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State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. **104**

02/10/2025

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to witnesses; establishing confidentiality for restorative justice practices
1.3 participants; classifying data; amending Minnesota Statutes 2024, section 13.6905,
1.4 by adding a subdivision; proposing coding for new law in Minnesota Statutes,
1.5 chapter 595.

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

1.7 Section 1. Minnesota Statutes 2024, section 13.6905, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 39. **Restorative practices data.** Data related to restorative practices program
1.10 participants are governed by section 595.026, subdivision 4.

1.11 Sec. 2. **[595.026] RESTORATIVE PRACTICES.**

1.12 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
1.13 meanings given.

1.14 (b) "Individual data" means all data in which any individual is or can be identified as
1.15 the subject of that data, such as an individual's name, date of birth, address, telephone number
1.16 or other contact information, employer, or school, and also includes a description of an
1.17 event from which a reasonable person could identify an individual.

1.18 (c) "Restorative justice practice" means a conference, circle, or similar gathering that
1.19 uses a participatory process in which a person who caused harm voluntarily engages with
1.20 any person who was harmed and community stakeholders to collectively:

1.21 (1) identify the harm;

1.22 (2) agree on what is needed to repair the harm;

2.1 (3) identify the needs and obligations of all parties;

2.2 (4) identify and address underlying causes of behavior that led to the harm;

2.3 (5) reduce the likelihood of further harm;

2.4 (6) reintegrate the person who caused the harm into the community;

2.5 (7) strengthen community ties; or

2.6 (8) perform any combination of those actions.

2.7 (d) "Restorative justice practice participant" means a facilitator, person who has caused
2.8 harm, person who has been harmed, community member, and any other person attending
2.9 a restorative justice practice event.

2.10 Subd. 2. **Confidentiality.** (a) Individual data regarding a restorative justice practice
2.11 participant received or created to facilitate participation in restorative justice practice are
2.12 confidential, are not subject to discovery, and must not be used in any judicial or
2.13 administrative hearing.

2.14 (b) Any statement made or action taken by a restorative justice practice participant is
2.15 confidential, is not subject to discovery, and must not be used in any judicial or administrative
2.16 hearing if the statement is made or the action is taken:

2.17 (1) in registration or other preparation for participation in a restorative justice practice;

2.18 (2) during a restorative justice practice; or

2.19 (3) as a follow up to a restorative justice practice.

2.20 Subd. 3. **Exceptions.** (a) Nothing in this section prohibits a person overseeing a restorative
2.21 justice practice from providing summary data as defined in section 13.02, subdivision 19.

2.22 (b) Nothing in this section exempts a restorative justice practice participant or person
2.23 overseeing a restorative justice practice from compliance with the provisions of section
2.24 626.557 and chapter 260E.

2.25 (c) Restorative justice practice participants may disclose their own individual data,
2.26 statements, or actions and may authorize disclosure by other restorative justice practice
2.27 participants.

2.28 (d) If a court orders a person to participate in a restorative justice practice, a person
2.29 overseeing the restorative justice practice may disclose individual data necessary to show
2.30 whether the person participated as ordered.

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

3.4 (f) Nothing in this section prohibits disclosure of data necessary to prevent death, great
3.5 bodily harm, or the commission of a crime.

3.6 (g) Nothing in this section prohibits disclosure of data regarding a professional violation
3.7 or abuse by a restorative justice practice participant that is related to a restorative justice
3.8 practice.

3.9 Subd. 4. **Data classification.** Government data, as defined in section 13.02, subdivision
3.10 7, on restorative justice practice participants are private data on individuals, as defined in
3.11 section 13.02, subdivision 12.