

1.1 ..... moves to amend H.F. No. 3957 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2021 Supplement, section 253B.18, subdivision 5a, is  
1.4 amended to read:

1.5 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)  
1.6 As used in this subdivision:

1.7 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes  
1.8 criminal sexual conduct in the fifth degree and offenses within the definition of "crime  
1.9 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in  
1.10 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually  
1.11 motivated;

1.12 (2) "victim" means a person who has incurred loss or harm as a result of a crime the  
1.13 behavior for which forms the basis for a commitment under this section or chapter 253D;  
1.14 and

1.15 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision  
1.16 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal  
1.17 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in  
1.18 commitment cases under this section or chapter 253D that an act or acts constituting a crime  
1.19 occurred or were part of their course of harmful sexual conduct.

1.20 (b) A county attorney who files a petition to commit a person under this section or chapter  
1.21 253D shall make a reasonable effort to provide prompt notice of filing the petition to any  
1.22 victim of a crime for which the person was convicted. In addition, the county attorney shall  
1.23 make a reasonable effort to promptly notify the victim of the resolution of the petition and  
1.24 the process for requesting notification of an individual's change in status as provided in

2.1 paragraph (c). A notice shall only be provided to a victim who has submitted a written  
2.2 request for notification to the prosecutor.

2.3 (c) A victim may request notification of an individual's discharge or release as provided  
2.4 in paragraph (d) by submitting a written request for notification to the executive director of  
2.5 the facility in which the individual is confined. The Department of Corrections or a county  
2.6 attorney who receives a request for notification from a victim under this section shall  
2.7 promptly forward the request to the executive director of the treatment facility in which the  
2.8 individual is confined.

2.9 (d) Before provisionally discharging, discharging, granting pass-eligible status, approving  
2.10 a pass plan, or otherwise permanently or temporarily releasing a person committed under  
2.11 this section from a state-operated treatment program or treatment facility, the head of the  
2.12 state-operated treatment program or head of the treatment facility shall make a reasonable  
2.13 effort to notify any victim of a crime for which the person was convicted that the person  
2.14 may be discharged or released and that the victim has a right to submit a written statement  
2.15 regarding decisions of the medical director, special review board, or commissioner with  
2.16 respect to the person. To the extent possible, the notice must be provided at least 14 days  
2.17 before any special review board hearing or before a determination on a pass plan.  
2.18 Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial  
2.19 appeal panel with victim information in order to comply with the provisions of this section.  
2.20 The judicial appeal panel shall ensure that the data on victims remains private as provided  
2.21 for in section 611A.06, subdivision 4. These notices shall only be provided to victims who  
2.22 have submitted a written request for notification as provided in paragraph (c).

2.23 (e) The rights under this subdivision are in addition to rights available to a victim under  
2.24 chapter 611A. This provision does not give a victim all the rights of a "notified person" or  
2.25 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

2.26 Sec. 2. Minnesota Statutes 2021 Supplement, section 253D.14, subdivision 2, is amended  
2.27 to read:

2.28 Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a  
2.29 person under this chapter shall make a reasonable effort to provide prompt notice of filing  
2.30 the petition to any victim of a crime for which the person was convicted or was listed as a  
2.31 victim in the petition of commitment. In addition, the county attorney shall make a reasonable  
2.32 and good faith effort to promptly notify the victim of the resolution of the process for  
2.33 requesting the notification of an individual's change in status as provided in section 253D.14,

3.1 subdivision 3. A notice shall only be provided to a victim who has submitted a written  
3.2 request for notification to the prosecutor.

3.3 Sec. 3. Minnesota Statutes 2020, section 256I.04, subdivision 2g, is amended to read:

3.4 Subd. 2g. ~~Crisis shelters~~ **Domestic abuse programs.** ~~Secure crisis shelters for battered~~  
3.5 ~~women and their children designated by the Minnesota Department of Corrections Programs~~  
3.6 that provide services to victims of domestic abuse designated by the Office of Justice  
3.7 Programs in the Department of Public Safety are not eligible for housing support under this  
3.8 chapter.

3.9 Sec. 4. **[299A.012] ACCEPTANCE OF PRIVATE FUNDS; APPROPRIATION.**

3.10 The commissioner may accept donations, grants, bequests, and other gifts of money to  
3.11 carry out the purposes of chapter 299A. Donations, nonfederal grants, bequests, or other  
3.12 gifts of money accepted by the commissioner must be deposited in an account in the special  
3.13 revenue fund and are appropriated to the commissioner for the purpose for which the funds  
3.14 were given.

3.15 Sec. 5. **[299A.016] EXPIRATION OF REPORT MANDATES.**

3.16 (a) If the submission of a report by the commissioner of public safety to the legislature  
3.17 is mandated by statute and the enabling legislation does not include a date for the submission  
3.18 of a final report, the mandate to submit the report shall expire in accordance with this section.

3.19 (b) If the mandate requires the submission of an annual report and the mandate was  
3.20 enacted before January 1, 2022, the mandate shall expire on January 1, 2024. If the mandate  
3.21 requires the submission of a biennial or less frequent report and the mandate was enacted  
3.22 before January 1, 2022, the mandate shall expire on January 1, 2025.

3.23 (c) Any reporting mandate enacted on or after January 1, 2022, shall expire three years  
3.24 after the date of enactment if the mandate requires the submission of an annual report and  
3.25 shall expire five years after the date of enactment if the mandate requires the submission  
3.26 of a biennial or less frequent report unless the enacting legislation provides for a different  
3.27 expiration date.

3.28 (d) The commissioner shall submit a list to the chairs and ranking minority members of  
3.29 the legislative committees with jurisdiction over public safety by February 15 of each year,  
3.30 beginning February 15, 2023, of all reports set to expire during the following calendar year  
3.31 in accordance with this section.

4.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.2 Sec. 6. Minnesota Statutes 2020, section 299A.49, subdivision 2, is amended to read:

4.3 Subd. 2. ~~Chemical assessment~~ **Hazardous materials response team.** "~~Chemical~~  
4.4 ~~assessment~~ Hazardous materials response team" means a team (1) trained, equipped, and  
4.5 authorized to evaluate and, when ~~possible~~ feasible, provide ~~simple~~ mitigation to a hazardous  
4.6 materials incident or release and (2) required to recommend to the local incident manager  
4.7 the best means of controlling the hazard after consideration of life safety concerns,  
4.8 environmental effects, exposure hazards, quantity and type of hazardous material, availability  
4.9 of resources, or other relevant factors.

4.10 Sec. 7. Minnesota Statutes 2020, section 299A.50, subdivision 1, is amended to read:

4.11 Subdivision 1. **Elements of plan; rules.** After consultation with the commissioners of  
4.12 natural resources, agriculture, transportation, and the Pollution Control Agency, the ~~state~~  
4.13 ~~fire marshal~~ Department of Public Safety, the Emergency Response Commission, appropriate  
4.14 technical emergency response representatives, and representatives of affected parties, the  
4.15 commissioner shall adopt rules to implement a statewide hazardous materials incident  
4.16 response plan. The plan must include:

4.17 (1) the locations of ~~up to five regional~~ hazardous materials response teams, based on the  
4.18 location of hazardous materials, response time, proximity to large population centers, and  
4.19 other factors;

4.20 (2) the number and qualifications of members on each team;

4.21 (3) the responsibilities of ~~regional~~ hazardous materials response teams;

4.22 (4) equipment needed for ~~regional~~ hazardous materials response teams;

4.23 (5) procedures for selecting and contracting with local governments or nonpublic persons  
4.24 to establish regional hazardous materials response teams;

4.25 (6) procedures for dispatching teams at the request of local governments;

4.26 (7) a fee schedule for reimbursing local governments or nonpublic persons responding  
4.27 to an incident; and

4.28 (8) coordination with other state departments and agencies, local units of government,  
4.29 other states, Indian tribes, the federal government, and other nonpublic persons.

5.1 Sec. 8. Minnesota Statutes 2020, section 299A.51, is amended to read:

5.2 **299A.51 LIABILITY AND WORKERS' COMPENSATION.**

5.3 Subdivision 1. **Liability.** During operations authorized under section 299A.50, members  
5.4 of a ~~regional~~ hazardous materials team operating outside their geographic jurisdiction are  
5.5 "employees of the state" as defined in section 3.736.

5.6 Subd. 2. **Workers' compensation.** During operations authorized under section 299A.50,  
5.7 members of a ~~regional~~ hazardous materials team operating outside their geographic  
5.8 jurisdiction are considered employees of the Department of Public Safety for purposes of  
5.9 chapter 176.

5.10 Subd. 3. **Limitation.** A person who provides personnel and equipment to assist at the  
5.11 scene of a hazardous materials response incident outside the person's geographic jurisdiction  
5.12 or property, at the request of the state or a local unit of government, is not liable for any  
5.13 civil damages resulting from acts or omissions in providing the assistance, unless the person  
5.14 acts in a willful and wanton or reckless manner in providing the assistance.

5.15 Sec. 9. **[299C.092] QUESTIONED IDENTITY PROCESS.**

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

5.18 (b) "Questioned identity" means an individual's identity that is associated with another  
5.19 person's records when the individual's identity is used by an offender in interactions with  
5.20 law enforcement or that the offender has the same name. Questioned identity can lead to  
5.21 difficulties differentiating the individual from the offender.

5.22 (c) "Bureau" means the Bureau of Criminal Apprehension.

5.23 Subd. 2. **Process.** (a) When an individual is the subject of questioned identity, the  
5.24 individual may request a review by the bureau through its questioned identity process.  
5.25 Individuals must contact the bureau and provide the following:

5.26 (1) documentation of the individual's identity through and via a government-issued photo  
5.27 identification;

5.28 (2) documents or information that lead the individual to believe that the individual is  
5.29 the subject of questioned identity; and

5.30 (3) fingerprints for identification verification purposes.

6.1 (b) If the bureau is able to confirm that the individual is the subject of questioned identity,  
6.2 the bureau shall provide documentation to the individual indicating that the individual has  
6.3 been through the bureau's questioned identity process.

6.4 (c) The bureau shall denote any aliases determined to be questioned identities in the  
6.5 Criminal History System under section 299C.09 and shall work with other state and local  
6.6 agencies to denote aliases in arrest warrants.

6.7 (d) The bureau shall attach a photo of the offender to arrest warrants in the bureau's  
6.8 warrant file if a photo is available.

6.9 (e) The bureau, in consultation with reporting criminal justice agencies, may remove an  
6.10 alias from a criminal history record when it determines doing so will not negatively impact  
6.11 a criminal justice agency's ability to identify the offender in the future. Some considerations  
6.12 in making the determination include but are not limited to time elapsed since the alias name  
6.13 was last used, frequency with which the alias was used, current incarceration status of the  
6.14 offender, whether it is or was the offender's name, and whether the offender is living or  
6.15 deceased.

6.16 (f) Law enforcement must take into account the presence of documentation from the  
6.17 bureau or another law enforcement agency confirming a questioned identity when considering  
6.18 whether an individual has a warrant under section 299C.115 and may contact the bureau or  
6.19 the issuing law enforcement agency to confirm authenticity of the documentation provided  
6.20 by an individual.

6.21 Sec. 10. Minnesota Statutes 2020, section 299C.46, subdivision 1, is amended to read:

6.22 Subdivision 1. **Establishment.** The commissioner of public safety shall establish a  
6.23 criminal justice data communications network that will provide secure access to systems  
6.24 and services available from or through the Bureau of Criminal Apprehension. The Bureau  
6.25 of Criminal Apprehension may approve additional criminal justice uses by authorized  
6.26 agencies to access necessary systems or services not from or through the bureau. The  
6.27 commissioner of public safety is authorized to lease or purchase facilities and equipment  
6.28 as may be necessary to establish and maintain the data communications network.

6.29 Sec. 11. Minnesota Statutes 2020, section 299C.65, subdivision 1a, is amended to read:

6.30 Subd. 1a. **Membership; duties.** (a) The Criminal and Juvenile Justice Information and  
6.31 Bureau of Criminal Apprehension Advisory Group consists of the following members:

6.32 (1) the commissioner of corrections or designee;

- 7.1 (2) the commissioner of public safety or designee;
- 7.2 (3) the state chief information officer or designee;
- 7.3 (4) three members of the judicial branch appointed by the chief justice of the supreme  
7.4 court;
- 7.5 (5) the commissioner of administration or designee;
- 7.6 (6) the state court administrator or designee;
- 7.7 (7) two members appointed by the Minnesota Sheriffs Association, at least one of whom  
7.8 must be a sheriff;
- 7.9 (8) two members appointed by the Minnesota Chiefs of Police Association, at least one  
7.10 of whom must be a chief of police;
- 7.11 (9) two members appointed by the Minnesota County Attorneys Association, at least  
7.12 one of whom must be a county attorney;
- 7.13 (10) two members appointed by the League of Minnesota Cities representing the interests  
7.14 of city attorneys, at least one of whom must be a city attorney;
- 7.15 (11) two members appointed by the Board of Public Defense, at least one of whom must  
7.16 be a public defender;
- 7.17 (12) two corrections administrators appointed by the Association of Minnesota Counties  
7.18 representing the interests of local corrections, at least one of whom represents a Community  
7.19 Corrections Act county;
- 7.20 (13) two probation officers appointed by the commissioner of corrections in consultation  
7.21 with the president of the Minnesota Association of Community Corrections Act Counties  
7.22 and the president of the Minnesota Association of County Probation Officers;
- 7.23 (14) four public members appointed by the governor representing both metropolitan and  
7.24 greater Minnesota for a term of four years using the process described in section 15.059,  
7.25 one of whom represents the interests of victims, and one of whom represents the private  
7.26 business community who has expertise in integrated information systems and who, for the  
7.27 purposes of meetings of the advisory group, may be compensated pursuant to section 15.059;
- 7.28 (15) two members appointed by the Minnesota Association for Court Management, at  
7.29 least one of whom must be a court administrator;

8.1 (16) one member of the house of representatives appointed by the speaker of the house,  
8.2 or an alternate who is also a member of the house of representatives, appointed by the  
8.3 speaker of the house;

8.4 (17) one member of the senate appointed by the majority leader, or an alternate who is  
8.5 also a member of the senate, appointed by the majority leader of the senate;

8.6 (18) one member appointed by the attorney general;

8.7 (19) two members appointed by the League of Minnesota Cities, one of whom works  
8.8 or resides in greater Minnesota and one of whom works or resides in the seven-county  
8.9 metropolitan area, and at least one of whom is an elected official;

8.10 (20) two members appointed by the Association of Minnesota Counties, one of whom  
8.11 works or resides in greater Minnesota and one of whom works or resides in the seven-county  
8.12 metropolitan area, and at least one of whom is an elected official; and

8.13 (21) the director of the Sentencing Guidelines Commission or a designee.

8.14 (b) The chair, first vice-chair, and second vice-chair shall be elected by the advisory  
8.15 group.

8.16 (c) The advisory group shall serve as the state advisory group on statewide criminal  
8.17 justice information policy and funding issues. The advisory group shall study and make  
8.18 recommendations to the governor, the supreme court, and the legislature on criminal justice  
8.19 information funding and policy issues such as related data practices, individual privacy  
8.20 rights, and data on race and ethnicity; information-sharing at the local, state, and federal  
8.21 levels; technology education and innovation; the impact of proposed legislation on the  
8.22 criminal justice system related to information systems and business processes; and data and  
8.23 identification standards.

8.24 (d) The advisory group shall have the additional duties of reviewing and advising the  
8.25 bureau superintendent on:

8.26 (1) audits, accreditation reports, and internal reviews of bureau operations;

8.27 (2) emerging technologies in the law enforcement and forensic science fields;

8.28 (3) policies and practices that impact individual privacy interests; and

8.29 (4) other programmatic and operational initiatives of the bureau at the request of the  
8.30 superintendent.

9.1 Sec. 12. Minnesota Statutes 2020, section 299C.65, subdivision 3a, is amended to read:

9.2 Subd. 3a. **Report.** The advisory group shall file a biennial report with the governor,  
9.3 supreme court, and chairs and ranking minority members of the senate and house of  
9.4 representatives committees and divisions with jurisdiction over criminal justice funding  
9.5 and policy by January 15 in each odd-numbered year. The report must provide the following:

9.6 (1) status and review of current statewide criminal justice information systems;

9.7 (2) recommendations concerning any legislative changes or appropriations that are  
9.8 needed to ensure that the criminal justice information systems operate accurately and  
9.9 efficiently; ~~and~~

9.10 (3) summary of the activities of the advisory group, including any funding and grant  
9.11 requests; and

9.12 (4) summary of any reviews conducted by the advisory group of bureau audits, reports,  
9.13 policies, programs, and procedures along with any recommendations provided to the bureau  
9.14 related to the reviews.

9.15 Sec. 13. Minnesota Statutes 2020, section 299F.362, is amended to read:

9.16 **299F.362 SMOKE ~~DETECTOR~~ ALARM; INSTALLATION; RULES; PENALTY.**

9.17 Subdivision 1. **Definitions.** For the purposes of this section, the following definitions  
9.18 shall apply:

9.19 (a) "Apartment house" is any building, or portion thereof, which is designed, built,  
9.20 rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence  
9.21 of three or more families living independently of each other and doing their own cooking  
9.22 in the building, and shall include buildings containing three or more flats or apartments.

9.23 (b) "Dwelling" is any building, or any portion thereof, which is not an apartment house,  
9.24 lodging house, or a hotel and which contains one or two "dwelling units" which are, or are  
9.25 intended or designed to be, occupied for living purposes.

9.26 (c) "Dwelling unit" is a single unit providing complete, independent living facilities for  
9.27 one or more persons including permanent provisions for living, sleeping, eating, cooking,  
9.28 and sanitation, or a single unit used by one or more persons for sleeping and sanitation  
9.29 pursuant to a work practice or labor agreement.

9.30 (d) "Hotel" is any building, or portion thereof, containing six or more guest rooms  
9.31 intended or designed to be used, or which are used, rented, or hired out to be occupied, or  
9.32 which are occupied for sleeping purposes by guests.

10.1 (e) "Lodging house" is any building, or portion thereof, containing not more than five  
10.2 guest rooms which are used or are intended to be used for sleeping purposes by guests and  
10.3 where rent is paid in money, goods, labor, or otherwise.

10.4 Subd. 2. **Rules, smoke ~~detector~~ alarm location.** The commissioner of public safety  
10.5 shall promulgate rules concerning the placement of smoke ~~detectors~~ alarms in dwellings,  
10.6 apartment houses, hotels, and lodging houses. The rules shall take into account designs of  
10.7 the guest rooms or dwelling units.

10.8 Subd. 3. **Smoke ~~detector~~ alarm for any dwelling.** Every dwelling unit within a dwelling  
10.9 must be provided with a smoke ~~detector~~ alarm meeting the requirements of the State Fire  
10.10 Code. The ~~detector~~ alarm must be mounted in accordance with the rules regarding smoke  
10.11 ~~detector~~ alarm location adopted under subdivision 2. When actuated, the ~~detector~~ alarm  
10.12 must provide an alarm in the dwelling unit.

10.13 Subd. 3a. **Smoke ~~detector~~ alarm for new dwelling.** In construction of a new dwelling,  
10.14 each smoke ~~detector~~ alarm must be attached to a centralized power source.

10.15 Subd. 4. **Smoke ~~detector~~ alarm for apartment, lodging house, or hotel.** Every dwelling  
10.16 unit within an apartment house and every guest room in a lodging house or hotel used for  
10.17 sleeping purposes must be provided with a smoke ~~detector~~ alarm conforming to the  
10.18 requirements of the State Fire Code. In dwelling units, ~~detectors~~ alarms must be mounted  
10.19 in accordance with the rules regarding smoke ~~detector~~ alarm location adopted under  
10.20 subdivision 2. When actuated, the ~~detector~~ alarm must provide an alarm in the dwelling  
10.21 unit or guest room.

10.22 Subd. 5. **Maintenance responsibilities.** For all occupancies covered by this section  
10.23 where the occupant is not the owner of the dwelling unit or the guest room, the owner is  
10.24 responsible for maintenance of the smoke ~~detectors~~ alarms. An owner may file inspection  
10.25 and maintenance reports with the local fire marshal for establishing evidence of inspection  
10.26 and maintenance of smoke ~~detectors~~ alarms.

10.27 Subd. 5a. **Inform owner; no added liability.** The occupant of a dwelling unit must  
10.28 inform the owner of the dwelling unit of a nonfunctioning smoke ~~detector~~ alarm within 24  
10.29 hours of discovering that the smoke ~~detector~~ alarm in the dwelling unit is not functioning.  
10.30 If the occupant fails to inform the owner under this subdivision, the occupant's liability for  
10.31 damages is not greater than it otherwise would be.

10.32 Subd. 6. **Penalties.** (a) Any person who violates any provision of this section ~~shall be~~  
10.33 is subject to the same penalty and the enforcement mechanism that is provided for violation  
10.34 of the State Fire Code, as specified in section 299F.011, subdivision 6.

11.1 (b) An occupant who willfully disables a smoke ~~detector~~ alarm or causes it to be  
 11.2 nonfunctioning, resulting in damage or injury to persons or property, is guilty of a  
 11.3 misdemeanor.

11.4 Subd. 7. **Local government preempted.** This section prohibits a local unit of government  
 11.5 from adopting standards different from those provided in this section.

11.6 Subd. 9. **Local government ordinance; installation in single-family**  
 11.7 **residence.** Notwithstanding subdivision 7, or other law, a local governing body may adopt,  
 11.8 by ordinance, rules for the installation of a smoke ~~detector~~ alarm in single-family homes in  
 11.9 the city that are more restrictive than the standards provided by this section. Rules adopted  
 11.10 pursuant to this subdivision may be enforced through a truth-in-housing inspection.

11.11 Subd. 10. **Public fire safety educator.** The position of Minnesota public fire safety  
 11.12 educator is established in the Department of Public Safety.

11.13 Subd. 11. **Insurance claim.** No insurer shall deny a claim for loss or damage by fire for  
 11.14 failure of a person to comply with this section.

11.15 Sec. 14. Minnesota Statutes 2020, section 609.87, is amended by adding a subdivision to  
 11.16 read:

11.17 Subd. 17. **Data.** "Data" means records or information in digital form on a computer or  
 11.18 in software that can be stored, transmitted, or processed.

11.19 Sec. 15. Minnesota Statutes 2020, section 609.89, subdivision 1, is amended to read:

11.20 Subdivision 1. **Acts.** Whoever does any of the following is guilty of computer theft and  
 11.21 may be sentenced as provided in subdivision 2:

11.22 (a) intentionally and without authorization or claim of right accesses or causes to be  
 11.23 accessed any computer, computer system, computer network or any part thereof for the  
 11.24 purpose of obtaining services or property; ~~or~~

11.25 (b) intentionally and without claim of right, and with intent to deprive the owner of use  
 11.26 or possession, takes, transfers, conceals or retains possession of any computer, computer  
 11.27 system, or any computer software or data contained in a computer, computer system, or  
 11.28 computer network;

11.29 (c) intentionally and without authorization accesses or copies any computer software or  
 11.30 data and uses, alters, transfers, retains, or publishes the software or data; or

12.1 (d) intentionally retains copies of any computer software or data beyond the individual's  
12.2 authority.

12.3 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
12.4 committed on or after that date.

12.5 Sec. 16. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:

12.6 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state  
12.7 and local law enforcement agency that uses or proposes to use a portable recording system  
12.8 must establish and enforce a written policy governing its use. In developing and adopting  
12.9 the policy, the law enforcement agency must provide for public comment and input as  
12.10 provided in subdivision 2. Use of a portable recording system without adoption of a written  
12.11 policy meeting the requirements of this section is prohibited. The written policy must be  
12.12 posted on the agency's website, if the agency has a website.

12.13 (b) At a minimum, the written policy must incorporate and require compliance with the  
12.14 following:

12.15 (1) the requirements of section 13.825 and other data classifications, access procedures,  
12.16 retention policies, and data security safeguards that, at a minimum, meet the requirements  
12.17 of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or  
12.18 destroying any recording made with a peace officer's portable recording system or data and  
12.19 metadata related to the recording prior to the expiration of the applicable retention period  
12.20 under section 13.825, subdivision 3, except that the full, unedited and unredacted recording  
12.21 of a peace officer using deadly force must be maintained indefinitely;

12.22 (2) mandate that a portable recording system be:

12.23 (i) worn where it affords an unobstructed view, and above the mid-line of the waist;

12.24 (ii) activated during all contacts with citizens in the performance of official duties other  
12.25 than community engagement, to the extent practical without compromising officer safety;  
12.26 and

12.27 (iii) activated when the officer arrives on-scene of an incident and remain active until  
12.28 the conclusion of the officer's duties at the scene of the incident;

12.29 (3) mandate that officers assigned a portable recording system wear and operate the  
12.30 system in compliance with the agency's policy adopted under this section while performing  
12.31 law enforcement activities under the command and control of another chief law enforcement  
12.32 officer or federal law enforcement official;

13.1 (4) mandate that any and all recordings from a peace officer's portable recording system,  
13.2 redacted no more than what is required by law, involving the use of force by an officer upon  
13.3 or toward the person of another without the other's consent, including the use of deadly  
13.4 force, be treated as public benefit data pursuant to section 13.82, subdivision 15, and be  
13.5 made available for viewing by the person upon whom force was used, the legal representative  
13.6 of a person upon whom force was used, a deceased individual's next of kin, the legal  
13.7 representative of the next of kin, or other parent of the deceased individual's children no  
13.8 later than seven days after an incident where force was used by a peace officer, except that  
13.9 a chief law enforcement officer may deny a request if investigators can articulate a compelling  
13.10 reason as to why allowing review of the recordings would interfere with the agency  
13.11 conducting a thorough investigation. If the chief law enforcement officer denies a request  
13.12 under this provision, the agency's policy must require the chief law enforcement officer to  
13.13 issue a prompt, written denial and provide notice to the person upon whom force was used,  
13.14 the legal representative of a person upon whom force was used, deceased individual's next  
13.15 of kin, legal representative of the next of kin, or other parent of the deceased individual's  
13.16 children that they may seek relief from the district court;

13.17 (5) mandate that recordings of an incident where a peace officer used force upon or  
13.18 toward the person of another without the other's consent, including the use of deadly force,  
13.19 be treated as public benefit data pursuant to section 13.82, subdivision 15, and be released  
13.20 to the person upon whom force was used, the legal representative of a person upon whom  
13.21 force was used, the deceased individual's next of kin, legal representative of the next of kin,  
13.22 and other parent of the deceased individual's children no later than 90 days after the incident.  
13.23 If the chief law enforcement officer denies a request under this provision, the agency's policy  
13.24 must require the chief law enforcement officer to issue a prompt, written denial and provide  
13.25 notice to the person upon whom force was used, the legal representative of a person upon  
13.26 whom force was used, deceased individual's next of kin, legal representative of the next of  
13.27 kin, or other parent of the deceased individual's children that they may seek relief from the  
13.28 district court;

13.29 (6) procedures for testing the portable recording system to ensure adequate functioning;

13.30 ~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements  
13.31 for documentation by the officer using the system at the time of a malfunction or failure;

13.32 ~~(4)~~ (8) circumstances under which recording is mandatory, prohibited, or at the discretion  
13.33 of the officer using the system;

13.34 ~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

14.1 ~~(6)~~ (10) circumstances under which a recording may be ended while an investigation,  
14.2 response, or incident is ongoing;

14.3 ~~(7)~~ (11) procedures for the secure storage of portable recording system data and the  
14.4 creation of backup copies of the data; and

14.5 ~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which  
14.6 must include, at a minimum, supervisory or internal audits and reviews, and the employee  
14.7 discipline standards for unauthorized access to data contained in section 13.09.

14.8 (c) The board has authority to inspect state and local law enforcement agency policies  
14.9 to ensure compliance with this section. The board may conduct this inspection based upon  
14.10 a complaint it receives about a particular agency or through a random selection process.  
14.11 The board may impose licensing sanctions and seek injunctive relief under section 214.11  
14.12 for an agency's failure to comply with this section.

14.13 Sec. 17. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

14.14 Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the  
14.15 meanings given them:

14.16 (1) "civilian oversight council" means a civilian review board, commission, or other  
14.17 oversight body established by a local unit of government to provide civilian oversight of a  
14.18 law enforcement agency and officers employed by the agency; and

14.19 (2) "misconduct" means a violation of law, standards promulgated by the Peace Officer  
14.20 Standards and Training Board, or agency policy.

14.21 (b) A local unit of government may establish a civilian review board, commission, or  
14.22 other oversight body shall not have council and grant the council the authority to make a  
14.23 finding of fact or determination regarding a complaint against an officer or impose discipline  
14.24 on an officer. A civilian review board, commission, or other oversight body may make a  
14.25 recommendation regarding the merits of a complaint, however, the recommendation shall  
14.26 be advisory only and shall not be binding on nor limit the authority of the chief law  
14.27 enforcement officer of any unit of government.

14.28 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian  
14.29 oversight council may conduct an investigation into allegations of peace officer misconduct  
14.30 and retain an investigator to facilitate an investigation. Subject to other applicable law, a  
14.31 council may subpoena or compel testimony and documents in an investigation. Upon  
14.32 completion of an investigation, a council may make a finding of misconduct and recommend  
14.33 appropriate discipline against peace officers employed by the agency. If the governing body

15.1 grants a council the authority, the council may impose discipline on peace officers employed  
15.2 by the agency. A council may submit investigation reports that contain findings of peace  
15.3 officer misconduct to the chief law enforcement officer and the Peace Officer Standards  
15.4 and Training Board's complaint committee. A council may also make policy  
15.5 recommendations to the chief law enforcement officer and the Peace Officer Standards and  
15.6 Training Board.

15.7 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction  
15.8 of a civilian oversight council shall cooperate with the council and facilitate the council's  
15.9 achievement of its goals. However, the officer is under no obligation to agree with individual  
15.10 recommendations of the council and may oppose a recommendation. If the officer fails to  
15.11 implement a recommendation that is within the officer's authority, the officer shall inform  
15.12 the council of the failure along with the officer's underlying reasons.

15.13 (e) Peace officer discipline decisions imposed pursuant to the authority granted under  
15.14 this subdivision shall be subject to the applicable grievance procedure established or agreed  
15.15 to under chapter 179A.

15.16 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight  
15.17 council related to an investigation of a peace officer are personnel data as defined by section  
15.18 13.43, subdivision 1, and are governed by that section.

15.19 Sec. 18. Minnesota Statutes 2020, section 629.341, subdivision 3, is amended to read:

15.20 Subd. 3. **Notice of rights.** The peace officer shall tell the victim whether a shelter or  
15.21 other services are available in the community and give the victim immediate notice of the  
15.22 legal rights and remedies available. The notice must include furnishing the victim a copy  
15.23 of the following statement:

15.24 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or  
15.25 county attorney to file a criminal complaint. You also have the right to go to court and file  
15.26 a petition requesting an order for protection from domestic abuse. The order could include  
15.27 the following:

15.28 (1) an order restraining the abuser from further acts of abuse;

15.29 (2) an order directing the abuser to leave your household;

15.30 (3) an order preventing the abuser from entering your residence, school, business, or  
15.31 place of employment;

16.1 (4) an order awarding you or the other parent custody of or parenting time with your  
16.2 minor child or children; or

16.3 (5) an order directing the abuser to pay support to you and the minor children if the  
16.4 abuser has a legal obligation to do so."

16.5 The notice must include the resource listing, including telephone number, for the area  
16.6 battered women's shelter, to be designated by the Office of Justice Programs in the  
16.7 Department of ~~Corrections~~ Public Safety.

16.8 Sec. 19. Minnesota Statutes 2020, section 629.341, subdivision 4, is amended to read:

16.9 Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that an  
16.10 incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer  
16.11 shall make a written police report of the alleged incident. The report must contain at least  
16.12 the following information: the name, address and telephone number of the victim, if provided  
16.13 by the victim, a statement as to whether an arrest occurred, the name of the arrested person,  
16.14 and a brief summary of the incident. Data that identify a victim who has made a request  
16.15 under section 13.82, subdivision 17, paragraph (d), and that are private data under that  
16.16 subdivision, shall be private in the report required by this section. A copy of this report must  
16.17 be provided upon request, at no cost, to the victim of domestic abuse, the victim's attorney,  
16.18 or organizations designated by the Office of Justice Programs in the Department of Public  
16.19 Safety ~~or the commissioner of corrections~~ that are providing services to victims of domestic  
16.20 abuse. The officer shall submit the report to the officer's supervisor or other person to whom  
16.21 the employer's rules or policies require reports of similar allegations of criminal activity to  
16.22 be made.

16.23 Sec. 20. Minnesota Statutes 2020, section 629.72, subdivision 6, is amended to read:

16.24 Subd. 6. **Notice; release of arrested person.** (a) Immediately after issuance of a citation  
16.25 in lieu of continued detention under subdivision 1, or the entry of an order for release under  
16.26 subdivision 2, but before the arrested person is released, the agency having custody of the  
16.27 arrested person or its designee must make a reasonable and good faith effort to inform orally  
16.28 the alleged victim, local law enforcement agencies known to be involved in the case, if  
16.29 different from the agency having custody, and, at the victim's request any local battered  
16.30 women's and domestic abuse programs established under section 611A.32 or sexual assault  
16.31 programs of:

16.32 (1) the conditions of release, if any;

17.1 (2) the time of release;

17.2 (3) the time, date, and place of the next scheduled court appearance of the arrested person  
17.3 and the victim's right to be present at the court appearance; and

17.4 (4) if the arrested person is charged with domestic abuse, the location and telephone  
17.5 number of ~~the area battered women's shelter as~~ programs that provide services to victims  
17.6 of domestic abuse designated by the Office of Justice Programs in the Department of Public  
17.7 Safety.

17.8 (b) As soon as practicable after an order for conditional release is entered, the agency  
17.9 having custody of the arrested person or its designee must personally deliver or mail to the  
17.10 alleged victim a copy of the written order and written notice of the information in paragraph  
17.11 (a), clauses (2) and (3).

17.12 (c) Data on the victim and the notice provided by the custodial authority are private data  
17.13 on individuals as defined in section 13.02, subdivision 12, and are accessible only to the  
17.14 victim.

17.15 Sec. 21. **BODY CAMERA GRANT PROGRAM; APPROPRIATION.**

17.16 (a) \$2,500,000 in fiscal year 2023 is appropriated from the general fund to the  
17.17 commissioner of public safety for grants administered by the Office of Public Safety  
17.18 Innovation to local law enforcement agencies for portable recording systems. The executive  
17.19 director shall award grants to local law enforcement agencies for the purchase and  
17.20 maintenance of portable recording systems and portable recording system data. An applicant  
17.21 must provide a 50 percent match to be eligible to receive a grant. The executive director  
17.22 must give priority to applicants that do not have a portable recording system program. The  
17.23 executive director must award at least one grant to a law enforcement agency located outside  
17.24 of the seven-county metropolitan area.

17.25 (b) As a condition of receiving a grant, a law enforcement agency's portable recording  
17.26 system policy required under Minnesota Statutes, section 626.8473, subdivision 3, must  
17.27 include the following provisions:

17.28 (1) prohibit altering, erasing, or destroying any recording made with a peace officer's  
17.29 portable recording system or data and metadata related to the recording prior to the expiration  
17.30 of the applicable retention period under Minnesota Statutes, section 13.825, subdivision 3,  
17.31 except that the full, unedited, and unredacted recording of a peace officer using deadly force  
17.32 must be maintained indefinitely;

18.1 (2) mandate that a deceased individual's next of kin, legal representative of the next of  
18.2 kin, or other parent of the deceased individual's children be entitled to view any and all  
18.3 recordings from a peace officer's portable recording system, redacted no more than what is  
18.4 required by law, of an officer's use of deadly force no later than seven days after an incident  
18.5 where deadly force used by a peace officer results in death of an individual, except that a  
18.6 chief law enforcement officer may deny a request if investigators can articulate a compelling  
18.7 reason as to why allowing the deceased individual's next of kin, legal representative of the  
18.8 next of kin, or other parent of the deceased individual's children to review the recordings  
18.9 would interfere with the agency conducting a thorough investigation. If the chief law  
18.10 enforcement officer denies a request under this provision, the agency's policy must require  
18.11 the chief law enforcement officer to issue a prompt, written denial and provide notice to  
18.12 the deceased individual's next of kin, legal representative of the next of kin, or other parent  
18.13 of the deceased individual's children that they may seek relief from the district court;

18.14 (3) mandate release of all recordings of an incident where a peace officer used deadly  
18.15 force and an individual dies to the deceased individual's next of kin, legal representative of  
18.16 the next of kin, and other parent of the deceased individual's children no later than 90 days  
18.17 after the incident; and

18.18 (4) mandate, whenever practicable, that an officer operating a portable recording system  
18.19 while entering a residence notify occupants of the residence that they are being recorded.

18.20 Sec. 22. **REPEALER.**

18.21 Minnesota Statutes 2020, section 299A.49, subdivision 7, is repealed."

18.22 Amend the title accordingly