

1.1 moves to amend H.F. No. 1744 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2024, section 626A.35, subdivision 2b, is amended to read:

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

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

1.7 (2) the owner of the motor vehicle has reported to law enforcement that the vehicle is
1.8 stolen, ~~and the vehicle is occupied when the tracking device is installed~~ and the stolen
1.9 vehicle is not on private property.

1.10 (b) Within ~~24~~ 12 hours of a tracking device being attached to a vehicle pursuant to the
1.11 authority granted in paragraph (a), clause (2), an officer employed by the agency that attached
1.12 the tracking device to the vehicle must remove the device, disable the device, or obtain a
1.13 search warrant granting approval to continue to use the device in the investigation.

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

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

1.19 (e) When a peace officer attaches a tracking device to a stolen vehicle pursuant to
1.20 paragraph (a), clause (2), the peace officer must prepare a report that includes the evidence
1.21 relied upon to establish the vehicle was reported stolen, the date and time the device was
1.22 attached to the vehicle, the method used to attach the device to the vehicle, the duration for
1.23 which the tracking device was attached to the vehicle, and an explanation of how the device

impacted the outcome of the investigation. Reports created under this paragraph must be retained as part of the criminal investigation file.

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

Sec. 2. Minnesota Statutes 2024, section 626A.35, is amended by adding a subdivision to read:

Subd. 2c. **Exception; fleeing motor vehicles.** (a) The prohibition under subdivision 1 does not apply to the use of a mobile tracking device on a fleeing motor vehicle.

(b) If a mobile tracking device is attached to a vehicle pursuant to the authority granted in paragraph (a) and the vehicle is not in the custody of law enforcement within 12 hours of the mobile tracking device being attached to the vehicle, an officer employed by the agency that attached the tracking device to the vehicle must remove the device, disable the device, or obtain a search warrant granting approval to continue to use the device in the investigation.

(c) A peace officer employed by the agency that attached a tracking device to a fleeing motor vehicle must remove the tracking device if the vehicle is recovered, determined to be stolen, and returned to the owner. Any tracking device evidence collected after the motor vehicle is returned to the owner is inadmissible.

(d) When a peace officer attaches a tracking device to a fleeing vehicle pursuant to paragraph (a), the peace officer must prepare a report that includes the evidence relied upon to establish the vehicle was fleeing, the date and time the device was attached to the vehicle, the method used to attach the device to the vehicle, the duration for which the tracking device was attached to the vehicle, and an explanation of how the device impacted the outcome of the investigation. Reports created under this paragraph must be retained as part of the criminal investigation file.

(e) By August 1, 2026, and each year thereafter, the chief law enforcement officer of an agency that obtains a search warrant under paragraph (b), must provide notice to the superintendent of the Bureau of Criminal Apprehension of the number of search warrants the agency obtained under this subdivision in the preceding 12 months. The superintendent

- 3.1 must provide a summary of the data received pursuant to this paragraph in the bureau's
- 3.2 biennial report to the legislature required under section 299C.18.
- 3.3 (f) For purposes of this subdivision, "flee" has the meaning given in section 609.487,
- 3.4 subdivision 1."
- 3.5 Amend the title accordingly