

A bill for an act

relating to public safety; requiring parental notification for gang criteria data maintained on a minor by a law enforcement agency; amending Minnesota Statutes 2010, section 299C.091, subdivision 2.

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

Section 1. Minnesota Statutes 2010, section 299C.091, subdivision 2, is amended to read:

Subd. 2. **Entry of data into system.** (a) A law enforcement agency may submit data on an individual to the criminal gang investigative data system only if the agency obtains and maintains the documentation required under this subdivision. Documentation may include data obtained from other criminal justice agencies, provided that a record of all of the documentation required under paragraph (b) is maintained by the agency that submits the data to the bureau. Data maintained by a law enforcement agency to document an entry in the system are confidential data on individuals as defined in section 13.02, subdivision 3, but may be released to criminal justice agencies.

(b) A law enforcement agency may submit data on an individual to the bureau for inclusion in the system if the individual is 14 years of age or older and the agency has documented that:

(1) the individual has met at least three of the criteria or identifying characteristics of gang membership developed by the Violent Crime Coordinating Council under section 299A.642, subdivision 3, clause (8), as required by the council; and

(2) the individual has been convicted of a gross misdemeanor or felony or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult.

(c) A law enforcement agency that maintains data on a minor documenting that the minor meets any of the criteria or identifying characteristics of gang membership developed by the Violent Crime Coordinating Council under section 299A.642, subdivision 3, clause (8), must promptly notify the minor's parent or legal guardian, if known, that such data is maintained, except when the agency reasonably believes that notice will endanger an active or ongoing criminal investigation or an individual's personal safety. The notification must be in writing and include a description of the process that the parent, legal guardian, or minor may use to inspect or receive a copy of the data, and the procedure for contesting the accuracy or completeness of the data, to the extent permitted under chapter 13. If the agency does not send notice as prescribed in this paragraph, the agency must cause a written report to be made in the database record stating the agency's belief that an exception exists.

EFFECTIVE DATE. This section is effective July 1, 2011.