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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 104

02/10/2025 Authored by Feist, Curran and Virnig
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
03/24/2025 Adoption of Report: Amended and re-referred to the Committee on Public Safety Finance and Policy

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, sections 13.871,
1.4 by adding a subdivision; 595.02, by adding a subdivision.

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

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

1.8 Subd. 16. Restorative practices data. Data related to restorative practices program
1.9 participants are governed by section 595.02, subdivision 1b, paragraph (e).

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

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

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

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

1.17 (b) A restorative practice participant shall not disclose any communication, document,
1.18 or other information made or used in the course of or because of a restorative practice except
1.19 as otherwise provided in this paragraph. Nothing in this paragraph exempts restorative
1.20 practice participants from compliance with the provisions of section 626.557 and chapter
1.21 260E. A restorative practice participant may disclose any communication, document, or
1.22 other information if the restorative practice participant reasonably believes that:

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

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

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

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

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