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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 379

01/28/2021

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

1.1 A bill for an act  
1.2 relating to public safety; expanding access to information for law enforcement  
1.3 hiring; amending Minnesota Statutes 2020, section 626.87, subdivisions 2, 3, 5.

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

1.5 Section 1. Minnesota Statutes 2020, section 626.87, subdivision 2, is amended to read:

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

1.14 Sec. 2. Minnesota Statutes 2020, section 626.87, subdivision 3, is amended to read:

1.15 Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose  
1.16 employment information in accordance with this section, upon request the district court  
1.17 may issue an ex parte order directing the disclosure of the employment information. The  
1.18 request must be made by ~~a sworn peace officer~~ an authorized representative from the law  
1.19 enforcement agency conducting the background investigation and must include a copy of  
1.20 the ~~original~~ request for disclosure made upon the employer or former employer and the  
1.21 authorization and release signed by the employee or former employee. The request must be  
1.22 signed by the ~~peace officer~~ person requesting the order and an attorney representing the

2.1 state or the political subdivision on whose behalf the background investigation is being  
2.2 conducted. It is not necessary for the request or the order to be filed with the court  
2.3 administrator. Failure to comply with the court order subjects the person or entity who fails  
2.4 to comply to civil or criminal contempt of court.

2.5 Sec. 3. Minnesota Statutes 2020, section 626.87, subdivision 5, is amended to read:

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

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

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

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