

Subject Authorizing collection of blood or urine samples pursuant to search warrants issued by adjacent states

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Date February 24, 2023

Overview

In 2015 and 2016, both the Minnesota and U.S. Supreme Courts decided several cases addressing the question of whether law enforcement officers must obtain warrants to conduct breath, blood, and urine tests of individuals suspected of driving under the influence of alcohol or a controlled substance. Both courts determined that:

- 1) no warrant is necessary to require drivers to take a breath test when there is probable cause to believe that the driver is under the influence; and
- 2) a warrant is required before requiring a blood or urine test.

The legislature made conforming changes to Minnesota law during the 2017 session, including establishing section 171.177, to clarify when a warrant is required.

Under Minnesota law, search warrants must be issued by Minnesota courts. Section 626.05 defines search warrants as orders issued in the name of the state and section 626.06 provides that search warrants may be issued by a court “having jurisdiction in the area where the place to be searched is located.” Current law has an exception requiring a corporation that provides electronic communication services or remote computing services to the general public to respond to warrants issued in other states. See, section 626.18, subdivision 3.

This bill would create an exception to the requirement that search warrants be issued by a Minnesota court. In cases where there is probable cause to believe that a person has been operating a motor vehicle in violation of Minnesota’s DWI laws, a blood or urine test could be required pursuant to a judicially approved search warrant issued by an adjacent state.

Summary

Section	Description
1	Blood or urine tests; search warrant required. Makes a conforming change, removing a reference to Minnesota Statutes governing the form and manner of search warrants that are replaced by a new definition of “search warrant.”
2	Requirement of urine or blood test. Makes a conforming change, removing a reference to Minnesota Statutes governing the form and manner of search warrants that are replaced by a new definition of “search warrant.”
3	Definition. Defines “search warrant” within section 169A.51 (tests for intoxication related to a suspected DWI) to include warrants issued pursuant to the Minnesota Statutes governing search warrants and warrants issued pursuant to conforming statutes in an adjacent state.
4	Search warrant-required testing advisory. Makes a conforming change, removing a reference to Minnesota Statutes governing the form and manner of search warrants that are replaced by a new definition of “search warrant.”
5	License revocation pursuant to search warrant. Makes a conforming change, removing a reference to Minnesota Statutes governing the form and manner of search warrants that are replaced by a new definition of “search warrant.”
6	Test refusal; license revocation. Makes a conforming change, removing a reference to Minnesota Statutes governing the form and manner of search warrants that are replaced by a new definition of “search warrant.”
7	Test failure; license revocation. Makes a conforming change, removing a reference to Minnesota Statutes governing the form and manner of search warrants that are replaced by a new definition of “search warrant.”

Section	Description
8	Test refusal; driving privilege lost. Makes a conforming change, removing a reference to Minnesota Statutes governing the form and manner of search warrants that are replaced by a new definition of “search warrant.”
9	Judicial hearing; issues, order, appeal. Makes a conforming change to the statute addressing challenges to license revocations related to DWI violations, allowing a court to determine if a search warrant for a person’s blood or urine was issued pursuant to a conforming statute in an adjacent state.
10	Definitions. Defines “search warrant” within section 171.177 (revocation of a driver’s license pursuant to a search warrant) to include warrants issued pursuant to the Minnesota Statutes governing search warrants and warrants issued pursuant to conforming statutes in an adjacent state.



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