

SC5564 – Warrant required for government entity access to electronic communication information

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Overview

SC5564 is a bill draft of Sections 7, 10-15, and 17 of SF 1263, 2nd Engrossment, passed by the Senate on May 17, 2019.

Summary

This bill draft requires a government entity to obtain a search warrant prior to accessing electronic communication information.

Section 1. Search warrant required for electronic communication information.

Subd. 1. Definitions. Defines the terms “electronic communication,” “electronic communication information,” “electronic communication service,” and “government entity.” Of note, “electronic communication information” is limited to the contents of electronic communications and the precise or approximate location of the sender or recipient at any point during the communication.

Subd. 2. Warrant required; exceptions. Requires a government entity to obtain a search warrant to require disclosure of electronic communication information unless the agency obtains consent or exigent circumstances exist.

Subd. 3. Notice to subject. Requires a government entity accessing electronic communication information to provide notice to the subject.

Subd. 4. Notice; temporary nondisclosure of search warrant. Provides service and filing requirements.

Subd. 5. Reports. Requires judicial reports to the state court administrator, who subsequently provides a report to the legislature.

Sections 2-8 make conforming changes.