

Minnesotans for Open Government

Possible amendment for SF 2200

Prepared by Matt Ehling, March 23, 2025

..... moves to amend S.F. 2200 as follows:

Delete everything after the enacting clause and insert:

Sec. 1. Minnesota Statutes 2024, section 595.02, is amended by adding a subdivision to read:

Subd. 1b. **Restorative practices.** (a) As used in this subdivision:

(1) "restorative practice" has the meaning given in section 142A.76, subdivision 1; and

(2) "restorative practice participant" means a facilitator, a person who has caused harm, a person who has been harmed, a community member, and any other person attending a restorative practice.

(b) A restorative practice participant shall not disclose any communication, document, or other information made or used in the course of or because of a restorative practice except as otherwise provided in this paragraph. Nothing in this paragraph exempts restorative practice participants from compliance with the provisions of section 626.557 and chapter 260E. A restorative practice participant may disclose any communication, document, or other information if the restorative practice participant reasonably believes that:

(1) disclosure is necessary to prevent reasonably certain death, great bodily harm, or commission of a crime; or

(2) the communication, document, or other information constitutes evidence of professional misconduct by a restorative practice participant acting in the capacity of the person's professional or occupational license.

(c) If a court orders a person to participate in a restorative practice, a person overseeing the restorative practice may disclose data necessary to show whether the person participated as ordered.

(d) Evidence that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely because it was discussed or used in a restorative practice.

Sec. 2. Minnesota Statutes 2024, Chapter 13, is amended by adding a section:

13.885 RESTORATIVE JUSTICE PRACTICES

Subdivision 1. Definitions.

(a) “Restorative justice practice” has the meaning given in section 595.02, subdivision 1b(a)(1).

(b) “Restorative justice practice participant” means an individual described by section 595.02, subdivision 1b(a)(2).

(c) “Restorative justice practice programming” means programs or services related to the provision of restorative justice practices.

Subd. 2. Data classified.

The following data created, collected, received, disseminated, or maintained by a government entity, as defined by section 13.02, subdivision 7a, that administers restorative justice practice programming, are private data on individuals as defined by section 13.02, subdivision 12:

(a) Data that document statements made, or documents submitted by, a restorative justice practice participant during restorative justice practice programming.