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May 4, 2021

Sen. Warren Limmer, Chair  
Judiciary Committee  
Minnesota Senate

Rep. Carlos Mariani, Chair  
Public Safety & Criminal Justice Reform  
Committee  
Minnesota House of Representatives

***SUBMITTED VIA E-MAIL***

Dear Chair Limmer and Chair Mariani,

The American Civil Liberties Union of Minnesota submits this letter regarding SF 970, the Omnibus Judiciary and Public Safety bill.

The ACLU-MN urges the committee to support provisions that create more equitable systems by decriminalizing poverty. As part of a broad coalition of reform advocates, the ACLU-MN engaged in extensive negotiations with prosecutors and law enforcement to reach compromise language on asset forfeiture reform. This language in Article 9 will update Minnesota's asset forfeiture laws to better protect the due process and property rights of all Minnesotans, and reduce the disproportionate impact of forfeiture laws on Minnesotans with the fewest resources.

Similarly, Article 5, Sections 6 and 7 move courts towards more equitable financial accountability. Court fines and fees for even minor traffic violations can quickly add up and spiral into more severe consequences. And Minnesotans with the least ability to pay a fine or fee are more likely to face those increasingly severe consequences, precisely because of their inability to pay. By increasing court discretion to reduce or waive court surcharges, and requiring courts to assess ability to pay, these proposals will reduce this disproportionate impact of court fines and fees on low-income and BIPOC communities.

The ACLU-MN also urges the committee to support provisions that promote clarity and consistency within and between legal systems. Article 15, Sections 9 and 10 align Minnesota's gross misdemeanor sentencing definition with federal immigration law to prevent inconsistent

and arbitrary consequences based on a one-day mismatch. Article 5, Section 8 ensures consistent law enforcement response times for noncitizen victims of domestic violence and other serious crimes seeking a certification for immigration visa purposes. Article 4, Section 6 provides access to Minnesota's post-conviction process for Minnesotans facing immigration consequences that were not made clear to them at the time of their conviction.

The ACLU-MN further urges the committee to support provisions to enhance transparency and accountability in the criminal legal system. Article 10, Section 23 repeals the prohibition on empowered civilian oversight bodies for police and would allow local entities to decide if giving teeth to their civilian oversight bodies is right for them. Article 11, Section 46 creates a task force to study Minnesota's aiding and abetting felony murder laws, which contribute to mass incarceration and disproportionately impact women and BIPOC communities. And Article 5, Section 9 promotes additional transparency and accountability around the use of jailhouse witnesses.

Proposals in SF 970 that decriminalize poverty, provide for consistency in legal systems, and enhance transparency and accountability constitute concrete change and move Minnesota's legal and public safety frameworks towards systems that work for all Minnesotans.

Sincerely,

Julia Decker  
Policy Director  
ACLU-MN