



AMERICAN CIVIL LIBERTIES UNION

Minnesota

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Rep. Kelly Moller, Chair  
MN House of Representatives  
Public Safety Finance and Policy Committee

Rep. Paul Novotny, Minority Lead  
MN House of Representatives  
Public Safety Finance and Policy Committee

***SUBMITTED VIA EMAIL***

February 2, 2023

Dear Chair Moller and Members of the House Public Safety Committee,

The ACLU of Minnesota respectfully submits this written comment to express concerns about the expansion of state power being proposed in HF396, HF14, and HF15, and the potential impacts of that expansion on Minnesotans' civil liberties.

ACLU-MN recognizes the timeliness and sensitivity of the issue of guns and gun violence. We appreciate the complexity of the issues this Committee must grapple with, and the desire to pursue effective solutions.

However, ACLU-MN also recognizes the disparate and detrimental impact that state legal and law enforcement systems have had, and continue to have, on disempowered communities. Before this very Committee we have highlighted disparities in policing, incarceration, probation, and other arenas where the state exercises increased control over people's liberties. When the state seeks to expand its authority to enter people's homes and infringe on their rights, we have cautioned against well-intentioned policies that could be wielded by the state with discriminatory intent or impact, and we do so again today.

First, while warrant requirements can constitute a safeguard for privacy in some cases, they can also be wielded in dangerous or discriminatory ways by the state. Warrants can allow armed law enforcement to enter a person's home. Expanding criminalization, especially for actions without intent that happen entirely within the home, simply increases the potential for state-authorized intrusions. All Minnesotans should be wary of increasing the ability of the state to authorize itself to enter their homes.

In addition, warrants relating to firearms understandably involve higher risks, which has been the justification for use of no-knock warrants. Amir Locke's killing illustrates the limitations of a warrant as a safeguard, and the high-stakes situation this kind of entry can create. Moreover, the doctrine of qualified immunity provides additional protection for state agents who violate people's Constitutional rights. And even if such an encounter does not end in overt physical harm, the potential intimidation, fear, and erosion of trust that may result from it are not civil liberties hallmarks.

Second, standards or factors that take into account factors such as prior arrests, criminal charges, or past contact with law enforcement as evidence of danger are likely going to disproportionately impact certain

communities. BIPOC communities, people with lower incomes, and people who are or were unhoused are more likely to have had contact with law enforcement and the criminal legal system. People who have been active in exercising their First Amendment right to protest may also be more likely to have had contact with law enforcement and the legal system. Using these factors as evidence of danger in any assessment, including those laid out in HF 14 and 15, perpetuates and amplifies the discriminatory impact of the state's exercise of power.

ACLU-MN has and will continue to express concerns with respect to the expansion of state power and perpetuation of discriminatory systems. The fundamental principles of civil liberties do not wax and wane depending on which political party is proposing to infringe on them.

Sincerely,

Julia Decker  
Policy Director  
ACLU-MN