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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3736**

March 25, 2010

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to public safety; requiring audits on the gang pointer file to be conducted
1.3 at least once every two years; implementing five-year purges and parental
1.4 notifications for local gang evidence databases; creating a working group on
1.5 gang evidence databases; amending Minnesota Statutes 2008, section 299C.091,
1.6 subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 626.

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

1.8 Section 1. Minnesota Statutes 2008, section 299C.091, subdivision 4, is amended to
1.9 read:

1.10 Subd. 4. **Audit of data submitted to system; reports.** (a) At least once every two
1.11 years, the bureau shall conduct periodic random audits of data under subdivision 2 that
1.12 documents inclusion of an individual in, and removal of an individual from, the criminal
1.13 gang investigative data system for the purpose of determining the validity, completeness,
1.14 and accuracy of data submitted to the system. The bureau has access to the documenting
1.15 data for purposes of conducting an audit. By October 1 of each year, the bureau shall
1.16 submit a report on the results of the audits to the commissioner of public safety.

1.17 (b) If any audit requirements under federal rule or statute overlap with requirements
1.18 in paragraph (a), the audit required by paragraph (a) may be done in conjunction with the
1.19 federal audit to the extent they overlap. Nothing in this paragraph shall be construed to
1.20 eliminate any audit requirements specified in this subdivision.

1.21 Sec. 2. **[626.8442] CRIMINAL GANG INVESTIGATIVE AND EVIDENCE**
1.22 **DATABASES.**

2.1 Subdivision 1. **Duties of agencies.** A law enforcement agency that administers and
2.2 maintains a computerized database for the purposes of identifying gang members and
2.3 investigating and prosecuting criminal activity by gang members shall:

2.4 (1) destroy data entered into the database when five years have elapsed since the
2.5 data were entered into the system; and

2.6 (2) promptly notify a parent or legal guardian, if known, of an individual under
2.7 the age of 18 who is included in the database, except in active or ongoing criminal
2.8 investigations or in cases where notice may threaten an individual's personal safety. If
2.9 the agency does not send notice as prescribed in this clause, the agency shall cause a
2.10 written report to be made in the database record stating the agency's reasonable belief
2.11 that an exception exists.

2.12 Subd. 2. **Report by agencies; parental notification.** (a) By July 1, 2011, any law
2.13 enforcement agency that is subject to subdivision 1 shall file a report with the Bureau of
2.14 Criminal Apprehension that includes the following information:

2.15 (1) a description of the agency's parental notification process;

2.16 (2) the number of notifications that were sent by the agency;

2.17 (3) the number of notifications that were not sent by the agency because an exception
2.18 existed or because the agency could not locate a parent or legal guardian; and

2.19 (4) any feedback on the parental notification process from recipients of the notices,
2.20 community members, or peace officers.

2.21 (b) The Bureau of Criminal Apprehension shall review, analyze, and summarize the
2.22 information collected from law enforcement agencies on the parental notification process
2.23 under paragraph (a). By December 1, 2011, the bureau shall file a report with the chairs of
2.24 the senate and house of representatives committees and divisions having jurisdiction over
2.25 criminal justice policy and funding that provides the following:

2.26 (1) a summary of the information collected from all of the law enforcement
2.27 agencies; and

2.28 (2) any recommendations for legislation or policies based on its review and analysis
2.29 of the information.

2.30 Subd. 3. **Working group.** By September 1, 2010, chairs of the house Public Safety
2.31 Finance Division and Public Safety Policy and Oversight Committee and the chairs of
2.32 the senate Judiciary Committee and Public Safety Budget Division shall jointly appoint a
2.33 working group to study and develop legislation to govern the usage and maintenance of
2.34 databases identified in subdivision 1. As part of its study, the working group shall identify
2.35 and review federal, state, and local laws and regulations that apply to similar databases
2.36 maintained by the federal government or other states or local governments.