

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 498

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
02/02/2015	190	Introduction and first reading Referred to Judiciary
03/25/2015		Comm report: To pass as amended Second reading

1.1 A bill for an act
 1.2 relating to data practices; adding provisions for portable recording systems;
 1.3 classifying audio and video data captured by a law enforcement officer; amending
 1.4 Minnesota Statutes 2014, section 13.82, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2014, section 13.82, is amended by adding a subdivision
 1.7 to read:

1.8 Subd. 31. **Portable video recording systems.** (a) As used in this subdivision,
 1.9 "portable video recording system data" means audio or video data collected by a device
 1.10 worn by a peace officer that is operated pursuant to a written department or agency policy,
 1.11 and is capable of recording the officer's activities and interactions with others or collecting
 1.12 digital multimedia evidence as part of an investigation.

1.13 (b) Except for data classified as active criminal investigative data pursuant to
 1.14 subdivision 7, portable video recording system data is private data on individuals or
 1.15 nonpublic data at all times. Notwithstanding subdivision 7, portable video recording
 1.16 system data that are part of an inactive investigation remain classified as provided in
 1.17 this subdivision. The officer using the system, and any individual or entity that can be
 1.18 identified in the audio or video data captured by the system, is a subject of the data and
 1.19 must be provided access as provided in this chapter.

1.20 (c) The following data related to use of portable video recording systems by a law
 1.21 enforcement agency are public data at all times:

1.22 (1) the total number of devices owned or maintained by the agency;

1.23 (2) a daily record of the total number of devices actually deployed and used by
 1.24 officers, and the precincts in which they were used;

2.1 (3) the law enforcement agency's policies and procedures for use of portable video
2.2 recording systems; and

2.3 (4) the total amount of recorded audio and video data collected by portable video
2.4 recording systems and maintained by the agency, and the agency's retention schedule for
2.5 the data and procedures for destruction.

2.6 (d) Notwithstanding section 138.17, audio and video data captured by a portable
2.7 video recording system that is not part of an active or inactive criminal investigation
2.8 must be destroyed within 90 days of the date the data were captured, unless the data
2.9 subject, or any peace officer identifiable by the data, submits a written request to the law
2.10 enforcement agency to retain the data for possible use in a future proceeding related to
2.11 the circumstances under which the data were originally collected. Any law enforcement
2.12 agency that receives a request to retain data shall retain it for a reasonable time, based
2.13 upon the likelihood of its future use and the agency's policies for retention. Peace officers
2.14 who are identifiable by portable video recording system data shall have unrestricted access
2.15 to the data while it is retained and must be permitted to make copies.

2.16 (e) A law enforcement agency using portable video recording systems must conduct
2.17 a biennial audit of data collected from the systems to determine whether the data has
2.18 been classified or destroyed as required by this subdivision. Summary data related to the
2.19 results of the audit are public data.

2.20 (f) A law enforcement agency may not use a portable video recording system unless
2.21 the agency has adopted a policy, and any additional necessary procedures and protocols, to
2.22 ensure compliance with this subdivision.

2.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.
2.24 Data collected before the effective date of this section must be destroyed, if required by
2.25 this section, no more than 15 days after this section becomes effective.