

KEY: ~~stricken~~ = old language to be removed  
underscored = new language to be added

**scs2634a-2**

1.1 Senator ..... moves to amend S.F. No. 2634 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2009 Supplement, section 84.7741, is amended by

1.4 adding a subdivision to read:

1.5 Subd. 13. **Reporting.** The appropriate agency and prosecuting authority shall report

1.6 on forfeitures occurring under this section as described in section 609.5315, subdivision 6.

1.7 Sec. 2. Minnesota Statutes 2008, section 97A.221, is amended by adding a subdivision

1.8 to read:

1.9 Subd. 5. **Reporting.** The enforcement officer shall report on forfeitures occurring

1.10 under this section as described in section 609.5315, subdivision 6.

1.11 Sec. 3. Minnesota Statutes 2008, section 97A.223, is amended by adding a subdivision

1.12 to read:

1.13 Subd. 6. **Reporting.** The enforcement officer shall report on forfeitures occurring

1.14 under this section as described in section 609.5315, subdivision 6.

1.15 Sec. 4. Minnesota Statutes 2008, section 97A.225, is amended by adding a subdivision

1.16 to read:

1.17 Subd. 10. **Reporting.** The enforcement officer shall report on forfeitures occurring

1.18 under this section as described in section 609.5315, subdivision 6.

1.19 Sec. 5. Minnesota Statutes 2008, section 169A.63, is amended by adding a subdivision

1.20 to read:

1.21 Subd. 12. **Reporting.** The appropriate agency and prosecuting authority shall report

1.22 on forfeitures occurring under this section as described in section 609.5315, subdivision 6.

1.23 Sec. 6. **[388.30] CONTROLLED SUBSTANCE FORFEITURE POLICIES.**

1.24 Subdivision 1. **Statewide model policy required.** The Minnesota County Attorneys

1.25 Association, in consultation with the attorney general's office and the Peace Officer

1.26 Standards and Training Board, shall develop a model policy on controlled substance

1.27 forfeitures designed to encourage the uniform application of these laws across the state.

1.28 At a minimum, the policy shall address the following: the type of training and assistance

1.29 provided to law enforcement by prosecutors; the level of involvement of prosecutors in

1.30 administrative forfeitures, including reviewing administrative forfeiture cases before the

2.1 forfeiture is finalized; situations in which forfeitures should not be pursued; and best

2.2 practices in pursuing forfeitures.

2.3 Subd. 2. **Local policies required.** The county attorney in each county shall adopt

2.4 a written policy on controlled substance forfeitures for attorneys within the office.

2.5 The policy must be identical or substantially similar to the model policy described in

2.6 subdivision 1.

2.7 Subd. 3. **Report to legislature.** By February 1, 2011, the Minnesota County  
2.8Attorneys Association and each county attorney shall adopt the policies required in  
2.9this section and the association shall forward an electronic copy of the model policy  
2.10to the chairs and ranking minority members of the senate and house of representatives  
2.11committees having jurisdiction over criminal justice and civil law policy.  
2.12EXPIRATION. Subdivision 3 expires on July 1, 2011.

2.13 Sec. 7. Minnesota Statutes 2008, section 491A.01, subdivision 3, is amended to read:

2.14 Subd. 3. **Jurisdiction; general.** (a) Except as provided in subdivisions 4 and 5,  
2.15the conciliation court has jurisdiction to hear, conciliate, try, and determine civil claims if  
2.16the amount of money or property that is the subject matter of the claim does not exceed:  
2.17~~\$6,000 or, on and after July 1, 1994, (1) \$7,500, or; (2) \$4,000,~~ if the claim involves a  
2.18consumer credit transaction; or (3) \$15,000, if the claim involves property subject to  
2.19forfeiture under section 609.5311. "Consumer credit transaction" means a sale of personal  
2.20property, or a loan arranged to facilitate the purchase of personal property, in which:  
2.21(1) credit is granted by a seller or a lender who regularly engages as a seller or  
2.22lender in credit transactions of the same kind;  
2.23(2) the buyer is a natural person;  
2.24(3) the claimant is the seller or lender in the transaction; and  
2.25(4) the personal property is purchased primarily for a personal, family, or household  
2.26purpose and not for a commercial, agricultural, or business purpose.  
2.27(b) Except as otherwise provided in this subdivision and subdivisions 5 to 10, the  
2.28territorial jurisdiction of conciliation court is coextensive with the county in which the  
2.29court is established. The summons in a conciliation court action under subdivisions 6 to  
2.3010 may be served anywhere in the state, and the summons in a conciliation court action  
2.31under subdivision 7, paragraph (b), may be served outside the state in the manner provided  
2.32by law. The court administrator shall serve the summons in a conciliation court action  
2.33by first class mail, except that if the amount of money or property that is the subject of  
2.34the claim exceeds \$2,500, the summons must be served by the plaintiff by certified mail,  
2.35and service on nonresident defendants must be made in accordance with applicable law  
3.1or rule. Subpoenas to secure the attendance of nonparty witnesses and the production of  
3.2documents at trial may be served anywhere within the state in the manner provided by law.  
3.3When a court administrator is required to summon the defendant by certified mail  
3.4under this paragraph, the summons may be made by personal service in the manner  
3.5provided in the Rules of Civil Procedure for personal service of a summons of the district  
3.6court as an alternative to service by certified mail.

3.7 Sec. 8. Minnesota Statutes 2008, section 609.531, subdivision 1a, is amended to read:

3.8 Subd. 1a. **Construction.** (a) The purpose of sections 609.531 to 609.5318 ~~must~~  
3.9be liberally construed to carry out the following remedial purposes: is to deter criminal  
3.10activity. Property is subject to forfeiture only when courts determine that forfeiture is  
3.11necessary and proportional to fulfilling that purpose.  
3.12(b) Courts shall strictly construe this section and resolve any doubt in its applicability  
3.13in favor of the party challenging the forfeiture.  
3.14(1) ~~to enforce the law;~~  
3.15(2) ~~to deter crime;~~

~~3.16(3) to reduce the economic incentive to engage in criminal enterprise;~~  
~~3.17(4) to increase the pecuniary loss resulting from the detection of criminal activity;~~  
~~3.18and~~  
~~3.19(5) to forfeit property unlawfully used or acquired and divert the property to law~~  
~~3.20enforcement purposes.~~

3.21 Sec. 9. Minnesota Statutes 2008, section 609.531, subdivision 5, is amended to read:

3.22 Subd. 5. **Right to possession vests immediately; custody of seized property.**

3.23All right, title, and interest in property subject to forfeiture under sections 609.531 to  
3.24609.5318 vests in the appropriate agency upon commission of the act or omission giving  
3.25rise to the forfeiture. Any property seized under sections 609.531 to 609.5318 is not  
3.26subject to replevin, but is deemed to be in the custody of the appropriate agency subject to  
3.27the orders and decrees of the court having jurisdiction over the forfeiture proceedings.  
3.28When property is so seized, the appropriate agency shall use reasonable diligence to  
3.29secure the property and prevent waste and may do any of the following:

3.30(1) place the property under seal;

3.31(2) remove the property to a place designated by it; and

3.32(3) in the case of controlled substances, require the state Board of Pharmacy to  
3.33take custody of the property and remove it to an appropriate location for disposition in  
3.34accordance with law; and.

~~4.1(4) take other steps reasonable and necessary to secure the property and prevent~~  
~~4.2waste.~~

4.3 Sec. 10. Minnesota Statutes 2008, section 609.531, subdivision 5a, is amended to read:

4.4 Subd. 5a. **Bond by owner for possession.** (a) If the owner of property that has been  
4.5seized under sections 609.531 to 609.5318 seeks possession of the property before the  
4.6forfeiture action is determined, the owner may, ~~subject to the approval of the appropriate~~  
4.7~~agency,~~ give security or post bond payable to the appropriate agency in an amount equal to  
4.8the retail value of the seized property. On posting the security or bond, the seized property  
4.9must be returned to the owner and the forfeiture action shall proceed against the security  
4.10as if it were the seized property. This subdivision does not apply to contraband property.  
4.11(b) If the owner of a motor vehicle that has been seized under this section seeks  
4.12possession of the vehicle before the forfeiture action is determined, the owner may  
4.13surrender the vehicle's certificate of title in exchange for the vehicle. The motor vehicle  
4.14must be returned to the owner within 24 hours if the owner surrenders the motor vehicle's  
4.15certificate of title to the appropriate agency, pending resolution of the forfeiture action. If  
4.16the certificate is surrendered, the owner may not be ordered to post security or bond as a  
4.17condition of release of the vehicle. When a certificate of title is surrendered under this  
4.18provision, the agency shall notify the Department of Public Safety and any secured party  
4.19noted on the certificate. The agency shall also notify the department and the secured party  
4.20when it returns a surrendered title to the motor vehicle owner.

4.21 Sec. 11. Minnesota Statutes 2008, section 609.531, subdivision 6a, is amended to read:

4.22 Subd. 6a. **Forfeiture a civil procedure; conviction results in presumption.** (a) An  
4.23action for forfeiture is a civil in rem action and is independent of any criminal prosecution,  
4.24except as provided in this subdivision and section 609.5318. The appropriate agency

4.25 handling the forfeiture ~~has the benefit of the evidentiary presumption of section 609.5314,~~  
4.26 ~~subdivision 1, but otherwise~~ bears the burden of proving the act or omission giving rise to  
4.27 the forfeiture by clear and convincing evidence, except that in cases arising under section  
4.28 609.5312, the designated offense may only be established by a criminal conviction.  
4.29 (b) A court may not issue an order of forfeiture under section 609.5311 while the  
4.30 alleged owner of the property is in custody and related criminal proceedings are pending  
4.31 against the alleged owner. For forfeiture of a motor vehicle, the alleged owner is the  
4.32 registered owner according to records of the Department of Public Safety. For real  
4.33 property, the alleged owner is the owner of record. For other property, the alleged owner is  
4.34 the person notified by the prosecuting authority in filing the forfeiture action.

5.1 Sec. 12. Minnesota Statutes 2008, section 609.531, is amended by adding a subdivision  
5.2 to read:

5.3 **Subd. 7. Release of property before final determination.** Any person with  
5.4 an interest in property that has been seized for forfeiture under this section may file an  
5.5 application to have an order to show cause issued to the prosecuting agency to determine  
5.6 if probable cause existed to seize the property for forfeiture.  
5.7 When a hearing is held on the show cause order, the court shall determine if  
5.8 probable cause to seize the property for forfeiture existed. If the court finds that probable  
5.9 cause for seizure of the property for forfeiture did not exist, the appropriate agency shall  
5.10 release the property.

5.11 Sec. 13. Minnesota Statutes 2008, section 609.5311, subdivision 3, is amended to read:

5.12 **Subd. 3. Limitations on forfeiture of certain property associated with controlled**  
5.13 **substances.** (a) A conveyance device is subject to forfeiture under this section only if the  
5.14 retail value of the controlled substance is ~~\$25~~ \$100 or more and the conveyance device is  
5.15 associated with a felony-level controlled substance crime.

5.16 (b) Real property is subject to forfeiture under this section only if the retail value of  
5.17 the controlled substance or contraband is ~~\$1,000~~ \$4,000 or more.

5.18 (c) Property used by any person as a common carrier in the transaction of business  
5.19 as a common carrier is subject to forfeiture under this section only if the owner of the  
5.20 property is a consenting party to, or is privy to, the use or intended use of the property as  
5.21 described in subdivision 2.

5.22 (d) Property is subject to forfeiture under this section only if its owner was privy to  
5.23 the use or intended use described in subdivision 2, or the unlawful use or intended use of  
5.24 the property otherwise occurred with the owner's knowledge or consent.

5.25 (e) Forfeiture under this section of a conveyance device or real property encumbered  
5.26 by a bona fide security interest is subject to the interest of the secured party unless the  
5.27 secured party had knowledge of or consented to the act or omission upon which the  
5.28 forfeiture is based. A person claiming a security interest bears the burden of establishing  
5.29 that interest by clear and convincing evidence.

5.30 (f) Forfeiture under this section of real property is subject to the interests of a good  
5.31 faith purchaser for value unless the purchaser had knowledge of or consented to the act or  
5.32 omission upon which the forfeiture is based.

5.33 (g) Notwithstanding paragraphs (d), (e), and (f), property is not subject to forfeiture  
5.34 based solely on the owner's or secured party's knowledge of the unlawful use or intended

5.35 use of the property if: (1) the owner or secured party took reasonable steps to terminate  
6.1 use of the property by the offender; or (2) the property is real property owned by the  
6.2 parent of the offender, unless the parent actively participated in, or knowingly acquiesced  
6.3 to, a violation of chapter 152, or the real property constitutes proceeds derived from or  
6.4 traceable to a use described in subdivision 2.

6.5 (h) The Department of Corrections Fugitive Apprehension Unit shall not seize  
6.6 a conveyance device or real property, for the purposes of forfeiture under paragraphs  
6.7 (a) to (g).

6.8 (i) Property is not subject to forfeiture under this section if the forfeiture would  
6.9 create an undue hardship for members of the owner's immediate family.

6.10 Sec. 14. Minnesota Statutes 2008, section 609.5313, is amended to read:

**6.11 609.5313 FORFEITURE BY JUDICIAL ACTION; PROCEDURE.**

6.12 (a) The forfeiture of property under sections 609.5311 and 609.5312 is governed  
6.13 by this section. A separate complaint must be filed against the property stating the act,  
6.14 omission, or occurrence giving rise to the forfeiture and the date and place of the act or  
6.15 occurrence. The county attorney shall notify the owner or possessor of the property of the  
6.16 action, if known or readily ascertainable. The action must be captioned in the name of the  
6.17 county attorney or the county attorney's designee as plaintiff and the property as defendant.  
6.18 (b) The county attorney shall file an action for forfeiture under section 609.5311 in  
6.19 conciliation court if the value of the seized property is \$15,000 or less. No court fees may  
6.20 be charged to the county attorney or the claimant in the matter.

6.21 Sec. 15. Minnesota Statutes 2008, section 609.5314, is amended to read:

**6.22 609.5314 ADMINISTRATIVE FORFEITURE OF CERTAIN PROPERTY  
6.23 SEIZED IN CONNECTION WITH A CONTROLLED SUBSTANCES SEIZURE.**

6.24 Subdivision 1. **Property subject to administrative forfeiture; presumption.**

6.25 (a) Subject to paragraph (b), the following are ~~presumed to be~~ subject to administrative  
6.26 forfeiture under this section:

6.27 (1) all money, precious metals, and precious stones found in proximity to: ~~controlled~~  
6.28 substances with a retail value of \$100 or more if possession or sale of the controlled  
6.29 substance would be a felony under chapter 152;

6.30 (2) all money, precious metals, and precious stones found in proximity to:

6.31 ~~(i) controlled substances;~~

6.32 ~~(ii)~~ (i) forfeitable drug manufacturing or distributing equipment or devices; or

6.33 ~~(iii)~~ (ii) forfeitable records of manufacture or distribution of controlled substances;

7.1 ~~(2)~~ (3) all conveyance devices containing controlled substances with a retail value of  
7.2 ~~\$100~~ \$400 or more if possession or sale of the controlled substance would be a felony

7.3 under chapter 152; and

7.4 ~~(3)~~ (4) all firearms, ammunition, and firearm accessories found:

7.5 (i) in a conveyance device used or intended for use to commit or facilitate the

7.6 commission of a felony offense involving a controlled substance;

7.7 (ii) on or in proximity to a person from whom a felony amount of controlled

7.8 substance is seized; or

7.9 (iii) on the premises where a controlled substance is seized and in proximity to the

7.10 controlled substance, if possession or sale of the controlled substance would be a felony

7.11 under chapter 152.

7.12 (b) The value of property forfeited under this section may not exceed \$15,000.

7.13 Forfeitures of property with values exceeding \$15,000 are governed by section 609.5311.

7.14 (c) The Department of Corrections Fugitive Apprehension Unit shall not seize items

7.15 listed in paragraph (a), clauses ~~(2)~~ (3) and ~~(3)~~ (4), for the purposes of forfeiture.

7.16 (e) ~~A claimant of the property bears the burden to rebut this presumption.~~

7.17 Subd. 2. **Administrative forfeiture procedure.** (a) Forfeiture of property described

7.18 in subdivision 1 is governed by this subdivision. When seizure occurs, or within a

7.19 ~~reasonable time~~ 15 business days after that, all persons known to have an ownership,

7.20 possessory, or security interest in seized property must be notified of the seizure and the

7.21 intent to forfeit the property. In the case of a motor vehicle required to be registered under

7.22 chapter 168, notice mailed by certified mail to the address shown in Department of Public

7.23 Safety records is deemed sufficient notice to the registered owner. The notification to a

7.24 person known to have a security interest in seized property required under this paragraph

7.25 applies only to motor vehicles required to be registered under chapter 168 and only if the

7.26 security interest is listed on the vehicle's title.

7.27 (b) Notice may otherwise be given in the manner provided by law for service of a

7.28 summons in a civil action. The notice must be in writing and contain:

7.29 (1) a description of the property seized;

7.30 (2) the date of seizure;

7.31 (3) notice of the right to obtain judicial review of the forfeiture and of the procedure

7.32 for obtaining that judicial review, printed in English, Hmong, Somali, and Spanish.

7.33 ~~Substantially the following language must appear conspicuously: "IF YOU DO NOT~~

7.34 ~~DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA~~

7.35 ~~STATUTES, SECTION 609.5314, SUBDIVISION 3, YOU LOSE THE RIGHT TO~~

7.36 ~~A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY~~

8.1 ~~RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED PROPERTY. YOU MAY~~

8.2 ~~NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU~~

8.3 ~~ARE UNABLE TO AFFORD THE FEE. IF THE PROPERTY IS WORTH \$7,500 OR~~

8.4 ~~LESS, YOU MAY FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT~~

8.5 ~~HAVE TO PAY THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS~~

8.6 ~~WORTH LESS THAN \$500."~~ The notice must be worded in plain language that is likely

8.7 to be understandable to persons with limited reading skills; and

8.8 (4) a separate detachable form designed in a manner and with sufficient space to be

8.9 easily used by the person to object to the forfeiture.

8.10 Subd. 3. **Judicial determination Objection to forfeiture.** (a) Within 60 days

8.11 following service of a notice of seizure and forfeiture under this section, a claimant may

8.12 ~~file a demand for a judicial determination of an objection to the forfeiture.~~ The objection

8.13 must identify the claimant, describe the property, and state the grounds for the objection.

8.14 ~~The demand objection must be in the form of a civil complaint writing and must be filed~~

8.15 ~~with~~ made to the court administrator in the county in which the seizure occurred, together

8.16 ~~with proof of service of a copy of the complaint on the county attorney for that county, and~~

8.17 ~~the standard filing fee for civil actions unless the petitioner has the right to sue in forma~~

8.18 ~~pauperis under section 563.01. If the value of the seized property is \$7,500 or less, the~~

8.19 ~~claimant may file an action in conciliation court for recovery of the seized property. If~~

8.20 ~~the value of the seized property is less than \$500, the claimant does not have to pay the~~

~~8.21conciliation court filing fee. No responsive pleading is required of the county attorney~~  
~~8.22and no court fees may be charged for the county attorney's appearance in the matter. The~~  
~~8.23proceedings are governed by the Rules of Civil Procedure. The claimant may, but is not~~  
~~8.24required to, use the detachable form described in subdivision 2, paragraph (b), clause (4).~~  
~~8.25A court administrator who receives an objection under this paragraph shall forward a~~  
~~8.26copy of it to the county attorney.~~  
~~8.27(b) The complaint must be captioned in the name of the claimant as plaintiff and~~  
~~8.28the seized property as defendant, and must state with specificity the grounds on which~~  
~~8.29the claimant alleges the property was improperly seized and the plaintiff's interest in the~~  
~~8.30property seized. Notwithstanding any law to the contrary, an action for the return of~~  
~~8.31property seized under this section may not be maintained by or on behalf of any person~~  
~~8.32who has been served with a notice of seizure and forfeiture unless the person has complied~~  
~~8.33with this subdivision.~~  
~~8.34(c) If the claimant makes a timely demand for judicial determination objection to~~  
~~8.35forfeiture under this subdivision, the appropriate agency must conduct the forfeiture~~  
~~8.36under section 609.531, subdivision 6a county attorney, after reviewing the case, may~~  
~~9.1pursue a judicial forfeiture under section 609.5311. The limitations and defenses set forth~~  
~~9.2in section 609.5311, subdivision 3, apply to the judicial determination. If the county~~  
~~9.3attorney does not initiate a forfeiture under section 609.5311 within 60 days of the date the~~  
~~9.4claimant's written objection to the forfeiture is made to the court, the appropriate agency~~  
~~9.5shall return the seized property.~~  
~~9.6(d) If a demand for judicial determination of an administrative an objection to~~  
~~9.7forfeiture is filed under this subdivision and the court orders the return of the seized~~  
~~9.8property, the court shall order that filing fees be reimbursed to the person who filed the~~  
~~9.9demand. In addition, the court may order sanctions under section 549.211. If the court~~  
~~9.10orders payment of these costs, they must be paid from forfeited money or proceeds from~~  
~~9.11the sale of forfeited property from the appropriate law enforcement and prosecuting~~  
~~9.12agencies in the same proportion as they would be distributed under section 609.5315,~~  
~~9.13subdivision 5 .~~

9.14 Sec. 16. Minnesota Statutes 2008, section 609.5315, subdivision 5, is amended to read:

9.15 Subd. 5. **Distribution of money.** The money or proceeds from the sale of forfeited  
9.16property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction  
9.17of valid liens against the property, must be distributed as follows:

9.18(1) ~~70~~ 60 percent of the money or proceeds must be forwarded to the appropriate  
9.19agency for deposit as a supplement to the agency's operating fund or similar fund for  
9.20use in law enforcement;

9.21(2) ~~20~~ 30 percent of the money or proceeds must be forwarded to the county attorney  
9.22or other prosecuting agency that handled the forfeiture for deposit as a supplement to its  
9.23operating fund or similar fund for prosecutorial purposes; ~~and~~

9.24(3) five percent of the money or proceeds must be forwarded to the Department of  
9.25Public Safety to establish a grant program for local law enforcement agencies to purchase  
9.26or replace in-car camera systems. Up to 2.5 percent of this money may be used by the  
9.27department to administer the program; and

9.28(4) the remaining ~~ten~~ five percent of the money or proceeds must be forwarded  
9.29within 60 days after resolution of the forfeiture to the state treasury and credited to the

9.30 general fund. Any local police relief association organized under chapter 423 which  
9.31 received or was entitled to receive the proceeds of any sale made under this section before  
9.32 the effective date of Laws 1988, chapter 665, sections 1 to 17, shall continue to receive  
9.33 and retain the proceeds of these sales.

9.34 Sec. 17. Minnesota Statutes 2008, section 609.5315, subdivision 6, is amended to read:

10.1 Subd. 6. **Reporting requirement.** (a) For each forfeiture occurring in the state  
10.2 regardless of the authority for it, the appropriate agency and the prosecutor shall provide  
10.3 a written record of each the forfeiture incident to the state auditor. The record shall  
10.4 include the amount forfeited, the statutory authority for the forfeiture, its date, and a brief  
10.5 description of the circumstances involved, and whether the forfeiture was contested. For  
10.6 controlled substance and driving while impaired forfeitures, the record shall indicate  
10.7 whether the forfeiture was initiated as an administrative or a judicial forfeiture. The  
10.8 record shall also list the number of firearms forfeited and the make, model, and serial  
10.9 number of each firearm forfeited. The record shall indicate how the property was or is  
10.10 to be disposed of.

10.11 (b) An appropriate agency and the prosecutor shall report to the state auditor all  
10.12 instances in which property seized for forfeiture is returned to its owner either because  
10.13 forfeiture is not pursued or for any other reason.

10.14 (c) The state auditor may require information not specified in this subdivision to  
10.15 be reported as well.

10.16 (d) Reports shall be made on a monthly basis in a manner prescribed by the state  
10.17 auditor. The state auditor shall report annually to the legislature on the nature and extent  
10.18 of forfeitures.

10.19 (e) For forfeitures resulting from the activities of multijurisdictional law enforcement  
10.20 entities, the entity on its own behalf shall report the information required in this  
10.21 subdivision.

10.22 Sec. 18. Minnesota Statutes 2008, section 609.5315, is amended by adding a  
10.23 subdivision to read:

10.24 Subd. 8. **Sales of forfeited property.** (a) Sales of forfeited property under this  
10.25 section must be conducted in a commercially reasonable manner.

10.26 (b) Employees of law enforcement agencies and their family members may not  
10.27 purchase forfeited items directly from the appropriate agency.

10.28 Sec. 19. Minnesota Statutes 2008, section 609.5318, subdivision 3, is amended to read:

10.29 Subd. 3. **Hearing.** (a) Within 60 days following service of a notice of seizure and  
10.30 forfeiture, a claimant may demand a judicial determination of the forfeiture. If a related  
10.31 criminal proceeding is pending, the 60-day period begins to run at the conclusion of  
10.32 those proceedings. The demand must be in the form of a ~~civil complaint~~ an objection to  
10.33 forfeiture as provided in section 609.5314, subdivision 3, except as otherwise provided  
10.34 in this section.

11.1 (b) If the claimant makes a timely demand for judicial determination under this  
11.2 subdivision, the appropriate agency must conduct the forfeiture under subdivision 4.

11.3 Sec. 20. Minnesota Statutes 2008, section 609.762, is amended by adding a subdivision



11.4to read:

11.5 Subd. 6. **Reporting.** The law enforcement and prosecuting agencies shall report on  
11.6forfeitures occurring under this section as described in section 609.5315, subdivision 6.

11.7 Sec. 21. Minnesota Statutes 2008, section 609.905, is amended by adding a subdivision  
11.8to read:

11.9 Subd. 3. **Reporting.** The prosecuting authority shall report on forfeitures occurring  
11.10under this section as described in section 609.5315, subdivision 6.

11.11 Sec. 22. **[626.8475] CONTROLLED SUBSTANCE FORFEITURE POLICIES.**

11.12 Subdivision 1. **Statewide model policy required.** The Peace Officer Standards  
11.13and Training Board, after consulting with the Minnesota County Attorneys Association,  
11.14the Minnesota Sheriffs Association, the Minnesota Chiefs of Police Association, and  
11.15the Minnesota Police and Peace Officers Association, shall develop a model policy  
11.16on controlled substance forfeitures designed to encourage the uniform application of  
11.17these laws across the state. At a minimum, the policy shall address the following: the  
11.18level of cooperation with and involvement of prosecutors in forfeiture cases, including  
11.19reviewing administrative forfeiture cases before the forfeiture is finalized; situations in  
11.20which forfeitures should not be pursued; disposition of forfeited items; and best practices  
11.21in pursuing forfeitures.

11.22 Subd. 2. **Local policies required.** The chief law enforcement officer of every  
11.23state and local law enforcement agency shall adopt and implement a written policy on  
11.24controlled substance forfeitures that is identical or substantially similar to the model  
11.25policy described in subdivision 1.

11.26 Subd. 3. **Report to legislature.** By February 1, 2011, the Peace Officer Standards  
11.27and Training Board and each chief law enforcement officer shall adopt the policies  
11.28required in this section and the board shall forward an electronic copy of the model policy  
11.29to the chairs and ranking minority members of the senate and house of representatives  
11.30committees having jurisdiction over criminal justice and civil law policy. This subdivision  
11.31expires on July 1, 2011.

12.1 Sec. 23. **DEVELOPMENT OF CONTROLLED SUBSTANCE**

12.2**ADMINISTRATIVE FORFEITURE NOTICE LANGUAGE.**

12.3The commissioner of public safety and the executive director of the Peace Officer  
12.4Standards and Training Board, in consultation with the Minnesota County Attorneys  
12.5Association, shall develop the notice described in Minnesota Statutes, section 609.5314,  
12.6subdivision 2, paragraph (b), clause (3). By November 1, 2010, the commissioner and  
12.7executive director shall forward the language of the notice to the chief law enforcement  
12.8officer of each state and local law enforcement agency. Each chief law enforcement officer  
12.9shall ensure that the notice is used for controlled substance administrative forfeitures  
12.10taking place within the jurisdiction on and after November 1, 2010."

12.11Delete the title and insert:

12.12"A bill for an act

12.13relating to public safety; making numerous changes to the controlled substance

12.14forfeiture law; expanding the reporting requirements related to forfeiture;

12.15requiring model policies on forfeiture; addressing the disposition of forfeiture

*12.16*proceeds; providing for a probable cause determination for certain forfeitures;  
*12.17*amending Minnesota Statutes 2008, sections 97A.221, by adding a subdivision;  
*12.18*97A.223, by adding a subdivision; 97A.225, by adding a subdivision; 169A.63,  
*12.19*by adding a subdivision; 491A.01, subdivision 3; 609.531, subdivisions 1a, 5,  
*12.20*5a, 6a, by adding a subdivision; 609.5311, subdivision 3; 609.5313; 609.5314;  
*12.21*609.5315, subdivisions 5, 6, by adding a subdivision; 609.5318, subdivision 3;  
*12.22*609.762, by adding a subdivision; 609.905, by adding a subdivision; Minnesota  
*12.23*Statutes 2009 Supplement, section 84.7741, by adding a subdivision; proposing  
*12.24*coding for new law in Minnesota Statutes, chapters 388; 626."