

Matt Ehling
Minnesotans for Open Government
1539 Grand Avenue
St. Paul, MN 55105

February 17, 2026

Representative Bidal Duran
Centennial Office Building
658 cedar Street
St. Paul, MN 55155

RE: HF 1567

Representative Duran,

I write to you today regarding HF 1567, which is being heard in the House Public Safety Committee on February 18, 2026. I will not be able to be at that hearing, but am sending you this letter in advance to provide some background on matters related to the bill.

Background:

To begin, the following background may be helpful. Home address and home contact information related to police officers that is maintained as part of government employment records is currently “private” under Minn. Stat. § 13.43. Home address information may also be located elsewhere in government records, such as in real property records (exempt from the coverage of HF 1567), and in many other places. In some places, this data will already be “private” (such as in educational records) while in other places it would be public (such as in municipal planning or zoning records).

Issue of Scope:

One of the issues that emerged over the last two years worth of discussions on the “Judicial Security” legislation was scope. Making all “personnel information” (as defined by the HF 1567) about all police and correction officers “private” expands beyond what is currently classified (i.e., personal information in employment records) and extends a “private” classification to data that may exist in numerous other places, within numerous government entities.

The practical difficulties of locating such information for the purpose of complying with the proposed data classification were part of the discussion during the course of the Legislature’s work on the “Judicial Security” legislation, which extended from 2024-2025.

In 2024, a “private” classification was extended to all “judicial officials” in Minnesota, broadly defined to include both judges, as well as thousands of employees of the Judicial Branch. The effect of the 2024 legislation (enacted as § 13.991, §480.40, and § 480.45) was to apply a private

classification to the data of numerous individuals — data that is spread throughout many government entities.

Classifying address information in real property records, however, waited for another year, due to the significant complexities of trying to apply a “private” classification to data that is so prevalent in existing public records. To address the scope of that problem, the 2025 legislation (enacted as § 480.50) applied narrowing language to the private classification related to real property records — essentially stating that the private classification only took effect if a judicial official submitted a specific notice to the government entity that held the real property data. This allowed the government entity to better manage the private classification, by tying it to a specific individual who had actively notified the government of their desire for the private classification. The 2025 legislation also included “termination” language that allowed the private classification to expire after certain criteria were met (see § 480.50 subd. 4 (e) (1)-(5)). This was not the case with the 2024 legislation, whose private classification extends on indefinitely.

This makes the “judicial official” procedures for real property records much closer to the procedures of the existing Safe At Home program, which our organization encouraged the Judicial Branch to adopt for its own security purposes back in 2024. (The Judicial Branch eventually decided to go in another direction).

Going forward, if a broad “private” classification gets extended to data on more and more individuals (corrections and police officers in HF 1567; legislators in HF 3353), the complexities of managing this volume of “private” data will increase significantly.*

From a practical standpoint, it may be wise for the Legislature to look at more narrow options, such as making any data classification change contingent on the submission of an “opt-in” form. The Legislature would also be wise to add specific “termination” language about when the data classification ends. These approaches would parallel those taken by the Safe At Home Program, which relies on “opt-in” participation, and whose “private” classification ends at a specific point. Other approaches could be taken as well.

Criminal Penalties

While HF 1567 expands the coverage of the existing criminal penalties in § 606.5151, the Legislature should look at revising that section of law to avoid having it overturned on a constitutional challenge.

§ 606.5151 contains criminal penalty language that has already been struck down by the Minnesota Supreme Court in another, unrelated matter.

**We would note that classifying legislator information will raise additional complexities beyond those addressed here, such as complexities with verifying where legislators live for the purpose of district representation.*

The “knows or reasonably should know” language in § 609.5151 is similar to the “knows or has reason to know” language previously found in Minnesota’s stalking-by-mail statute. In 2019, the Minnesota Supreme Court held that the statute had “over-breadth” problems (*In re A.J.B.*):

“Subdivision 1 ... provides that the defendant must ‘know[] or ha[ve] reason to know’ that the communication would cause the victim ‘under the circumstances’ to feel ‘frightened, threatened, oppressed, persecuted, or intimidated.’ The ‘knows or has reason to know’ standard—a negligence mens rea—means a person may be convicted under subdivision 2(6) even though the person does not intend or even know that his communication would frighten, threaten, oppress, persecute, or intimidate the victim.”

Building on *A.J.B.*, the Minnesota Court of Appeals subsequently identified a similar “over-breadth” problem with the stalking-by-telephone statute in *State of Minnesota v. James Elliot Peterson*:

“The ‘knows or has reason to know’ standard is equivalent to negligence, and *A.J.B.* held that this standard ‘means a person may be convicted’ of stalking-by-mail ‘even though the person does not intend or even know that his communication would frighten, threaten, oppress, persecute, or intimidate the victim.’”

If the criminal penalties in §609.5151 could “sweep up” non-intentional conduct, they will likely face the same problems as the statutes listed above.

Please let me know if you would like to discuss these items further.

Sincerely,

Matt Ehling
Minnesotans for Open Government