

CHAPTER 299C

BUREAU OF CRIMINAL APPREHENSION

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299C.01 CRIMINAL BUREAU.

Subdivision 1. All the powers and duties now vested in or imposed upon the bureau of criminal apprehension or the superintendent of the bureau of criminal apprehension as prescribed by chapter 626, or any other law, are hereby transferred to, vested in, and imposed upon the commissioner of public safety. The bureau of criminal apprehension and the office of the superintendent of the bureau of criminal apprehension as heretofore constituted are abolished.

Subd. 2. A division in the department of public safety to be known as the bureau of criminal apprehension is hereby created, under the supervision and control of the superintendent of criminal apprehension, who shall be appointed by the commissioner and serve at the commissioner's pleasure in the unclassified service of the state civil service, to whom shall be assigned the duties and responsibilities described in this section.

Subd. 3. [Repealed, 1984 c 649 s 6]

Subd. 4. The division of the bureau of criminal apprehension shall perform such functions and duties as relate to statewide and nationwide crime information systems as the commissioner may direct.

History: 1969 c 1129 art 1 s 3; 1986 c 444

299C.03 SUPERINTENDENT; RULES.

The superintendent, with the approval of the commissioner of public safety, from time to time, shall make such rules and adopt such measures as the superintendent deems necessary, within the provisions and limitations of sections 299C.03 to 299C.08, 299C.10, 299C.11, 299C.17, 299C.18, and 299C.21, to secure the efficient operation of the bureau. The bureau shall cooperate with the respective sheriffs, constables, marshals, police, and other peace officers of the state in the detection of crime and the apprehension of criminals throughout the state, and shall have the power to conduct such investigations as the superintendent, with the approval of the commissioner of public safety, may deem necessary to secure evidence which may be essential to the apprehension and conviction of alleged violators of the criminal laws of the state. The various members of the bureau shall have and may exercise throughout the state the same powers of arrest possessed by a sheriff, but they shall not be employed to render police service in connection with strikes and other industrial disputes.

History: (9950-6) 1927 c 224 s 2; 1935 c 197 s 1; 1949 c 739 s 21; 1951 c 713 s 34; 1971 c 25 s 97; 1985 c 248 s 70; 1986 c 444

299C.04 EMPLOYEES, CIVIL SERVICE; EXPENSES.

The superintendent is hereby authorized to appoint, in the manner provided, and to remove as provided by the state civil service law, and to prescribe the duties of such skilled and unskilled employees, including an identification expert, as may be necessary to carry out the work of the bureau; provided, that the appointment and removal of such skilled and unskilled employees shall be in the manner provided by the state civil service law. The superintendent and all officers and employees of the bureau shall, in addition to their compensation, receive their actual and necessary expenses incurred in the discharge of their duties, provided that the total expense of the bureau during any year shall not exceed the appropriation therefor.

History: (9950-7) 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41; 1953 c 503 s 1

299C.041 [Repealed, 1982 c 568 s 13]**299C.05 DIVISION OF CRIMINAL STATISTICS.**

There is hereby established within the bureau a division of criminal statistics, and the superintendent, within the limits of membership herein prescribed, shall appoint a qualified statistician and one assistant to be in charge thereof. It shall be the duty of this division to collect, and preserve as a record of the bureau, information concerning the number and nature of offenses known to have been committed in the state, of the legal steps taken in connection therewith from the inception of the complaint to the final discharge of the defendant, and such other information as may be useful in the study of crime and the administration of justice. The information so collected and preserved shall include such data as may be requested by the United States department of justice, at Washington, under its national system of crime reporting.

History: (9950-7) 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41

299C.06 DIVISION POWERS AND DUTIES; LOCAL OFFICERS TO COOPERATE.

It shall be the duty of all sheriffs, chiefs of police, city marshals, constables, prison wardens, superintendents of insane hospitals, reformatories and correctional schools, probation and parole officers, school attendance officers, coroners, county attorneys, court clerks, the commissioner of public safety, the commissioner of transportation, and the state fire marshal to furnish to the division statistics and information regarding the number of crimes reported and discovered, arrests made, complaints, informations, and indictments, filed and the disposition made of same, pleas, convictions, acquittals, probations granted or denied, receipts, transfers, and discharges to and from prisons, reformatories, correctional schools, and other institutions, paroles granted and

revoked, commutation of sentences and pardons granted and rescinded, and all other data useful in determining the cause and amount of crime in this state and to form a basis for the study of crime, police methods, court procedure, and penal problems. Such statistics and information shall be furnished upon the request of the division and upon such forms as may be prescribed and furnished by it. The division shall have the power to inspect and prescribe the form and substance of the records kept by those officials from which the information is so furnished.

History: (9950-7) 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41; 1976 c 5 s 11; 1976 c 166 s 7

299C.065 UNDERCOVER BUY FUND; WITNESS ASSISTANCE SERVICES.

Subdivision 1. Grants. The commissioner of public safety shall make grants to local officials for the following purposes:

- (1) the cooperative investigation of cross jurisdictional criminal activity relating to the possession and sale of controlled substances;
- (2) receiving or selling stolen goods;
- (3) participating in gambling activities in violation of section 609.76;
- (4) violations of section 609.322, 609.323, or any other state or federal law prohibiting the recruitment, transportation, or use of juveniles for purposes of prostitution; and
- (5) witness assistance services in cases involving criminal gang activity in violation of section 609.229, or domestic assault, as defined in section 611A.0315.

Subd. 2. Application for grant. A county sheriff or the chief administrative officer of a municipal police department may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 1, on forms and pursuant to procedures developed by the superintendent. The application shall describe the type of intended criminal investigation, an estimate of the amount of money required, and any other information the superintendent deems necessary.

Subd. 3. Investigation report. A report shall be made to the commissioner at the conclusion of an investigation pursuant to this section stating: (1) the number of persons arrested, (2) the nature of charges filed against them, (3) the nature and value of controlled substances or contraband purchased or seized, (4) the amount of money paid to informants during the investigation, and (5) a separate accounting of the amount of money spent for expenses, other than "buy money", of bureau and local law enforcement personnel during the investigation. The commissioner shall prepare and submit to the legislature by January 1 of each year a report of investigations pursuant to this section.

Subd. 3a. Accounting report. The head of a law enforcement agency that receives a grant under this section for witness assistance services shall file a report with the commissioner at the conclusion of the case detailing the specific purposes for which the money was spent. The commissioner shall prepare and submit to the legislature by January 1 of each year a summary report of witness assistance services provided under this section.

Subd. 4. Data classification. An application to the commissioner for money is a confidential record. Information within investigative files that identifies or could reasonably be used to ascertain the identity of assisted witnesses, sources, or undercover investigators is a confidential record. A report at the conclusion of an investigation is a public record, except that information in a report pertaining to the identity or location of an assisted witness is private data.

History: 1979 c 333 s 96; 1985 c 126 s 1; 1991 c 279 s 20

299C.07 RESTORATION OR DISPOSAL OF STOLEN PROPERTY.

The bureau of criminal apprehension shall make every effort for a period of 90 days after the seizure or recovery of abandoned or stolen property to return the property to the lawful owner or to the sheriff of the county from which it was stolen.

Any such property held by the bureau for more than 90 days, in case the owner cannot be found or if it cannot be determined from what county the property was stolen, shall be sold at public auction by the superintendent of the bureau, or the superintendent's agent, after two weeks' published notice thereof in a legal newspaper in Ramsey county, stating the time and place of the sale and a list of the property to be sold.

The proceeds of the sale shall be applied in payment of the necessary expenses of the sale and all necessary costs, storage, or charges incurred in relation to the property. The balance of the proceeds shall be paid into the general fund.

History: 1941 c 389; 1969 c 399 s 1; 1979 c 333 s 97; 1986 c 444

299C.08 OATHS OF SUPERINTENDENT AND EMPLOYEES.

The superintendent and each employee in the bureau whom the superintendent shall designate, before entering upon the performance of duties under sections 299C.03 to 299C.08, 299C.10, 299C.11, 299C.17, 299C.18, and 299C.21, shall take the usual oath.

History: (9950-8) 1927 c 224 s 4; 1935 c 197 s 3; 1986 c 444; 1991 c 326 s 14

299C.09 SYSTEM FOR IDENTIFICATION OF CRIMINALS; RECORDS AND INDEXES.

The bureau shall install systems for identification of criminals, including the fingerprint system, the modus operandi system, and such others as the superintendent deems proper. The bureau shall keep a complete record and index of all information received in convenient form for consultation and comparison. The bureau shall obtain from wherever procurable and file for record finger and thumb prints, measurements, photographs, plates, outline pictures, descriptions, modus operandi statements, or such other information as the superintendent considers necessary, of persons who have been or shall hereafter be convicted of a felony, gross misdemeanor, or an attempt to commit a felony or gross misdemeanor, within the state, or who are known to be habitual criminals. To the extent that the superintendent may determine it to be necessary, the bureau shall obtain like information concerning persons convicted of a crime under the laws of another state or government, the central repository of this records system is the bureau of criminal apprehension in St. Paul.

History: (9950-9) 1927 c 224 s 5; 1957 c 790 s 1; 1969 c 9 s 92

299C.095 SYSTEM FOR IDENTIFICATION OF ADJUDICATED JUVENILES.

The bureau shall establish a system for recording the data on adjudicated juveniles received from the juvenile courts under section 260.161, subdivision 1a. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to a person who has access to the juvenile court records as provided in section 260.161 or under court rule.

History: 1992 c 571 art 7 s 10

299C.10 IDENTIFICATION DATA.

It is hereby made the duty of the sheriffs of the respective counties and of the police officers in cities of the first, second, and third classes, under the direction of the chiefs of police in such cities, to take or cause to be taken immediately finger and thumb prints, photographs, and such other identification data as may be requested or required by the superintendent of the bureau; of all persons arrested for a felony, gross misdemeanor, of all juveniles committing felonies as distinguished from those committed by adult offenders, of all persons reasonably believed by the arresting officer to be fugitives from justice, of all persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes, and within 24 hours thereafter to forward such fingerprint records and other identification data on such

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forms and in such manner as may be prescribed by the superintendent of the bureau of criminal apprehension.

History: (9950-10) 1927 c 224 s 6; 1929 c 46 s 1; 1935 c 197 s 4; 1957 c 790 s 2

299C.11 INFORMATION FURNISHED BY SHERIFFS AND POLICE CHIEFS.

The sheriff of each county and the chief of police of each city of the first, second, and third classes shall furnish the bureau, upon such form as the superintendent shall prescribe, with such finger and thumb prints, photographs, and other identification data as may be requested or required by the superintendent of the bureau, which may be taken under the provisions of section 299C.10, of persons who shall be convicted of a felony, gross misdemeanor, or who shall be found to have been convicted of a felony or gross misdemeanor, within ten years next preceding their arrest. Upon the determination of all pending criminal actions or proceedings in favor of the arrested person, the arrested person shall, upon demand, have all such finger and thumb prints, photographs, and other identification data, and all copies and duplicates thereof, returned, provided it is not established that the arrested person has been convicted of any felony, either within or without the state, within the period of ten years immediately preceding such determination.

For purposes of this section, "determination of all pending criminal actions or proceedings in favor of the arrested person" does not include the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or 609.168.

History: (9950-11) 1927 c 224 s 7; 1929 c 46 s 2; 1935 c 197 s 5; 1957 c 790 s 3; 1986 c 444; 1992 c 569 s 16

299C.12 RECORDS KEPT BY PEACE OFFICERS; REPORTS.

Every peace officer shall keep or cause to be kept a permanent written record, in such form as the superintendent may prescribe, of all felonies reported to or discovered by the officer within the officer's jurisdiction and of all warrants of arrest for felonies and search warrants issued to the officer in relation to the commission of felonies, and shall make or cause to be made to the sheriff of the county and the bureau reports of all such crimes, upon such forms as the superintendent may prescribe, including a statement of the facts and a description of the offender, so far as known, the offender's method of operation, the action taken by the officer, and such other information as the superintendent may require.

History: (9950-12) 1927 c 224 s 8; 1959 c 409 s 1; 1986 c 444

299C.13 INFORMATION FURNISHED TO PEACE OFFICERS.

Upon receipt of information data as to any arrested person, the bureau shall immediately ascertain whether the person arrested has a criminal record or is a fugitive from justice, and shall at once inform the arresting officer of the facts ascertained. Upon application by any sheriff, chief of police, or other peace officer in the state, or by an officer of the United States or by an officer of another state, territory, or government duly authorized to receive the same and effecting reciprocal interchange of similar information with the division, it shall be the duty of the bureau to furnish all information in its possession pertaining to the identification of any person. If the bureau has a sealed record on the arrested person, it shall notify the requesting peace officer of that fact and of the right to seek a court order to open the record for purposes of law enforcement.

History: (9950-13) 1927 c 224 s 9; 1992 c 569 s 17

299C.14 OFFICERS OF PENAL INSTITUTIONS TO FURNISH BUREAU WITH DATA RELATING TO RELEASED PRISONERS.

It shall be the duty of the officials having charge of the penal institutions of the state or the release of prisoners therefrom to furnish to the bureau, as the superintendent may require, finger and thumb prints, photographs, identification data, modus operandi

reports, and criminal records of prisoners heretofore, now, or hereafter confined in such penal institutions, together with the period of their service and the time, terms, and conditions of their discharge.

History: (9950-14) 1937 c 224 s 10; 1969 c 9 s 93

299C.15 BUREAU TO COOPERATE WITH OTHER CRIMINAL IDENTIFICATION ORGANIZATIONS.

The bureau shall cooperate and exchange information with other organizations for criminal identification, either within or without the state, for the purpose of developing, improving, and carrying on an efficient system for the identification and apprehension of criminals.

History: (9950-15) 1927 c 224 s 11

299C.155 STANDARDIZED EVIDENCE COLLECTION; DNA ANALYSIS DATA AND RECORDS.

Subdivision 1. Definition. As used in this section, "DNA analysis" means the process through which deoxyribonucleic acid (DNA) in a human biological specimen is analyzed and compared with DNA from another human biological specimen for identification purposes.

Subd. 2. Uniform evidence collection. The bureau shall develop uniform procedures and protocols for collecting evidence in cases of alleged or suspected criminal sexual conduct, including procedures and protocols for the collection and preservation of human biological specimens for DNA analysis. Law enforcement agencies and medical personnel who conduct evidentiary exams shall use the uniform procedures and protocols in their investigation of criminal sexual conduct offenses. The uniform procedures and protocols developed under this subdivision are not subject to the rulemaking provisions of chapter 14.

Subd. 3. DNA analysis and data bank. The bureau shall adopt uniform procedures and protocols to maintain, preserve, and analyze human biological specimens for DNA. The bureau shall establish a centralized system to cross-reference data obtained from DNA analysis. The uniform procedures and protocols developed under this subdivision are not subject to the rulemaking provisions of chapter 14.

Subd. 4. Records. The bureau shall perform DNA analysis and make data obtained available to law enforcement officials in connection with criminal investigations in which human biological specimens have been recovered. Upon request, the bureau shall also make the data available to the prosecutor and the subject of the data in any subsequent criminal prosecution of the subject.

History: 1989 c 290 art 4 s 7; 1990 c 499 s 5,6

299C.16 BUREAU TO BROADCAST INFORMATION TO PEACE OFFICERS.

The bureau shall broadcast, by mail, wire, and wireless, to peace officers such information as to wrongdoers wanted, property stolen or recovered, and other intelligence as may help in controlling crime.

History: (9950-16) 1927 c 224 s 12

299C.17 REPORTS TO BUREAU BY COURT ADMINISTRATORS.

The superintendent shall have power to require the court administrator of any county to file with the department, at such time as the superintendent may designate, a report, upon such form as the superintendent may prescribe, furnishing such information as the superintendent may require with regard to the prosecution and disposition of criminal cases. A copy of the report shall be kept on file in the office of the court administrator.

History: (9950-18) 1927 c 224 s 14; 1935 c 197 s 6; 1986 c 444; 1Sp1986 c 3 art 1 s 82

299C.18 REPORTS.

Biennially, on or before November 15, in each even-numbered year the superintendent shall submit to the governor and the legislature a detailed report of the operations of the bureau, of information about crime and the handling of crimes and criminals by state and local officials collected by the bureau, and the superintendent's interpretations of the information, with comments and recommendations. The data contained in the report on Part I offenses cleared by arrest, as defined by the United States Department of Justice, shall be collected and tabulated geographically at least on a county-by-county basis. In such reports the superintendent shall, from time to time, include recommendations to the legislature for dealing with crime and criminals and information as to conditions and methods in other states in reference thereto, and shall furnish a copy of such report to each member of the legislature.

History: (9950-19) 1927 c 224 s 15; 1935 c 197 s 7; 1955 c 847 s 29; 1969 c 540 s 14; 1986 c 444; 1992 c 511 art 1 s 12

299C.19 EMPLOYEES INCLUDED IN WORKERS' COMPENSATION LAWS.

Every employee of the bureau shall be deemed an employee of the state within the meaning of the workers' compensation laws of this state and entitled to the benefit of all the provisions of those laws applicable to state employees.

History: (9950-20) 1927 c 224 s 16; 1975 c 359 s 23; 1981 c 64 s 1

299C.20 CONSTRUCTION.

It is hereby declared that sections 299C.03 to 299C.20 are necessary for the public safety, peace and welfare, are remedial in nature, shall be construed liberally, and that, in case any part thereof shall be declared unconstitutional, it shall not in any way affect any other part.

History: (9950-21) 1927 c 224 s 17

299C.21 PENALTY ON LOCAL OFFICERS REFUSING INFORMATION.

If any public official charged with the duty of furnishing to the bureau fingerprint records, reports, or other information required by sections 299C.06, 299C.10, 299C.11, 299C.17, shall neglect or refuse to comply with such requirement, the bureau, in writing, shall notify the state, county, or city officer charged with the issuance of a warrant for the payment of the salary of such official. Upon the receipt of the notice the state, county, or city official shall withhold the issuance of a warrant for the payment of the salary or other compensation accruing to such officer for the period of 30 days thereafter until notified by the bureau that such suspension has been released by the performance of the required duty.

History: (9950-22) 1935 c 197 s 8

299C.22 SECURITY GUARD; DISCHARGE OF FIREARMS; REPORT.

Subdivision 1. **Definitions.** For purposes of this section, "security guard" means any person who is paid a fee, wage or salary to perform one or more of the following functions:

- (a) Prevention or detection of intrusion, unauthorized entry or activity, vandalism, or trespass on private property;
- (b) Prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;
- (c) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;
- (d) Protection of individuals from bodily harm; or
- (e) Enforcement of policies and rules of the security guard's employer related to crime reduction insofar as such enforcement falls within the scope of the guard's duties.

The provisions of this subdivision are not intended to include within the definition of "security guard" auditors, accountants, and accounting personnel whether or not they are employees of a private firm, corporation or independent accounting firm.

Subd. 2. Reports. Each discharge of a firearm by a security guard in the course of employment, other than for training purposes, shall be reported to the chief of police of an organized full time police department of the municipality in which the discharge occurred or to the county sheriff if there is no local chief of police. Reports required to be made under this subdivision shall be forwarded to the bureau of criminal apprehension upon forms as may be prescribed and furnished by the bureau. The superintendent shall cause a summary of the reports to be compiled and published annually.

History: 1979 c 196 s 1; 1986 c 444

299C.23 CONTINUING EDUCATION FEES.

The commissioner of public safety may charge tuition to cover the cost of continuing education courses provided by the bureau of criminal apprehension when money available to the commissioner for this purpose is not adequate to pay these costs. The tuition fees collected are appropriated to the commissioner.

History: 1989 c 269 s 44

RADIO BROADCASTING

299C.30 RADIO BROADCASTING STATIONS MAY BE INSTALLED.

The commissioner of administration is hereby authorized to purchase, secure the necessary air privilege, lease or otherwise acquire, and install one or more radio broadcasting stations to be used for police purposes only, under the direction of the bureau of criminal apprehension.

History: (9950-41) 1935 c 195 s 1

299C.31 BUREAU TO MAINTAIN STATION.

The bureau is hereby charged with the maintenance, operation, and conduct of all radio broadcasting stations established under the provisions of sections 299C.30 to 299C.38.

History: (9950-42) 1935 c 195 s 2

299C.32 POLICE CARS TO HAVE RADIOS.

When the broadcasting station or stations authorized by sections 299C.30 to 299C.38 have been established and are ready for operation, the bureau shall notify immediately the board of county commissioners in each county of the state that such radio service has been established; and forthwith the board shall provide for the purchase and installation in the office of the sheriff and at such other places within each county as it may direct, and in at least one motor vehicle used by the sheriff in the conduct of the sheriff's office, a locked-in radio receiving set of the character prescribed by the bureau for use in connection with the broadcasting station or stations so established.

History: (9950-43) 1935 c 195 s 3; Ex1936 c 104 s 1; 1986 c 444

299C.33 RECEIVING STATIONS IN CITIES.

The council of each city in the state shall, and the council of each statutory city in the state may, purchase, install, and maintain in such place as the council may determine, at least one such locked-in radio receiving set, as may be prescribed by the bureau for use in law enforcement and police work in such city or statutory city in connection with the broadcasting system thereby established.

History: (9950-44) 1935 c 195 s 4; Ex1936 c 104 s 2; 1973 c 123 art 5 s 7

299C.34 COMMISSIONER TO SUPPLY BROADCASTING SETS.

The commissioner of administration shall purchase and supply the bureau of criminal apprehension with such locked-in radio receiving sets as are deemed necessary by the superintendent.

History: (9950-45) 1935 c 195 s 5; Ex1936 c 104 s 3

299C.35 BUREAU TO BROADCAST CRIMINAL INFORMATION.

It shall be the duty of the bureau to broadcast all police dispatches and reports submitted which, in the opinion of the superintendent, shall have a reasonable relation to or connection with the apprehension of criminals, the prevention of crime, and the maintenance of peace and order throughout the state. Every sheriff, peace officer, or other person employing a radio receiving set under the provisions of sections 299C.30 to 299C.38 shall make report to the bureau at such times and containing such information as the superintendent shall direct.

History: (9950-46) 1935 c 195 s 6

299C.36 TELEPHONE AND TELEGRAPH COMPANIES TO GIVE PRIORITY TO MESSAGES.

Every telegraph and telephone company operating in the state shall give priority to all messages or calls directed to the broadcasting station or stations established under sections 299C.30 to 299C.38.

History: (9950-47) 1935 c 195 s 7

299C.37 POLICE COMMUNICATION EQUIPMENT; USE, SALE.

Subdivision 1. (a) No person other than peace officers within the state, the members of the state patrol, and persons who hold an amateur radio license issued by the Federal Communications Commission, shall equip any motor vehicle with any radio equipment or combination of equipment, capable of receiving any radio signal, message, or information from any police emergency frequency, or install, use, or possess the equipment in a motor vehicle without permission from the superintendent of the bureau upon a form prescribed by the superintendent. An amateur radio license holder is not entitled to exercise the privilege granted by this paragraph if the license holder has been convicted in this state or elsewhere of a crime of violence, as defined in section 624.712, subdivision 5, unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, "crime of violence" includes a crime in another state or jurisdiction that would have been a crime of violence if it had been committed in this state. Radio equipment installed, used, or possessed as permitted by this paragraph must be under the direct control of the license holder whenever it is used.

(b) Except as provided in paragraph (c), any person who is convicted of a violation of this subdivision shall, upon conviction for the first offense, be guilty of a misdemeanor, and for the second and subsequent offenses shall be guilty of a gross misdemeanor.

(c) An amateur radio license holder who exercises the privilege granted by paragraph (a) shall carry the amateur radio license in the motor vehicle at all times and shall present the license to a peace officer on request. A violation of this paragraph is a petty misdemeanor. A second or subsequent violation is a misdemeanor.

Subd. 2. [Repealed, 1971 c 71 s 2]

Subd. 3. The superintendent of the bureau shall, upon written application, issue a written permit, which shall be nontransferable, to a person, firm, or corporation showing good cause to use radio equipment capable of receiving a police emergency frequency, as a necessity, in the lawful pursuit of a business, trade, or occupation.

Subd. 4. [Repealed, 1983 c 293 s 115]

History: (9950-48) 1935 c 195 s 8; 1961 c 661 s 1; 1965 c 721 s 1; 1981 c 37 s 2; 1983 c 293 s 91; 1986 c 444; 1987 c 191 s 1

299C.38 PRIORITY OF POLICE COMMUNICATIONS, VIOLATIONS.

Any telegraph or telephone operator who shall fail to give priority to police messages or calls as provided in sections 299C.30 to 299C.38, and any person who willfully makes any false, misleading, or unfounded report to any broadcasting station established thereunder for the purpose of interfering with the operation thereof, or with the intention of misleading any officer of this state, shall be guilty of a misdemeanor.

History: (9950-50) 1935 c 195 s 10; 1965 c 721 s 2

DATA COMMUNICATIONS NETWORK

299C.45 [Repealed, 1977 c 424 s 5]

299C.46 ESTABLISHMENT, USE.

Subdivision 1. The commissioner of public safety shall establish a criminal justice data communications network which will enable the interconnection of the criminal justice agencies within the state into a unified criminal justice information system. The commissioner of public safety is authorized to lease or purchase facilities and equipment as may be necessary to establish and maintain the data communications network.

Subd. 2. For the purposes of sections 299C.46 to 299C.49, "criminal justice agency" shall mean an agency of the state or an agency of a political subdivision charged with detection, enforcement, prosecution, adjudication or incarceration in respect to the criminal or traffic laws of this state.

Subd. 3. The data communications network shall be used exclusively by:

(1) criminal justice agencies in connection with the performance of duties required by law;

(2) agencies investigating federal security clearances of individuals for assignment or retention in federal employment with duties related to national security, as required by Public Law Number 99-1691; and

(3) other agencies to the extent necessary to provide for protection of the public or property in an emergency or disaster situation.

The commissioner of public safety shall establish a monthly network access charge to be paid by each participating criminal justice agency. The network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the criminal justice data communications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.

The commissioner of public safety is authorized to arrange for the connection of the data communications network with the criminal justice information system of the federal government, any adjacent state, or Canada.

Subd. 4. The commissioner of public safety shall administer the data communications network and shall coordinate matters relating to its use by other state agencies and political subdivisions. The commissioner shall receive the assistance of the commissioner of administration on matters involving the department of administration and its information systems division. Other state department or agency heads shall assist the commissioner where necessary in the performance of the commissioner's duties under this section.

History: 1965 c 903 s 1; 1967 c 334 s 2; 1977 c 424 s 1; 1983 c 293 s 92; 1986 c 444; 1987 c 166 s 1

299C.47 [Repealed, 1976 c 149 s 63]

299C.48 CONNECTIONS BY AUTHORIZED AGENCY; STANDING APPROPRIATION.

(a) An agency authorized under section 299C.46, subdivision 3, may connect with and participate in the criminal justice data communications network upon approval of

the commissioner of public safety; provided, that the agency shall first agree to pay installation charges as may be necessary for connection and monthly operational charges as may be established by the commissioner of public safety. Before participation by a criminal justice agency may be approved, the agency must have executed an agreement with the commissioner providing for security of network facilities and restrictions on access to data supplied to and received through the network.

(b) The installation and monthly operational charges collected by the commissioner of public safety under paragraph (a) are annually appropriated to the commissioner to administer sections 299C.46 to 299C.50.

History: 1965 c 903 s 3; 1967 c 334 s 2; 1973 c 123 art 5 s 7; 1977 c 424 s 2; 1987 c 166 s 2; 1987 c 320 s 2

299C.49 GRANT REVIEW.

The commissioner of public safety, after consultation with representatives of criminal justice agencies, shall review all grant requests for federal and state funds from the governor's commission on crime prevention and control or its successor for criminal justice information systems and recommend action to the commission.

History: 1977 c 424 s 3

299C.50 TRANSFER OF FUNCTIONS.

The commissioner of public safety shall perform all duties in respect to the state's criminal justice information system which were transferred from the commissioner of finance and the governor's commission on crime prevention and control by executive order of the governor; provided, that a transfer shall not occur if the state is informed by a federal agency that the transfer will result in the loss of federal moneys to which the state would otherwise be entitled pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, Public Law Number 90-351, as amended by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law Number 93-415, and the Crime Control Act of 1976, Public Law Number 94-503.

History: 1977 c 424 s 4

MISSING CHILDREN

299C.51 CITATION.

Sections 299C.51 to 299C.53 may be cited as the "Minnesota missing children's act."

History: 1984 c 510 s 1

299C.52 MINNESOTA MISSING CHILD PROGRAM.

Subdivision 1. **Definitions.** As used in sections 299C.52 to 299C.56, the following terms have the meanings given them:

- (a) "Child" means any person under the age of 18 years or any person certified or known to be mentally incompetent;
- (b) "CJIS" means Minnesota criminal justice information system;
- (c) "Missing" means the status of a child after a law enforcement agency that has received a report of a missing child has conducted a preliminary investigation and determined that the child cannot be located; and
- (d) "NCIC" means National Crime Information Center.

Subd. 2. **Establishment.** The commissioner of public safety shall maintain a Minnesota missing child program within the department to enable documented information about missing Minnesota children to be entered into the NCIC computer.

Subd. 3. **Computer equipment and programs.** The commissioner shall provide the necessary computer hardware and computer programs to enter, modify, and cancel

information on missing children in the NCIC computer through the CJIS. These programs must provide for search and retrieval of information using the following identifiers: physical description, name and date of birth, name and social security number, name and driver's license number, vehicle license number, and vehicle identification number. The commissioner shall also provide a system for regional, statewide, multi-state, and nationwide broadcasts of information on missing children. These broadcasts shall be made by local law enforcement agencies where possible or, in the case of statewide or nationwide broadcasts, by the bureau of criminal apprehension upon request of the local law enforcement agency.

Subd. 4. Authority to enter or retrieve information. Only law enforcement agencies may enter missing child information through the CJIS into the NCIC computer or retrieve information through the CJIS from the NCIC computer.

Subd. 5. Statistical data. The commissioner shall annually compile and make available statistical information on the number of missing children entered into the NCIC computer and, if available, information on the number located.

Subd. 6. Rules. The commissioner may adopt rules in conformance with sections 299C.52 to 299C.56 to provide for the orderly collection and entry of missing child information and requests for retrieval of missing child information.

History: 1984 c 510 s 2; 1991 c 285 s 4-6

299C.53 MISSING CHILD REPORTS; DUTIES OF COMMISSIONER AND LAW ENFORCEMENT AGENCIES.

Subdivision 1. Investigation and entry of information. Upon receiving a report of a child believed to be missing, a law enforcement agency shall conduct a preliminary investigation to determine whether the child is missing. If the child is determined to be missing, the agency shall immediately enter identifying and descriptive information about the child through the CJIS into the NCIC computer. Law enforcement agencies having direct access to the CJIS and the NCIC computer shall enter and retrieve the data directly and shall cooperate in the entry and retrieval of data on behalf of law enforcement agencies which do not have direct access to the systems.

Subd. 2. Location of missing child. Immediately after a missing child is located, the law enforcement agency which located or returned the missing child shall notify the law enforcement agency having jurisdiction over the investigation, and that agency shall cancel the entry from the NCIC computer.

History: 1984 c 510 s 3

299C.54 MISSING CHILDREN BULLETINS.

Subdivision 1. Missing children bulletin. The commissioner shall distribute a missing children bulletin on a quarterly basis to local law enforcement agencies, county attorneys, and public and nonpublic schools. The commissioner shall also make this information accessible to other parties involved in efforts to locate missing children and to other persons as the commissioner considers appropriate.

Subd. 2. Photographs. The commissioner shall provide appropriate local law enforcement agencies with a list of missing children, with an appropriate waiver form to assist the agency in obtaining a photograph of each missing child. Local agencies shall obtain the most recent photograph available for missing children and forward those photographs to the commissioner. The commissioner shall include these photographs, as they become available, in the quarterly bulletins.

Subd. 3. Included with mailings. State and local elected officials and agencies may enclose in their mailings information regarding missing children obtained from law enforcement agencies or from any organization that is recognized as a nonprofit, tax-exempt organization under state or federal law and has an ongoing missing children program. Elected officials and commissioners of state agencies are urged to develop policies to enclose missing children information in mailings when it will not increase postage costs and is otherwise considered appropriate.

Subd. 4. **Data classification.** The information included in the missing children bulletin is public data as defined in section 13.01, subdivision 15.

History: 1991 c 285 s 7

299C.55 TRAINING.

The commissioner shall adopt standards for training appropriate personnel concerning the investigation of missing children cases.

History: 1991 c 285 s 8

299C.56 RELEASE OF MEDICAL DATA.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Health care facility" means the office of a dentist or physician, or another medical facility, that is in possession of identifying data.

(c) "Identifying data" means dental or skeletal X-rays, or both, and related information, previously created in the course of providing dental or medical care to a child who has now been reported as missing.

Subd. 2. **Written declaration.** If a child is reported missing, a law enforcement agency may execute a written declaration, stating that an active investigation seeking the location of the missing child is being conducted, and that the identifying data are necessary for the exclusive purpose of furthering the investigation. Notwithstanding chapter 13 or section 144.651, subdivision 16, when a written declaration executed under this subdivision, signed by a peace officer, is presented to a health care facility, the facility shall provide access to the missing child's identifying data to the law enforcement agency.

History: 1991 c 285 s 9

CHILD PROTECTION BACKGROUND CHECK

299C.60 CITATION.

Sections 299C.60 to 299C.64 may be cited as the "Minnesota child protection background check act."

History: 1992 c 569 s 18

299C.61 DEFINITIONS.

Subdivision 1. **Terms.** The definitions in this section apply to sections 299C.60 to 299C.64.

Subd. 2. **Background check crime.** "Background check crime" includes child abuse crimes, murder, manslaughter, felony level assault or any assault crime committed against a minor, kidnapping, arson, criminal sexual conduct, and prostitution-related crimes.

Subd. 3. **Child.** "Child" means an individual under the age of 18.

Subd. 4. **Child abuse crime.** "Child abuse crime" means:

(1) an act committed against a minor victim that constitutes a violation of section 609.185, clause (5); 609.221; 609.222; 609.223; 609.224; 609.322; 609.323; 609.324; 609.342; 609.343; 609.344; 609.345; 609.352; 609.377; or 609.378; or

(2) a violation of section 152.021, subdivision 1, clause (4); 152.022, subdivision 1, clause (5) or (6); 152.023, subdivision 1, clause (3) or (4); 152.023, subdivision 2, clause (5) or (7); or 152.024, subdivision 1, clause (2), (3), or (4).

Subd. 5. **Children's service provider.** "Children's service provider" means a business or organization, whether public, private, for profit, nonprofit, or voluntary, that provides children's services, including a business or organization that licenses or certifies others to provide children's services.

Subd. 6. Children's service worker. "Children's service worker" means a person who has, may have, or seeks to have access to a child to whom the children's service provider provides children's services, and who:

- (1) is employed by, volunteers with, or seeks to be employed by or volunteer with a children's service provider; or
- (2) owns, operates, or seeks to own or operate a children's service provider.

Subd. 7. Children's services. "Children's services" means the provision of care, treatment, education, training, instruction, or recreation to children.

Subd. 8. CJIS. "CJIS" means the Minnesota criminal justice information system.

Subd. 9. Superintendent. "Superintendent" means the superintendent of the bureau of criminal apprehension.

History: 1992 c 569 s 19

299C.62 BACKGROUND CHECKS.

Subdivision 1. Generally. The superintendent shall develop procedures to enable a children's service provider to request a background check to determine whether a children's service worker is the subject of any reported conviction for a background check crime. The superintendent shall perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of a criminal history check. The superintendent shall recover the cost of a background check through a fee charged the children's service provider.

Subd. 2. Background checks; requirements. The superintendent may not perform a background check under this section unless the children's service provider submits a written document, signed by the children's service worker on whom the background check is to be performed, containing the following:

(1) a question asking whether the children's service worker has ever been convicted of a background check crime and if so, requiring a description of the crime and the particulars of the conviction;

(2) a notification to the children's service worker that the children's service provider will request the superintendent to perform a background check under this section; and

(3) a notification to the children's service worker of the children's service worker's rights under subdivision 3.

Background checks performed under this section may only be requested by and provided to authorized representatives of a children's service provider who have a need to know the information and may be used only for the purposes of sections 299C.60 to 299C.64. Background checks may be performed pursuant to this section not later than one year after the document is submitted under this section.

Subd. 3. Children's service worker rights. (a) The children's service provider shall notify the children's service worker of the children's service worker's rights under paragraph (b).

(b) A children's service worker who is the subject of a background check request has the following rights:

(1) the right to be informed that a children's service provider will request a background check on the children's service worker:

(i) for purposes of the children's service worker's application to be employed by, volunteer with, or be an owner of a children's service provider or for purposes of continuing as an employee, volunteer, or owner; and

(ii) to determine whether the children's service worker has been convicted of any crime specified in section 299C.61, subdivision 2 or 4;

(2) the right to be informed by the children's service provider of the superintendent's response to the background check and to obtain from the children's service provider a copy of the background check report;

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(3) the right to obtain from the superintendent any record that forms the basis for the report;

(4) the right to challenge the accuracy and completeness of any information contained in the report or record pursuant to section 13.04, subdivision 4;

(5) the right to be informed by the children's service provider if the children's service worker's application to be employed with, volunteer with, or be an owner of a children's service provider, or to continue as an employee, volunteer, or owner, has been denied because of the superintendent's response; and

(6) the right not to be required directly or indirectly to pay the cost of the background check.

Subd. 4. Response of bureau. The superintendent shall respond to a background check request within a reasonable time after receiving the signed, written document described in subdivision 2. The superintendent's response shall be limited to a statement that the background check crime information contained in the document is or is not complete and accurate.

Subd. 5. No duty. Sections 299C.60 to 299C.64 do not create a duty to perform a background check.

Subd. 6. Admissibility of evidence. Evidence or proof that a background check of a volunteer was not requested under sections 299C.60 to 299C.64 by a children's service provider is not admissible in evidence in any litigation against a nonprofit or charitable organization.

History: 1992 c 569 s 20

299C.63 EXCEPTION; OTHER LAWS.

The superintendent is not required to respond to a background check request concerning a children's service worker who, as a condition of occupational licensure or employment, is subject to the background study requirements imposed by any statute or rule other than sections 299C.60 to 299C.64. A background check performed on a licensee, license applicant, or employment applicant under this section does not satisfy the requirements of any statute or rule other than sections 299C.60 to 299C.64, that provides for background study of members of an individual's particular occupation.

History: 1992 c 569 s 21

299C.64 BCA IMMUNITY.

The bureau of criminal apprehension is immune from any civil or criminal liability that might otherwise arise under sections 299C.60 to 299C.63, based on the accuracy or completeness of any records it receives from the Federal Bureau of Investigation, if the bureau acts in good faith.

History: 1992 c 569 s 22