

Minnesota State Legislature

Minnesota House of Representatives

HF 1913 as introduced - 88th Legislature (2013 - 2014) Posted on 01/13/2014 05:01pm

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

[Version List](#) [Authors and Status](#)

Current Version - as introduced

- 1.1 A bill for an act
- 1.2 relating to data practices; clarifying agencies maintaining criminal investigative
- 1.3 data;amending Minnesota Statutes 2012, section 13.82, subdivision 7.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2012, section 13.82, subdivision 7, is amended to read:
- 1.6 Subd. 7. **Criminal investigative data.** Except for the data defined in subdivisions
- 1.7 2, 3, and 6, investigative data collected or created by a law enforcement agency or a
- 1.8 prosecutorial authority in order to prepare a case against a person, whether known or
- 1.9 unknown, for the commission of a crime or other offense for which the agency has
- 1.10 primary investigative responsibility are confidential or protected nonpublic while the
- 1.11 investigation is active. Inactive investigative data are public unless the release of the data
- 1.12 would jeopardize another ongoing investigation or would reveal the identity of individuals
- 1.13 protected under subdivision 17. Photographs which are part of inactive investigative
- 1.14 files and which are clearly offensive to common sensibilities are classified as private or
- 1.15 nonpublic data, provided that the existence of the photographs shall be disclosed to any
- 1.16 person requesting access to the inactive investigative file. An investigation becomes
- 1.17 inactive upon the occurrence of any of the following events:
- 1.18 (a) a decision by the agency or appropriate prosecutorial authority not to pursue
- 1.19 the case;
- 1.20 (b) expiration of the time to bring a charge or file a complaint under the applicable
- 1.21 statute of limitations, or 30 years after the commission of the offense, whichever comes
- 1.22 earliest; or
- 1.23 (c) exhaustion of or expiration of all rights of appeal by a person convicted on
- 1.24 the basis of the investigative data.
- 2.1 Any investigative data presented as evidence in court shall be public. Data
- 2.2 determined to be inactive under clause (a) may become active if the agency or appropriate
- 2.3 prosecutorial authority decides to renew the investigation.
- 2.4 During the time when an investigation is active, any person may bring an action in
- 2.5 the district court located in the county where the data are being maintained to authorize
- 2.6 disclosure of investigative data. The court may order that all or part of the data relating to
- 2.7 a particular investigation be released to the public or to the person bringing the action. In
- 2.8 making the determination as to whether investigative data shall be disclosed, the court
- 2.9 shall consider whether the benefit to the person bringing the action or to the public
- 2.10 outweighs any harm to the public, to the agency or to any person identified in the data.
- 2.11 The data in dispute shall be examined by the court in camera.