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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 585

01/26/2017 Authored by Liebling, Drazkowski and Scott
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
1.2 relating to public safety; correction of erroneous criminal records; amending
1.3 Minnesota Statutes 2016, section 13.87, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2016, section 13.87, subdivision 1, is amended to read:

1.6 Subdivision 1. Criminal history data. (a) Definition. For purposes of this subdivision,
1.7 "criminal history data" means all data maintained in criminal history records compiled by
1.8 the Bureau of Criminal Apprehension, including, but not limited to fingerprints, photographs,
1.9 identification data, arrest data, prosecution data, criminal court data, custody and supervision
1.10 data.

1.11 (b) Classification. Criminal history data maintained by agencies, political subdivisions
1.12 and statewide systems are classified as private, pursuant to section 13.02, subdivision 12,
1.13 except that data created, collected, or maintained by the Bureau of Criminal Apprehension
1.14 that identify an individual who was convicted of a crime, the offense of which the individual
1.15 was convicted, associated court disposition and sentence information, controlling agency,
1.16 and confinement information are public data for 15 years following the discharge of the
1.17 sentence imposed for the offense. If an individual's name or other identifying information
1.18 is erroneously associated with a criminal history and a determination is made through a
1.19 fingerprint verification that the individual is not the subject of the criminal history, the
1.20 erroneous name or other erroneous identifying information must be redacted from the public
1.21 criminal history data. The erroneous name and other erroneous identifying information must
1.22 not be retained in the criminal history and are classified as private data or in any other
1.23 location the data can be routinely accessed by law enforcement.

2.1 The Bureau of Criminal Apprehension shall provide to the public at the central office
2.2 of the bureau the ability to inspect in person, at no charge, through a computer monitor the
2.3 criminal conviction data classified as public under this subdivision.

2.4 (c) **Limitation.** Nothing in paragraph (a) or (b) shall limit public access to data made
2.5 public by section 13.82.