

House Research Act Summary

CHAPTER: 278

SESSION: 2014 Regular Session

TOPIC: Electronic device location information

Analyst: Jeff Diebel

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Overview

This act requires law enforcement to secure a tracking warrant before collecting electronic device location information from individuals. The act establishes several exceptions to the tracking warrant requirement and requires that notice be provided to individuals who have their location information collected.

Section

1 Records concerning electronic communication service or remote computing service. Creates a cross reference to section **Error! Reference source not found.** that makes it clear that electronic device location information is treated differently under statute than other records maintained by electronic communication services or remote computing services.

2 Electronic device location information.

Subd. 1. Definitions. Defines the following terms: “electronic device,” “electronic communication service,” “government entity,” “location information,” “location information service,” “remote computing service,” and “tracking warrant.”

Subd. 2. Tracking warrant required for location information. Requires a government entity to secure a tracking warrant prior to collecting electronic device location information. Tracking warrants may be issued as part of an investigation of any crime. Creates exceptions to the tracking warrant requirement in cases where there is consent, an emergency, a stolen device, or a missing person.

Subd. 3. Time period and extensions. Establishes a 60-day maximum effective date for tracking warrants issued under this section that seek to collect location

Section

information contemporaneously. Allows for extensions of warrants for up to 60 days

Subd. 4. Notice. Requires government entities to provide notice to individuals who have their location information collected within 90 days. Establishes what information shall be included in the notice. Allows for delayed notice in certain circumstances.

Subd. 5. Reporting. Requires judges to report to the state court administrator on the requests for location information received from government entities. The state court administrator must submit a report to the legislature each year and make the report publicly available.

Subd. 6. Prohibition on use of evidence. Prohibits the use of evidence collected in violation of this section from being admitted in court. Requires ten-day advance notice to all parties when a party intends to introduce evidence collected under this section.