

Bill Comparison Summary of Senate File 2725/House File 2965 (UES2725-1)

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Sec.	S.F. 2725	H.F. 2965-2 (UES2725-1)
1	<p>Gang criteria.</p> <p>Paragraph (a) defines "gang criteria" as the criteria developed by the Violent Crime Oversight Council as required by Minnesota Statutes, section 299A.641, subdivision 3 (section 3 of the bill).</p> <p>Paragraph (b) classifies data that document gang criteria about an individual as private data.</p> <p>Paragraph (c) classifies data that document gang criteria about an individual under active criminal investigation as confidential.</p> <p>Paragraph (d) provides that data about an individual classified under this subdivision may be shared as provided under section 13.82, subdivision 24 (Comprehensive Law Enforcement Data).</p>	<p>No comparable provision.</p>
2	<p>Law enforcement data from other states.</p> <p>Subd. 1. Definitions. Defines the terms "investigative date" and "law enforcement agency" for the purposes of this section.</p> <p>Subd. 2. Classification of data from other states. Provides that law enforcement data from other states are classified in Minnesota in a manner equivalent to the classification of the data in the other state unless the data becomes part of an active criminal investigation involving an adult or a juvenile.</p> <p>Subd. 3. Sharing authorized. Provides that investigative data not classified as public data under this section may be shared with other law enforcement agencies if the data are pertinent and necessary to the receiving agency in initiation, furthering, or completing an investigation.</p> <p>Subd. 4. Transaction record. Requires law enforcement agencies that receive nonpublic data under this section to maintain a record of each receipt or dissemination of the data.</p>	<p>No comparable provision.</p>

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3	<p>Violent Crime Oversight Council.</p> <p>Subd. 1. Oversight council established. Defines “gang and drug crime” to include violent crimes associated with gang activity.</p> <p>Subd. 2. Membership. Reduces the membership of the oversight council from 32 to 24 members. Provides that the chair shall serve a two-year term and appointment of the chair shall alternate between a person who works in greater Minnesota and a person who works in the metropolitan area.</p>	<p>Section 1 is similar. The House repeals the current Gang & Drug Oversight Council and creates a new section that establishes the Violent Crime Coordinating Council (VCCC). The Senate amends current statute.</p> <p>Subd. 1 is nearly identical. The name of the council is different.</p> <p>Subd. 2 is similar. The House reduces the council membership to 17 members. The House specifies that there may be only one police chief from Minneapolis, one police chief from St. Paul, one sheriff from Hennepin county, and one sheriff from Ramsey counties. In the House, the tribal peace officer is selected by DPS, in consultation with the Minnesota Indian Affairs Council. The House does not have the following members that appear in the Senate version: two additional citizen members, representatives from the U.S. Drug Enforcement Administration, the U.S. Bureau of ATFE, and the Federal Bureau of Investigation, and legislative members from the house and senate.</p>

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S.F. 2725	<p>Subd. 3. Oversight council's duties. Modifies the duties of the Oversight council.</p> <p>New duties include:</p> <ul style="list-style-type: none"> • developing and updating a statewide policy and procedure manual for criminal gang investigative data systems (subject to the Department of Public Safety (DPS) approval); • making recommendations to the Commissioner of Public Safety on terminating grant funding for task forces; and • developing impartial policing and prosecution policies. <p>Modified duties include:</p> <ul style="list-style-type: none"> • developing an operating procedure and policy manual to investigate gang and drug crime (now mandated and subject to DPS approval); • adopting criteria and identifying characteristics to determine gang membership (now subject to approval by DPS and biennial review process); and • assisting DPS in developing grant eligibility criteria and operating an objective/conflict-free grant review process. (Eliminating the council's duty to make grant recommendations to DPS.) <p>Deletes references to specific task forces and development of statewide coordinator's operational budget.</p>	<p>Subd. 3 is similar. The House language does not require the council to establish multi-jurisdictional task forces or to develop impartial policing and prosecution policies. The House removes all references to guidelines in conformance with subdivision 4.</p>
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	<p>Subdivision 3a. Duties and authority of commissioner. Directs the Commissioner of Public Safety to establish certification guidelines for multijurisdictional task forces by September 1, 2010. At a minimum, the guidelines must require all task forces to:</p> <ul style="list-style-type: none"> • be subject to the operational command and supervision of one of the participating agencies; and • have adequate staffing to support all operations. <p>Provides that if DPS revokes a task force’s certification, it may order:</p> <ul style="list-style-type: none"> • dissolution of the task force and/or its governing board; • transfer of duties to DPS; and • any other necessary action. <p>Provides that all obligations and liabilities of the task force remain with the task force and the parties. Provides a six-month grace period for current task forces to become certified under this section.</p> <p>Subd. 4. Statewide coordinator. Strikes obsolete language.</p> <p>Subd. 5. Participating officers; employment status. Provides that participating officers shall be subject to annual performance reviews conducted by the entity’s governing board.</p> <p>Subd. 6a. Evidence handling. Provides that a task force shall process seized cash, physical assets, and evidence through standard evidence handling procedures established by the participating agencies.</p> <p>Subd. 7. Grants authorized. Directs DPS to consider awarding grants to fund community-based gang intervention and prevention efforts for youth.</p>	<p>Subd. 4. is similar. As noted above, the House deleted all references to guidelines. The House requires DPS to certify the entity, as well as its “designated fiscal agent.” The House limits the certification requirement to entities that receive state grant funding, and requires all entities and fiscal agents to be audited on a biennial basis (which may be paid for through grant funding). As part of the certification process, the House authorizes DPS to impose other conditions as deemed necessary. If revoking an entity’s certification, the House limits DPS’s authority to take actions “for purposes related to this section.” The House and Senate have different deadlines for current task forces to be certified (House: Dec. 31, 2010; Senate: 6 months from guidelines). The House directs an entity to provide in its joint powers agreement that the parties are subject to provisions in this subdivision. Other wording differences.</p> <p>Subd. 5 is similar. The House language directs the coordinator to review the task force audits, take corrective actions, and submit a summary report of the audits to DPS.</p> <p>Subd. 6 is nearly identical. The House language directs an entity’s <i>operational supervisor</i>, rather than the governing board, to conduct annual officer performance reviews.</p> <p>Subd. 8 is nearly identical. The House language does not include “seized cash and physical assets.”</p> <p>Subd. 9 is identical.</p>

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	<p>Subd. 8a. Governing board; prosecutor's role. Outlines the membership of a task force's governing board to include: the chief law enforcement officer from each participating agency, a prosecutor from one of the agencies, and up to three additional members selected by the board. Provides that the board shall have no less than six members.</p> <p>Outlines the prosecutor's responsibilities. The prosecutor shall: (1) ensure adequate training for officers; (2) advise on lawful handling and processing of seized property and evidence and forfeited property and money; and (3) ensure compliance with forfeiture reporting.</p> <p>Subd. 11. Attorney general; community liaison. Clarifies language.</p> <p>Subd. 12. Required reports. Directs DPS to submit the following reports to the Legislature by February 1 of each year:</p> <p>(1) report on audit results of the criminal gang investigative data systems; and (2) report on activities and goals of the oversight council.</p> <p>This report replaces the oversight council's report.</p>	<p>Subd. 11 is similar. Under the House language, the prosecutor's responsibility is limited to recommending to the governing board the nature and frequency of officer training.</p> <p>members selected by the board. Provides that the board shall have no less than six members.</p> <p>Outlines the prosecutor's responsibilities. The prosecutor shall: (1) ensure adequate training for officers; (2) advise on lawful handling and processing of seized property and evidence and forfeited property and money; and (3) ensure compliance with forfeiture reporting.</p> <p>Subd. 14 is similar. The House references "councils of color." Also, the House language does not contain paragraph (c) on data classification.</p> <p>Subd. 15 is similar. The House does not have a report on criminal gang investigative data systems and instead requires a report on a summary of all the task force audits in subdivision 4. The House does not reference reports to ranking minority members.</p>
4	<p>Audit of data submitted to system; reports. Requires biennial audits of criminal gang data systems, including the removal of individuals from the systems. By October 1 of each year, the Bureau of Criminal Apprehension (BCA) shall submit a report on the results of the audits to the Commissioner of Public Safety.</p>	<p>No comparable provision.</p>
5	<p>Purpose. Expands the purpose of the Comprehensive Incident-Based Reporting System (CIBRS). In addition to using the system to prepare criminal cases and conduct</p>	<p>No comparable provision.</p>

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	<p>background investigations, the system may be used to:</p> <ul style="list-style-type: none"> • serve process in a criminal case; • inform law enforcement officers of possible safety issues prior to service of process; • enforce no contact orders; or • locate missing persons. 	
6	<p>Definitions. Adds “multijurisdictional entity” to the definition of “appropriate agency” for purposes of the forfeiture laws under Minnesota Statutes, chapter 609.</p>	<p>No comparable provision.</p>
7	<p>Criminal Gang Investigative and Evidence Database.</p> <p>Subd. 1. Requires law enforcement agencies that administer and maintain criminal gang databases to:</p> <ol style="list-style-type: none"> (1) destroy data entered into the database when five years have elapsed since the last entry of data on the individual into the system; and (2) promptly notify a parent or legal guardian, if known, of an individual under the age of 18 who is in the database, except in active or ongoing criminal investigations. <p>Subd. 2. Paragraph (a) Requires law enforcement agencies to file with the BCA, by July 1, 2011, a report that includes the following information:</p> <ol style="list-style-type: none"> (1) a description of the agency’s parental notification process; (2) the number of notifications that were sent by the agency; (3) the number of notifications that were not sent because the agency could not locate a parent or legal guardian or because a notification exception exists; and (4) any feedback on the parental notification process from recipients of the notices, community members, or peace officers. <p>Paragraph (b) requires the BCA to review, analyze, and summarize the information collected from law enforcement agencies on the parental notification process under paragraph (a). Requires the BCA to file a report to the Legislature by December 1, 2011,</p>	<p>No comparable provision.</p>

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	that provides: (1) a summary of the information collected; and (2) any recommendations for legislation or policies based on its review.	
8	Use of cellular telephone tracking devices. Authorizes state and local law enforcement to track the location of a cellular telephone in the manner provided under section 626A.28, subdivision 3, paragraph (b), clauses (2) to (4). This section is effective the day following final enactment.	No comparable provision.
9	Appointments and first meeting of council. Provides that the new appointments to the Violent Crime Oversight Council must be made by September 1, 2010, and that the first meeting shall convene no later than October 1, 2010.	No comparable provision.
	No comparable provision.	Sec. 2. Multijurisdictional Gang and Drug Strike Forces. Dissolves a joint powers entity (including its governing board) that included as parties two counties with a population over 500,000 each. Provides that all current and future obligations and liabilities of the entity remain with the parties to the agreement and do not transfer to the state. The effective date is July 1, 2011.
	No comparable provision.	Sec. 3. Government efficiency and transparency studies. Requires commissioner of MMB, in consultation with the state chief information officer, to report on feasibility and estimated costs of entering into a lease or lease-purchase arrangement with a private nonprofit organization to provide a centralized data center for state agencies or to upgrade current facilities for purposes of data center consolidation. Requires the commissioner to consider shared service contracts with units of local government. Authorizes the commissioner to enter into a lease purchase agreement if the commissioner concludes such as agreement would be cost beneficial. Requires the chief information officer to report by January 15, 2011, regarding development of standards for enhanced public access to data.
10	Work Group. Requires the Information Policy Analysis Division of the Department of Administration (IPAD) to convene and chair a work group of stakeholders and interested	Sec. 4 is identical.

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	parties to review criminal intelligence database issues and laws. Requires the group to report its findings and recommendations to the Legislature by February 1, 2011.	
11	Revisor's Instruction. Instructs the revisor of statutes to replace "Gang and Drug Oversight Council" with "Violent Crime Oversight Council."	Sec. 5 is different. Directs the Revisor to make changes to cross-references in statute and rule as necessitated by this bill.
12	No comparable provision.	Sec. 6. Repealer. Repeals the Gang and Drug Oversight Council effective December 31, 2010.

