



August 5, 2020

Representative John Lesch, Chair
Judiciary Finance and Civil Law Committee
State Office Building, Room 10
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Chair Lesch and Members of the Committee:

As a member of the Board of Directors for the Minnesota Association of Criminal Defense Lawyers (“MACDL”), I participated in the lengthy negotiations with all of the organizations that labored tirelessly to agree on the concepts embodied in this forfeiture reform bill. This forfeiture legislation goes a long way towards correcting the manifest injustices and counter-productive results that stem from Minnesota’s current forfeiture laws. This bill reflects a careful compromise crafted by both the agencies and the key stakeholders who enforce these laws as well as groups like MACDL, who see the impact of these laws on their clients on a daily basis. I strongly urge speedy passage of this comprehensive reform bill. These changes are long overdue.

It is rare for both prosecutors and defense attorneys to agree on anything as fundamental as a bill designed to fundamentally reform an entire area of law – but that is what is embodied by this bill. All sides in this endeavor would like to see a different version of this bill, but the compromises reached here result in a bill that is a significant achievement that advances both personal property rights, while not causing any degradation to public safety. This bill also repeals portions of our current forfeiture law that were held unconstitutional by the Minnesota Supreme Court, and insulate our forfeiture system from further constitutional challenges at the same time.

This committee has struggled with a variety of unique challenges this year, many of them thrust forward by the death of George Floyd. It is important to note that the administration of our current forfeiture laws can be aggressively used to target minority and impoverished communities, even though that was not the original intent or design. With the reforms in this bill, the potential for those types of abuses is extremely diminished, and again does have an adverse impact on public safety. This alone would be reason to pass this compromise reform bill, but there are many other reasons.

I have had many clients lose their family vehicle to a vehicle forfeiture due to a DWI, at a time in their life where having a vehicle (with ignition interlock installed) was more important than ever. A vehicle just does not make it easier to provide for a family while attending chemical dependency treatment, AA meetings, and the like; it is effectively indispensable. This bill avoids the counter-productive act of putting additional barriers in the way of an individual’s sobriety, while still ensuring that aggressive, felony DWI offenders lose access to the instrumentality of their crimes. I have had even

more clients come to me for help with a forfeiture, only to discover that it would cost them more money to hire me to challenge the forfeiture than the value of the property and money that was seized. This bill embodies a compromise that will ensure that those individuals will be protected going forward, while drug kingpins and the like are still subjected to civil asset forfeiture alongside criminal penalties.

I sincerely look forward to a future where civil asset forfeiture is governed by the language agreed upon in this forfeiture reform bill, and not our current law. The sooner we live in that future, the better. Feel free to contact me for more information regarding my support for this legislation at 651.604.0000 or dan@ramsayresults.com.

Sincerely,

Dan Koewler
Partner
Ramsay Law Firm, PLLC