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Rep. Jamie Becker-Finn, Chair
MN House of Representatives
Judiciary and Civil Law Committee

Rep. Peggy Scott, Minority Lead
MN House of Representatives
Judiciary and Civil Law Committee

SUBMITTED VIA EMAIL

February 8, 2023

Dear Chair Becker-Finn and Members of the House Judiciary and Civil Law Committee,

The ACLU of Minnesota respectfully submits this written comment reiterating concerns about the expansion of state power in 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. Warrants can allow armed law enforcement to enter a person's home with the authorization of the state. All Minnesotans should be wary of expanding this allowance; BIPOC communities, low-income communities, and others who are already disproportionately subjected to state surveillance, intrusions, and violence have reason to be even more so.

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, while factors such as contact with law enforcement and criminal arrests or charges have been removed from HF14, some such factors remain in HF15. In addition, using the gang investigative data system as an alternative factor in HF15 does little to allay concerns about disparities. Per statute, entry into the data system is dependent, in part, on criteria set out by a council made up almost exclusively of prosecutors and law enforcement, i.e. state agents who have played a key role in the disparities already present in the criminal legal system. The data in this data system is further classified as “confidential data on individuals,” meaning it is not accessible even to the subject of the data unless and until they initiate a legal proceeding upon denial of a permit or application.

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