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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1366

02/06/2023 Authored by Gomez, Xiong, Hassan, Keeler, Noor and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to public safety; imposing duties on peace officers and law enforcement
1.3 agencies regarding video and audio recordings of use of deadly force; providing
1.4 for a civil remedy; proposing coding for new law in Minnesota Statutes, chapter
1.5 13.

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

1.7 Section 1. 13.826 LAW ENFORCEMENT RECORDINGS.

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

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

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

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

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

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

1.20 Subd. 2. Retention of recording. Under no circumstances shall any recording made
1.21 with a peace officer's portable recording system or data and metadata related to the recording

2.1 be altered, erased, or destroyed prior to the expiration of the applicable retention period
2.2 under section 13.825, subdivision 3.

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

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

2.16 Subd. 4. **Recording of deadly force resulting in death.** (a) Notwithstanding any law
2.17 to the contrary, no later than 48 hours after an incident where deadly force used by a peace
2.18 officer results in death of an individual, any and all recordings from a peace officer's portable
2.19 recording system that records the use of deadly force must be made available for viewing
2.20 by the deceased individual's next of kin, legal representative of the next of kin, or other
2.21 parent of the individual's children. All recordings of an incident where a peace officer used
2.22 deadly force and an individual dies must be released to the individual's next of kin, legal
2.23 representative of the next of kin, and other parent of the individual's children no later than
2.24 90 days after the incident.

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

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

2.31 Sec. 2. **TITLE.**

2.32 This act shall be known as "Kobe's Law."