

Rich Neumeister Testimony House File 2910

Good afternoon,

The bill, House File 2910, will allow law enforcement to install a 'tracking device' without a search warrant on a vehicle.

The proposal is being tortuously used to avoid Fourth Amendment protections which all Minnesotans are entitled to. It is greatly expanding the use of tracking devices other than recovering and returning a stolen vehicle to their owners, but for other criminal investigations without a search warrant.

If one takes the legislation to the maximum, every time a police officer becomes aware of a reported stolen vehicle with a computer check or a hit based on a license plate reader, a tracking device could be placed on a vehicle.

Over the last decade, there have been a number of court decisions that have made it clear that tracking devices could only be attached with a warrant supported by probable cause, or under a recognized exception to the warrant requirement.

The underlying tracking device statute that this bill is being amended to needs to be updated, since it does not recognize what the Court of Appeals recognized - that a warrant is needed, and not a court order with the "reason to believe" standard, as is the case with the fundamental statute.

Any changes to the statute need to reflect the legal landscape that have taken place over the last decade such as with the 2016 Minnesota Court of Appeals decision, and the Jones 2012 United States Supreme Court case.

The broad expansion of exceptions as proposed I contend are faulty and run contrary to Fourth Amendment safeguards. The bill undermines the need for a search warrant.

Advanced technology use by law enforcement does challenge the Fourth Amendment and our statutory privacy protection schemes. As the Minnesota Legislature so well knows with recent statutes in use of license plate readers and cellular exploitative devices known as Stingrays.

It is clear-cut, the installment of a tracking device on a vehicle is a search, a search warrant is needed to fix a tracking device on a vehicle unless there is an authentic warrant exception to the Fourth Amendment protections.