A bill for an act
relating to public safety; imposing duties on peace officers and law enforcement
agencies regarding video and audio recordings of use of deadly force; providing
for a civil remedy; proposing coding for new law in Minnesota Statutes, chapter
13.

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

Section 1. [13.826] LAW ENFORCEMENT RECORDINGS.

Subdivision 1. Definitions. (a) For the purposes of this section, the terms in this
subdivision have the meanings given them.

(b) "Deadly force" has the meaning given in section 609.066.

(c) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
paragraph (f).

(d) "Next of kin" means an individual's blood relatives, spouse, step-parents, or
step-children.

(e) "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
(c).

(f) "Portable recording system" has the meaning given in section 13.825, subdivision 1,
paragraph (b), and also means a video camera in a peace officer's law enforcement vehicle,
or other video and audio recording devices used by the peace officer.

Subd. 2. Retention of recording. Under no circumstances shall any recording made
with a peace officer's portable recording system or data and metadata related to the recording
be altered, erased, or destroyed prior to the expiration of the applicable retention period
under section 13.825, subdivision 3.

Subd. 3. **Recording used for investigation.** (a) Notwithstanding any law to the contrary,
the recording of use of deadly force against an individual from a peace officer's portable
recording system may not be withheld from the individual's next of kin, legal representative
of the next of kin, or other parent of the individual's children on the basis that it is an
investigatory record or was compiled for law enforcement purposes where the person under
investigation or whose conduct is under review is a peace officer and the recording relates
to that officer's use of deadly force against the individual.

(b) When a peace officer equipped with a portable recording system is involved in, a
witness to, or within viewable sight or audible range of either peace officer use of deadly
force or peace officer conduct that becomes the subject of a criminal investigation, the
recording from the peace officer's portable recording system shall be immediately seized
at the end of the peace officer's work shift by the peace officer's law enforcement agency
or any state or local agency that would conduct any related criminal investigation.

Subd. 4. **Recording of deadly force resulting in death.** (a) Notwithstanding any law
to the contrary, no later than 48 hours after an incident where deadly force used by a peace
officer results in death of an individual, any and all recordings from a peace officer's portable
recording system that records the use of deadly force must be made available for viewing
by the deceased individual's next of kin, legal representative of the next of kin, or other
parent of the individual's children. All recordings of an incident where a peace officer used
deadly force and an individual dies must be released to the individual's next of kin, legal
representative of the next of kin, and other parent of the individual's children no later than
90 days after the incident.

(b) Recordings made available or released under this subdivision must be unedited and
may be redacted no more than what is required by law.

Subd. 5. **Penalties for violation.** In addition to any other remedies provided by law, in
the case of a willful violation of this section, a law enforcement agency is subject to
exemplary damages of not less than twice the minimum or more than twice the maximum
allowable exemplary damages under section 13.08, subdivision 1.