

Senator moves to amend the delete-everything amendment (SCS1098A-1) to S.F. No. 1098 as follows:

Page 115, after line 26, insert:

"Sec. 6. Minnesota Statutes 2024, section 13.82, subdivision 7, is amended to read:

Subd. 7. **Criminal investigative data.** Except for the data defined in subdivisions 2, 3, and 6, investigative data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense for which the agency has primary investigative responsibility are confidential or protected nonpublic while the investigation is active. Inactive investigative data are public unless the release of the data would jeopardize another ongoing investigation or would reveal the identity of individuals protected under subdivision 17. Images and recordings, including photographs, video, and audio records, which are part of inactive investigative files and which are clearly offensive to common sensibilities are classified as private or nonpublic data, provided that the existence of the images and recordings shall be disclosed to any person requesting access to the inactive investigative file. An investigation becomes inactive upon the occurrence of any of the following events:

(a) a decision by the agency or appropriate prosecutorial authority not to pursue the case;

(b) expiration of the time to bring a charge or file a complaint under the applicable statute of limitations, or 30 years after the commission of the offense, whichever comes earliest;
or

(c) exhaustion of or expiration of all rights of appeal by a person convicted on the basis of the investigative data.

Any investigative data presented as evidence in court shall be public. Data determined to be inactive under clause (a) may become active if the agency or appropriate prosecutorial authority decides to renew the investigation.

During the time when an investigation is active, any person may bring an action in the district court located in the county where the data are being maintained to authorize disclosure of investigative data. The court may order that all or part of the data relating to a particular investigation be released to the public or to the person bringing the action. In making the determination as to whether investigative data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the agency or to any person identified in the data. The data in dispute shall be examined by the court in camera.

2.1 In cases involving a missing person who has been missing for a continuous period of
2.2 20 years, the law enforcement agency and prosecuting authority must release active criminal
2.3 investigative data to the legal representative of the missing person's next of kin, upon request,
2.4 if the release of the data is not prohibited under section 13.821. If the law enforcement
2.5 agency or prosecuting authority reasonably believes that public dissemination of the data
2.6 will interfere with the investigation, the law enforcement agency or prosecuting authority
2.7 may release the data to the next of kin's legal representative on the condition that the data
2.8 remain in the custody and control of a licensed attorney or a licensed private investigator
2.9 and be used for investigative purposes, until the investigation is inactive."

2.10 Renumber the sections in sequence