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| **Section** | **S.F. 2466, Second Engrossment** | **S.F. 2466, First Unofficial Engrossment** |
| 1 | Amends a provision in Minnesota Statutes, chapter 626A (Privacy of Communications; Wire, Electronic, and Oral Interception) addressing access to records of providers of electronic communication services or remote computing services. Specifies that these providers may not disclose location information covered by section 2 to a government entity, except as provided in section 2. | **Similar.** The Senate and House language is intended to accomplish the same purpose. The Senate language is placed in a separate paragraph while the House references section 2 in an existing paragraph of law. |
| 2  2  2 | **Subdivision 1** defines “adverse result”, “electronic communication service”, “electronic device”, “government entity”,  “location information”, “location information service”,  “remote computing service”, and "tracking warrant".  **Subdivision 2** requires a government entity to secure a tracking warrant before collecting electronic device location information. A warrant is to be issued only if the entity shows there is probable cause that the person who possesses the device is committing, has committed, or is about to commit a criminal offense. Provides exceptions to the tracking warrant requirement in cases where there is consent, an emergency, a stolen device, or a missing person.  **Subdivision 3** establishes a 60-day maximum effective period for tracking warrants issued under this section and allows for extensions under certain circumstances. These limitations apply to tracking warrants for the contemporaneous collection of electronic device location information.  **Subdivision 4** requires government entities to provide notice within three days to individuals who have their location information collected. Allows for delayed notice (90-day extensions) in certain circumstances. A government entity may include in its application for the warrant a request for an order delaying the initial notice and/or to direct a provider to whom the warrant is directed not to inform anyone of the warrant’s existence. Requires notice to be by registered or first class mail and specifies the contents of the notice.  **Subdivision 5** requires judges to report to the State Court Administrator on warrant applications and notices of warrantless collection of location information that judges receive each year. The State Court Administrator must annually report to the Legislature on these issues and publish the report on the Internet.  **Subdivision 6** prohibits evidence obtained in violation of this section from being admitted in any criminal, civil, administrative, or other proceeding. Requires at least a ten day notice to be given to parties when evidence collected under this section is to be offered as evidence in a legal dispute. | **Identical,** except the House does not define (or use the term) tracking warrant. Instead, the House generally requires a court order for government entities to obtain location information.  **Similar.** The Senate and House differ on allowing location information to be obtained by a government entity without a tracking warrant/court order in emergency situations. The House requires that it be an emergency situation involving the risk of death or serious physical harm, while the Senate requires that it involve immediate danger of death or serious physical injury. The Senate further provides that the emergency must require obtaining the information without delay, the search be narrowly tailored to address the emergency, and the government entity document the basis for the access and set forth the grounds for access to a court within 48 hours.  **Identical,** except for the references to court orders rather than tracking warrants.  **Different.** The House differs in a number of ways. To generalize, the House notice provisions require less information to be disclosed (and requires that the judge (and not the government entity) make the disclosure) and would likely result in delayed notification compared to the Senate.  The House:   * Automatically seals an order authorizing the collection of location information for 90 days or until the order’s objective has been achieved, whichever is shorter, and requires that the order be filed with the court within ten days of its expiration. * Authorizes the prosecutor to request that the order not be filed. This request must be granted if the court finds reasonable grounds to believe that filing the order may cause the search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation. * Provides that within a reasonable time, but not later than 90 days after the court unseals an order, notice must be given that includes: * the fact of the issuance of the order or the application; * the date of the issuance and the period of authorized, approved, or disapproved collection of location information, or the denial of the application; and * the fact that during the period location information was or was not intercepted.   **Different.** The House differs on the specific information required to be reported and the timeframe for so doing. Of particular note, the House does not require reporting of emergency access to location information. In addition, the House requires that the state court administrator’s report to the legislature occur in each even-numbered year while the Senate requires an annual report. The Senate authorizes the state court administrator to issue binding regulations concerning the content and form of the reports from individual judges.  **No comparable provision.** |