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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4339

03/17/2022

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

1.2 relating to public safety; requiring release of peace officer recordings from portable

1.3 recording systems when there is deadly force; amending Minnesota Statutes 2020,

1.4 section 13.825, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2020, section 13.825, subdivision 2, is amended to read:

1.7 Subd. 2. **Data classification; court-authorized disclosure.** (a) Data collected by a

1.8 portable recording system are private data on individuals or nonpublic data, subject to the

1.9 following:

1.10 (1) data that document the discharge of a firearm by a peace officer in the course of duty,

1.11 if a notice is required under section 626.553, subdivision 2, or the use of force by a peace

1.12 officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a,

1.13 are public;

1.14 (2) data are public if a subject of the data requests it be made accessible to the public,

1.15 except that, if practicable, (i) data on a subject who is not a peace officer and who does not

1.16 consent to the release must be redacted, and (ii) data on a peace officer whose identity is

1.17 protected under section 13.82, subdivision 17, clause (a), must be redacted;

1.18 (3) portable recording system data that are active criminal investigative data are governed

1.19 by section 13.82, subdivision 7, and portable recording system data that are inactive criminal

1.20 investigative data are governed by this section;

1.21 (4) portable recording system data that are public personnel data under section 13.43,

1.22 subdivision 2, clause (5), are public; and

2.1 (5) data that are not public data under other provisions of this chapter retain that
2.2 classification.

2.3 (b) Notwithstanding section 13.82, subdivision 7, a deceased individual's next of kin,
2.4 legal representative of the next of kin, or other parent of the deceased individual's children
2.5 is entitled to view any and all recordings from a peace officer's portable recording system,
2.6 redacted no more than what is required by law, of an officer's use of deadly force no later
2.7 than five business days following an incident where deadly force used by a peace officer
2.8 results in the death of an individual, except that a chief law enforcement officer may deny
2.9 a request if the investigating agency requests and can articulate a compelling reason as to
2.10 why allowing the deceased individual's next of kin, legal representatives of next of kin, or
2.11 other parent of the deceased individual's children to review the recordings would interfere
2.12 with a thorough investigation. If the chief law enforcement officer denies a request under
2.13 this paragraph, the involved officer's agency must issue a prompt, written denial and provide
2.14 notice to the deceased individual's next of kin, legal representative of the next of kin, or
2.15 other parent of the deceased individual's children that relief may be sought from the district
2.16 court.

2.17 (c) Notwithstanding section 13.82, subdivision 7, an involved officer's agency shall
2.18 release all body-worn camera recordings of an incident where a peace officer used deadly
2.19 force and an individual dies to the public no later than 14 business days after the incident,
2.20 except that a chief law enforcement officer shall not release the video if the investigating
2.21 agency asserts in writing that allowing the public to view the recordings would interfere
2.22 with the ongoing investigation.

2.23 ~~(b)~~ (d) A law enforcement agency may redact or withhold access to portions of data that
2.24 are public under this subdivision if those portions of data are clearly offensive to common
2.25 sensibilities.

2.26 ~~(e)~~ (e) Section 13.04, subdivision 2, does not apply to collection of data classified by
2.27 this subdivision.

2.28 ~~(d)~~ (f) Any person may bring an action in the district court located in the county where
2.29 portable recording system data are being maintained to authorize disclosure of data that are
2.30 private or nonpublic under this section or to challenge a determination under paragraph (b)
2.31 to redact or withhold access to portions of data because the data are clearly offensive to
2.32 common sensibilities. The person bringing the action must give notice of the action to the
2.33 law enforcement agency and subjects of the data, if known. The law enforcement agency
2.34 must give notice to other subjects of the data, if known, who did not receive the notice from

3.1 the person bringing the action. The court may order that all or part of the data be released
3.2 to the public or to the person bringing the action. In making this determination, the court
3.3 shall consider whether the benefit to the person bringing the action or to the public outweighs
3.4 any harm to the public, to the law enforcement agency, or to a subject of the data and, if
3.5 the action is challenging a determination under paragraph (b), whether the data are clearly
3.6 offensive to common sensibilities. The data in dispute must be examined by the court in
3.7 camera. This paragraph does not affect the right of a defendant in a criminal proceeding to
3.8 obtain access to portable recording system data under the Rules of Criminal Procedure.