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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2309

03/09/2017 Authored by Lesch
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy
03/19/2018 Adoption of Report: Re-referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; enabling the reporting of information related to the use
1.3 of electronic device location tracking warrants; amending Minnesota Statutes 2016,
1.4 sections 626A.08, subdivision 2; 626A.37, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2016, section 626A.08, subdivision 2, is amended to read:

1.7 Subd. 2. Application and orders. (a) Applications made and warrants issued under this
1.8 chapter shall be sealed by the judge. Custody of the applications and orders shall be wherever
1.9 the judge directs. Such applications and orders shall be disclosed only upon a showing of
1.10 good cause before a judge of the district court and shall not be destroyed except on order
1.11 of the issuing or denying judge, and in any event shall be kept for ten years.

1.12 (b) Notwithstanding paragraph (a), the filing, sealing, and reporting requirements for
1.13 applications made and warrants issued under this chapter that involve location information
1.14 of electronic devices, as defined in section 626A.42, are governed by section 626A.42,
1.15 subdivision 4. However, applications and warrants, or portions of applications and warrants,
1.16 that do not involve location information of electronic devices continue to be governed by
1.17 paragraph (a).

1.18 Sec. 2. Minnesota Statutes 2016, section 626A.37, subdivision 4, is amended to read:

1.19 Subd. 4. Nondisclosure of existence of pen register, trap and trace device, or mobile
1.20 tracking device. (a) An order authorizing or approving the installation and use of a pen
1.21 register, trap and trace device, or a mobile tracking device must direct that:

1.22 (1) the order be sealed until otherwise ordered by the court; and

2.1 (2) the person owning or leasing the line to which the pen register or a trap and trace  
2.2 device is attached, or who has been ordered by the court to provide assistance to the applicant,  
2.3 not disclose the existence of the pen register, trap and trace device, mobile tracking device,  
2.4 or the existence of the investigation to the listed subscriber, or to any other person, unless  
2.5 or until otherwise ordered by the court.

2.6 (b) Paragraph (a) does not apply to an order that involves location information of  
2.7 electronic devices, as defined in section 626A.42. Instead, the filing, sealing, and reporting  
2.8 requirements for those orders are governed by section 626A.42, subdivision 4. However,  
2.9 any portion of an order that does not involve location information of electronic devices  
2.10 continues to be governed by paragraph (a).