State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 627

1.1   A bill for an act

1.2   relating to public safety; requiring law enforcement policies on best practices for
1.3   eyewitness identifications; proposing coding for new law in Minnesota Statutes,
1.4   chapter 624.

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

1.6   Section 1. **[624.8433] EYEWITNESS IDENTIFICATION POLICIES REQUIRED.**

1.7   Subdivision 1. **Statewide model policy required.** By November 1, 2019, the board, in

1.8   consultation with stakeholders, shall develop a model policy that articulates best practices

1.9   for eyewitness identification and promotes uniform practices statewide. The board shall

1.10   distribute this model policy to all chief law enforcement officers. At a minimum, the policy

1.11   must require that:

1.12   (1) a person administering a lineup be unaware of the suspect's identity, or if that is not

1.13   practical, the person be shielded so as to prevent the person from seeing which lineup

1.14   member is being viewed by the eyewitness;

1.15   (2) before the procedure, the eyewitness be instructed that the perpetrator may or may

1.16   not be in the lineup;

1.17   (3) nonsuspect "fillers" used in the lineup match the eyewitness' description of the

1.18   perpetrator; and

1.19   (4) immediately after an identification is made, the eyewitness provide a statement in

1.20   the eyewitness' own words that articulates the level of the eyewitness' confidence in the

1.21   identification.

2.1   Subd. 2. **Agency policies required.** By February 1, 2020, the chief law enforcement

2.2   officers of every state and local law enforcement agency shall adopt and implement a written

2.3   policy on eyewitness identification practices that is identical to or substantially similar to

2.4   the model policy developed under subdivision 1.