House Research
Act Summary

CHAPTER: 197   **SESSION:** 2001 Regular Session

TOPIC: Attorney general's and county attorneys' subpoena power; penalties for child pornography; search warrants relating to electronic communication services and remote computing services

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Overview

This act expands the scope of both a county attorney's and the attorney general's subpoena power. The act permits private correctional facility guards to carry guns without a permit if authorized by the commissioner of corrections. The act increases the penalties for possession and dissemination of child pornography. The act also requires certain foreign corporations conducting business in Minnesota to comply with search warrants issued by Minnesota courts that seek electronic data. Likewise, the act requires certain Minnesota corporations to comply with search warrants issued by non-Minnesota courts that seek electronic data.

1   **Attorney general's subpoena power.** Expands the scope of the attorney general's subpoena power by allowing the attorney general to demand production from private computer networks of all information regarding their subscribers, not just subscribers' names and addresses.

2   **Supervision over correctional institutions.** Allows the commissioner of corrections to grant a private correctional facility the authority to allow its guards to carry weapons without a permit.

3   **Authority.** Expands the scope of county attorneys' subpoena power by allowing them to demand production from private computer networks of all information regarding their subscribers, not just subscribers' names and addresses.

4   **Dissemination of child pornography.**

       Subd. 3. Dissemination prohibited. Increases the penalties for knowingly disseminating child pornography from a five-year felony to a seven-year felony for a first offense and from a ten-year felony to fifteen-year felony for a subsequent offense. Makes dissemination of child pornography by a registered predatory sex offender a ten-year felony.

5   **Possession of child pornography.**

Subd. 4. Possession prohibited. Increases the penalties for knowingly possessing child pornography from a three-year felony to a five-year felony for a first offense and from a five-year felony to ten-year felony for a subsequent offense. Makes possession of child pornography by a registered predatory sex offender a ten-year felony.

6 **Search warrants relating to electronic communication services and remote computing services.**

Subd. 1. Definitions. Defines the following terms: "electronic communication services"; "remote computing services"; "adverse result"; "applicant"; "Minnesota corporation"; "foreign corporation"; and "properly served."

Subd. 2. Application. Requires foreign corporations that conduct business in Minnesota and that provide electronic communication services or remote computing services to the general public to comply, within eight business days, with a search warrant for client records and communications issued by a Minnesota court. Addresses procedural elements of compliance with a search warrant issued under this section such as response-time variances, quashing a warrant, and affidavits of authenticity.

Subd. 3. Warrant from another state. Requires Minnesota corporations that provide electronic communication services or remote computing services to the general public to comply with search warrants for client records and communications issued by non-Minnesota courts.

Subd. 4. Immunity. Provides immunity to corporations and their employees from lawsuits filed against them based on their efforts to comply with a warrant issued under this section.

7 **Effective date.** Sections 1 to 6 are effective August 1, 2001. Sections 4 and 5 apply to crimes committed on or after that date.