SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 957

1.1   A bill for an act

1.2   relating to public safety; authorizing access to secure communications network;

1.3   providing minimum standards; clarifying use of network; amending Minnesota

1.4   Statutes 2012, section 299C.46, subdivisions 1, 2, 2a, 3.

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

1.6   Section 1. Minnesota Statutes 2012, section 299C.46, subdivision 1, is amended to read:

1.7   Subdivision 1. **Establishment; interconnection.** The commissioner of public safety

1.8   shall establish a criminal justice data communications network ~~which~~ that will ~~enable the~~

1.9   ~~interconnection of the criminal justice agencies within the state~~ provide secure access to

1.10   systems and services available from or through the Bureau of Criminal Apprehension. The

1.11   commissioner of public safety is authorized to lease or purchase facilities and equipment

1.12   as may be necessary to establish and maintain the data communications network.

1.13   Sec. 2. Minnesota Statutes 2012, section 299C.46, subdivision 2, is amended to read:

1.14   Subd. 2. **Criminal justice agency defined.** For the purposes of sections 299C.46

1.15   to 299C.49, "criminal justice agency" means an agency of the state or ~~an agency of~~ a

1.16   political subdivision or the federal government charged with detection, enforcement,

1.17   prosecution, adjudication or incarceration in respect to the criminal or traffic laws of this

1.18   state. This definition also includes all sites identified and licensed as a detention facility

1.19   by the commissioner of corrections under section 241.021 and federal agencies that serve

1.20   part or all of the state from an office located outside the state.

1.21   Sec. 3. Minnesota Statutes 2012, section 299C.46, subdivision 2a, is amended to read:

2.1   Subd. 2a. **Noncriminal justice agency defined.** For the purposes of sections

2.2   299C.46 to 299C.49, "noncriminal justice agency" means an agency of ~~a~~ the state or ~~an~~

2.3   ~~agency of~~ a political subdivision of ~~a~~ the state charged with the responsibility of performing

2.4   checks of state databases connected to the criminal justice data communications network.

2.5   Sec. 4. Minnesota Statutes 2012, section 299C.46, subdivision 3, is amended to read:

2.6   Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications

2.7   network shall be used exclusively by:

2.8   (1) criminal justice agencies in connection with the performance of duties required

2.9   by law;

2.10   (2) agencies investigating federal security clearances of individuals for assignment

2.11   or retention in federal employment with duties related to national security, as required by

2.12   ~~Public Law 99-169~~ United States Code, title 5, section 9101;

2.13   (3) other agencies to the extent necessary to provide for protection of the public or

2.14   property in ~~an~~ a declared emergency or disaster situation;

2.15   (4) noncriminal justice agencies statutorily mandated, by state or national law, to

2.16   conduct checks into state databases prior to disbursing licenses or providing benefits;

2.17   (5) the public authority responsible for child support enforcement in connection

2.18   with the performance of its duties;

2.19   (6) the public defender, as provided in section 611.272; ~~and~~

2.20   (7) a county attorney or the attorney general, as the county attorney's designee, for

2.21   the purpose of determining whether a petition for the civil commitment of a proposed

2.22   patient as a sexual psychopathic personality or as a sexually dangerous person should be

2.23   filed, and during the pendency of the commitment proceedings~~.~~;

2.24   (8) an agency of the state or a political subdivision whose access to systems or

2.25   services provided from or through the bureau is specifically authorized by federal statute

2.26   or regulation or state statute; and

2.27   (9) a court for access to data as authorized by state statute or federal law and related

2.28   to the disposition of a pending case.

2.29   (b) The commissioner of public safety shall establish a monthly network access

2.30   charge to be paid by each participating criminal justice agency. The network access

2.31   charge shall be a standard fee established for each terminal, computer, or other equipment

2.32   directly addressable by the data communications network, as follows: January 1, 1984

2.33   to December 31, 1984, $40 connect fee per month; January 1, 1985 and thereafter, $50

2.34   connect fee per month.

3.1 (c) The commissioner of public safety is authorized to arrange for the connection

3.2 of the data communications network with the criminal justice information system of

3.3 the federal government, any ~~adjacent~~ state, or ~~Canada~~ country for the secure exchange

3.4 of information for any of the purposes authorized in paragraph (a), clauses (1), (2), (3),

3.5 (8), and (9).

3.6 (d) Prior to establishing a secure connection, a criminal justice agency must:

3.7 (1) agree to comply with all applicable policies governing access to, submission of,

3.8 or use of the data;

3.9 (2) meet the bureau's security requirements;

3.10 (3) agree to pay any required fees; and

3.11 (4) conduct fingerprint-based background checks on the agency's employees and

3.12 contractors as required by the Federal Bureau of Investigation.

3.13 (e) Prior to establishing a secure connection, a noncriminal justice agency must:

3.14 (1) agree to comply with all applicable policies governing access to, submission of,

3.15 or use of the data;

3.16 (2) meet the bureau's security requirements;

3.17 (3) agree to pay any required fees; and

3.18 (4) conduct fingerprint-based background checks on the agency's employees and

3.19 contractors.

3.20 (f) The noncriminal justice agency shall conduct the background check required

3.21 under paragraph (e) by submitting a request to the superintendent of the bureau that

3.22 includes a signed, written consent for the Minnesota criminal history check, fingerprints,

3.23 and a money order or check payable to the Bureau of Criminal Apprehension to cover

3.24 the cost of conducting the background check. The superintendent shall conduct the

3.25 background check by retrieving criminal history data as defined in section 13.87. The

3.26 noncriminal justice agency shall review the criminal history of each of its employees

3.27 and contractors with the CJIS Systems Officer at the bureau or the officer's designee to

3.28 determine if the employee or contractor qualifies for access to the secure network. The

3.29 CJIS Systems Officer or the officer's designee shall make the access determination based

3.30 on FBI policy and bureau policy.