

1.1 moves to amend H.F. No. 1535, the second engrossment, as follows:

1.2 Page 2, lines 4 and 20, delete "2011" and insert "2012"

1.3 Page 3, line 33, delete the new language and strike ", Hmong, and Spanish" and
1.4 after the period, insert "This requirement does not preclude the appropriate agency from
1.5 printing the notice in other languages in addition to English."

1.6 Page 5, line 13, delete "2011" and insert "2012"

1.7 Page 7, line 20, delete "2011" and insert "2012"

1.8 Page 8, lines 4 and 19, delete "2011" and insert "2012"

1.9 Page 9, line 34, delete the new language and strike ", Hmong, and Spanish" and
1.10 after the period, insert "This requirement does not preclude the appropriate agency from
1.11 printing the notice in other languages in addition to English."

1.12 Page 11, line 16, delete "2011" and insert "2012"

1.13 Page 13, line 30, delete "2011" and insert "2012"

1.14 Page 16, line 16, delete "2011" and insert "2012"

1.15 Page 17, line 2, strike ", Hmong, Somali, and Spanish" and after the period, insert "
1.16 This requirement does not preclude the appropriate agency from printing the notice in
1.17 other languages in addition to English."

1.18 Page 17, line 23, delete "2011" and insert "2012"

1.19 Page 17, delete section 19 and insert:

1.20 "Sec. 19. Minnesota Statutes 2011 Supplement, section 609.5314, subdivision 3,
1.21 is amended to read:

1.22 Subd. 3. **Judicial determination.** (a) Within 60 days following service of a
1.23 notice of seizure and forfeiture under this section, a claimant may file a demand for
1.24 a judicial determination of the forfeiture. The demand must be in the form of a civil
1.25 complaint and must be filed with the court administrator in the county in which the seizure
1.26 occurred, together with proof of service of a copy of the complaint on the ~~county attorney~~
1.27 prosecuting authority for that county, and the standard filing fee for civil actions unless the

2.1 petitioner has the right to sue in forma pauperis under section 563.01. The claimant may
2.2 serve the complaint on the prosecuting authority by any means permitted by court rules.
2.3 If the value of the seized property is \$15,000 or less, the claimant may file an action in
2.4 conciliation court for recovery of the seized property. If the value of the seized property
2.5 is less than \$500, the claimant does not have to pay the conciliation court filing fee. No
2.6 responsive pleading is required of the ~~county attorney~~ prosecuting authority and no court
2.7 fees may be charged for the ~~county attorney's~~ prosecuting authority's appearance in the
2.8 matter. The hearing must be held at the earliest practicable date, and in any event no later
2.9 than 180 days following the filing of the demand by the claimant. If a related criminal
2.10 proceeding is pending, the hearing shall not be held until the conclusion of the criminal
2.11 proceedings. The district court administrator shall schedule the hearing as soon as
2.12 practicable after adjudication in the criminal prosecution. The proceedings are governed
2.13 by the Rules of Civil Procedure.

2.14 (b) The complaint must be captioned in the name of the claimant as plaintiff and
2.15 the seized property as defendant, and must state with specificity the grounds on which
2.16 the claimant alleges the property was improperly seized and the plaintiff's interest in the
2.17 property seized. Notwithstanding any law to the contrary, an action for the return of
2.18 property seized under this section may not be maintained by or on behalf of any person
2.19 who has been served with a notice of seizure and forfeiture unless the person has complied
2.20 with this subdivision.

2.21 (c) If the claimant makes a timely demand for judicial determination under this
2.22 subdivision, the appropriate agency must conduct the forfeiture under section 609.531,
2.23 subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3,
2.24 apply to the judicial determination.

2.25 (d) If a demand for judicial determination of an administrative forfeiture is filed
2.26 under this subdivision and the court orders the return of the seized property, the court shall
2.27 order that filing fees be reimbursed to the person who filed the demand. In addition, the
2.28 court may order sanctions under section 549.211. If the court orders payment of these
2.29 costs, they must be paid from forfeited money or proceeds from the sale of forfeited
2.30 property from the appropriate law enforcement and prosecuting agencies in the same
2.31 proportion as they would be distributed under section 609.5315, subdivision 5."

2.32 Page 19, line 24, delete "2011" and insert "2012"

2.33 Page 21, line 25, delete ", Hmong, Somali, and Spanish" and after the period, insert "
2.34 This requirement does not preclude the appropriate agency from printing the notice in
2.35 other languages in addition to English."

2.36 Page 21, line 33, delete "2011" and insert "2012"