

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4504

(SENATE AUTHORS: CARLSON and Mitchell)

DATE	D-PG	OFFICIAL STATUS
03/04/2024	11902	Introduction and first reading
		Referred to State and Local Government and Veterans
03/11/2024	12143	Author added Mitchell
03/25/2024		Comm report: To pass as amended and re-refer to Judiciary and Public Safety

1.1 A bill for an act

1.2 relating to the military; amending provisions related to the National Guard;

1.3 modifying the types of data regarding service members that the adjutant general

1.4 may request from other agencies; amending Minnesota Statutes 2022, sections

1.5 13.785; 192.25; 192.67.

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

1.7 Section 1. Minnesota Statutes 2022, section 13.785, is amended to read:

1.8 **13.785 VETERANS OR MILITARY AFFAIRS DATA CODED ELSEWHERE.**

1.9 Subdivision 1. **Scope.** The sections referred to in this section are codified outside this

1.10 chapter. Those sections classify veterans or military affairs data as other than public, place

1.11 restrictions on access to government data, or involve data sharing.

1.12 Subd. 2. **Department of Veterans Affairs. (a) Certain veterans benefits and military**

1.13 **certificates of discharge.** Access to military certificates of discharge and to files pertaining

1.14 to claims for certain veterans benefits is governed by section 196.08.

1.15 (b) **Environmental Hazards Information and Assistance Act.** Disclosure of summary

1.16 data and of the identity of a veteran about whom information is received under sections

1.17 196.19 to 196.26, is governed by section 196.25.

1.18 Subd. 3. **Veterans rewards and privileges; service officers.** Data maintained by county

1.19 veterans service officers are classified under section 197.603.

1.20 Subd. 4. **Deceased veterans data.** Data relating to veterans deceased as a result of

1.21 service-connected causes are classified under section 197.225.

2.1 Subd. 5. **Veterans stable housing.** Data maintained for purposes of the veterans stable
2.2 housing initiative is classified under section 196.081.

2.3 Subd. 6. **Service member data; disclosure to adjutant general.** Access to data on a
2.4 service member of the military forces by the adjutant general of the Minnesota National
2.5 Guard is governed by section 192.67, subdivision 2.

2.6 Sec. 2. Minnesota Statutes 2022, section 192.25, is amended to read:

2.7 **192.25 EXEMPTION FROM PROCESS; TRANSFER TO CIVIL AUTHORITIES.**

2.8 Subdivision 1. **Exemption from process.** No member of the guard shall be arrested, or
2.9 served with any summons, order, warrant or other civil process after having been ordered
2.10 to any duty or while going to, attending or returning from any place to which the member
2.11 is required to go for military duty; but nothing herein shall prevent an arrest by order of a
2.12 military officer or for a felony or breach of the peace committed while not in the actual
2.13 performance of assigned duties. The articles of equipment personally owned by such members
2.14 shall be exempt from seizure or sale for debt.

2.15 Subd. 2. **Transfer to civil authorities.** When probable cause exists that a criminal
2.16 offense, other than a crime designated as a purely military offense in section 192A.021, has
2.17 been committed by any officer or enlisted member of the military forces while on duty
2.18 status other than federal duty, the officer or enlisted member may be turned over by superior
2.19 officers to the proper civil authorities of the county or municipality in which the offense
2.20 occurred for adjudication of such crime, to include imposition of pretrial restraint, but trial
2.21 and punishment by the civil authorities shall not preclude trial and additional punishment
2.22 or dismissal from the service by court-martial for any military offense resulting from the
2.23 commission of said crime.

2.24 Sec. 3. Minnesota Statutes 2022, section 192.67, is amended to read:

2.25 **~~192.67 OFFENDERS; TRANSFER TO CIVIL AUTHORITIES; SERVICE~~**
2.26 **~~MEMBER DATA.~~**

2.27 ~~Subdivision 1. **Transfer to civil authorities.** When any criminal offense is committed~~
2.28 ~~by any officer or enlisted member of the military forces while on duty status other than~~
2.29 ~~federal duty, the officer or enlisted member shall be turned over by superior officers to the~~
2.30 ~~proper civil authorities of the county or municipality in which the offense occurred for~~
2.31 ~~punishment for such crime, but such trial and punishment by the civil authorities shall not~~
2.32 ~~preclude trial and additional punishment or dismissal from the service by court-martial for~~
2.33 ~~any military offense resulting from the commission of said crime.~~

3.1 Subd. 2. **Service member data.** Notwithstanding any provision of chapter 13 or other
3.2 state law, all confidential data on individuals and private data on individuals, as defined by
3.3 section 13.02, subdivisions 3 and 12, pertaining to any service member of the military forces
3.4 and maintained by any government entity, including but not limited to investigative reports
3.5 and law enforcement data, including but not limited to all data collected and defined under
3.6 section 13.82 pertaining to any service member of the military forces, must be made
3.7 accessible to the adjutant general of the Minnesota National Guard upon request of the
3.8 Office of the State Judge Advocate. All information, data, and records obtained under this
3.9 subdivision may be accessed, copied, transmitted, or provided to the adjutant general without
3.10 a court order or request from the subject of the data when the matter involves any officer
3.11 or enlisted member of the military forces. ~~The adjutant general may only use data made~~
3.12 ~~accessible under this subdivision in support of military justice and Minnesota National~~
3.13 ~~Guard administrative and disciplinary actions.~~