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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3139**

February 25, 2010

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The bill was read for the first time and referred to the Committee on Civil Justice

March 8, 2010

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to privacy; reinstating authority for release of financial records in
1.3 response to a subpoena; amending Minnesota Statutes 2009 Supplement, section
1.4 13A.02, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2009 Supplement, section 13A.02, subdivision 1,
1.7 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;

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

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

1.20 ~~(4)~~ (5) the financial records are disclosed pursuant to section 609.535 or other
1.21 statute or rule.

1.22 **EFFECTIVE DATE.** This section is effective retroactive to August 1, 2009.