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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE NO. 1248

March 2, 2009

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The bill was read for the first time and referred to the Committee on Civil Justice

1.1 A bill for an act
1.2 relating to government data practices; restricting access to data that identify
1.3 victims or witnesses in active criminal investigations; amending Minnesota
1.4 Statutes 2008, section 13.82, subdivision 17.

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

1.6 Section 1. Minnesota Statutes 2008, section 13.82, subdivision 17, is amended to read:

1.7 Subd. 17. **Protection of identities.** A law enforcement agency or a law enforcement
1.8 dispatching agency working under direction of a law enforcement agency shall withhold
1.9 public access to data on individuals to protect the identity of individuals in the following
1.10 circumstances:

1.11 (a) when access to the data would reveal the identity of an undercover law
1.12 enforcement officer, as provided in section 13.43, subdivision 5;

1.13 (b) when access to the data would reveal the identity of a victim or alleged victim of
1.14 criminal sexual conduct or of a violation of section 617.246, subdivision 2;

1.15 (c) when access to the data would reveal the identity of a paid or unpaid informant
1.16 being used by the agency if the agency reasonably determines that revealing the identity of
1.17 the informant would threaten the personal safety of the informant;

1.18 (d) when access to the data would reveal the identity of a victim ~~of or witness to a~~
1.19 ~~crime if the victim or witness specifically requests not to be identified publicly, unless the~~
1.20 ~~agency reasonably determines that revealing the identity of the victim or witness would~~
1.21 ~~not threaten the personal safety or property of the individual, witness, or potential witness~~
1.22 in an active criminal investigation, until the data are presented as evidence in court;

1.23 (e) when access to the data would reveal the identity of a deceased person whose
1.24 body was unlawfully removed from a cemetery in which it was interred;

2.1 (f) when access to the data would reveal the identity of a person who placed a call to a
2.2 911 system or the identity or telephone number of a service subscriber whose phone is used
2.3 to place a call to the 911 system and: (1) the agency determines that revealing the identity
2.4 may threaten the personal safety or property of any person; or (2) the object of the call is
2.5 to receive help in a mental health emergency. For the purposes of this paragraph, a voice
2.6 recording of a call placed to the 911 system is deemed to reveal the identity of the caller;

2.7 (g) when access to the data would reveal the identity of a juvenile witness and
2.8 the agency reasonably determines that the subject matter of the investigation justifies
2.9 protecting the identity of the witness; or

2.10 (h) when access to the data would reveal the identity of a mandated reporter under
2.11 section 609.456, 626.556, or 626.557.

2.12 Data concerning individuals whose identities are protected by this subdivision are
2.13 private data about those individuals. Law enforcement agencies shall establish procedures
2.14 to acquire the data and make the decisions necessary to protect the identity of individuals
2.15 described in clauses (c), (d), (f), and (g).