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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3513

02/12/2024

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

1.2 relating to state government; prohibiting government entities from requesting or

1.3 obtaining reverse-location information; prohibiting the use of reverse-location

1.4 information from being used in a criminal action; prohibiting a court from issuing

1.5 a court order to obtain reverse-location data; providing a civil cause of action when

1.6 reverse-location data is obtained by a government entity; proposing coding for

1.7 new law in Minnesota Statutes, chapters 13; 626A.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. [13.083] PRIVATE RIGHT OF ACTION; REVERSE-LOCATION DATA.

1.10 (a) Any person whose name or other identifying information was obtained by a

1.11 government entity in violation of section 626A.45 shall be notified of the violation, in

1.12 writing. The notification must come from the government entity who committed the violation

1.13 or who employs the individual who committed the violation, and include the legal recourse

1.14 available to that person under paragraph (b).

1.15 (b) Any person whose name or other identifying information was obtained by a

1.16 government entity in violation of section 626A.45 may bring a civil action against such

1.17 governmental entity and the court may award the following relief:

1.18 (1) \$1,000 per violation or actual damages, whichever is greater;

1.19 (2) punitive damages consistent with section 549.191;

1.20 (3) injunctive or declaratory relief;

1.21 (4) attorney fees and costs to a prevailing plaintiff; and

1.22 (5) any other relief the court deems necessary.

2.1 (c) An action filed pursuant to this section may be commenced (1) in the county in which
2.2 the individual alleging damage or seeking relief resides or (2) in the county wherein the
2.3 political subdivision exists or in the case of the state, any county.

2.4 **Sec. 2. [626A.45] REVERSE-LOCATION REQUEST; COURT ORDER;**
2.5 **ADMISSIBILITY.**

2.6 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
2.7 the meanings given.

2.8 (b) "Government entity" shall have the meaning given in section 13.02, subdivision 7a.

2.9 (c) "Reverse-keyword court order" shall mean any court order, including a search warrant
2.10 or subpoena compelling the disclosure of records or information identifying any unnamed
2.11 persons, by name or other unique identifier, who electronically searched for a particular
2.12 word, phrase, or website or who visited a particular website through a link generated by
2.13 such a search, regardless of whether or not the order is limited to a specific geographic area
2.14 or time frame.

2.15 (d) "Reverse-keyword request" shall mean any request, in the absence of a court order,
2.16 by any government entity for the voluntary provision of records or information identifying
2.17 any unnamed persons, by name or other unique identifier, who electronically searched for
2.18 a particular word, phrase, or website or who visited a particular website through a link
2.19 generated by such a search, regardless of whether or not the request is limited to a specific
2.20 geographic area or time frame.

2.21 (e) "Reverse-location court order" shall mean any court order, including a search warrant
2.22 or subpoena compelling the disclosure of records or information pertaining to the location
2.23 of unspecified electronic devices or their unnamed users or owners, whose scope extends
2.24 to an unknown number of electronic devices present in a given geographic area at a given
2.25 time, whether such location is measured via global positioning system coordinates, cell
2.26 tower connectivity, Wi-Fi positioning, or any other form of location detection.

2.27 (f) "Reverse-location request" shall mean any request, in the absence of a court order,
2.28 by any government entity for the voluntary provision of records or information pertaining
2.29 to the location of unspecified electronic devices or their unnamed users or owners, whose
2.30 scope extends to an unknown number of electronic devices present in a given geographic
2.31 area at a given time, whether such location is measured via global positioning system
2.32 coordinates, cell tower connectivity, Wi-Fi positioning, or any other form of location
2.33 detection.

3.1 Subd. 2. Prohibition on reverse-location requests. (a) No government entity or
3.2 individual acting on behalf of the state or a local government agency or office shall:

3.3 (1) seek from any court a reverse-location court order or a reverse-keyword court order;

3.4 (2) seek, secure, obtain, borrow, or purchase any information or data obtained through
3.5 a reverse-location court order or a reverse-keyword court order;

3.6 (3) make a reverse-location request or a reverse-keyword request;

3.7 (4) seek, secure, obtain, borrow, or purchase any information or data obtained through
3.8 a reverse-location request or a reverse-keyword request; or

3.9 (5) seek the assistance of any agency of the federal government or any agency of the
3.10 government of another state or subdivision thereof in obtaining information or data from a
3.11 reverse-location court order, reverse-keyword court order, reverse-location request, or
3.12 reverse-keyword request if the government entity would be barred from directly seeking
3.13 such information under this section.

3.14 (b) No court shall issue a reverse-keyword court order or reverse-location court order
3.15 except in the event of a sudden natural disaster.

3.16 Subd. 3. Evidence derived from reverse-location data. Except as proof of a violation
3.17 of this section, no record or information obtained, accessed, or otherwise secured in violation
3.18 of this section, nor any evidence derived therefrom, shall be admissible in any criminal,
3.19 civil, administrative, or other proceeding. For the purposes of this section, a record,
3.20 information, or evidence is derived from a reverse-location court order, reverse-keyword
3.21 court order, reverse-location request, or reverse-keyword request where the government
3.22 entity or individual acting on behalf of a government agency or office would not have
3.23 originally possessed the information or evidence but for the violative court order or request,
3.24 and regardless of any claim that the record, information, or evidence is attenuated from the
3.25 unlawful order or request, would inevitably have been discovered, or was subsequently
3.26 reobtained through other means.