

ARTICLE 10**EVIDENCE GATHERING AND REPORTING**

Section 1. Minnesota Statutes 2022, section 13A.02, subdivision 1, is amended to read:

Subdivision 1. **Access by government.** Except as authorized by this chapter, no government authority may have access to, or obtain copies of, or the information contained in, the financial records of any customer from a financial institution unless the financial records are reasonably described and:

(1) the customer has authorized the disclosure;

(2) the financial records are disclosed in response to a search warrant;

(3) the financial records are disclosed in response to a judicial or administrative subpoena;

(4) the financial records are disclosed to law enforcement, a lead investigative agency as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating financial exploitation of a vulnerable adult in response to a judicial subpoena or administrative subpoena under section 388.23; or

(5) the financial records are disclosed pursuant to section 609.527 or 609.535 or other statute or rule.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 2. Minnesota Statutes 2022, section 13A.02, subdivision 2, is amended to read:

Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or agent of a financial institution, may provide to any government authority access to, or copies of, or the information contained in, the financial records of any customer except in accordance with the provisions of this chapter.

Nothing in this chapter shall require a financial institution to inquire or determine that those seeking disclosure have duly complied with the requirements of this chapter, provided only that the customer authorization, search warrant, subpoena, or written certification pursuant to section 609.527, subdivision 8; 609.535, subdivision 6; 626.557; or other statute or rule, served on or delivered to a financial institution shows compliance on its face.

EFFECTIVE DATE. This section is effective August 1, 2023.

2.1 Sec. 3. Minnesota Statutes 2022, section 609.527, subdivision 1, is amended to read:

2.2 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
2.3 meanings given them in this subdivision.

2.4 (b) "Direct victim" means any person or entity described in section 611A.01, paragraph
2.5 (b), whose identity has been transferred, used, or possessed in violation of this section.

2.6 (c) "False pretense" means any false, fictitious, misleading, or fraudulent information
2.7 or pretense or pretext depicting or including or deceptively similar to the name, logo, website
2.8 address, email address, postal address, telephone number, or any other identifying information
2.9 of a for-profit or not-for-profit business or organization or of a government agency, to which
2.10 the user has no legitimate claim of right.

2.11 (d) "Financial institution" has the meaning given in section 13A.01, subdivision 2.

2.12 (e) "Identity" means any name, number, or data transmission that may be used, alone or
2.13 in conjunction with any other information, to identify a specific individual or entity, including
2.14 any of the following:

2.15 (1) a name, Social Security number, date of birth, official government-issued driver's
2.16 license or identification number, government passport number, or employer or taxpayer
2.17 identification number;

2.18 (2) unique electronic identification number, address, account number, or routing code;
2.19 or

2.20 (3) telecommunication identification information or access device.

2.21 ~~(e)~~ (f) "Indirect victim" means any person or entity described in section 611A.01,
2.22 paragraph (b), other than a direct victim.

2.23 ~~(f)~~ (g) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause
2.24 (3), and expenses incurred by a direct or indirect victim as a result of a violation of this
2.25 section.

2.26 ~~(g)~~ (h) "Unlawful activity" means:

2.27 (1) any felony violation of the laws of this state or any felony violation of a similar law
2.28 of another state or the United States; and

2.29 (2) any nonfelony violation of the laws of this state involving theft, theft by swindle,
2.30 forgery, fraud, or giving false information to a public official, or any nonfelony violation
2.31 of a similar law of another state or the United States.

3.1 ~~(h)~~ (i) "Scanning device" means a scanner, reader, or any other electronic device that is
3.2 used to access, read, scan, obtain, memorize, or store, temporarily or permanently,
3.3 information encoded on a computer chip or magnetic strip or stripe of a payment card,
3.4 driver's license, or state-issued identification card.

3.5 ~~(i)~~ (j) "Reencoder" means an electronic device that places encoded information from the
3.6 computer chip or magnetic strip or stripe of a payment card, driver's license, or state-issued
3.7 identification card, onto the computer chip or magnetic strip or stripe of a different payment
3.8 card, driver's license, or state-issued identification card, or any electronic medium that
3.9 allows an authorized transaction to occur.

3.10 ~~(j)~~ (k) "Payment card" means a credit card, charge card, debit card, or any other card
3.11 that:

3.12 (1) is issued to an authorized card user; and

3.13 (2) allows the user to obtain, purchase, or receive credit, money, a good, a service, or
3.14 anything of value.

3.15 **EFFECTIVE DATE.** This section is effective August 1, 2023.

3.16 Sec. 4. Minnesota Statutes 2022, section 609.527, is amended by adding a subdivision to
3.17 read:

3.18 **Subd. 8. Release of limited account information to law enforcement authorities.** (a)
3.19 A financial institution may release the information described in paragraph (b) to a law
3.20 enforcement or prosecuting authority that certifies in writing that it is investigating or
3.21 prosecuting a crime of identity theft under this section. The certification must describe with
3.22 reasonable specificity the nature of the suspected identity theft that is being investigated or
3.23 prosecuted, including the dates of the suspected criminal activity.

3.24 (b) This subdivision applies to requests for the following information relating to a
3.25 potential victim's account:

3.26 (1) the name of the account holder or holders; and

3.27 (2) the last known home address and telephone numbers of the account holder or holders.

3.28 (c) A financial institution may release the information requested under this subdivision
3.29 that it possesses within a reasonable time after the request. The financial institution may
3.30 not impose a fee for furnishing the information.

3.31 (d) A financial institution is not liable in a criminal or civil proceeding for releasing
3.32 information in accordance with this subdivision.

4.1 (e) Release of limited account information to a law enforcement agency under this
4.2 subdivision is criminal investigative data under section 13.82, subdivision 7, except that
4.3 when the investigation becomes inactive the account information remains confidential data
4.4 on individuals or protected nonpublic data.

4.5 **EFFECTIVE DATE.** This section is effective August 1, 2023.

4.6 Sec. 5. Minnesota Statutes 2022, section 626.14, subdivision 2, is amended to read:

4.7 Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means
4.8 a search warrant authorizing peace officers to enter certain premises without first ~~knocking~~
4.9 ~~and loudly and understandably~~ announcing the officer's presence or purpose and waiting
4.10 an objectively reasonable amount of time thereafter for the occupant to comply, based on
4.11 a totality of the circumstances, prior to entering the premises. ~~No-knock search warrants~~
4.12 may also be referred to as dynamic entry warrants.

4.13 Sec. 6. Minnesota Statutes 2022, section 626.14, is amended by adding a subdivision to
4.14 read:

4.15 Subd. 2a. **No-knock search warrants.** A court may not issue or approve a no-knock
4.16 search warrant unless the judge determines that the applicant has articulated specific,
4.17 objective facts that establish probable cause for belief that:

4.18 (1) the search cannot be executed while the premises is unoccupied; and

4.19 (2) the occupant or occupants in the premises present an imminent threat of death or
4.20 great bodily harm to the officers executing the warrant or other persons.

4.21 Sec. 7. Minnesota Statutes 2022, section 626.14, subdivision 3, is amended to read:

4.22 Subd. 3. **Requirements for a no-knock search warrant.** (a) No peace officer shall
4.23 seek a no-knock search warrant unless the warrant application includes at a minimum:

4.24 (1) all documentation and materials the issuing court requires;

4.25 (2) the information specified in paragraph (b); and

4.26 (3) a sworn affidavit as provided in section 626.08.

4.27 (b) Each warrant application seeking a no-knock entry must include, in detailed terms,
4.28 the following:

5.1 (1) why peace officers are seeking the use of a no-knock entry and are unable to detain
 5.2 the suspect or search the ~~residence~~ premises safely through the use of a knock and announce
 5.3 warrant;

5.4 (2) what investigative activities have taken place to support issuance of the no-knock
 5.5 search warrant, or why no investigative activity is needed or able to be performed; ~~and~~

5.6 (3) the known or suspected occupant or occupants of the premises, including the number
 5.7 of occupants under age 18; and

5.8 ~~(3)~~ (4) whether the warrant can be effectively executed during daylight hours according
 5.9 to subdivision 1.

5.10 (c) The chief law enforcement officer or designee and another superior officer must
 5.11 review and approve each warrant application. The agency must document the approval of
 5.12 both reviewing parties.

5.13 (d) A no-knock search warrant shall not be issued when the only crime alleged is
 5.14 possession of a controlled substance unless there is probable cause to believe that the
 5.15 controlled substance is for other than personal use.

5.16 Sec. 8. Minnesota Statutes 2022, section 626.15, is amended to read:

5.17 **626.15 EXECUTION AND RETURN OF WARRANT; TIME.**

5.18 (a) Except as provided in ~~paragraph~~ paragraphs (b) and (c), a search warrant must be
 5.19 executed and returned to the court which issued it within ten days after its date. After the
 5.20 expiration of this time, the warrant is void unless previously executed.

5.21 (b) A search warrant on a financial institution for financial records is valid for 30 days.

5.22 (c) A district court judge may grant an extension of a warrant on a financial institution
 5.23 for financial records upon an application under oath stating that the financial institution has
 5.24 not produced the requested financial records within ~~ten days~~ the 30-day period and that an
 5.25 extension is necessary to achieve the purposes for which the search warrant was granted.
 5.26 Each extension may not exceed 30 days.

5.27 (d) For the purposes of this ~~paragraph~~ section, "financial institution" has the meaning
 5.28 given in section 13A.01, subdivision 2, and "financial records" has the meaning given in
 5.29 section 13A.01, subdivision 3.

5.30 **EFFECTIVE DATE.** This section is effective August 1, 2023.

6.1 Sec. 9. Minnesota Statutes 2022, section 626.21, is amended to read:

6.2 **626.21 RETURN OF PROPERTY AND SUPPRESSION OF EVIDENCE.**

6.3 (a) A person aggrieved by an unlawful search and seizure may move the district court
6.4 for the district in which the property was seized or the district court having jurisdiction of
6.5 the substantive offense for the return of the property and to suppress the use, as evidence,
6.6 of anything so obtained on the ground that:

6.7 (1) the property was illegally seized,~~or~~;

6.8 (2) the property was illegally seized without warrant,~~or~~;

6.9 (3) the warrant is insufficient on its face,~~or~~;

6.10 (4) the property seized is not that described in the warrant,~~or~~;

6.11 (5) there was not probable cause for believing the existence of the grounds on which the
6.12 warrant was issued,~~or~~;

6.13 (6) the warrant was illegally executed,~~or~~;

6.14 (7) the warrant was improvidently issued;or

6.15 (8) the warrant was executed or served in violation of section 626.14.

6.16 (b) The judge shall receive evidence on any issue of fact necessary to the decision of
6.17 the motion. If the motion is granted the property shall be restored unless otherwise subject
6.18 to lawful detention, and it shall not be admissible in evidence at any hearing or trial. The
6.19 motion to suppress evidence may also be made in the district where the trial is to be had.
6.20 The motion shall be made before trial or hearing unless opportunity therefor did not exist
6.21 or the defendant was not aware of the grounds for the motion, but the court in its discretion
6.22 may entertain the motion at the trial or hearing.

6.23 Sec. 10. **[626.5535] CARJACKING; REPORTING REQUIRED.**

6.24 Subdivision 1. Definition. For purposes of this section, "carjacking" means a violation
6.25 of section 609.247.

6.26 Subd. 2. Use of information collected. (a) The head of a local law enforcement agency
6.27 or state law enforcement department that employs peace officers, as defined in section
6.28 626.84, subdivision 1, paragraph (c), must forward the following carjacking information
6.29 from the agency's or department's jurisdiction for the previous year to the commissioner of
6.30 public safety by January 15 each year:

6.31 (1) the number of carjacking attempts;

7.1 (2) the number of carjackings;

7.2 (3) the ages of the offenders;

7.3 (4) the number of persons injured in each offense;

7.4 (5) the number of persons killed in each offense; and

7.5 (6) weapons used in each offense, if any.

7.6 (b) The commissioner of public safety must include the data received under paragraph

7.7 (a) in a separate carjacking category in the department's annual uniform crime report.

7.8 Sec. 11. Minnesota Statutes 2022, section 626A.35, is amended by adding a subdivision
7.9 to read:

7.10 Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition under subdivision 1
7.11 does not apply to the use of a mobile tracking device on a stolen motor vehicle when:

7.12 (1) the consent of the owner of the vehicle has been obtained; or

7.13 (2) the owner of the motor vehicle has reported to law enforcement that the vehicle is
7.14 stolen, and the vehicle is occupied when the tracking device is installed.

7.15 (b) Within 24 hours of a tracking device being attached to a vehicle pursuant to the
7.16 authority granted in paragraph (a), clause (2), an officer employed by the agency that attached
7.17 the tracking device to the vehicle must remove the device, disable the device, or obtain a
7.18 search warrant granting approval to continue to use the device in the investigation.

7.19 (c) A peace officer employed by the agency that attached a tracking device to a stolen
7.20 motor vehicle must remove the tracking device if the vehicle is recovered and returned to
7.21 the owner.

7.22 (d) Any tracking device evidence collected after the motor vehicle is returned to the
7.23 owner is inadmissible.

7.24 (e) By August 1, 2024, and each year thereafter, the chief law enforcement officer of an
7.25 agency that obtains a search warrant under paragraph (b), must provide notice to the
7.26 superintendent of the Bureau of Criminal Apprehension of the number of search warrants
7.27 the agency obtained under this subdivision in the preceding 12 months. The superintendent
7.28 must provide a summary of the data received pursuant to this paragraph in the bureau's
7.29 biennial report to the legislature required under section 299C.18.

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