

1.1

ARTICLE 2

1.2

COURTS

1.3

Section 1. Minnesota Statutes 2016, section 257.57, subdivision 1, is amended to read:

1.4

Subdivision 1. **Actions under section 257.55, subdivision 1, paragraph (a), (b), or (c).** A child, the child's biological mother, or a man presumed to be the child's father under section 257.55, subdivision 1, paragraph (a), (b), or (c) may bring an action:

1.7

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c); or

1.9

(2) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c), only if the action is brought within ~~two~~ three years after the person bringing the action has reason to believe that the presumed father is not the father of the child, ~~but in no event later than three years after the child's birth.~~ However, if the presumed father was divorced from the child's mother and if, on or before the 280th day after the judgment and decree of divorce or dissolution became final, he did not know that the child was born during the marriage or within 280 days after the marriage was terminated, the action is not barred until ~~one year after the child reaches the age of majority or one year~~ three years after the presumed father knows or reasonably should have known of the birth of the child, ~~whichever is earlier.~~ After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

1.21

Sec. 2. Minnesota Statutes 2016, section 257.57, subdivision 2, is amended to read:

1.22

Subd. 2. **Actions under other paragraphs of section 257.55, subdivision 1.** The child, the mother, or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor may bring an action:

1.28

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under sections 257.55, subdivision 1, paragraph (d), (e), (g), or (h), and 257.62, subdivision 5, paragraph (b), ~~or the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (d);~~

2.1 (2) for the purpose of declaring the nonexistence of the father and child relationship
 2.2 presumed under section 257.55, subdivision 1, paragraph (d), only if the action is brought
 2.3 within three years from when the presumed father began holding the child out as his own;

2.4 (3) for the purpose of declaring the nonexistence of the father and child relationship
 2.5 presumed under section 257.55, subdivision 1, paragraph (e) or (g), only if the action is
 2.6 brought within ~~six months~~ three years after the person bringing the action ~~obtains the results~~
 2.7 of blood or genetic tests that indicate that the presumed father is not the father of the child
 2.8 has reason to believe that the presumed father is not the biological father;

2.9 ~~(3)~~ (4) for the purpose of declaring the nonexistence of the father and child relationship
 2.10 presumed under section 257.62, subdivision 5, paragraph (b), only if the action is brought
 2.11 within three years after the party bringing the action, or the party's attorney of record, has
 2.12 been provided ~~the blood or~~ genetic test results; or

2.13 ~~(4)~~ (5) for the purpose of declaring the nonexistence of the father and child relationship
 2.14 presumed under section 257.75, subdivision 9, only if the action is brought by the minor
 2.15 signatory within ~~six months~~ three years after the youngest minor signatory reaches the age
 2.16 of 18 or three years after the person bringing the action has reason to believe that the father
 2.17 is not the biological father of the child, whichever is later. ~~In the case of a recognition of~~
 2.18 ~~parentage executed by two minor signatories, the action to declare the nonexistence of the~~
 2.19 ~~father and child relationship must be brought within six months after the youngest signatory~~
 2.20 ~~reaches the age of 18.~~

2.21 Sec. 3. Minnesota Statutes 2016, section 257.57, is amended by adding a subdivision to
 2.22 read:

2.23 Subd. 7. **Nonexistence of father-child relationship.** (a) An action to declare the
 2.24 nonexistence of the father-child relationship must be personally served on all parties and
 2.25 meet the requirements of either subdivision 1 or 2. An action must be brought by a petition,
 2.26 except that a motion may be filed in an underlying action regarding parentage, custody, or
 2.27 parenting time.

2.28 (b) An action to declare the nonexistence of the father-child relationship cannot proceed
 2.29 if the court finds that in a previous proceeding:

2.30 (1) the father-child relationship was contested and a court order determined the existence
 2.31 of the father-child relationship; or

2.32 (2) the father-child relationship was determined based upon a court order as a result of
 2.33 a stipulation or joint petition of the parties.

3.1 (c) Nothing in this subdivision precludes a party from relief under section 518.145,
3.2 subdivision 2, clauses (1) to (3), if applicable, or the Minnesota Rules of Civil Procedure.

3.3 (d) In evaluating whether or not to declare the nonexistence of the father-child
3.4 relationship, the court must consider, evaluate, and make written findings on the following
3.5 factors:

3.6 (1) the length of time between the paternity adjudication or presumption of paternity
3.7 and the time that the moving party knew or should have known that the presumed or
3.8 adjudicated father might not be the biological father;

3.9 (2) the length of time during which the presumed or adjudicated father has assumed the
3.10 role of father of the child;

3.11 (3) the facts surrounding the moving party's discovery of the presumed or adjudicated
3.12 father's possible nonpaternity;

3.13 (4) the nature of the relationship between the child and the presumed or adjudicated
3.14 father;

3.15 (5) the current age of the child;

3.16 (6) the harm or benefit that may result to the child if the court ends the father-child
3.17 relationship of the current presumed or adjudicated father;

3.18 (7) the nature of the relationship between the child and any presumed or adjudicated
3.19 father;

3.20 (8) the parties' agreement to the nonexistence of the father-child relationship and
3.21 adjudication of paternity in the same action;

3.22 (9) the extent to which the passage of time reduces the chances of establishing paternity
3.23 of another man and a child support order for that parent;

3.24 (10) the likelihood of adjudication of the biological father if not already joined in this
3.25 action; and

3.26 (11) any additional factors deemed to be relevant by the court.

3.27 (e) The burden of proof shall be on the petitioner to show by clear and convincing
3.28 evidence that, after consideration of the factors in paragraph (d), declaring the nonexistence
3.29 of the father-child relationship is in the child's best interests.

3.30 (f) The court may grant the relief in the petition or motion upon finding that:

3.31 (1) the moving party has met the requirements of this section;

4.1 (2) the genetic testing results were properly conducted in accordance with section 257.62;

4.2 (3) the presumed or adjudicated father has not adopted the child;

4.3 (4) the child was not conceived by artificial insemination that meets the requirements
4.4 under section 257.56 or that the presumed or adjudicated father voluntarily agreed to the
4.5 artificial insemination; and

4.6 (5) the presumed or adjudicated father did not act to prevent the biological father of the
4.7 child from asserting his parental rights with respect to the child.

4.8 (g) Upon granting the relief sought in the petition or motion, the court shall order the
4.9 following:

4.10 (1) the father-child relationship has ended and the presumed or adjudicated father's
4.11 parental rights and responsibilities end upon the granting of the petition;

4.12 (2) the presumed or adjudicated father's name shall be removed from the minor child's
4.13 birth record and a new birth certificate shall be issued upon the payment of any fees;

4.14 (3) the presumed or adjudicated father's obligation to pay ongoing child support shall
4.15 be terminated, effective on the first of the month after the petition or motion was served;

4.16 (4) any unpaid child support due prior to service of the petition or motion remains due
4.17 and owing absent an agreement of all parties including the public authority, or the court
4.18 determines other relief is appropriate under the Rules of Civil Procedure; and

4.19 (5) the presumed or adjudicated father has no right to reimbursement of past child support
4.20 paid to the mother, the public authority, or any other assignee of child support.

4.21 The order must include the provisions of section 257.66 if another party to the action is
4.22 adjudicated as the father of the child.

4.23 Sec. 4. Minnesota Statutes 2016, section 257.75, subdivision 4, is amended to read:

4.24 Subd. 4. **Action to vacate recognition.** (a) An action to vacate a recognition of paternity
4.25 may be brought by the mother, father, husband or former husband who executed a joinder,
4.26 or the child. An action to vacate a recognition of parentage may be brought by the public
4.27 authority. A mother, father, or husband or former husband who executed a joinder must
4.28 bring the action within ~~one year of the execution of the recognition or within six months~~
4.29 ~~after the person bringing the action obtains the results of blood or genetic tests that indicate~~
4.30 ~~that the man who executed the recognition is not the father of the child~~ three years after the
4.31 person bringing the action has reason to believe that the father is not the biological father
4.32 of the child. A child must bring an action to vacate within ~~six months~~ three years after the

5.1 ~~child obtains the result of blood or genetic tests that indicate that~~ has reason to believe the
 5.2 man who executed the recognition is not the biological father of the child, or within one
 5.3 year of reaching the age of majority, whichever is later. If the court finds a prima facie basis
 5.4 for vacating the recognition, the court shall order the child, mother, father, and husband or
 5.5 former husband who executed a joinder to submit to ~~blood~~ genetic tests. If the court issues
 5.6 an order for the taking of ~~blood~~ genetic tests, the court shall require the party seeking to
 5.7 vacate the recognition to make advance payment for the costs of the ~~blood~~ genetic tests,
 5.8 unless the parties agree and the court finds that the previous genetic test results exclude the
 5.9 man who executed the recognition as the biological father of the child. If the party fails to
 5.10 pay for the costs of the ~~blood~~ genetic tests, the court shall dismiss the action to vacate with
 5.11 prejudice. The court may also order the party seeking to vacate the recognition to pay the
 5.12 other party's reasonable attorney fees, costs, and disbursements. If the results of the ~~blood~~
 5.13 genetic tests establish that the man who executed the recognition is not the father, the court
 5.14 shall vacate the recognition. Notwithstanding the vacation of the recognition, the court may
 5.15 adjudicate the man who executed the recognition under any other applicable paternity
 5.16 presumption under section 257.55. If a recognition is vacated, any joinder in the recognition
 5.17 under subdivision 1a is also vacated. The court shall terminate the obligation of a party to
 5.18 pay ongoing child support based on the recognition. A modification of child support based
 5.19 on a recognition may be made retroactive with respect to any period during which the
 5.20 moving party has pending a motion to vacate the recognition but only from the date of
 5.21 service of notice of the motion on the responding party.

5.22 (b) The burden of proof in an action to vacate the recognition is on the moving party.
 5.23 The moving party must request the vacation on the basis of fraud, duress, or material mistake
 5.24 of fact. The legal responsibilities in existence at the time of an action to vacate, including
 5.25 child support obligations, may not be suspended during the proceeding, except for good
 5.26 cause shown.

5.27 **EFFECTIVE DATE.** This section is effective July 1, 2018, and applies to recognition
 5.28 of parentage signed on or after that date.

5.29 Sec. 5. Minnesota Statutes 2016, section 357.021, subdivision 2b, is amended to read:

5.30 Subd. 2b. **Court technology fund.** (a) In addition to any other filing fee under this
 5.31 chapter, the court administrator shall collect a \$2 technology fee on filings made under
 5.32 subdivision 2, clauses (1) to (13). The court administrator shall transmit the fee monthly to
 5.33 the commissioner of management and budget for deposit in the court technology account
 5.34 in the special revenue fund.

6.1 (b) A court technology account is established as a special account in the state treasury
6.2 and funds deposited in the account are appropriated to the Supreme Court for distribution
6.3 of technology funds as provided in paragraph (d). Technology funds may be used for the
6.4 following purposes: acquisition, development, support, maintenance, and upgrades to
6.5 computer systems, equipment and devices, network systems, electronic records, filings and
6.6 payment systems, interactive video teleconferencing, and online services, to be used by the
6.7 state courts and their justice partners.

6.8 (c) The Judicial Council may establish a board consisting of members from the judicial
6.9 branch, prosecutors, public defenders, corrections, and civil legal services to distribute funds
6.10 collected under paragraph (a). The Judicial Council may adopt policies and procedures for
6.11 the operation of the board, including but not limited to policies and procedures governing
6.12 membership terms, removal of members, and the filling of membership vacancies.

6.13 (d) Applications for the expenditure of technology funds shall be accepted from the
6.14 judicial branch, county and city attorney offices, the Board of Public Defense, qualified
6.15 legal services programs as defined under section 480.24, corrections agencies, and part-time
6.16 public defender offices. The applications shall be reviewed by the Judicial Council and, if
6.17 established, the board. In accordance with any recommendations from the board, the Judicial
6.18 Council shall distribute the funds available for this expenditure to selected recipients.

6.19 (e) By January 15, ~~2015~~ 2019, January 15, 2021, January 15, 2023, and ~~by~~ January 15,
6.20 ~~2017~~ 2024, the Judicial Council shall submit a report to the chairs and ranking minority
6.21 members of the house of representatives and senate committees with jurisdiction over
6.22 judiciary finance providing an accounting on the amounts collected and expended in the
6.23 previous biennium, including a list of fund recipients, the amounts awarded to each recipient,
6.24 and the technology purpose funded.

6.25 (f) ~~This subdivision~~ The fee collected under paragraph (a) expires June 30, 2018 2023.
6.26 This subdivision expires December 31, 2023.

6.27 Sec. 6. Minnesota Statutes 2016, section 518.145, subdivision 2, is amended to read:

6.28 Subd. 2. **Reopening.** On motion and upon terms as are just, the court may relieve a party
6.29 from a judgment and decree, order, or proceeding under this chapter, except for provisions
6.30 dissolving the bonds of marriage, annulling the marriage, or directing that the parties are
6.31 legally separated, and may order a new trial or grant other relief as may be just for the
6.32 following reasons:

6.33 (1) mistake, inadvertence, surprise, or excusable neglect;

7.1 (2) newly discovered evidence which by due diligence could not have been discovered
7.2 in time to move for a new trial under the Rules of Civil Procedure, rule 59.03;

7.3 (3) fraud, whether denominated intrinsic or extrinsic, misrepresentation, or other
7.4 misconduct of an adverse party;

7.5 (4) the judgment and decree or order is void; or

7.6 (5) the judgment has been satisfied, released, or discharged, or a prior judgment and
7.7 decree or order upon which it is based has been reversed or otherwise vacated, or it is no
7.8 longer equitable that the judgment and decree or order should have prospective application.

7.9 The motion must be made within a reasonable time, and for a reason under clause (1),
7.10 (2), or (3), other than a motion to declare the nonexistence of the father-child relationship,
7.11 not more than one year after the judgment and decree, order, or proceeding was entered or
7.12 taken. An action to declare the nonexistence of the father-child relationship must be made
7.13 within a reasonable time under clause (1), (2), or (3), and not more than three years after
7.14 the person bringing the action has reason to believe that the father is not the father of the
7.15 child. A motion under this subdivision does not affect the finality of a judgment and decree
7.16 or order or suspend its operation. This subdivision does not limit the power of a court to
7.17 entertain an independent action to relieve a party from a judgment and decree, order, or
7.18 proceeding or to grant relief to a party not actually personally notified as provided in the
7.19 Rules of Civil Procedure, or to set aside a judgment for fraud upon the court.

7.20 Sec. 7. Minnesota Statutes 2016, section 590.11, subdivision 1, is amended to read:

7.21 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following
7.22 terms have the meanings given.

7.23 (b) "Exonerated" means that:

7.24 (1) a court ~~of this state:~~

7.25 (i) ~~vacated or~~ reversed, or set aside a judgment of conviction on grounds consistent with
7.26 innocence and there are no remaining felony charges in effect against the petitioner from
7.27 the same behavioral incident, or if there are remaining felony charges against the petitioner
7.28 from the same behavioral incident, the prosecutor dismissed the dismisses those remaining
7.29 felony charges; or

7.30 (ii) ordered a new trial on grounds consistent with innocence and the prosecutor dismissed
7.31 ~~the charges or the petitioner was found not guilty at the new trial~~ all felony charges against

8.1 the petitioner arising from the same behavioral incident or the petitioner was found not
8.2 guilty of all felony charges arising from the same behavioral incident at the new trial; and

8.3 (2) the time for appeal of the order resulting in exoneration has expired or the order has
8.4 been affirmed and is final; and

8.5 (3) 60 days has passed since the judgment of conviction was reversed or vacated, and
8.6 the prosecutor has not filed any felony charges against the petitioner from the same behavioral
8.7 incident, or if the prosecutor did file felony charges against the petitioner from the same
8.8 behavioral incident, those felony charges were dismissed or the defendant was found not
8.9 guilty of those charges at the new trial.

8.10 (c) "On grounds consistent with innocence" means either:

8.11 (1) exonerated, through a pardon or sentence commutation, based on factual innocence;
8.12 or

8.13 (2) exonerated because the judgment of conviction was vacated or reversed, or a new
8.14 trial was ordered, and there is any evidence of factual innocence whether it was available
8.15 at the time of investigation or trial or is newly discovered evidence.

8.16 Sec. 8. Minnesota Statutes 2016, section 590.11, subdivision 2, is amended to read:

8.17 Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based
8.18 on exoneration under sections 611.362 to 611.368 must be brought before the district court
8.19 where the original conviction was obtained. The state must be represented by the office of
8.20 the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days
8.21 after the filing of the petition, the prosecutor must respond to the petition. A petition must
8.22 be brought within two years, but no less than 60 days after the petitioner is exonerated.

8.23 ~~Persons released from custody after being exonerated before July 1, 2014, must commence~~
8.24 ~~an action under this section within two years of July 1, 2014. If, before July 1, 2018, a person~~
8.25 did not meet both requirements of Minnesota Statutes 2016, section 590.11, subdivision 1,
8.26 paragraph (b), clause (1), item (i), and did not file a petition or the petition was denied, that
8.27 person may commence an action meeting the requirements under section 7, subdivision 1,
8.28 paragraph (b), clause (1), item (i), on or after July 1, 2018, and before July 1, 2020.

8.29 Sec. 9. Minnesota Statutes 2016, section 590.11, subdivision 5, is amended to read:

8.30 Subd. 5. **Elements.** (a) A claim for compensation arises if a person is eligible for
8.31 compensation under subdivision 3 and:

9.1 (1) the person was convicted of a felony and served any part of the imposed sentence
9.2 ~~in prison;~~

9.3 (2) in cases where the person was convicted of multiple charges arising out of the same
9.4 behavioral incident, the person was exonerated for all of those charges;

9.5 (3) the person did not commit or induce another person to commit perjury or fabricate
9.6 evidence to cause or bring about the conviction; and

9.7 (4) the person was not serving a term of ~~imprisonment~~ incarceration for another crime
9.8 at the same time, ~~provided that~~ except:

9.9 (i) if the person served additional time in prison due to the conviction that is the basis
9.10 of the claim, the person may make a claim for that portion of time served in prison during
9.11 which the person was serving no other sentence; or

9.12 (ii) if the person served additional executed sentences that had been previously stayed,
9.13 and the reason the additional stayed sentences were executed was due to the conviction that
9.14 is the basis for the claim.

9.15 (b) A claimant may make a claim only for that portion of time served in prison during
9.16 which the claimant was serving no other sentence unless the other sentence arose from the
9.17 circumstances described in paragraph (a), clause (4), item (ii).

9.18 (c) A confession or admission later found to be false or a guilty plea to a crime the
9.19 claimant did not commit does not constitute bringing about the claimant's conviction for
9.20 purposes of paragraph (a), clause (3).

9.21 Sec. 10. Minnesota Statutes 2016, section 590.11, subdivision 7, is amended to read:

9.22 Subd. 7. **Order.** If, after considering all the files and records admitted and any evidence
9.23 admitted at a hearing held pursuant to subdivision 4, the court determines that the petitioner
9.24 is eligible for compensation, the court shall issue an order containing its findings and, if
9.25 applicable, indicate the portion of the term of ~~imprisonment~~ incarceration for which the
9.26 petitioner is entitled to make a claim. The court shall notify the petitioner of the right to file
9.27 a claim for compensation under sections 611.362 to 611.368 and provide the petitioner with
9.28 a copy of those sections. The petitioner must acknowledge receipt of the notice and a copy
9.29 of those sections in writing or on the record before the court.

10.1 Sec. 11. Minnesota Statutes 2016, section 609.015, subdivision 1, is amended to read:

10.2 Subdivision 1. **Common law crimes abolished.** Common law crimes are abolished and
 10.3 no act or omission is a crime unless made so by this chapter or by other applicable statute;
 10.4 ~~but~~. This does not prevent the use of common law rules in the construction or interpretation
 10.5 of the provisions of this chapter or other statute except that a law reducing a sentence does
 10.6 not apply to crimes committed prior to the date on which the change takes effect unless the
 10.7 statute specifically states otherwise. Crimes committed prior to September 1, 1963, are not
 10.8 affected thereby.

10.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.10 Sec. 12. Minnesota Statutes 2016, section 611.365, subdivision 2, is amended to read:

10.11 Subd. 2. **Reimbursement; monetary damages; attorney fees.** (a) The claimant is
 10.12 entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums
 10.13 paid by the claimant as required by the judgment and sentence. In addition, the claimant is
 10.14 entitled to monetary damages of not less than \$50,000 for each year of ~~imprisonment~~
 10.15 incarceration, and not less than \$25,000 for each year served on supervised release or as a
 10.16 registered predatory offender, to be prorated for partial years served. In calculating additional
 10.17 monetary damages, the panel shall consider:

10.18 (1) economic damages, including reasonable attorney fees, lost wages, reimbursement
 10.19 for costs associated with the claimant's criminal defense;

10.20 (2) reimbursement for medical and dental expenses that the claimant already incurred
 10.21 and future unpaid expenses expected to be incurred as a result of the claimant's ~~imprisonment~~
 10.22 incarceration;

10.23 (3) noneconomic damages for personal physical injuries or sickness and any nonphysical
 10.24 injuries or sickness incurred as a result of ~~imprisonment~~ incarceration;

10.25 (4) reimbursement for any tuition and fees paid for each semester successfully completed
 10.26 by the claimant in an educational program or for employment skills and development training,
 10.27 up to the equivalent value of a four-year degree at a public university, and reasonable
 10.28 payment for future unpaid costs for education and training, not to exceed the anticipated
 10.29 cost of a four-year degree at a public university;

10.30 (5) reimbursement for paid or unpaid child support payments owed by the claimant that
 10.31 became due, and interest on child support arrearages that accrued, during the time served
 10.32 in prison provided that there shall be no reimbursement for any child support payments
 10.33 already owed before the claimant's incarceration; and

11.1 (6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for
11.2 immediate services secured by the claimant upon exoneration and release, including housing,
11.3 transportation and subsistence, reintegrative services, and medical and dental health care
11.4 costs.

11.5 (b) The panel shall award the claimant reasonable attorney fees incurred in bringing a
11.6 claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for
11.7 compensation based on exoneration under chapter 590.

11.8 Sec. 13. Minnesota Statutes 2016, section 611.365, subdivision 3, is amended to read:

11.9 Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages
11.10 that may be awarded under this section. Damages that may be awarded under subdivision
11.11 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of ~~imprisonment~~
11.12 incarceration and \$50,000 per year served on supervised release or as a registered predatory
11.13 offender.

11.14 Sec. 14. Minnesota Statutes 2016, section 611.367, is amended to read:

11.15 **611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS**
11.16 **PROCESS.**

11.17 The compensation panel established in section 611.363 shall forward an award of damages
11.18 under section 611.365 to the commissioner of management and budget. The commissioner
11.19 shall submit the amount of the award to the legislature for consideration as an appropriation
11.20 ~~during the next session of the legislature.~~

11.21 Sec. 15. Minnesota Statutes 2016, section 611.368, is amended to read:

11.22 **611.368 SHORT TITLE.**

11.23 Sections 611.362 to 611.368 shall be cited as the "~~Imprisonment~~ Incarceration and
11.24 Exoneration Remedies Act."

11.25 Sec. 16. Minnesota Statutes 2016, section 626A.08, subdivision 2, is amended to read:

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

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

12.7 Sec. 17. Minnesota Statutes 2016, section 626A.37, subdivision 4, is amended to read:

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

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

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

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