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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2840

04/12/2019 Authored by Moller; Johnson; Carlson, A., and Grossell
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to public safety; creating the Forfeiture Reform Task Force; appropriating
1.3 money.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **FORFEITURE REFORM TASK FORCE.**

1.6 Subdivision 1. Establishment. A task force on forfeiture reform is established to develop
1.7 a comprehensive plan to reform procedures relating to the seizure and forfeiture of property
1.8 associated with criminal activity in Minnesota, including proposals for model policies and
1.9 legislative action. Proposed legislation and model policies must ensure that no forfeiture
1.10 take place without a criminal conviction; all owners have access to a meaningful hearing
1.11 within a reasonable time after property is seized; the value of forfeited property is not
1.12 excessive in relation to the underlying criminal offense; proceeds from forfeiture proceedings
1.13 do not directly fund the entity that seized the property or represented the government agency
1.14 in forfeiture proceedings; local law enforcement agencies are prohibited from circumventing
1.15 state laws; and local law enforcement agencies have access to sufficient sources of funding
1.16 that are not connected to forfeiture.

1.17 Subd. 2. Membership. (a) The task force consists of the following members:

- 1.18 (1) the commissioner of public safety or a designee;
1.19 (2) one chief of police appointed by the Minnesota Chiefs of Police Association;
1.20 (3) one sheriff appointed by the Minnesota Sheriffs' Association;

2.1 (4) two rank and file peace officers, at least one of whom must serve a jurisdiction outside  
2.2 the seven-county metropolitan area, appointed by the Minnesota Police and Peace Officers  
2.3 Association;

2.4 (5) one conservation officer appointed by the commissioner of natural resources;

2.5 (6) the superintendent of the Bureau of Criminal Apprehension or a designee;

2.6 (7) the state public defender or a designee;

2.7 (8) one defense attorney appointed by the Minnesota Association of Criminal Defense  
2.8 Lawyers;

2.9 (9) one county attorney appointed by the Minnesota County Attorneys Association;

2.10 (10) one district court judge appointed by the chief justice of the supreme court;

2.11 (11) one attorney representing the ACLU of Minnesota, appointed by its executive  
2.12 director;

2.13 (12) one attorney with a nonprofit public interest law firm focusing on property rights,  
2.14 free speech, educational choice, and economic liberty; and

2.15 (13) two persons who had property seized pursuant to Minnesota's forfeiture laws.

2.16 (b) Unless otherwise specified, members shall be appointed by the commissioner of  
2.17 public safety. Appointments must be made no later than July 30, 2019.

2.18 (c) Members are eligible for compensation and expense reimbursement consistent with  
2.19 Minnesota Statutes, section 15.059, subdivision 3.

2.20 (d) Members of the task force serve at the pleasure of the appointing authority or until  
2.21 the task force expires. Vacancies shall be filled by the appointing authority consistent with  
2.22 the qualifications of the vacating member required by this subdivision.

2.23 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and  
2.24 may elect other officers as necessary.

2.25 (b) The commissioner of public safety shall convene the first meeting of the task force  
2.26 no later than August 1, 2019, and shall provide meeting space and administrative assistance  
2.27 as necessary for the task force to conduct its work.

2.28 (c) The task force shall meet at least monthly, or upon the call of its chair. The task force  
2.29 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings  
2.30 of the task force are subject to Minnesota Statutes, chapter 13D.

2.31 Subd. 4. **Duties.** (a) The duties of the task force shall, at a minimum, include:

3.1 (1) reviewing current state laws relating to the forfeiture of property in connection with  
3.2 criminal activity;

3.3 (2) reviewing state and federal court decisions relating to forfeiture of property in  
3.4 connection with criminal activity;

3.5 (3) reviewing the financial impact of forfeiture on state and local law enforcement  
3.6 agencies;

3.7 (4) reviewing laws and policies adopted and proposed in other jurisdictions relating to  
3.8 forfeiture of property in connection with criminal activity; and

3.9 (5) developing proposed model policies and legislation which are consistent with the  
3.10 following goals:

3.11 (i) prohibiting forfeiture from taking place without a criminal conviction;

3.12 (ii) ensuring that all owners have access to a meaningful hearing within a reasonable  
3.13 time after property is seized;

3.14 (iii) ensuring the value of forfeited property is not excessive in relation to the underlying  
3.15 criminal offense;

3.16 (iv) preventing proceeds from forfeiture from directly funding the entity that seized the  
3.17 property or represented the government agency in forfeiture proceedings;

3.18 (v) preventing local law enforcement agencies from circumventing state laws by pursuing  
3.19 forfeiture under other laws that provide fewer protections than Minnesota law; and

3.20 (vi) ensuring that local law enforcement agencies have access to sufficient sources of  
3.21 funding that are not connected to forfeiture.

3.22 (b) At its discretion, the task force may examine other related issues consistent with this  
3.23 section as necessary.

3.24 Subd. 5. **Report.** On or before February 15, 2020, the task force shall report to the chairs  
3.25 and ranking minority members of the legislative committees and divisions with jurisdiction  
3.26 over public safety finance and policy on the work of the task force. The report shall include  
3.27 proposed model policies and legislation.

3.28 Subd. 6. **Expiration.** This task force expires upon submission of the report required  
3.29 under subdivision 5.

3.30 **EFFECTIVE DATE.** This section is effective July 1, 2019.

4.1 Sec. 2. **FORFEITURE REFORM TASK FORCE; APPROPRIATION.**

4.2 \$218,000 in fiscal year 2020 is appropriated from the general fund to the commissioner  
4.3 of public safety to implement the Forfeiture Reform Task Force.