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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5465

05/13/2024 Authored by Engen
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to government data practices; classifying as public police body-worn
1.3 camera footage of state legislators and executive branch officials; amending
1.4 Minnesota Statutes 2023 Supplement, section 13.825, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 13.825, subdivision 2, is amended
1.7 to read:

1.8 Subd. 2. Data classification; court-authorized disclosure. (a) Data collected by a
1.9 portable recording system are private data on individuals or nonpublic data, subject to the
1.10 following:

1.11 (1) data that record, describe, or otherwise document actions and circumstances
1.12 surrounding either the discharge of a firearm by a peace officer in the course of duty, if a
1.13 notice is required under section 626.553, subdivision 2, or the use of force by a peace officer
1.14 that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are
1.15 public;

1.16 (2) data are public if a subject of the data requests it be made accessible to the public,
1.17 except that, if practicable, (i) data on a subject who is not a peace officer and who does not
1.18 consent to the release must be redacted, and (ii) data on a peace officer whose identity is
1.19 protected under section 13.82, subdivision 17, clause (a), must be redacted;

1.20 (3) subject to paragraphs (b) to (d), portable recording system data that are active criminal
1.21 investigative data are governed by section 13.82, subdivision 7, and portable recording
1.22 system data that are inactive criminal investigative data are governed by this section;

2.1 (4) portable recording system data that are public personnel data under section 13.43,  
2.2 subdivision 2, clause (5), are public; ~~and~~

2.3 (5) data that are not public data under other provisions of this chapter retain that  
2.4 classification; and

2.5 (6) data are public if the subject of the data is a state legislator, the governor, lieutenant  
2.6 governor, secretary of state, state auditor, attorney general, or a state agency commissioner.

2.7 (b) Notwithstanding section 13.82, subdivision 7, when an individual dies as a result of  
2.8 a use of force by a peace officer, an involved officer's law enforcement agency must allow  
2.9 the following individuals, upon their request, to inspect all portable recording system data,  
2.10 redacted no more than what is required by law, documenting the incident within five days  
2.11 of the request, subject to paragraphs (c) and (d):

2.12 (1) the deceased individual's next of kin;

2.13 (2) the legal representative of the deceased individual's next of kin; and

2.14 (3) the other parent of the deceased individual's child.

2.15 (c) A law enforcement agency may deny a request to inspect portable recording system  
2.16 data under paragraph (b) if the agency determines that there is a compelling reason that  
2.17 inspection would interfere with an active investigation. If the agency denies access under  
2.18 this paragraph, the chief law enforcement officer must provide a prompt, written denial to  
2.19 the individual in paragraph (b) who requested the data with a short description of the  
2.20 compelling reason access was denied and must provide notice that relief may be sought  
2.21 from the district court pursuant to section 13.82, subdivision 7.

2.22 (d) When an individual dies as a result of a use of force by a peace officer, an involved  
2.23 officer's law enforcement agency shall release all portable recording system data, redacted  
2.24 no more than what is required by law, documenting the incident no later than 14 days after  
2.25 the incident, unless the chief law enforcement officer asserts in writing that the public  
2.26 classification would interfere with an ongoing investigation, in which case the data remain  
2.27 classified by section 13.82, subdivision 7.

2.28 (e) A law enforcement agency may redact or withhold access to portions of data that are  
2.29 public under this subdivision if those portions of data are clearly offensive to common  
2.30 sensibilities.

2.31 (f) Section 13.04, subdivision 2, does not apply to collection of data classified by this  
2.32 subdivision.

3.1 (g) Any person may bring an action in the district court located in the county where  
3.2 portable recording system data are being maintained to authorize disclosure of data that are  
3.3 private or nonpublic under this section or to challenge a determination under paragraph (e)  
3.4 to redact or withhold access to portions of data because the data are clearly offensive to  
3.5 common sensibilities. The person bringing the action must give notice of the action to the  
3.6 law enforcement agency and subjects of the data, if known. The law enforcement agency  
3.7 must give notice to other subjects of the data, if known, who did not receive the notice from  
3.8 the person bringing the action. The court may order that all or part of the data be released  
3.9 to the public or to the person bringing the action. In making this determination, the court  
3.10 shall consider whether the benefit to the person bringing the action or to the public outweighs  
3.11 any harm to the public, to the law enforcement agency, or to a subject of the data and, if  
3.12 the action is challenging a determination under paragraph (e), whether the data are clearly  
3.13 offensive to common sensibilities. The data in dispute must be examined by the court in  
3.14 camera. This paragraph does not affect the right of a defendant in a criminal proceeding to  
3.15 obtain access to portable recording system data under the Rules of Criminal Procedure.

3.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.