

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill makes the following changes to the forfeiture provisions found in chapter 609: requires officers to give receipts upon seizure of property; implements timelines for forfeiture notice and hearings; places a cap on the value of property that may be forfeited administratively; requires a prosecutor to certify administrative forfeitures; prohibits sales of forfeited property to employees or family members; and requires the POST board and Minnesota County Attorney's Association to develop a statewide model policy for best practices in forfeiture.

#### Section

- 1 Seizure.** Requires an officer to provide a forfeiture receipt when seizing property.
- 2 Custody of seized property.** Changes statutory language from permissive to mandatory regarding an officer's duty to secure seized property and prevent waste.
- 3 Petition for remission or mitigation.** Authorizes a person with an interest in forfeited property to file a petition for remission or mitigation with the county attorney. Provides that the county attorney may remit or mitigate the forfeiture if: (1) the forfeiture was incurred without willful negligence or intent to violate the law, or (2) extenuating circumstances exist.
- 4 Forfeiture policies.** Directs POST board and MCAA to develop a statewide model policy for best practices in forfeiture for law enforcement agencies and prosecutors. Direct agencies and prosecutors to adopt written policies that are identical or similar to the model policies.
- 5 Limitations on forfeiture of property associated with drug offenses.** Under current law, a motor vehicle is only subject to forfeiture if the retail value of the drugs involved in the crime is \$25 or more and the crime is a felony-level offense. This section raises the monetary threshold from \$25 to \$50.

- 6 **Forfeiture by judicial action.** Requires a county attorney to send notice of intent to forfeit property within 90 days from when seizure occurs. Allows the county attorney to petition the court for an additional 90 days for good cause shown. Directs the agency to return the property to the owner if notice is not timely sent. Provides that the agency retains the right to commence the forfeiture at a later time.
- 7 **Administrative forfeiture.** Places a cap of \$75,000 on the value of property that may be forfeited administratively. Implements the same notice requirements found in section 6.
- 8 **Judicial determination.** Requires a contested administrative hearing be held no later than 180 days from the filing of the demand by the claimant, unless a criminal proceeding is pending.
- 9 **Dispositions.** Prohibits sale of forfeited property to an officer or employee of the agency that seized the property. Also prohibits sale to family members.
- 10 **Disposition of administratively forfeited property.** Requires a county attorney to certify that the following procedures were taken before property may be forfeited administratively (where no demand is made by the claimant): (1) the seizing agency provided an evidence or forfeiture receipt; (2) proper notice was timely served; and (3) probable cause for the forfeiture exists based upon the officer's statement.