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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1208

02/14/2017 Authored by Scott

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The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act

relating to state government; changing authority for conducting law enforcement license plate reader biennial audits; amending Minnesota Statutes 2016, section 13.824, subdivision 6.

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

Section 1. Minnesota Statutes 2016, section 13.824, subdivision 6, is amended to read:

Subd. 6. **Biennial audit.** (a) In addition to the log required under subdivision 5, the law enforcement agency must maintain records showing the date and time automated license plate reader data were collected and the applicable classification of the data. The law enforcement agency shall arrange for an independent, biennial audit of the records to determine whether data currently in the records are classified, how the data are used, whether they are destroyed as required under this section, and to verify compliance with subdivision 7. If the commissioner of administration governing body or state agency head with jurisdiction over the budget of the agency believes that a law enforcement agency is not complying with this section or other applicable law, the commissioner governing body or state agency head may order a law enforcement agency to arrange for additional independent audits. Data in the records required under this paragraph are classified as provided in subdivision 2.

(b) The results of the audit are public. The <u>commissioner of administration governing</u> body or state agency head with jurisdiction over the budget of the agency shall review the results of the audit. If the <u>commissioner governing body or state agency head</u> determines that there is a pattern of substantial noncompliance with this section by the law enforcement agency, the agency must immediately suspend operation of all automated license plate reader devices until the <u>commissioner governing body</u> or state agency head has authorized

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the agency to reinstate their use. An order of suspension under this paragraph may be issued by the <u>eommissioner governing body or state agency head</u>, upon review of the results of the audit, review of the applicable provisions of this chapter, and after providing the agency a reasonable opportunity to respond to the audit's findings.

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(c) A report summarizing the results of each audit must be provided to the governing body or state agency head with jurisdiction over the budget of the agency, the commissioner of administration, to the chair and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues, and to the Legislative Commission on Data Practices and Personal Data Privacy no later than 30 days following completion of the audit.

Section 1. 2