

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 2041**

(SENATE AUTHORS: PETERSEN, B.)

DATE	D-PG	OFFICIAL STATUS
04/09/2015		Introduction and first reading Referred to Judiciary

A bill for an act

1.1 relating to criminal justice; requiring that government authorities obtain search  
 1.2 warrants before accessing financial records; amending Minnesota Statutes 2014,  
 1.3 section 13A.02, subdivisions 1, 2; repealing Minnesota Statutes 2014, sections  
 1.4 13A.02, subdivision 5; 13A.04, subdivision 1.  
 1.5

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

1.7 Section 1. Minnesota Statutes 2014, section 13A.02, subdivision 1, is amended to read:

1.8 Subdivision 1. **Access by government.** Except as authorized by this chapter,  
 1.9 no government authority may have access to, or obtain copies of, or the information  
 1.10 contained in, the financial records of any customer from a financial institution unless the  
 1.11 financial records are reasonably described and:

1.12 (1) the customer has authorized the disclosure;

1.13 (2) the financial records are disclosed in response to a search warrant; or

1.14 ~~(3) the financial records are disclosed in response to a judicial or administrative~~  
 1.15 ~~subpoena;~~

1.16 ~~(4)~~ (3) the financial records are disclosed to law enforcement, a lead investigative  
 1.17 agency as defined in section 626.5572, subdivision 13, or prosecuting authority that is  
 1.18 investigating financial exploitation of a vulnerable adult in response to a judicial subpoena  
 1.19 or administrative subpoena under section 388.23; or

1.20 ~~(5) the financial records are disclosed pursuant to section 609.535 or other statute or~~  
 1.21 ~~rule.~~

1.22 Sec. 2. Minnesota Statutes 2014, section 13A.02, subdivision 2, is amended to read:

1.23 Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or  
 1.24 agent of a financial institution, may provide to any government authority access to, or

2.1 copies of, or the information contained in, the financial records of any customer except in  
2.2 accordance with the provisions of this chapter.

2.3 Nothing in this chapter shall require a financial institution to inquire or determine  
2.4 that those seeking disclosure have duly complied with the requirements of this chapter,  
2.5 provided only that the customer authorization, search warrant, or subpoena, ~~or written~~  
2.6 ~~certification pursuant to section 609.535, subdivision 6; 626.557; or other statute or rule,~~  
2.7 served on or delivered to a financial institution shows compliance on its face.

2.8 Sec. 3. **REPEALER.**

2.9 Minnesota Statutes 2014, sections 13A.02, subdivision 5; and 13A.04, subdivision  
2.10 1, are repealed.

**13A.02 ACCESS TO FINANCIAL RECORDS BY GOVERNMENT AUTHORITIES PROHIBITED.**

Subd. 5. **Use of information.** Financial records originally obtained pursuant to this chapter may be transferred to another government authority provided the transferred records are pertinent and necessary to the receiving authority in initiating, furthering, or completing a law enforcement inquiry.

When financial records subject to this chapter are transferred to another government authority, the transferring authority shall include the name of the receiving authority and the financial records transferred in the notice required by subdivision 3 of this section or, if the transfer occurs after the notice has been sent to the customer, the transferring authority shall, upon written request by the customer, inform the customer of the name of the government authority to which the financial records were transferred.

**13A.04 EXCEPTIONS.**

Subdivision 1. **Statutory violations; financial exploitation.** Nothing in this chapter precludes any financial institution, or any officer, employee, or agent of a financial institution, from notifying a government authority that the institution, or officer, employee, or agent has information which may be relevant to a possible violation of any statute or rule or the financial exploitation of a vulnerable adult and providing access to financial records relevant to the possible violation or financial exploitation.