



May 4, 2021

Via E-Mail Delivery

Sen. Warren Limmer, Chair
Judiciary
Minnesota Senate
3221 Minnesota Senate Building
St. Paul, MN 55155

Rep. Carlos Mariani, Chair
Public Safety & Criminal Justice Reform
Minnesota House of Representatives
479 State Office Building
St. Paul, MN 55155

Sen. Andrew Mathews, Chair
Civil Law & Data Practices Policy
Minnesota Senate
2105 Minnesota Senate Building
St. Paul, MN 55155

Rep. Jamie Becker-Finn, Chair
Judiciary Finance & Civil Law
Minnesota House of Representatives
559 State Office Building
St. Paul, MN 55155

Dear Chairs Limmer, Mathews, Mariani and Becker-Finn:

The coalition of undersigned organizations strongly support the forfeiture language included in the House Public Safety and Judiciary Omnibus bill. This language reforms the state's civil asset forfeiture law and was introduced this legislative session as HF75 (Moller) and SF444 (Johnson), receiving overwhelming bipartisan support as the House bill moved through several committees. This language reflects extensive negotiations involving defense attorneys, justice reform advocates, prosecutors, and law enforcement stakeholders in Minnesota. The negotiations took place over several months in 2019 and 2020.

Stakeholders on both sides began negotiations in 2019 and devoted a significant amount of time and effort to reach this agreement. This was a lengthy and arduous process that wasn't always easy. But we believe the agreed-to language will focus law enforcement's use of civil asset forfeiture on individuals who pose a legitimate threat to public safety and will better safeguard civil liberties.

Civil asset forfeiture allows the government to seize money, vehicles, and other property suspected of being connected to criminal activity. Even if an individual is never charged with a crime, their property can be seized and ultimately forfeited. Under current law, people wishing to reclaim seized property must engage in expensive litigation to get their property back, which often costs much more than the value of the seized currency or property itself. This is a separate, civil process that is completely unrelated to any criminal process.

The established system burdens property owners and creates administrative burdens for law enforcement agencies. Law enforcement agencies must go through various steps in the forfeiture process, including the storage and sale of vehicles, at a cost to taxpayers.

The agreed upon forfeiture language implements reforms by changing the following:

- Reforms the DWI forfeiture statute to expand the use of ignition interlock, requires entrance into treatment courts, and focuses seizure and forfeitures on repeat offenders;
- Provides additional protections for innocent owners that aligns with a recent Minnesota Supreme Court case requiring a prompt hearing;
- Prevents law enforcement from circumventing state forfeiture laws by accessing and utilizing the federal sharing program;
- Establishes a \$1,500 threshold for money and property that can be subject to forfeiture unless the currency or property was used in the direct commission of certain crimes;
- Creates transparent reporting requirements for forfeited property and the use of forfeiture revenue by local municipalities;
- Waives storage and some filing fees for individuals and innocent owners; and
- Requires a recidivism study to track efficacy of forfeiture and ignition interlock as strategies to reduce the number of repeat DWI offenders.

We hope we can count on your support to incorporate the forfeiture changes into the final conference report. This agreed-to forfeiture language will enable law enforcement to keep our communities safe while protecting the rights and civil liberties of Minnesotans.

Sincerely,

William Ward, State Public Defender
Minnesota Board of Public Defense

Holly Harris, Executive Director
Justice Action Network

John Gordon, Executive Director
American Civil Liberties Union of Minnesota

Drew Schaffer, Executive Director
Mid-Minnesota Legal Aid

Ryan Garry, President
Minnesota Association of Criminal Defense Attorneys (MACDL)

Jason Flohrs, State Director
Americans for Prosperity – Minnesota

c: Senator Mark Johnson
Senator Bill Ingebrigtsen
Senator Ron Latz
Representative Cedrick Frazier
Representative Kelly Moller
Representative Tim Miller
Senator Mark Johnson
Senator Bill Ingebrigtsen
Senator Ron Latz