.** The term “sealed record information” means:

(A) with respect to adults, that portion of a record that is:

(i) not available for criminal justice uses;

(ii) not supported by fingerprints or other accepted means of positive identification; or

(iii) subject to restrictions on dissemination for noncriminal justice purposes pursuant to a court order related to a particular subject or pursuant to a federal or state statute that requires action on a sealing petition filed by a particular record subject; and

(B) with respect to juveniles, whatever each state determines is a sealed record under its own law and procedure.

(22) **State.** The term “state” means any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

## ARTICLE II PURPOSES

The purposes of this compact are to:

(1) provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses;

(2) require the FBI to permit use of the National Identification Index and the National Fingerprint File by each party state, and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under article VI;

(3) require party states to provide information and records for the National Identification Index and the National Fingerprint File and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the federal government for noncriminal justice purposes, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under article VI;

(4) provide for the establishment of a council to monitor III System operations and to prescribe system rules and procedures for the effective and proper operation of the III System for noncriminal justice purposes; and

(5) require the FBI and each party state to adhere to III System standards concerning record dissemination and use, response times, system security, data quality, and other duly established standards, including those that enhance the accuracy and privacy of such records.

### ARTICLE III RESPONSIBILITIES OF COMPACT PARTIES

(a) **FBI responsibilities.** The director of the FBI shall:

(1) appoint an FBI compact officer who shall:

(A) administer this compact within the Department of Justice and among federal agencies and other agencies and organizations that submit search requests to the FBI pursuant to article V(c);

(B) ensure that compact provisions and rules, procedures, and standards prescribed by the council under article VI are complied with by the Department of Justice and the federal agencies and other agencies and organizations referred to in article III(1)(A); and

(C) regulate the use of records received by means of the III System from party states when such records are supplied by the FBI directly to other federal agencies;

(2) provide to federal agencies and to state criminal history record repositories, criminal history records maintained in its database for the noncriminal justice purposes described in article IV, including:

(A) information from nonparty states; and

(B) information from party states that is available from the FBI through the III System, but is not available from the party state through the III System;

(3) provide a telecommunications network and maintain centralized facilities for the exchange of criminal history records for both criminal justice purposes and the noncriminal justice purposes described in article IV, and ensure that the exchange of such records for criminal justice purposes has priority over exchange for noncriminal justice purposes; and

(4) modify or enter into user agreements with nonparty state criminal history record repositories to require them to establish record request procedures conforming to those prescribed in article V.

(b) **State responsibilities.** Each party state shall:

(1) appoint a compact officer who shall:

(A) administer this compact within that state;

(B) ensure that compact provisions and rules, procedures, and standards established by the council under article VI are complied with in the state; and

(C) regulate the in-state use of records received by means of the III System from the FBI or from other party states;

(2) establish and maintain a criminal history record repository, which shall provide:

(A) information and records for the National Identification Index and the National Fingerprint File; and

(B) the state's III System-indexed criminal history records for noncriminal justice purposes described in article IV;

(3) participate in the National Fingerprint File; and

(4) provide and maintain telecommunications links and related equipment necessary to support the services set forth in this compact.

(c) **Compliance with III System standards.** In carrying out their responsibilities under this compact, the FBI and each party state shall comply with III System rules, procedures, and standards duly established by the council concerning record dissemina-

tion and use, response times, data quality, system security, accuracy, privacy protection, and other aspects of III System operation.

(d) **Maintenance of record services.**

(1) Use of the III System for noncriminal justice purposes authorized in this compact shall be managed so as not to diminish the level of services provided in support of criminal justice purposes.

(2) Administration of compact provisions shall not reduce the level of service available to authorized noncriminal justice users on the effective date of this compact.

ARTICLE IV  
AUTHORIZED RECORD DISCLOSURES

(a) **State criminal history record repositories.** To the extent authorized by United States Code, title 5, section 552a, commonly known as the "Privacy Act of 1974," the FBI shall provide on request criminal history records (excluding sealed records) to state criminal history record repositories for noncriminal justice purposes allowed by federal statute, federal executive order, or a state statute that has been approved by the attorney general and that authorizes national indexes checks.

(b) **Criminal justice agencies and other governmental or nongovernmental agencies.** The FBI, to the extent authorized by United States Code, title 5, section 552a, commonly known as the "Privacy Act of 1974," and state criminal history record repositories shall provide criminal history records (excluding sealed records) to criminal justice agencies and other governmental or nongovernmental agencies for noncriminal justice purposes allowed by federal statute, federal executive order, or a state statute that has been approved by the attorney general, that authorizes national indexes checks.

(c) **Procedures.** Any record obtained under this compact may be used only for the official purposes for which the record was requested. Each compact officer shall establish procedures, consistent with this compact, and with rules, procedures, and standards established by the council under article VI, which procedures shall protect the accuracy and privacy of the records, and shall:

(1) ensure that records obtained under this compact are used only by authorized officials for authorized purposes;

(2) require that subsequent record checks are requested to obtain current information whenever a new need arises; and

(3) ensure that record entries that may not legally be used for a particular noncriminal justice purpose are deleted from the response and, if no information authorized for release remains, an appropriate "no record" response is communicated to the requesting official.

ARTICLE V  
RECORD REQUEST PROCEDURES

(a) **Positive identification.** Subject fingerprints or other approved forms of positive identification shall be submitted with all requests for criminal history record checks for noncriminal justice purposes.

(b) **Submission of state requests.** Each request for a criminal history record check utilizing the national indexes made under any approved state statute shall be submitted through that state's criminal history record repository. A state criminal history record repository shall process an interstate request for noncriminal justice purposes through the national indexes only if such request is transmitted through another state criminal history record repository or the FBI.

(c) **Submission of federal requests.** Each request for criminal history record checks utilizing the national indexes made under federal authority shall be submitted through the FBI or, if the state criminal history record repository consents to process fingerprint submissions, through the criminal history record repository in the state in which such request originated. Direct access to the National Identification Index by entities



other than the FBI and state criminal history records repositories shall not be permitted for noncriminal justice purposes.

(d) **Fees.** A state criminal history record repository or the FBI:

(1) may charge a fee, in accordance with applicable law, for handling a request involving fingerprint processing for noncriminal justice purposes; and

(2) may not charge a fee for providing criminal history records in response to an electronic request for a record that does not involve a request to process fingerprints.

(e) **Additional search.**

(1) If a state criminal history record repository cannot positively identify the subject of a record request made for noncriminal justice purposes, the request, together with fingerprints or other approved identifying information, shall be forwarded to the FBI for a search of the national indexes.

(2) If, with respect to a request forwarded by a state criminal history record repository under paragraph (1), the FBI positively identifies the subject as having a III System-indexed record or records:

(A) the FBI shall so advise the state criminal history record repository; and

(B) the state criminal history record repository shall be entitled to obtain the additional criminal history record information from the FBI or other state criminal history record repositories.

## ARTICLE VI ESTABLISHMENT OF COMPACT COUNCIL

(a) **Establishment.**

(1) **In general.** There is established a council to be known as the "Compact Council," which shall have the authority to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes, not to conflict with FBI administration of the III System for criminal justice purposes.

(2) **Organization.** The council shall:

(A) continue in existence as long as this compact remains in effect;

(B) be located, for administrative purposes, within the FBI; and

(C) be organized and hold its first meeting as soon as practicable after the effective date of this compact.

(b) **Membership.** The council shall be composed of 15 members, each of whom shall be appointed by the attorney general, as follows.

(1) Nine members, each of whom shall serve a two-year term, who shall be selected from among the compact officers of party states based on the recommendation of the compact officers of all party states, except that, in the absence of the requisite number of compact officers available to serve, the chief administrators of the criminal history record repositories of nonparty states shall be eligible to serve on an interim basis.

(2) Two at-large members, nominated by the Director of the FBI, each of whom shall serve a three-year term, of whom:

(A) one shall be a representative of the criminal justice agencies of the federal government and may not be an employee of the FBI; and

(B) one shall be a representative of the noncriminal justice agencies of the federal government.

(3) Two at-large members, nominated by the chairman of the council, once the chair is elected pursuant to article VI(c), each of whom shall serve a three-year term, of whom:

(A) one shall be a representative of state or local criminal justice agencies; and

(B) one shall be a representative of state or local noncriminal justice agencies.

(4) One member, who shall serve a three-year term, and who shall simultaneously be a member of the FBI's advisory policy board on criminal justice information services, nominated by the membership of that policy board.

(5) One member, nominated by the Director of the FBI, who shall serve a three-year term, and who shall be an employee of the FBI.

(c) **Chair and vice-chair.**

(1) **In general.** From its membership, the council shall elect a chair and a vice-chair of the council, respectively. Both the chair and vice-chair of the council:

(A) shall be a compact officer, unless there is no compact officer on the council who is willing to serve, in which case the chair may be an at-large member; and

(B) shall serve a two-year term and may be reelected to only one additional two-year term.

(2) **Duties of vice-chair.** The vice-chair of the council shall serve as the chair of the council in the absence of the chair.

(d) **Meetings.**

(1) **In general.** The council shall meet at least once each year at the call of the chair. Each meeting of the council shall be open to the public. The council shall provide prior public notice in the Federal Register of each meeting of the council, including the matters to be addressed at such meeting.

(2) **Quorum.** A majority of the council or any committee of the council shall constitute a quorum of the council or of such committee, respectively, for the conduct of business. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote.

(e) **Rules, procedures, and standards.** The council shall make available for public inspection and copying at the council office within the FBI, and shall publish in the Federal Register, any rules, procedures, or standards established by the council.

(f) **Assistance from FBI.** The council may request from the FBI such reports, studies, statistics, or other information or materials as the council determines to be necessary to enable the council to perform its duties under this compact. The FBI, to the extent authorized by law, may provide such assistance or information upon such a request.

(g) **Committees.** The chair may establish committees as necessary to carry out this compact and may prescribe their membership, responsibilities, and duration.

## ARTICLE VII RATIFICATION OF COMPACT

This compact shall take effect upon being entered into by two or more states as between those states and the federal government. Upon subsequent entering into this compact by additional states, it shall become effective among those states and the federal government and each party state that has previously ratified it. When ratified, this compact shall have the full force and effect of law within the ratifying jurisdictions. The form of ratification shall be in accordance with the laws of the executing state.

## ARTICLE VIII MISCELLANEOUS PROVISIONS

(a) **Relation of compact to certain FBI activities.** Administration of this compact shall not interfere with the management and control of the Director of the FBI over the FBI's collection and dissemination of criminal history records and the advisory function of the FBI's advisory policy board chartered under the Federal Advisory Committee Act (5 U.S.C. App.) for all purposes other than noncriminal justice.

(b) **No authority for nonappropriated expenditures.** Nothing in this compact shall require the FBI to obligate or expend funds beyond those appropriated to the FBI.

(c) **Relating to Public Law 92-544.** Nothing in this compact shall diminish or lessen the obligations, responsibilities, and authorities of any state, whether a party state or a

nonparty state, or of any criminal history record repository or other subdivision or component thereof, under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544), or regulations and guidelines promulgated thereunder, including the rules and procedures promulgated by the council under article VI(a), regarding the use and dissemination of criminal history records and information.

#### ARTICLE IX RENUNCIATION

(a) **In general.** This compact shall bind each party state until renounced by the party state.

(b) **Effect.** Any renunciation of this compact by a party state shall:

(1) be effected in the same manner by which the party state ratified this compact; and

(2) become effective 180 days after written notice of renunciation is provided by the party state to each other party state and to the federal government.

#### ARTICLE X SEVERABILITY

The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state, or to the Constitution of the United States, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If a portion of this compact is held contrary to the constitution of any party state, all other portions of this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected, as to all other provisions.

#### ARTICLE XI ADJUDICATION OF DISPUTES

(a) **In general.** The council shall:

(1) have initial authority to make determinations with respect to any dispute regarding:

(A) interpretation of this compact;

(B) any rule or standard established by the council pursuant to article V; and

(C) any dispute or controversy between any parties to this compact; and

(2) hold a hearing concerning any dispute described in paragraph (1) at a regularly scheduled meeting of the council and only render a decision based upon a majority vote of the members of the council. Such decision shall be published pursuant to the requirements of article VI(e).

(b) **Duties of the FBI.** The FBI shall exercise immediate and necessary action to preserve the integrity of the III System, maintain system policy and standards, protect the accuracy and privacy of records, and to prevent abuses, until the council holds a hearing on such matters.

(c) **Right of appeal.** The FBI or a party state may appeal any decision of the council to the attorney general, and thereafter may file suit in the appropriate district court of the United States, which shall have original jurisdiction of all cases or controversies arising under this compact. Any suit arising under this compact and initiated in a state court shall be removed to the appropriate district court of the United States in the manner provided by United States Code, title 28, section 1446, or other statutory authority.

**History:** 2002 c 269 s 2

**299C.582 POWERS WITH RELATION TO COMPACT.**

The commissioner of public safety or a designee is hereby authorized and directed to do all things necessary or incidental to the carrying out of the compact.

**History:** 2002 c 269 s 3

**CHILD PROTECTION BACKGROUND CHECK****299C.60 CITATION.**

Sections 299C.60 to 299C.64 may be cited as the "Minnesota Child Protection Background Check Act."

**History:** 1992 c 569 s 18

**299C.61 DEFINITIONS.**

Subdivision 1. **Terms.** The definitions in this section apply to sections 299C.60 to 299C.64.

Subd. 2. **Background check crime.** "Background check crime" includes child abuse crimes, murder, manslaughter, felony level assault or any assault crime committed against a minor, kidnapping, arson, criminal sexual conduct, and prostitution-related crimes.

Subd. 3. **Child.** "Child" means an individual under the age of 18.

Subd. 4. **Child abuse crime.** "Child abuse crime" means:

(1) an act committed against a minor victim that constitutes a violation of section 609.185, clause (5); 609.221; 609.222; 609.223; 609.224; 609.2242; 609.322; 609.324; 609.342; 609.343; 609.344; 609.345; 609.352; 609.377; or 609.378; or

(2) a violation of section 152.021, subdivision 1, clause (4); 152.022, subdivision 1, clause (5) or (6); 152.023, subdivision 1, clause (3) or (4); 152.023, subdivision 2, clause (4) or (6); or 152.024, subdivision 1, clause (2), (3), or (4).

Subd. 5. **Children's service provider.** "Children's service provider" means a business or organization, whether public, private, for profit, nonprofit, or voluntary, that provides children's services, including a business or organization that licenses or certifies others to provide children's services. "Children's service provider" includes an international student exchange visitor placement organization under chapter 5A.

Subd. 6. **Children's service worker.** "Children's service worker" means a person who has, may have, or seeks to have access to a child to whom the children's service provider provides children's services, and who:

(1) is employed by, volunteers with, or seeks to be employed by or volunteer with a children's service provider; or

(2) owns, operates, or seeks to own or operate a children's service provider.

Subd. 7. **Children's services.** "Children's services" means the provision of care, treatment, education, training, instruction, or recreation to children.

Subd. 8. **CJIS.** "CJIS" means the Minnesota criminal justice information system.

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.

Subd. 9. **Superintendent.** "Superintendent" means the superintendent of the Bureau of Criminal Apprehension.

**History:** 1992 c 569 s 19; 1993 c 238 s 8; 1994 c 465 art 1 s 36; 1995 c 259 art 3 s 5; 1998 c 367 art 2 s 32; 2001 c 202 s 15

**299C.62 BACKGROUND CHECK.**

Subdivision 1. **Generally.** The superintendent shall develop procedures to enable a children's service provider to request a background check to determine whether a children's service worker is the subject of any 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 is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of a criminal history check. The superintendent shall recover the cost of a background check through a fee charged the children's service provider.

Subd. 2. **Background check; requirements.** (a) The superintendent may not perform a background check under this section unless the children's service provider submits a written document, signed by the children's service worker on whom the background check is to be performed, containing the following:

(1) a question asking whether the children's service worker has ever been convicted of a background check crime and if so, requiring a description of the crime and the particulars of the conviction;

(2) a notification to the children's service worker that the children's service provider will request the superintendent to perform a background check under this section; and

(3) a notification to the children's service worker of the children's service worker's rights under subdivision 3.

(b) Background checks performed under this section may only be requested by and provided to authorized representatives of a children's service provider who have a need to know the information and may be used only for the purposes of sections 299C.60 to 299C.64. Background checks may be performed pursuant to this section not later than one year after the document is submitted under this section.

Subd. 3. **Children's service worker rights.** (a) The children's service provider shall notify the children's service worker of the children's service worker's rights under paragraph (b).

(b) A children's service worker who is the subject of a background check request has the following rights:

(1) the right to be informed that a children's service provider will request a background check on the children's service worker:

(i) for purposes of the children's service worker's application to be employed by, volunteer with, or be an owner of a children's service provider or for purposes of continuing as an employee, volunteer, or owner; and

(ii) to determine whether the children's service worker has been convicted of any crime specified in section 299C.61, subdivision 2 or 4;

(2) the right to be informed by the children's service provider of the superintendent's response to the background check and to obtain from the children's service provider a copy of the background check report;

(3) the right to obtain from the superintendent any record that forms the basis for the report;

(4) the right to challenge the accuracy and completeness of any information contained in the report or record pursuant to section 13.04, subdivision 4;

(5) the right to be informed by the children's service provider if the children's service worker's application to be employed with, volunteer with, or be an owner of a children's service provider, or to continue as an employee, volunteer, or owner, has been denied because of the superintendent's response; and

(6) the right not to be required directly or indirectly to pay the cost of the background check.

Subd. 4. **Response of bureau.** The superintendent shall respond to a background check request within a reasonable time after receiving the signed, written document described in subdivision 2. The superintendent shall provide the children's service provider with a copy of the applicant's criminal record or a statement that the applicant is not the subject of a criminal history record at the bureau. It is the responsibility of the service provider to determine if the applicant qualifies as an employee or volunteer under this section.

Subd. 5. **No duty to check.** Sections 299C.60 to 299C.64 do not create a duty to perform a background check.

Subd. 6. **Admissibility of evidence.** Evidence or proof that a background check of a volunteer was not requested under sections 299C.60 to 299C.64 by a children's service provider is not admissible in evidence in any litigation against a nonprofit or charitable organization.

**History:** 1992 c 569 s 20; 1995 c 226 art 4 s 12

#### 299C.63 EXCEPTION; OTHER LAWS.

The superintendent is not required to respond to a background check request concerning a children's service worker who, as a condition of occupational licensure or employment, is subject to the background study requirements imposed by any statute or rule other than sections 299C.60 to 299C.64. A background check performed on a licensee, license applicant, or employment applicant under this section does not satisfy the requirements of any statute or rule other than sections 299C.60 to 299C.64, that provides for background study of members of an individual's particular occupation.

**History:** 1992 c 569 s 21

#### 299C.64 BUREAU IMMUNITY.

The Bureau of Criminal Apprehension is immune from any civil or criminal liability that might otherwise arise under sections 299C.60 to 299C.63, based on the accuracy or completeness of any records it receives from the Federal Bureau of Investigation, if the bureau acts in good faith.

**History:** 1992 c 569 s 22

### INFORMATION POLICY GROUP

#### 299C.65 CRIMINAL AND JUVENILE JUSTICE 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;

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(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.

**Subd. 3. Continuing education program.** The Criminal and Juvenile Justice Information Policy Group shall explore the feasibility of developing and implementing a continuing education program for state, county, and local criminal justice information agencies. The policy group shall consult with representatives of public and private postsecondary institutions in determining the most effective manner in which the training shall be provided. The policy group shall include recommendations in the 1994 report to the legislature.

**Subd. 4. Criminal Code numbering scheme.** The policy group shall study and make recommendations on a structured numbering scheme for the Criminal Code to facilitate identification of the offense and the elements of the crime and shall include recommendations in the 1994 report to the legislature.

**Subd. 5. Review of funding and grant requests.** (a) The Criminal and Juvenile Justice Information Policy Group shall review the funding requests for criminal justice information systems from state, county, and municipal government agencies. The policy group shall review the requests for compatibility to statewide criminal justice information system standards. The review shall be forwarded to the chairs and ranking minority members of the house and senate committees and divisions with jurisdiction over criminal justice funding and policy.

(b) The policy group shall also review funding requests for criminal justice information systems grants to be made by the commissioner of public safety as provided in this section. Within the limits of available appropriations, the commissioner of public safety shall make grants for projects that have been approved by the policy group.

(c) If a funding request is for development of a comprehensive criminal justice information integration plan, the policy group shall ensure that the request contains the components specified in subdivision 6. If a funding request is for implementation of a plan or other criminal justice information systems project, the policy group shall ensure that:



(1) the government agency has adopted a comprehensive plan that complies with subdivision 6;

(2) the request contains the components specified in subdivision 7; and

(3) the request demonstrates that it is consistent with the government agency's comprehensive plan.

**Subd. 6. Development of integration plan.** (a) If a funding request is for funds to develop a comprehensive criminal justice information integration plan to integrate all systems within a jurisdiction, the requesting agency must submit to the policy group a request that contains the following components:

(1) the vision, mission, goals, objectives, and scope of the integration plan;

(2) a statement of need identifying problems, inefficiencies, gaps, overlaps, and barriers within the requesting agency's jurisdiction, including those related to current systems and interfaces, business practices, policies, laws, and rules;

(3) a list of agency heads and staff who will direct the effort and a statement demonstrating collaboration among all of the agencies involved;

(4) a statement that the integration plan would integrate all systems within the six major business functions of the criminal justice community, including incident reporting, investigation, arrest, detention, adjudication, and disposition, including post-sentence supervision and treatment, and related civil, family, and human services proceedings, processes, and services, to the extent it was cost beneficial;

(5) a statement demonstrating that the requesting agency has consulted with individuals involved in day-to-day business practices, use, and operation of current criminal justice information systems so as to identify barriers and gaps;

(6) a planning methodology that will result in at least the following deliverables:

(i) an identification of problems in the state's criminal justice data model, where applicable, including data policy problems and proposed changes;

(ii) a function and process model that includes business process improvement and redesign opportunities, prioritized business change objectives, and short-term opportunities for improvement that can be pursued immediately while developing and implementing the long-range integration plan;

(iii) a technology model that includes network, communication, and security standards and guidelines;

(iv) an application architecture;

(v) a complete gap analysis that includes identification of gaps, omissions, and redundancies in the collection and dissemination of criminal justice information in the requesting agency's jurisdiction;

(vi) an assessment of current and alternative directions for business practices, applications, and technology, ranging from simple modifications to complete redesign;

(vii) a business process redesign model, showing existing and redesigned process and process vision, future performance targets, design principles, new process flow, and benefits; and

(viii) a long-range integration plan that includes time frames for the retirement, renewal, or redevelopment of systems and applications identified in clauses (i) to (vii) along with justification based on age, business processes not supported, and data deficiencies;

(7) projected timelines for developing and executing the plan;

(8) an estimate of the resources needed to develop, execute, operate, and maintain the integration plan;

(9) a statement that the final integration plan will contain all the components in this subdivision in final form;

(10) an identification of how the applicant will satisfy the match requirements of subdivision 8; and

(11) any other matters the policy group deems necessary for successful development or implementation of the integration plan and resulting systems.

(b) An agency may submit an interim integration plan to the policy group if it identifies high priority integration tasks during the development of the integration plan. The interim plan shall identify the tasks and the business case for completing these tasks in advance of completing the entire plan.

**Subd. 7. Implementation of integration plan.** If the request is for funds to implement an integration plan, the requesting agency must submit the following to the policy group:

- (1) an integration plan containing the components described in subdivision 6;
- (2) a description of how implementation of the integration plan will improve operation of the criminal justice system in the requesting agency's jurisdiction;
- (3) an identification of how the applicant will satisfy the match requirement in subdivision 8; and
- (4) a means for evaluating outcomes of the plan's implementation.

**Subd. 8. Local match.** (a) The policy group may approve grants only if the applicant provides an appropriate share of matching funds as determined by the policy group to help pay up to one-half of the costs of developing or implementing the integration plan. The matching requirement must be a constant for all counties. The policy group shall adopt policies concerning the use of in-kind resources to satisfy the match requirement and the sources from which matching funds may be obtained. Local operational or technology staffing costs may be considered as meeting this match requirement.

(b) The policy group shall consult with the task force when carrying out its powers and duties under paragraph (a).

(c) Each grant recipient shall certify to the policy group that it has not reduced funds from local, county, federal, or other sources which, in the absence of the grant, would have been made available to the grant recipient to improve or integrate criminal justice technology.

**Subd. 8a. Criminal justice technology infrastructure improvements.** (a) Within 30 days of the submission of the Hennepin County integration plan funded by a grant under Laws 1999, chapter 216, article 1, section 7, subdivision 6, or September 1, 2000, whichever is earlier, the policy group shall:

(1) assess the needs of state, county, and municipal government agencies for electronic fingerprint capture technology, electronic photographic identification technology, and additional bandwidth to transfer and access the data from electronic fingerprint capture technology and electronic photographic identification technology to the state's central database; and

(2) choose locations and agencies to receive this technology.

(b) Within the limits of available appropriations, the commissioner of public safety shall purchase and distribute the technology infrastructure improvements as directed by the policy group. The commissioner shall begin the purchasing process within 30 days of receiving notice of the policy group's decisions. The commissioner shall distribute the improvements as soon as practicable after beginning the purchasing process.

(c) If feasible, the policy group shall direct the commissioner to distribute the technology infrastructure improvements described in this subdivision in 100 locations. However, no more than 30 percent of the improvements may be distributed in one county.

**Subd. 9. Documentation and reporting requirements.** Every recipient of matching funds to develop or implement an integration plan shall submit to the policy group all requested documentation, including final plans and a report evaluating whether and how the development or implementation of the integration plan improved the opera-

tion of the criminal justice system in the requesting agency's jurisdiction. The policy group shall establish the recipient's reporting dates at the time funds are awarded.

**History:** 1993 c 266 s 33; 1994 c 576 s 41; 1997 c 239 art 8 s 17; 1999 c 216 art 2 s 14-19; 2000 c 311 art 5 s 1-4; 1Sp2001 c 8 art 6 s 5,6

### PROPERTY MANAGER BACKGROUND CHECK

#### 299C.66 CITATION.

Sections 299C.66 to 299C.71 may be cited as the "Kari Koskinen Manager Background Check Act."

**History:** 1995 c 226 art 4 s 13

#### 299C.67 DEFINITIONS.

Subdivision 1. **Terms.** The definitions in this section apply to sections 299C.66 to 299C.71.

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 arson); 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.

Subd. 3. **CJIS.** "CJIS" means the Minnesota criminal justice information system.

Subd. 4. **Manager.** "Manager" means an individual who is hired or is applying to be hired by an owner and who has or would have the means, within the scope of the individual's duties, to enter tenants' dwelling units. "Manager" does not include a person who is hired on a casual basis and not in the ongoing course of the business of the owner.

Subd. 5. **Owner.** "Owner" has the meaning given to "landlord" in section 504B.001, subdivision 7. However, "owner" does not include a person who owns, operates, or is in control of a health care facility or a home health agency licensed by the commissioner of health or human services under chapter 144, 144A, 144B, or 245A, or a board and lodging establishment with special services registered under section 157.17.

Subd. 6. **Superintendent.** "Superintendent" means the superintendent of the Bureau of Criminal Apprehension.

Subd. 7. **Tenant.** "Tenant" has the meaning given to "residential tenant" in section 504B.001, subdivision 12.

**History:** 1995 c 226 art 4 s 14; 1996 c 408 art 10 s 7; 1999 c 199 art 2 s 7,8; 2001 c 7 s 62

**299C.68 BACKGROUND CHECK ON RESIDENTIAL BUILDING MANAGER.**

Subdivision 1. **When required.** Before hiring a manager, an owner shall request the superintendent to conduct a background check under this section. An owner may employ a manager after requesting a background check under this section before receipt of the background check report, provided that the owner complies with section 299C.69. An owner may request a background check for a currently employed manager under this section. By July 1, 1996, an owner shall request the superintendent to conduct a background check under this section for managers hired before July 1, 1995, who are currently employed.

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.

Subd. 4. **Manager's rights.** (a) The owner shall notify the manager of the manager's rights under paragraph (b).

(b) A manager who is the subject of a background check request has the following rights:

(1) the right to be informed that the owner will request a background check on the manager to determine whether the manager has been convicted of a crime specified in section 299C.67, subdivision 2;

(2) the right to be informed by the owner of the superintendent's response to the background check and to obtain from the owner a copy of the background check report;

(3) the right to obtain from the superintendent any record that forms the basis for the report;

(4) the right to challenge the accuracy and completeness of information contained in the report or record under section 13.04, subdivision 4; and

(5) the right to be informed by the owner if the manager's application to be employed by the owner or to continue as an employee has been denied because of the result of the background check.

Subd. 5. **Response of bureau.** The superintendent shall respond in writing to a background check request within a reasonable time not to exceed ten working days after receiving the signed form under subdivision 3. The superintendent's response from the search of the Minnesota computerized criminal history system must clearly indicate whether the manager has ever been convicted of a background check crime

and, if so, a description of the crime, date and jurisdiction of the conviction, and date of discharge of sentence. If a search is being done of the national criminal records repository, the superintendent shall determine eligibility based upon national records received. The superintendent shall reply to the owner in writing indicating whether the manager is or is not eligible for employment.

**Subd. 6. Equivalent background check.** (a) An owner may satisfy the requirements of this section: (1) by obtaining a copy of a completed background check that was required to be performed by the Department of Human Services as provided for under section 144.057 and chapter 245C, and then placing the copy on file with the owner; (2) in the case of a background check performed on a manager for one residential setting when multiple residential settings are operated by one owner, by placing the results in a central location; or (3) by obtaining a background check from a private business or a local law enforcement agency rather than the superintendent if the scope of the background check provided by the private business or local law enforcement agency is at least as broad as that of a background check performed by the superintendent and the response to the background check request occurs within a reasonable time not to exceed ten working days after receiving the signed form described in subdivision 3. Local law enforcement agencies may access the criminal justice data network to perform the background check.

(b) A private business or local law enforcement agency providing a background check under this section must use a notification form similar to the form described in subdivision 3, except that the notification form must indicate that the background check will be performed by the private business or local law enforcement agency using records of the superintendent and other data sources.

**History:** 1995 c 226 art 4 s 15; 1996 c 408 art 10 s 8-10; 1Sp2001 c 7 s 1,2; 2002 c 321 s 3; 2003 c 15 art 1 s 33; 2003 c 89 s 1

#### **299C.69 OWNER DUTIES IF MANAGER CONVICTED OF CRIME.**

(a) If the superintendent's response indicates that the manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner may not hire the manager or, if the manager was hired pending completion of the background check, shall terminate the manager's employment. Except as provided in paragraph (c), if an owner otherwise knows that a manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner shall terminate the manager's employment.

(b) If the superintendent's response indicates that the manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (b), the owner may not hire the manager unless more than ten years have elapsed since the date of discharge of the sentence. If the manager was hired pending completion of the background check, the owner shall terminate the manager's employment unless more than ten years have elapsed since the date of discharge of the sentence. Except as provided in paragraph (c), if an owner otherwise knows that a manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (b), the owner shall terminate the manager's employment unless more than ten years have elapsed since the date of discharge of the sentence.

(c) If an owner knows that a manager hired before July 1, 1995, was convicted of a background check crime for an offense committed before July 1, 1995, the owner may continue to employ the manager. However, the owner shall notify all tenants and prospective tenants whose dwelling units would be accessible to the manager of the crime for which the manager has been convicted and of the right of a current tenant to terminate the tenancy under this paragraph, if the manager was convicted of a background check crime defined in:

- (1) section 299C.67, subdivision 2, paragraph (a); or
- (2) section 299C.67, subdivision 2, paragraph (b), unless more than ten years have elapsed since the sentence was discharged.

Notwithstanding a lease provision to the contrary, a current tenant who receives a notice under this paragraph may terminate the tenancy within 60 days of receipt of the notice by giving the owner at least 14 days' advance notice of the termination date.

(d) The owner shall notify the manager of any action taken under this subdivision.

(e) If an owner is required to terminate a manager's employment under paragraph (a) or (b), or terminates a manager's employment in lieu of notifying tenants under paragraph (c), the owner is not liable under any law, contract, or agreement, including liability for unemployment insurance claims, for terminating the manager's employment in accordance with this section. Notwithstanding a lease or agreement governing termination of the tenancy, if the manager whose employment is terminated is also a tenant, the owner may terminate the tenancy immediately upon giving notice to the manager. An eviction action to enforce the termination of the tenancy must be treated as a priority writ under sections 504B.321; 504B.335; 504B.345, subdivision 1; 504B.361, subdivision 2; and 504B.365, subdivision 2.

**History:** 1995 c 226 art 4 s 16; 1999 c 199 art 2 s 9; 2004 c 206 s 52

#### **299C.70 PENALTY.**

An owner who knowingly fails to comply with the requirements of section 299C.68 or 299C.69 is guilty of a petty misdemeanor.

**History:** 1995 c 226 art 4 s 17

#### **299C.71 BUREAU IMMUNITY.**

The Bureau of Criminal Apprehension is immune from any civil or criminal liability that might otherwise arise under section 299C.68, based on the accuracy or completeness of records it receives from the Federal Bureau of Investigation, if the bureau acts in good faith.

**History:** 1995 c 226 art 4 s 18