

## JUDICIARY COMMITTEE

February 26, 2013

Noon

Room 15 Capitol

Senator Ron Latz, Chair

### AGENDA

1. S.F. 17 – (Marty) Resolution requesting Congress to propose a constitutional amendment and, if Congress does not propose an amendment, applying to Congress to call a constitutional convention to propose an amendment clarifying the rights protected under the Constitution.
  - Robin Monahan – Citizen
  
2. S.F.210 – (Dibble) Automated license plate reader data classification and destruction requirement
  - This bill has been **REMOVED** from the agenda at the request of the author
  
3. S.F. 211 – (Dibble) Public employees unauthorized access to data enhanced penalties and reporting requirements
  - Keith Carlson – Executive Director, Minnesota Inter-County Association
  - Beau Berentson – Association of Minnesota Counties
  - Patrick Hynes – League of Minnesota Cities
  - Ann O'Brien – Assistant Commissioner, Minnesota Management & Budget, Customer Relations
  - Laurie Beyer-Kropuenske – Minnesota Department of Administration  
Director, Community Services Division
  - Rich Neumeister – Citizen Lobbyist
  - Don Gemberling – Citizen Lobbyist
  
4. S.F. 385 – (Dibble) Automated license plate readers data classification
  - Deputy Chief Kris Arneson – Minneapolis Police Department, Criminal Investigation Bureau
  - David Pecchia – Minnesota Chiefs of Police Association
  - Ken Reed – Executive Commander, Office of the Chief, City of St. Paul Police Department
  - Patrick Hynes – League of Minnesota Cities
  - Rich Neumeister – Citizen Lobbyist
  - Don Gemberling – Citizen Lobbyist



KEY: ~~stricken~~ = removed, old language. underscoring = added, new language.

[Authors and Status](#)

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S.F. No. 385, as introduced - 88th Legislative Session (2013-2014) Posted on Feb 08, 2013

- 1.1 A bill for an act
- 1.2 relating to data practices; classifying data related to automated license plate
- 1.3 readers; requiring a log of use; requiring data to be destroyed in certain
- 1.4 circumstances; amending Minnesota Statutes 2012, section 13.82, by adding a
- 1.5 subdivision.
- 1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
  
- 1.7 Section 1. Minnesota Statutes 2012, section 13.82, is amended by adding a subdivision
- 1.8 to read:
- 1.9 Subd. 31. Automated license plate readers. (a) Data collected by an automated
- 1.10 license plate reader are classified as confidential or protected nonpublic, if the data indicates
- 1.11 that the vehicle or its owner or occupants are the subject of an active criminal investigation
- 1.12 or other preexisting law enforcement or correctional proceeding, sanction, or supervision.
- 1.13 (b) Data collected by an automated license plate reader must be destroyed:
- 1.14 (1) at the time of collection, if the data does not meet the requirements for
- 1.15 classification under paragraph (a); or
- 1.16 (2) at the time the active criminal investigation indicated by the data becomes
- 1.17 inactive, if criminal charges are not filed related to the investigation, or at the time
- 1.18 the preexisting law enforcement or correctional proceeding, sanction, or supervision
- 1.19 is resolved or completed.
- 1.20 (c) A law enforcement agency that installs or uses an automated license plate reader
- 1.21 must maintain a log of its use, including:
- 1.22 (1) locations at which the reader is installed or used;
- 1.23 (2) specific times of day that the reader actively collected data; and
- 1.24 (3) the aggregate number of vehicles or license plates on which data are collected for
- 1.25 each period of active use.
- 2.1 Notwithstanding any other law to the contrary, data contained in a log required
- 2.2 under this paragraph are public at all times.
- 2.3 (d) As used in this subdivision, "automated license plate reader" means an electronic
- 2.4 device mounted on a law enforcement vehicle or positioned in a stationary location that
- 2.5 is capable of recording data on, or taking a photograph of, a vehicle, its license plate, or
- 2.6 its occupants without notice to the owner or occupants of the vehicle and comparing the
- 2.7 collected data and photographs to existing law enforcement databases for investigative
- 2.8 purposes.
- 2.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 2.10 Data collected prior to the effective date of this section must be destroyed, if required by
- 2.11 this section, no later than 15 days after the date this section becomes effective.