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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1374

02/22/2021 Authored by Frazier, Lee, Frederick and Reyer

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

03/15/2021 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to public safety; requiring chief law enforcement officers to report certain
1.3 peace officer misconduct data to the Peace Officer Standards and Training Board;
1.4 modifying certain Sentencing Guideline Commission provisions; amending
1.5 Minnesota Statutes 2020, sections 13.411, by adding a subdivision; 244.09,
1.6 subdivision 6; 626.845, subdivision 3; 626.8457, subdivision 3.

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

1.8 Section 1. Minnesota Statutes 2020, section 13.411, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 11. Peace officer database. Section 626.8457, subdivision 3, governs data sharing
1.11 between law enforcement agencies and the Peace Officer Standards and Training Board for
1.12 purposes of administering the peace officer database required by section 626.845, subdivision
1.13 3.

1.14 Sec. 2. Minnesota Statutes 2020, section 244.09, subdivision 6, is amended to read:

1.15 Subd. 6. Clearinghouse and information center. The commission, in addition to
1.16 establishing Sentencing Guidelines, shall serve as a clearinghouse and information center
1.17 for the collection, preparation, analysis and dissemination of information on state and local
1.18 sentencing and probation practices, and shall conduct ongoing research regarding Sentencing
1.19 Guidelines, use of imprisonment and alternatives to imprisonment, probation terms,
1.20 conditions of probation, probation revocations, plea bargaining, recidivism, and other matters
1.21 relating to the improvement of the criminal justice system. The commission shall from time
1.22 to time make recommendations to the legislature regarding changes in the Criminal Code,
1.23 criminal procedures, and other aspects of sentencing and probation.

2.1 This information shall include information regarding the impact of statutory changes to
2.2 the state's criminal laws related to controlled substances, including those changes enacted
2.3 by the legislature in Laws 2016, chapter 160.

2.4 Sec. 3. Minnesota Statutes 2020, section 626.845, subdivision 3, is amended to read:

2.5 Subd. 3. **Peace officer data.** The board, in consultation with the Minnesota Chiefs of
2.6 Police Association, Minnesota Sheriffs' Association, and Minnesota Police and Peace
2.7 Officers Association, shall create a central repository for peace officer data ~~designated as~~
2.8 ~~public data under chapter 13.~~ The database shall be designed to receive, in real time, the
2.9 ~~public~~ data required to be submitted to the board by law enforcement agencies in section
2.10 626.8457, subdivision 3, paragraph (b). To ensure the anonymity of individuals, the database
2.11 must use encrypted data to track information transmitted on individual peace officers.

2.12 Sec. 4. Minnesota Statutes 2020, section 626.8457, subdivision 3, is amended to read:

2.13 Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement
2.14 officer shall report annually to the board summary data regarding the investigation and
2.15 disposition of cases involving alleged misconduct, indicating the total number of
2.16 investigations, the total number by each subject matter, the number dismissed as unfounded,
2.17 and the number dismissed on grounds that the allegation was unsubstantiated.

2.18 (b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit
2.19 individual peace officer data classified as public data on individuals, as defined by section
2.20 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision
2.21 12, and submitted using encrypted data that the board determines is necessary to:

2.22 (1) evaluate the effectiveness of statutorily required training;

2.23 (2) assist the Ensuring Police Excellence and Improving Community Relations Advisory
2.24 Council in accomplishing the council's duties; and

2.25 (3) allow for the board, the Ensuring Police Excellence and Improving Community
2.26 Relations Advisory Council, and the board's complaint investigation committee to identify
2.27 patterns of behavior that suggest an officer is in crisis or is likely to violate a board-mandated
2.28 model policy.

2.29 (c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer
2.30 must update data within 30 days of final disposition of a complaint or investigation.

2.31 (d) Law enforcement agencies and political subdivisions are prohibited from entering
2.32 into a confidentiality agreement that would prevent disclosure of the data identified in

3.1 paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements
3.2 of this section.

3.3 (e) By February 1 of each year, the board shall prepare a report that contains summary
3.4 data provided under paragraph (b). The board must post the report on its publicly accessible
3.5 website and provide a copy to the chairs and ranking minority members of the senate and
3.6 house of representatives committees and divisions having jurisdiction over criminal justice
3.7 policy.