

HF4326 - 0 - Judicial Official Personal Info is Private Data

Chief Author: **Brion Curran**
 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **3/7/2024 5:45:04 PM**
 Lead Agency: **Supreme Court**
 Other Agencies:
 Corrections Dept Sentencing Guidelines Comm

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
State Total						
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/7/2024 5:45:04 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

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Fee/Departmental Earnings		X
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Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/6/2024 3:35:34 PM
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State Cost (Savings) Calculation Details

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Biennial Total			-			-
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Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Section 1: Minn. Stat. § 13.991 designates certain personal information about judges, justices, and judicial staff in the possession of a government entity (other than the judicial branch) as private data under a newly codified statute in Minnesota’s Government Data Practices Act under Minn. Stat. § 13.991 (Judicial Official Data; Personal Information). Minn. Stat. § 13.991, subd. b, provides individuals with a civil cause of action under Minn. Stat. § 13.08 against responsible authorities and government entities.

Section 2: Minn. Stat. § 480.40 prohibits, with exceptions, dissemination of the personal information of a judicial officer (Personal Information; Dissemination). A person, business, association, or government entity must not publicly post, display, publish, sell, or otherwise make available personal information on the Internet.

Section 3: Minn. Stat. § 480.45 requires personal information about judicial officials to be removed and establishes a process for removal (Removal of Personal Information) that includes a Judicial Officer seeking a court order compelling compliance, including injunctive relief.

Section 4: Minn. Stat. § 609.476 establishes a misdemeanor for knowingly publishing, with the intent to threaten, intimidate, harass, or physically injure, the personal information of a judicial officers, codified at Minn. Stat. § 609.476, subd. 2 (Publishing Personal Information of Judicial Official). Under subdivision 3, it is a felony if the violation causes bodily harm.

The bill is effective August 1, 2024, and section 4 applies to crimes committed on or after that date.

Assumptions

Civil Actions

The Minnesota Judicial Case Management System (MNCIS) does not maintain data on the type of civil filings specific to this bill. Since the effective date for Section 1 is August 1, 2024, and judicial officers are required to provide potential disseminators of personal information at least 30 days of written notice prior to filing an action under Minn. Stat. § 13.08, it is unknown how many judicial officers may file an action under this chapter, but it is anticipated any filings, if any, would not occur until October 2024. For purposes of this fiscal note, the number of civil actions under Chapter 13 will be used to calculate impact. There have been an average of 2 actions filed in District Court under Chapter 13 over the last three years. (2023: 2; 2022: 1; 2021: 3). Based on this number, it is anticipated there will not be an increase in filings related to this bill.

Criminal Actions

Since there is no direct equivalent to the bill’s new misdemeanor and felony offenses, Minn. Stat. § 609.749, subd. 3(a)(4) (“judicial harassment”) will be used to calculate impact. Minn. Stat. § 609.749, subd. 3(a)(4) prohibits harassment with intent to influence or tamper with a juror or judicial proceeding, or with intent to retaliate against a judicial officer,

prosecutor, defense attorney, or officer of the court, because of that person's performance of duty in connection with a judicial proceeding. Given the similarity of protected persons and elements, it is assumed that the bill's misdemeanor provisions will be violated approximately as frequently as judicial harassment violations now occur. According to district court criminal charges data, Minn. Stat. § 609.749, subd. 3(a)(4) has only been charged two times since 2019.

It is assumed that the bill's felony offense, which requires bodily harm to result, will occur less frequently and not result in a fiscal impact to the Minnesota Judicial Branch.

Expenditure and/or Revenue Formula

This bill is not anticipated to have a measurable fiscal impact on the Minnesota Judicial Branch; any potential impact will likely be absorbed by the judicial branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

References/Sources

Agency Contact:

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 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **3/7/2024 5:45:04 PM**
 Agency: **Corrections Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

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State Cost (Savings) Calculation Details

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Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

H.F. 4326 prohibits publishing personal information about Minnesota judicial officials and establishes penalties for knowingly publishing the personal information of a judicial official with the intent to threaten, intimidate, harass, or physically injure.

Assumptions

The Minnesota Sentencing Guidelines commission (MSGC) estimates that 1 prison bed will be required every 40 years.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

There is anticipated to be no cost to local units of government.

References/Sources

Department of Corrections Staff

MSGC

Agency Contact:

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 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **3/7/2024 5:45:04 PM**
 Agency: **Sentencing Guidelines Comm**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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Full Time Equivalent Positions (FTE)	Biennium			Biennium		
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Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/6/2024 3:35:16 PM
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State Cost (Savings) Calculation Details

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	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

Section 1 designates certain personal information about judges, justices and judicial staff as private data under a newly codified statute in Minnesota’s Government Data Practices Act under Minn. Stat. § 13.991 (Judicial Official Data; Personal Information). Personal information is defined as (1) the residential address of a judicial official; (2) the residential address of the spouse, domestic partner, or children of a judicial official; (3) a nonjudicial branch issued telephone number or email address of a judicial official; (4) the name of any child of a judicial official; and (5) the name of any child care facility or school that is attended by a child of a judicial official if combined with an assertion that the named facility or school is attended by the child of a judicial official.

Section 2 prohibits, with exceptions, dissemination of the personal information of a judicial officer, codified at Minn. Stat. § 480.40 (Personal Information; Dissemination). A person, business, association, or government entity must not publicly post, display, publish, sell, or otherwise make available personal information on the Internet. Section 3 requires personal information about judicial officials to be removed and establishes a process for removal, codified at Minn. Stat. § 480.45 (Removal of Personal Information).

Section 4 establishes a misdemeanor for knowingly publishing, with the intent to threaten, intimidate, harass, or physically injure, the personal information of a judicial officers, codified at Minn. Stat. § 609.476, subd. 2 (Publishing Personal Information of Judicial Official). Under subdivision 3, it is a felony if the violation causes bodily harm.

The bill is effective August 1, 2024, and section 4 applies to crimes committed on or after that date.

Assumptions

Because no statutory maximum is specified for the new felony offense, it is assumed that the statutory maximums in Minn. Stat. § 609.03 (punishment when not otherwise fixed) will be applied: a five-year statutory maximum for a felony.

The frequency at which the bill’s new misdemeanor and felony offenses will be committed is not known.

Minn. Stat. § 609.749, subd. 3(a)(4) (“judicial harassment”), prohibits harassment with intent to influence or tamper with a juror or judicial proceeding, or with intent to retaliate against a judicial officer, prosecutor, defense attorney, or officer of the court, because of that person’s performance of duty in connection with a judicial proceeding. Given the similarity of protected persons and elements, it is assumed that the bill’s misdemeanor provisions will be violated approximately as frequently as judicial harassment violations now occur. According to MSGC data, two such cases were sentenced in the five years between 2018 through 2022.

It is assumed that the bill’s felony offense, which requires bodily harm to result, will occur less frequently. Because the new offense’s elements do not imply physical confrontation, the frequency of the bill’s felony is assumed to be one-eighth that of the misdemeanor, or one case sentenced every 20 years.

One of the responsibilities of the Sentencing Guidelines Commission is to assign severity-level (SL) rankings to new felony

offenses passed by the Legislature. The Commission bases its decisions, in part, on the level of harm caused and the culpability of the person. The statutory maximum is also considered. Some offenses are designated as unranked offenses. An unranked offense typically has one or more of the following characteristics: (1) the offense is rarely prosecuted; (2) the offense covers a wide range of underlying conduct; or (3) the offense is new and the severity of a typical offense cannot yet be determined.

Because the existing offense of judicial harassment, which also carries a five-year statutory maximum penalty, is ranked at SL 4, it is assumed that the Commission will rank the new felony offense at SL 4, where a stayed sentence is presumed for all defendants with a criminal history score below 4. It is assumed that the imprisonment rate for the new felony offense will be similar to that of the existing offense of judicial harassment. Of the two defendants sentenced from 2018 through 2022, one went to prison for 21 months (2/3 length of stay = 14 months). The other defendant received a probationary sentence that included 30 days conditional confinement (assumed 2/3 length of stay = 20 days). Applying the above assumptions yields approximately one prison bed required every 40 years.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the above assumptions, it is estimated that the long-term impact of this bill is negligible.

Local Fiscal Impact

Based on the above assumptions, it is estimated that the local government fiscal impact of this bill is negligible.

References/Sources

MSGC Monitoring Data, 2018-2022.

Agency Contact:

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