



OFFICE OF THE HENNEPIN COUNTY ATTORNEY
MARY F. MORIARTY COUNTY ATTORNEY

April 15, 2026

Co-Chair Peggy Scott
Co-Chair Tina Liebling
Judiciary Finance and Policy Committee, Minnesota House of Representatives

Re: Clarification Regarding Fiscal Impact of HF962

Dear Co-Chairs Scott and Liebling and Members of the Committee:

The Hennepin County Attorney's Office (HCAO) understands that fiscal staff contemplate a \$3 million impact for HF962. We believe, based on the assumptions described in the fiscal note, that it may have been calculated based on a previous version of HF962, which did not include the data access provision: Subd. 4 of the legislation. This provision was only recently added to the bill as an amendment at the March 24, 2026, hearing and represents a significant cost and time saving mechanism. The Hennepin County Attorney's Office believes that HF962, in its current form as the DE4, will save the judiciary significant time and would not require the additional staffing outlined in the fiscal note.

The text of the fiscal note does not contemplate the current burden on the court to address *Brady/Giglio* issues regarding private law enforcement data, which are significant. For example, in 2025, the HCAO filed 1,034 motions to compel law enforcement to produce private data to the HCAO for *Brady/Giglio* review and for a protective order that would restrict how any disclosed data could be used. The HCAO had to file those 1,034 motions to request judicial orders because we do not currently have access to private law enforcement data to complete *Brady/Giglio* review without judicial orders. Judges are expected to review and rule on each of these motions. HF962 would eliminate the need for the HCAO to file these motions and would therefore also eliminate the judge time required to address these motions.

We acknowledge that under HF962, rare exceptions exist that will require some limited judge time to review these motions. Of those 1,034 motions to compel filed in 2025, law

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enforcement objected only 7 times. To resolve the objections, judges conducted *in camera* review (a review by the judge in chambers before ruling on whether prosecutors could have access to the data) instead of compelling law enforcement to disclose the information directly to the HCAO. Accordingly, judges conducted *in camera* review after an objection in less than 1% of HCAO cases in 2025.

In summary, Subd. 4 of HF962 provides prosecutors direct access to private law enforcement data for *Brady/Giglio* review, so that prosecutors would no longer have to involve the court in the process by seeking judicial orders to compel. Using HCAO's 2025 data, **if HF962 became law, it would result in a 99% reduction of court involvement in the HCAO's *Brady/Giglio* review procedure**, as the courts would only be involved through *in camera* review in cases where law enforcement objects to the request for private data from the prosecutor, which in 2025, occurred only 7 times in HCAO cases. And the number of motions for a protective order would also dramatically *decrease*. Currently, the HCAO seeks protective orders along with every motion to compel *before* the HCAO obtains access to the data. Under HF962, prosecutors would only seek protective orders from the court after we decided we must *disclose* the private data, which would occur in vastly fewer cases.

In addition to fulfilling a prosecutor's obligations to abide by the Constitution, the Hennepin County Attorney's Office believes that the passage of HF962 would result in significant time and cost savings for the judiciary across the State of Minnesota. **We would encourage you to pass the bill out of committee with the hope that the fiscal note could be reviewed and revised with this additional context.**

Respectfully,

A handwritten signature in black ink, appearing to read "Max Page". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Max Page

Legislative Liaison & Senior Assistant Hennepin County Attorney
Hennepin County Attorney's Office