

Liebling and Scott from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 104, A bill for an act relating to witnesses; establishing confidentiality for restorative justice practices participants; classifying data; amending Minnesota Statutes 2024, section 13.6905, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 595.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2024, section 13.871, is amended by adding a subdivision to read:

Subd. 16. **Restorative practices data.** Data related to restorative practices program participants are governed by section 595.02, subdivision 1b.

Sec. 2. Minnesota Statutes 2024, section 595.02, is amended by adding a subdivision to read:

Subd. 1b. **Restorative practices.** (a) As used in this subdivision:

(1) "restorative practice" has the meaning given in section 142A.76, subdivision 1; and

(2) "restorative practice participant" means a facilitator, a person who has caused harm, a person who has been harmed, a community member, and any other person attending a restorative practice.

(b) A restorative practice participant shall not disclose any communication, document, or other information made or used in the course of or because of a restorative practice except as otherwise provided in this paragraph. Nothing in this paragraph exempts restorative practice participants from compliance with the provisions of section 626.557 and chapter

260E. A restorative practice participant may disclose any communication, document, or other information if the restorative practice participant reasonably believes that:

(1) disclosure is necessary to prevent reasonably certain death, great bodily harm, or commission of a crime; or

(2) the communication, document, or other information constitutes evidence of professional misconduct by a restorative practice participant acting in the capacity of the person's professional or occupational license.

(c) If a court orders a person to participate in a restorative practice, a person overseeing the restorative practice may disclose data necessary to show whether the person participated as ordered.

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

(e) Government data, as defined in section 13.02, subdivision 7, on restorative practice participants are private data on individuals, as defined in section 13.02, subdivision 12, but may be disclosed as authorized under paragraphs (b) and (c)."

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

This Committee action taken March 18, 2025

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