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TO: Secretary of the Senate Chief Clerk, House of Representatives Legislative Reference Library

RE: Minn. Stat. §§ 626A.17, subd. 3, 626.085 subd. 5(b), 626A.42, subd. 5(b).
Report to Legislature by the State Court Administrator

Minn. Stat. ch. 626A governs the application for and issuance of warrants that authorize the interception of communications; the installation and use of a pen register; trap and trace; mobile tracking device; electronic communication information; and/or authorize the collection of location information of an electronic device. Minn. Stat. § 626.085 also governs electronic communication information.

Minn. Stat. § 626A.17, subd. 1, requires that within 30 days after the expiration of an order granting or denying an application under chapter 626A or each extension thereof, or the denial of an order approving an interception or the use of a pen register, trap and trace device, or mobile tracking device, the issuing or denying judge shall report to the state court administrator:

- (1) the fact that an order or extension was applied for;
- (2) the kind of order or extension applied for;
- (3) the fact that the order or extension was granted as applied for, was modified, or was denied;
- (4) the period of interceptions or use of a pen register, trap and trace device, or mobile tracking device authorized by the order, and the number and duration of any extensions of the order;
- (5) the offense specified in the order or application, or extension of an order;
- (6) the identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and
- (7) the nature of the facilities from which or the place where communications were to be intercepted or activity under the order was to be carried out.

Minn. Stat. § 626.085 subd. 5(a), requires that within 90 days after the court unseals the search warrant that authorizes the disclosure of electronic communication, the issuing or denying judge shall report to the state court administrator:

- (1) that a warrant was applied for under this section;
- (2) whether the warrant was granted as applied for, was modified, or was denied;
- (3) the period of collection of electronic communication information authorized by the warrant, and the number and duration of any extensions of the warrant;
- (4) the offense specified in the warrant or application or extension of a warrant; and
- (5) the identity of the applying investigative or peace officer and agency making the application and the person authorizing the application.

Minn. Stat. § 626A.42, subd. 5(a), requires that for applications for electronic device location information tracking warrants under section 626A.42, the issuing or denying judge shall report to the state court administrator:

- (1) the fact that a tracking warrant or extension was applied for;
- (2) the fact that the warrant or extension was granted as applied for, was modified, or was denied;
- (3) the period of collection authorized by the warrant, and the number and duration of any extensions of the warrant;
- (4) the offense specified in the warrant or application, or extension of a warrant;
- (5) whether the collection required contemporaneous monitoring of an electronic device's location; and
- (6) the identity of the applying investigative or peace officer and agency making the application and the person authorizing the application.

Minn. Stat. §§ 626A.17, subd. 3, 626.085 subd. 5(b), and 626A.42, subd. 5(b), require the State Court Administrator (SCAO) on or before November 15 of each even-numbered year to file with the legislature a report concerning (1) all warrants and orders authorizing the interception of communications and the use of a pen register, trap and trace device, mobile tracking device, or other electronic or mechanical device, all warrants authorizing the collection of electronic communication information, and all tracking warrants authorizing the collection of location information during the two previous calendar years and (2) all applications that were denied during the two previous calendar years. Each report shall include a summary and analysis of the data. The reports required under sections 626A.17, 626.085 subd. 5(b), and 626A.42 were combined for purposes of this year's report. The required data is presented in Tables 1 – 7 on pages 3 – 6 of this report.

During the reporting period, the majority of warrants/orders reported to SCAO were regarding electronic communication. Warrants regarding and/or authorizing the use of multiple technologies are considered to be governed by all applicable statutes simultaneously. All of the warrants authorizing the installation of pen register and trap and trace devices, and/or the tracking of incoming and outgoing calls and/or texts, as well as the tracking of electronic communication and/or electronic device location information are presumptively sealed under Minn. Stat. § 626A.37, subd. 4. Additionally, as required by section 626A.08, subdivision 2, applications made and warrants issued under chapter 626A are required to be sealed by the judge and may only be disclosed upon a showing of good cause before a judge of the district court.

Table 1. Warrants applied for under Minn. Stat. Chapter 626A, by Judicial District, 2022 and 2023.

District	Total Granted, Denied, or Modified
1	349
2	4,137
3	405
4	7,999
5	102
6	102
7	634
8	211
9	942
10	882
Grand total	15,763

Table 2. Warrants granted, modified, or denied under Minn. Stat. Chapter 626A, 2022 and 2023.

Granted/Denied/Modified	Total Count
Granted	14,809
Denied	748
Modified	206
Total	15,763

Table 3. Warrants issued under Minn. Stat. Chapter 626A, by kind of warrant, 2022 and 2023.

Kind of Warrant	Total Count that lists a particular kind (warrants may list more than one kind)
Pen Register	4,787
Trap and Trace	4,816
Mobile Tracking Device	1,717
Wiretap Interception of Communication	167
Electronic Device Location Information Tracking Warrant	5,491
Tracking Warrant Generic	177
UAV	7
Electronic Communication	7,438

Table 4. Warrants issued under Minn. Stat. Chapter 626A, by communication mode, 2022-2023.

Communication Mode Tracked	Total Count that lists a particular mode (warrants may list more than one mode)
Phone/Cell Phone	7,815
Social Media/Electronic Records	4,644
Motor Vehicle/Mobile Tracking	1,961
Cell Tower/Station	479
Electronic Device	204
Unspecified to SCAO	112
Security System/Surveillance	55
UAV	5

Table 5. Warrants issued under Minn. Stat. Chapter 626A, by offense specified in the order or application, 2022 and 2023.

Offense	Total Count that lists a particular offense (warrants may list more than one offense)
Narcotics	4,452
Property	3,046
Assault	2,298
Homicide	1,877
Weapon	1,431
Fugitive	1,386
Sex Crime	1,302
Other Offense or Not Reported to SCAO ¹	627
Child Exploited/Endangered	259
Missing Person	104
Shots Fired	93
Kidnapping	79
Overdose	78
Fleeing	69
Human Trafficking	51
Carjacking	48
Arrest Warrant	20

Table 6. Warrants issued under Minn. Stat. Chapter 626A, by duration specified in the order, 2022 and 2023.

Order Duration	Total Count
31-60 Days	5,944
Historical ²	4,679
61-90 Days	3,400
Unspecified to SCAO	559
Mix ³	354
0-30 Days	66
Greater than 90 Days	22
Total	15,015

¹ Examples of “Other” offenses include DNR violations, street racing, driving after cancellation inimical to public safety, pointing lasers at airplanes, animal cruelty.

² “Historical” indicates that the judge authorized a warrant for electronic communications for a period of time before the judge signed the warrant.

³ “Mix” indicates both a “historical” duration and a future duration.

Table 7. Warrants applied for under Minn. Stat. Chapter 626A, by type of investigative or law enforcement agency making the application, 2022 and 2023.

Agency	Total Count
Police	9,233
County Sheriff	2,571
Task Force	1,635
State Agency	1,489
Unspecified to SCAO	488
Federal	347
Total	15,763