

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1446

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
02/09/2023	751	Introduction and first reading Referred to Judiciary and Public Safety
03/01/2023	1163	Comm report: To pass
	1181	Second reading Rule 47, returned to Judiciary and Public Safety See SF2909

1.1 A bill for an act

1.2 relating to public safety; modifying the Bureau of Criminal Apprehension's

1.3 questioned identity process; proposing coding for new law in Minnesota Statutes,

1.4 chapter 299C.

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

1.6 Section 1. **[299C.092] QUESTIONED IDENTITY PROCESS.**

1.7 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this

1.8 subdivision have the meanings given.

1.9 (b) "Questioned identity" means an individual's identity that is associated with another

1.10 person's records when the individual's identity is used by an offender in interactions with

1.11 law enforcement or that the offender has the same name which can lead to difficulties

1.12 differentiating the individual from the offender.

1.13 (c) "Bureau" means the Bureau of Criminal Apprehension.

1.14 Subd. 2. **Process.** (a) When an individual is the subject of questioned identity, the

1.15 individual may request a review by the bureau through its questioned identity process.

1.16 Individuals must contact the bureau and provide the following:

1.17 (1) documentation of the individual's identity through or via a government-issued photo

1.18 identification;

1.19 (2) documents or information that lead the individual to believe that the individual is

1.20 the subject of questioned identity; and

1.21 (3) fingerprints for identification verification purposes.

2.1 (b) If the bureau is able to confirm that the individual is the subject of questioned identity,
2.2 the bureau shall provide documentation to the individual indicating that the individual has
2.3 been through the bureau's questioned identity process.

2.4 (c) The bureau shall denote any aliases determined to be questioned identities in the
2.5 Criminal History System under section 299C.09 and shall work with other state and local
2.6 agencies to denote aliases in arrest warrants.

2.7 (d) The bureau shall attach a photo of the offender to arrest warrants in the bureau's
2.8 warrant file if a photo is available.

2.9 (e) The bureau, in consultation with reporting criminal justice agencies, may remove an
2.10 alias from a criminal history record when it determines doing so will not negatively impact
2.11 a criminal justice agency's ability to identify the offender in the future. Some considerations
2.12 in making the determination include but are not limited to time elapsed since the alias name
2.13 was last used, frequency with which the alias was used, current incarceration status of the
2.14 offender, whether it is or was the offender's name, and whether the offender is living or
2.15 deceased.

2.16 (f) Law enforcement must take into account the presence of documentation from the
2.17 bureau or another law enforcement agency confirming a questioned identity when considering
2.18 whether an individual has a warrant under section 299C.115 and may contact the bureau or
2.19 the issuing law enforcement agency to confirm authenticity of the documentation provided
2.20 by an individual.