



Wednesday, April 7, 2021

Dear Members of the House Judiciary Finance and Civil Law Committee,

On behalf of Americans for Prosperity activists across Minnesota, I am writing today to thank you for your attention and support for reform proposals to the state's asset forfeiture laws and urge you to take action to protect the constitutional rights of Minnesotans.

Americans for Prosperity – Minnesota has worked for years to make reforms to asset forfeiture laws both here in Minnesota and across the nation. As a participant in the interim stakeholder negotiations, we fully support the compromise language originally heard by this committee in HF75 (now Article 7 of HF1030). While it does not fully eliminate the civil forfeiture process, this legislation is a strong step forward that will protect Minnesotans' property and due process rights and help keep the vast majority of claimants from being forced into the onerous and convoluted civil system in the first place.

Minnesota ranks poorly compared to the rest of the country in its civil asset forfeiture policies, meaning property owners lack protections here that residents of many other states take for granted. Under our current system, law enforcement is allowed to seize and then have prosecutors litigate the transfer of title to property that they suspect is connected to criminal activity or that represents the profits of wrongdoing—all without convicting or even charging the property owner with a crime. Cash, cars, and other property are forfeited under this program.

Under current law, the property owner enters criminal court but the seized property itself enters civil court, where the government has a far lower standard of proof. In these proceedings, the burden falls on claimants to demonstrate their own innocence by filing a separate lawsuit – against their own property – within a narrow window of 60 days after seizure in order to even have a chance of getting it back. This process is time consuming, expensive, and generally unused. In Minnesota, over 95% of would-be claimants lose their property through administrative process, without even making an attempt at recovery.

Because many forfeitures are small dollar amounts, the massive procedural barriers put in place by the state quickly make the choice to pursue litigation a more expensive option than the value of the seized property. Many claimants – even those likely to prevail or never charged with a crime – make the economic choice to simply walk away.

With bipartisan recognition in both the House and Senate of the challenges in the current system, and with compromise reached across a broad coalition of stakeholders, we encourage you to continue to move these important reforms forward. Please don't hesitate to reach out if you have questions, need more information, or if you would like to discuss this issue further.

Sincerely,

Jason Flohrs
State Director
Americans for Prosperity - Minnesota

Through broad-based grassroots outreach, *Americans for Prosperity* is driving long-term solutions to the country's biggest problems. AFP activists engage friends and neighbors on key issues and encourage them to take an active role in building a culture of mutual benefit, where people succeed by helping one another. AFP recruits and unites activists in 35 states behind a common goal of advancing policies that will help people improve their lives.