388.23 COUNTY ATTORNEY; ADMINISTRATIVE SUBPOENAS.

Subdivision 1. **Authority.** (a) The county attorney, or any deputy or assistant county attorney whom the county attorney authorizes in writing, has the authority to subpoena and require the production of:

(1) any records of:

(i) telephone companies, cellular phone companies, paging companies, and subscribers of private computer networks including Internet service providers or computer bulletin board systems;

(ii) electric companies, gas companies, and water utilities;

(iii) chemical suppliers;

(iv) hotels and motels;

(v) pawn shops;

(vi) airlines, buses, taxis, and other entities engaged in the business of transporting people; and

(vii) freight companies, warehousing companies, self-service storage facilities, package delivery companies, and other entities engaged in the businesses of transport, storage, or delivery;

(2) books, papers, correspondence, memoranda, agreements, and other documents or records related to a law enforcement investigation of financial crimes and fraud, including but not limited to fraud involving state funded or administered programs or services as defined in section 299C.061, subdivision 1, paragraph (b), and insurance fraud in violation of section 609.611;

(3) records of the existence of safe deposit box account numbers and customer savings and checking account numbers maintained by financial institutions and safe deposit companies;

(4) insurance records relating to the monetary payment or settlement of claims;

(5) the banking, credit card, and financial records of a subject of an identity theft investigation or a vulnerable adult, whether held in the name of the vulnerable adult or a third party, including but not limited to safe deposit, loan and account applications and agreements, signature cards, statements, checks, transfers, account authorizations, safe deposit access records and documentation of fraud;

(6) wage and employment records of an applicant or recipient of public assistance who is the subject of a welfare fraud investigation relating to eligibility information for public assistance programs; and

(7) any of the following records of an employer or business entity who is the subject of or has information related to a wage theft investigation:

(i) accounting and financial records such as books, registers, payrolls, banking records, credit card records, securities records, and records of money transfers;

(ii) records required to be kept pursuant to section 177.30, paragraph (a); and

(iii) other records that in any way relate to wages or other income paid, hours worked, and other conditions of employment of any employee or of work performed by persons identified as independent contractors, and records of any payments to contractors, and records of workers' compensation insurance.

(b) Subpoenas may only be issued for records that are relevant to an ongoing legitimate law enforcement investigation. Administrative subpoenas may only be issued in wage theft, welfare fraud, identity theft cases,

and cases related to a law enforcement investigation of financial crimes and fraud if there is probable cause to believe a crime has been committed.

(c) This subdivision applies only to the records of business entities and does not extend to private individuals or their dwellings.

(d) As used in this subdivision, "business entity" has the meaning given in section 308B.005.

Subd. 2. **Enforcement.** The subpoena shall be enforceable through the district court.

Subd. 3. **Expenses.** The person directed to produce the records shall be paid reasonable expenses incurred in producing the records.

Subd. 4. **Disclosure prohibited.** The subpoena must state that the person to whom the subpoena is directed may not disclose the fact that the subpoena was issued or the fact that the requested records have been given to law enforcement personnel except:

(1) insofar as the disclosure is necessary to find and disclose the records; or

(2) pursuant to court order.

Subd. 5. **Penalty.** The willful failure to produce the documents required by the subpoena is a misdemeanor.

Subd. 6. **Ex parte order.** Upon the ex parte request of the attorney issuing the subpoena, the district court may issue an order directing the production of the records. It is not necessary for either the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person who fails to comply to civil or criminal contempt of court, or both.

History: *1989 c 336 art 2 s 2; 1992 c 569 s 24; 1993 c 326 art 7 s 10; 1Sp1993 c 1 art 6 s 41; 1994 c 636 art 2 s 10; 1997 c 85 art 5 s 25; 1997 c 239 art 3 s 3; 2001 c 197 s 3; 2009 c 119 s 7; 2010 c 293 s 1; 2025 c 35 art 5 s 12; 2026 c 97 art 3 s 2*