

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 1813

(SENATE AUTHORS: WESTLIN)

DATE
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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; providing guidelines and a process for prosecuting agencies
1.3 to follow regarding Brady-Giglio lists; proposing coding for new law in Minnesota
1.4 Statutes, chapter 626.

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

1.6 Section 1. **[626.893] BRADY-GIGLIO POLICIES.**

1.7 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
1.8 the meanings given in this subdivision.

1.9 (b) "Brady-Giglio list" means a list or database compiled by a prosecuting agency
1.10 containing the names and details of peace officers whose personnel records contain
1.11 Brady-Giglio material.

1.12 (c) "Brady-Giglio material" includes sustained documented incidents of untruthfulness,
1.13 bias against any protected class, criminal convictions, candor issues, or abuse of police
1.14 authority.

1.15 (d) "Peace officer" or "officer" has the meaning given in section 609.487, subdivision
1.16 2, clause (2).

1.17 (e) "Prosecuting agency" or "agency" means a county attorney, assistant county attorney,
1.18 city attorney, assistant city attorney, or any attorney contracted for the prosecution of criminal
1.19 offenses for a city or municipality.

1.20 Subd. 2. **Prosecuting agency policy required; rights of peace officers.** (a) A prosecuting
1.21 agency that maintains a Brady-Giglio list shall adopt a policy that, at a minimum, includes
1.22 the following:

2.1 (1) the criteria used by the agency to place a peace officer's name on a Brady-Giglio list;

2.2 (2) the officer's right to receive written notice before the agency places the officer's name
2.3 on a Brady-Giglio list, and the officer's right to provide input to the agency before the agency
2.4 makes a final determination of whether the officer's name should be placed on the list;

2.5 (3) the duty of the agency to provide notice to the officer and the officer's employing
2.6 agency of the prosecuting agency's final decision regarding placement of the officer's name
2.7 on a Brady-Giglio list;

2.8 (4) the officer's right to make a request for reconsideration of the agency's determination
2.9 to include the officer's name on a Brady-Giglio list and to submit supporting and
2.10 corroborating documents and evidence in support of the officer's request for reconsideration;

2.11 (5) the applicable time frame, consistent with Minnesota Rules of Evidence, rule 609(B),
2.12 and procedures for notifying the officer of the agency's final decision on an officer's request
2.13 for reconsideration; and

2.14 (6) an employing agency's right to petition the district court for a determination as to
2.15 whether a prosecuting agency's policy or determination to place an officer's name on a
2.16 Brady-Giglio list is consistent with the employing agency's disclosure obligations pursuant
2.17 to Brady-Giglio and its progeny or Minnesota Rules of Criminal Procedure, rule 9.01 or
2.18 9.04.

2.19 The criteria required under clause (1) may not include conduct that is not substantiated
2.20 following an investigation, or individual instances of conduct determined to be unintentional
2.21 by the chief law enforcement officer of the employing agency following an investigation
2.22 into the matter, such as mistake, inadvertence, or neglect.

2.23 (b) Before an agency places an officer's name on a Brady-Giglio list, the agency shall
2.24 send a written notice by mail or email to the officer's current or last known employment
2.25 address as well as the employing agency. Upon receipt of the notice, and if the officer's
2.26 contact information is known, the officer's current or last known employer shall provide
2.27 the written notice to the officer. The written notice must include, at a minimum, the following:

2.28 (1) a notice that the officer's name may be placed on a Brady-Giglio list;

2.29 (2) the officer's right to request documents, records, and any other evidence in the
2.30 possession of the agency relevant to the determination of whether the officer's name should
2.31 be placed on a Brady-Giglio list;

2.32 (3) the officer's right to provide input to the agency prior to the agency's final
2.33 determination of whether the officer's name should be placed on a Brady-Giglio list; and

3.1 (4) the agency's procedural requirements for an officer to provide input to the agency
3.2 prior to the agency's final determination of whether the officer's name should be placed on
3.3 a Brady-Giglio list.

3.4 (c) If the agency makes a determination to place the officer's name on a Brady-Giglio
3.5 list, the agency shall send a written notice by mail or email to the officer's current or last
3.6 known employment address as well as the employing agency. Upon receipt of the notice,
3.7 and if the officer's contact information is known, the officer's current or last known employer
3.8 shall provide the written notice to the officer. The written notice must include, at a minimum,
3.9 the following:

3.10 (1) the officer's right to make a request to reconsider the allegations and the placement
3.11 of the officer's name on a Brady-Giglio list;

3.12 (2) the agency's procedural requirements for submitting a written request for
3.13 reconsideration of the agency's determination to place the officer's name on a Brady-Giglio
3.14 list, including the method and time frame for submitting the request for reconsideration and
3.15 any supporting and corroborating documents and evidence from any pertinent sources; and

3.16 (3) a statement that if the officer intends to make a request for reconsideration, the officer
3.17 shall submit the written request for reconsideration to the agency within ten business days
3.18 after receiving the notice.

3.19 (d) If an officer submits a request for reconsideration and the officer's request is approved
3.20 by the agency on its merits, the officer's name shall be removed from the Brady-Giglio list.
3.21 If the officer's request for reconsideration is denied by the agency, the officer's name shall
3.22 remain on the Brady-Giglio list. If the officer does not submit a request for reconsideration
3.23 or fails to comply with the requirements for submitting a request for reconsideration, the
3.24 officer's name shall remain on the Brady-Giglio list.

3.25 (e) By November 1, 2025, an agency shall notify an officer whose name was placed on
3.26 a Brady-Giglio list before August 1, 2025, that the officer has the right to request
3.27 reconsideration and provide the officer with the information required under paragraph (c).

3.28 (f) Upon receipt of a notification from an agency pursuant to paragraph (c), an officer
3.29 shall have ten days to request reconsideration.

3.30 (g) Nothing in this section limits or restricts an agency's ability to remove an officer's
3.31 name from a Brady-Giglio list if, upon receipt of additional supporting and corroborating
3.32 information or a change in factual circumstances at any time, the agency determines that
3.33 the officer's name no longer requires placement on a Brady-Giglio list.

4.1 (h) An officer may petition the district court for a determination as to whether an agency's
4.2 determination to place the officer's name on a Brady-Giglio list is consistent with the agency's
4.3 disclosure obligations pursuant to Brady-Giglio and its progeny or Minnesota Rules of
4.4 Criminal Procedure, rule 9.01 or 9.04.

4.5 (i) A judicial determination that the officer's conduct does or does not meet the disclosure
4.6 requirements pursuant to Brady-Giglio shall be the governing determination related to that
4.7 conduct.

4.8 (j) The officer and the officer's employing agency have the right to receive written notice
4.9 from an agency and the judicial officer when the peace officer's credibility has been discussed
4.10 in a judicial order. Notification to the officer and the officer's employing agency shall be
4.11 made within ten days of the issuance of the court ruling.

4.12 Subd. 3. **Data disclosure and protection.** (a) A prosecuting agency shall not release to
4.13 the public a peace officer's personnel file, medical records, or any statement, recording,
4.14 transcript, or complaint unless otherwise provided by law. Nothing in this paragraph shall
4.15 be construed to prohibit the release of records to the officer or the officer's legal counsel as
4.16 required under this section upon the request of the officer or the officer's legal counsel or
4.17 as otherwise provided by law or court order.

4.18 (b) An agency may enter into agreement with an employing agency of any officer to
4.19 review a summary of nonpublic complaint data for determining Brady-Giglio disclosure.

4.20 Subd. 4. **Prosecuting agency and employing agency coordination.** A prosecuting
4.21 agency shall meet at least once annually with the chief law enforcement officers in their
4.22 jurisdiction to review the agency's Brady-Giglio policy and evaluate the disclosure process
4.23 of Brady-Giglio information within the agency's jurisdiction.

4.24 Subd. 5. **Duty to disclose.** Nothing in this section modifies the independent duty of the
4.25 prosecuting agency to disclose information or material that may be used to impeach the
4.26 credibility of a prosecution witness as required pursuant to Brady-Giglio and its progeny
4.27 regardless of whether the witness is or is not on a Brady-Giglio list.