

299C.11 IDENTIFICATION DATA FURNISHED TO BUREAU.

Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of police shall furnish the bureau, upon such form as the superintendent shall prescribe, with such fingerprints and thumbprints, 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. When the bureau learns that an individual who is the subject of a background check has used, or is using, identifying information, including, but not limited to, name and date of birth, other than those listed on the criminal history, the bureau shall convert into an electronic format, if necessary, and enter into a bureau-managed searchable database the new identifying information when supported by fingerprints within three business days of learning the information if the information is not entered by a law enforcement agency.

(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, destroy the arrested person's fingerprints and thumbprints, 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) The bureau or agency shall destroy an arrested person's fingerprints and thumbprints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data and all copies and duplicates of them without the demand of any person or the granting of a petition under chapter 609A if:

(1) the sheriff, chief of police, bureau, or other arresting agency determines that the person was arrested or identified as the result of mistaken identity before presenting information to the prosecuting authority for a charging decision; or

(2) the prosecuting authority declines to file any charges or a grand jury does not return an indictment based on a determination that the person was identified or arrested as the result of mistaken identity.

(d) A prosecuting authority that determines a person was arrested or identified as the result of mistaken identity and either declines to file any charges or receives notice that a grand jury did not return an indictment shall notify the bureau and the applicable sheriff, chief of police, or other arresting agency of the determination.

(e) Except as otherwise provided in paragraph (b) or (c), 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 fingerprints and thumbprints, 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.

Subd. 2. **DNA samples; law enforcement duties.** (a) Each sheriff and chief of police shall furnish the bureau, in such form as the superintendent shall prescribe, with the biological specimens required to be taken under section 299C.105.

(b) DNA samples and DNA records of the arrested person obtained through authority other than section 299C.105 shall not be returned, sealed, or destroyed as to a charge supported by probable cause.

Subd. 3. **Definitions.** 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 chapter 638;

(2) "mistaken identity" means the person was incorrectly identified as being a different person:

(i) because the person's identity had been transferred, used, or possessed in violation of section 609.527; or

(ii) as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the crime, misinformation provided to law enforcement as to the identity of the person who committed the crime, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime; and

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

[See Note.]

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; 2005 c 136 art 8 s 10; art 12 s 5; 2013 c 82 s 25; 2013 c 86 art 4 s 5; 2023 c 52 art 7 s 8; art 8 s 2

NOTE: The amendment to subdivision 3 by Laws 2023, chapter 52, article 8, section 2, is effective July 1, 2024. Laws 2023, chapter 52, article 8, section 22.