

HOUSE RESEARCH

Bill Summary

FILE NUMBER: S.F. 969 (H.F. 848) **DATE:** April 26, 2001
Version: First Engrossment as amended by S969A1
Authors: Skoglund
Subject: Attorney General's Subpoena Power; Penalties For Child Pornography; Private Correctional Facility Guards Permitted to Carry Guns without Permits; Electronic Information Search Warrants
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Overview

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

Section

- 1 **Attorney general's subpoena power.** Expands the scope of the attorney general's subpoena power to include requiring production of the names and addresses of subscribers of private computer networks including Internet service providers or computer bulletin board systems.
- 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 seek 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 fifteen-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 **Electronic data search warrants.**
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 to 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.** Establishes August 1, 2001, as the effective date for all sections.