

MDJA Legislative Handout

SF 2039/HF 2127

2024 Judicial Safety Overview

- Provides that the personal information of a “judicial official” is private data on individuals.
- Provides that any remedies for the improper release of personal information are triggered only if the judicial official files a notice with the government agency using a form created by the judicial branch.
- With the understanding that a solution for real property records will be developed by stakeholders, the legislation exempted personal information contained in real property records.
- Covers judges, justices, referees and magistrates, judicial staff, senior and retired judges, current and retired executive branch judges (OAH, Workers Comp, Tax), and retired federal judges.
- Personal information includes residential address, phone, email address of judges, their families and their children.
- Prohibits personal information from being posted, displayed, published, sold or otherwise made available on the internet.
- Allows for dissemination pursuant to a specific authorization in law, rule, or with the written consent of the judicial official.
- Provides exceptions for commercial data companies and consumer reporting agencies as contained in the federal law, news stories, commentary, editorials or other speech on a matter of public concern.
- A judicial official, upon submission of an affidavit, may require that personal information posted in violation of the law be taken down, and provides for injunctive and declaratory relief and other penalties for those who refuse to comply:
 - Misdemeanor penalty for knowingly publishing prohibited information with intent to threaten, intimidate, harass, or physically injure.
 - Felony penalty if the violation causes physical harm.

Judicial Safety Real Estate (2024-2025) Working Group Stakeholders

- Todd Schoffelman, Anoka County Judge, Minnesota District Judges Association
- John Guthmann, Senior Ramsey County Judge, Minnesota District Judges Association
- Callie Lehman, Intergovernmental Relations Liaison, Minnesota Judicial Branch
- Nancy Haas, Minnesota District Judges Association Legislative Counsel
- Courtney Jasper, Minnesota District Judges Association Lobbyist
- Will Waggoner, Minnesota Land Title Association Lobbyist
- Nathan Zacharias, Association of Minnesota Counties Lobbyist
- Taya Moxley-Goldsmith, Office of Data Practices
- Jennifer Super, Minnesota Judicial Branch Emergency Manager
- Liz Halet, Minnesota Judicial Branch Legal Counsel
- Katie Barret Wiik, Federal Bar Association Representative
- Adam Schad, Land Title Association
- Chad Novak, Land Title Association
- Bryan Lake, Minnesota Bar Association Lobbyist
- Jenny Carey, Minnesota Bar Association, Real Estate Section
- Amber Bougie, Minnesota Association of County Officers
- Troy Olson, Minnesota Association of County Officers Lobbyist
- Andrew Letson, Association of Minnesota Counties
- Nancy Brasel, Federal Court Judge

Judicial Safety Real Estate Working Group Meetings (2024-2025)

The Judicial Safety Working Group met extensively between sessions to develop an amendment that would replace the exemption for real property records.

- Small Group Meeting (MDJA/Judicial Branch) - July 23, 2024
- Large Group Meeting (Full Working Group) - August 15, 2024
- Small Group Meeting (MDJA/Judicial Branch) - September 13, 2024
- Small Group Meeting (MDJA/Judicial Branch) - September 18, 2024
- Small Group Meeting (MDJA/Judicial Branch/State Court Administration) - October 2, 2024
- Small Group Meeting (MDJA/Judicial Branch) - October 7, 2024
- Large Group Meeting (Full Working Group) - October 9, 2024
- Small Group Meeting (MDJA/MACO/Real Estate Bar/Judicial Branch – November 22, 2024
- Large Group Meeting (Full Working Group) - November 25, 2024
- Small Group Meeting (MDJA/Judicial Branch) - November 27, 2024

- Small Group Meeting (MDJA/Judicial Branch/MNCOGI/ACLU/Rich Neumeister) - January 23, 2024
- Large Group Meeting (Full Working Group) - February 6, 2025
- Small Group Meeting (MDJA/Judicial Branch) - February 25, 2025
- Small Group Meeting (MDJA/Judicial Branch) - March 13, 2025
- Large Group Meeting (Full Working Group) - March 14, 2025

In addition to the workgroup outreach noted above, there were conversations with other stakeholders involved in the 2024 legislation to ensure awareness of the proposed real estate legislation, which included the Minnesota Civil Liberties Union, MNCOGI, Minnesota Newspaper Association, and Rich Neumeister.

Summary of 2025 Real Estate Exception Updates

- **Bill Status:**
 - **Senate Bill Status:**
 - SF 2039 – Introduced by Senators Latz and Limmer
 - Referred to Judiciary and Public Safety Committee
 - **House Bill Status:**
 - HF2127 – Introduced by Representatives Curran, Rarick, Liebling and Zeleznikar
 - Referred to Judiciary Finance and Civil Law Committee
- **Bill Overview:**
 - Defines the personal information of all judicial officials that is collected, maintained, or created in real property records as private data on individuals.
 - Remedies are only available if the judicial official making a claim previously provided notice to the county recorder or other government entity maintaining real property records.
 - If the judicial official submits notice to the the county recorder or other government entity, then the county recorder or other government entity must not disclose the judicial official’s personal information unless:
 - The judicial official consents to sharing of the information;
 - The personal information is subject to sharing pursuant to court order; or
 - The data is shared with a government entity for the purpose of administering assessment or taxation laws.
 - The real property notice applies retroactively to all indexed, online, or real property records but only to the extent the judicial official provides the document number of each record for which protection is sought.
 - The prohibition on disclosure continues until:
 - Judicial official consents to termination of the real property notice;

- The real property notice is terminated pursuant to court order;
 - The judicial official no longer holds a record interest in the property; or
 - The judicial no longer qualifies as a judicial official.
- Establishes protocols for verifying the judicial official’s real property for a bona fide title exam.
- Authorizes county recorders to charge fees for processing notices and documents related to this judicial official’s property notices, consent for information releases, and additional requests.
- Establishes the definition of the crime of “intent to defraud” to include using a false writing, knowing it to be false for the purpose of procuring or disseminating the personal information of a judicial official.

Summary of Amendment Overview

- Ensures that the real estate provisions are subject to the same exceptions found in the underlying bill. This change was made at the request of the Real Estate Bar.
- Technical changes to add “spouse, domestic partner, or adult child” throughout the bill. We had originally only included “child”. This is a conforming change to ensure the real estate language matches the goal of the underlying judicial safety bill.
- Adds language from the County Recorders to clarify that only one parcel of real property can be included in each notice, but judicial officials may present more than one notice.
- Adds language to allow the personal information to be shared with the Examiner or Deputy Examiner of Titles at the request of the Real Estate Bar.
- Removes physical tract books, and digitized or scanned images of tract pages and books, from the list of documents that notices should retroactively apply to. This was done at the request of the County Recorders.
- Technical change to ensure that judge’s estates are not penalized if the judge dies and fails to notify the government entity that they are no longer a judicial official.
- Adds licensed abstractors to the list of professionals that county recorders may provide a judicial official’s unredacted real property records to. This was done at the request of the Real Estate Bar.
- Clarifies language to ensure that upon the termination of the prohibition of disclosure, the data classified as private becomes public data.
- Adds a new subd. 6, which allows attorneys to disseminate the judicial official’s personal information when reasonably necessary for the provision of legal services. This was done at the request of the Real Estate Bar.

Comment on HF 2127 before the Minnesota House Committee – Judiciary Finance and Civil Law, March 18, 2023, Rich Neumeister 

I am writing to voice my concerns about House File 2127. While I recognize the goal of protecting judicial official's safety and privacy, I believe this bill is unnecessary and could weaken transparency/sunshine in our judicial system. It is important to note in our discussion that our law defines "judicial official" broadly and includes thousands of judicial employees in the various courts of our state. This is a different approach from other states.

In today's world, personal information is easily accessible through private databases like information reports and basic Internet searches. These services allow anyone to quickly find details such as a home address. Given this reality, your bill is unlikely to meaningfully enhance judicial official's safety or privacy, as much personal information is available elsewhere. This weakens the bill's justification while creating significant drawbacks.

It has been clear in my discussion with supporters of this bill including Judge Guthmann, that last year's bill and now this proposal give very limited protection as to judicial official's safety because of the modern tech world we live in.

Creating barriers to access public data as this bill does on real property records obscures potential conflicts of interest--such as a judge owning property tied to a case--making it harder for the public to ensure judicial impartiality. For example, a judge owns or has an interest in property linked to a case, like a zoning dispute or tax assessment, it could influence their rulings. Particularly if they live in the neighborhood. This proposal risks concealing such conflicts, eroding trust in judicial fairness.

The bill sets a precedent for other officials such as legislators or other officials to seek similar doings, weakening transparency across government with real property records.

Another concern are the double standards set by this bill and last year's law. You'll note in Section 4, page 5, line 6 this section classifies data as private, but on page 5, line 19 this classification does not take effect until a notice is sent by a judicial official. This is different from the law passed last year. Classification of the personal information held in all government entities became classified, as per the usual way. The notice is only for the remedies to take effect. Review page 1, line 9 through page 2, line 2 this is what I refer to.

Another difference, page 7, line 21, when the judicial official is no longer employed they must file a notice to the county recorder, where the data which was private will become public. In the law passed last year, note again the 13.391 classification, the data is permanently private (personal information) in all government files except for real property (per the proposed bill)

This is where the double standard lies. How can it be fixed? Have a similar process added to current law which is proposed in this legislation. So that when a judicial official is no longer employed they would send a notice to the responsible authority to make public the data which has been private. Secondly, the scheme outlined in Section 4 similarly could be done for the notice in current law to classify the data, rather than just for remedies.

While protecting the safety of judicial officials is a valid goal, the legislative schemes to address this are excessive. A narrower approach in last year's bill and the current bill could safeguard privacy without sacrificing transparency. For example, rather than cover thousands of employees of the judicial branch.

In summary, the bill risks hiding conflicts of interest, inspiring darkness in government, stifling oversight, and overreaching on privacy at the expense of transparency/sunshine.



March 18, 2025

Re: HF 2127

Dear Co-Chairs Liebling and Scott, and House Judiciary Finance and Civil Law Committee Members:

The Association of Minnesota Counties (AMC), on behalf of Minnesota's 87 counties, **writes to provide feedback and general policy considerations regarding HF 2127.**

AMC, along with other stakeholders such as the Minnesota County Recorders Association (MCRA) and Minnesota Association of County Officers (MACO), has engaged earnestly in a working group for HF 2127 throughout the last year. While the proposal to use public resources to redact and remove public information for certain public officials is not an AMC platform, we have nonetheless engaged with judicial officials to meet their concerns regarding personal and family safety. We have also conveyed that this must be balanced with counties' ability to do their work in a timely, efficient, and reasonable manner in the context of current workforce shortages and potential negative impacts on other county services. **We are grateful for the several provisions in HF 2127 that reflect this collaborative process, but believe more work needs to be done to ensure all stakeholder agreement. We respectfully offer the following considerations along with a request to continue working throughout session to ensure agreement:**

As members can imagine, tracking down and masking all real property records for judicial officials, their staff, and their family members is a sizable task and will represent new and considerable staffing responsibilities for counties. This bill identifies no new resources for counties to assume this work; and as such, counties will be requesting their lands records, property tax departments, and recorders to add this work to their workloads. The inclusion of judicial staff, not just judges and their families, dramatically increases the amount of records and, therefore, the liability for any mistakes. As this bill moves forward, we hope to work with stakeholders to continue refining the scope of data redaction being sought.

Yet another concern is related to the bill's liability standards for counties taking on this work. Only certain staff at counties would be assigned to access this information since it's stored across many systems—property tax payments, permit applications, division of lots, and so forth. Some information is stored in paper tract books and digital image scans of those books, which are incredibly difficult to redact. We would be relying on very few people to complete the work and if it is not completed fully and accurately, counties would be liable under the Data Practices Act for violations of this new law. This is a problem for all counties, but particularly small counties that have only one or two employees that are able to work on any requests that come in. Additionally, some of this information, including a home address, can be acquired from sources other than government records.

A third consideration is precedent setting and the difference in treatment between certain public servants. While this bill is limited to judge and judicial staff data, it is not inconceivable that other public employee groups with similarly difficult public interactions (child protection workers, correctional employees, election officers, etc.) could come forward in future years to ask for similar protections. **That is why it is so important that stakeholders find an agreed upon process that balances safety concerns with reasonable workforce limitations and resources.**

We appreciate your considerations of these concerns and hope to continue engaging collaboratively with stakeholders as the session continues.

Sincerely,

A handwritten signature in black ink that reads "Nathan Zacharias". The signature is written in a cursive style with a large, stylized initial "N".

Nathan Zacharias, Technology Policy Analyst
Association of Minnesota Counties



March 17, 2025

Chair Liebling, Chair Scott, and Members of the House Judiciary Finance and Civil Law Committee,

The Minnesota Association of County Officers (MACO) is comprised of the Minnesota County Recorders Association (MCRA) and the Minnesota Association of County Auditors, Treasurers, and Financial Officers (MACATFO) and represents county officers from all 87 Minnesota Counties.

While MACO/MCRA has participated in the Judicial Safety Working Group and appreciates the acceptance of some of our recommendations, several issues causing major concerns remain in House File 2127. If unaddressed, these concerns will present very difficult challenges to county officers resulting in significant strains on county resources and local property taxpayers.

We respectfully provide the following response to House File 2127:

1. To efficiently comply with the retroactive privatization of personal information for judicial officials, it is important to limit the scope to **records made available by the county recorder or other government entity through the internet**. This is especially relevant for tax, assessment, and other real property records, as it is more challenging to identify and mask the specific records needing protection.
2. We continue to have strong concerns regarding the **inclusion of judicial staff** in the draft and assert that the inclusion of staff creates administrative challenges due to the potential large volume of individuals and real properties when combined with retroactivity and other challenges. These challenges will drastically increase any administrative costs to counties and local taxpayers to implement. While it is understandable to protect staff, the Safe at Home program offers more effective and readily available protections.

It is also important to acknowledge the inevitability that this legislation will be expanded in the future to include other professions. This is another reason why we urge careful consideration of the volume of participants in relationship to how counties will be required to administer these provisions.

3. Due to the inherent challenges of retroactively protecting real property records, personal information can be acquired through various means other than from government entities or recorder property records. As a result, we request that the **exclusive remedy** for any violation of this section be a civil penalty of \$5,000, payable to the state general fund.

Retroactively privatizing real property records is challenging. We currently mask records for Safe at Home participants and Federal Judges and their families. Each of these programs is different, and the existence of various laws and processes adds to these challenges, especially where there is not an administrative body managing the program. The suggested improvements above will help alleviate some of these challenges.

Thank you for this opportunity for MACO/MCRA to provide feedback. We look forward to your consideration of our comments and continued future discussions.

Amber Bougie

Amber Bougie
Hennepin County Recorder/Registrar of Titles
Co-Chair, MCRA Legislative Committee

Mary Schreiner

Mary Schreiner
Brown County Recorder/Registrar of Titles
Co-Chair, MCRA Legislative Committee

Michael Stalberger

Michael Stalberger
Blue Earth County
Property & Environmental Resources Director
Co-Chair, MACO Legislative Committee

Julie Hanson

Julie Hanson
Scott County
Property & Customer Service Manager
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