

1.1 ..... moves to amend H.F. No. 75 as follows:

1.2 Page 8, after line 12, insert:

1.3 "Sec. .... Minnesota Statutes 2020, section 169A.63, subdivision 9, is amended to read:

1.4 Subd. 9. **Judicial forfeiture procedure.** (a) This subdivision governs judicial  
1.5 determinations of the forfeiture of a motor vehicle used to commit a designated offense or  
1.6 used in conduct resulting in a designated license revocation. An action for forfeiture is a  
1.7 civil in rem action and is independent of any criminal prosecution. All proceedings are  
1.8 governed by the Rules of Civil Procedure.

1.9 (b) If no demand for judicial determination of the forfeiture is pending, the prosecuting  
1.10 authority may, in the name of the jurisdiction pursuing the forfeiture, file a separate complaint  
1.11 against the vehicle, describing it, specifying that it was used in the commission of a  
1.12 designated offense or was used in conduct resulting in a designated license revocation, and  
1.13 specifying the time and place of its unlawful use.

1.14 (c) The prosecuting authority may file an answer to a properly served demand for judicial  
1.15 determination, including an affirmative counterclaim for forfeiture. The prosecuting authority  
1.16 is not required to file an answer.

1.17 (d) A judicial determination under this subdivision must be held at the earliest practicable  
1.18 date, and in any event no later than 180 days following the filing of the demand by the  
1.19 claimant. If a related criminal proceeding is pending, the hearing shall not be held until the  
1.20 conclusion of the criminal proceedings. The district court administrator shall schedule the  
1.21 hearing as soon as practicable after the conclusion of the criminal prosecution. The district  
1.22 court administrator shall establish procedures to ensure efficient compliance with this  
1.23 subdivision. The hearing is to the court without a jury.

2.1 (e) There is a presumption that a vehicle seized under this section is subject to forfeiture  
 2.2 if the prosecuting authority establishes that the vehicle was used in the commission of a  
 2.3 designated offense or designated license revocation. A claimant bears the burden of proving  
 2.4 any affirmative defense raised.

2.5 (f) If the forfeiture is based on the commission of a designated offense and the person  
 2.6 charged with the designated offense appears in court as required and is not convicted of the  
 2.7 offense, the court shall order the property returned to the person legally entitled to it upon  
 2.8 that person's compliance with the redemption requirements of section 169A.42. If the  
 2.9 forfeiture is based on a designated license revocation, and the license revocation is rescinded  
 2.10 under section 169A.53, subdivision 3 (judicial review hearing, issues, order, appeal), the  
 2.11 court shall order the property returned to the person legally entitled to it upon that person's  
 2.12 compliance with the redemption requirements of section 169A.42.

2.13 (g) If the lawful ownership of the vehicle used in the commission of a designated offense  
 2.14 or used in conduct resulting in a designated license revocation can be determined and the  
 2.15 owner makes the demonstration required under subdivision 7, ~~paragraph (d)~~ 7a, the vehicle  
 2.16 must be returned immediately upon the owner's compliance with the redemption requirements  
 2.17 of section 169A.42.

2.18 (h) If the court orders the return of a seized vehicle under this subdivision it ~~must order~~  
 2.19 ~~that filing fees be reimbursed to the person who filed the demand for judicial determination.~~  
 2.20 ~~In addition, the court~~ may order sanctions under section 549.211 (sanctions in civil actions).  
 2.21 Any ~~reimbursement fees or~~ sanctions must be paid from other forfeiture proceeds of the  
 2.22 law enforcement agency and prosecuting authority involved and in the same proportion as  
 2.23 distributed under subdivision 10, paragraph (b).

2.24 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures  
 2.25 that take place on or after that day."

2.26 Page 12, line 14, strike "park"

2.27 Page 12, line 15, strike "rangers" and insert "Department of Public Safety"

2.28 Page 19, line 16, delete "driver" and insert "person arrested when the property was  
 2.29 seized"

2.30 Page 19, line 22, delete "vehicle" and insert "above-described property" and delete  
 2.31 "driver" and insert "person arrested when the property was seized"

2.32 Page 19, after line 32, insert:

3.1 "Sec. .... Minnesota Statutes 2020, section 609.5314, subdivision 3, is amended to read:

3.2 Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of  
3.3 seizure and forfeiture under this section, a claimant may file a demand for a judicial  
3.4 determination of the forfeiture. The demand must be in the form of a civil complaint and  
3.5 must be filed with the court administrator in the county in which the seizure occurred,  
3.6 together with proof of service of a copy of the complaint on the prosecuting authority for  
3.7 that county, ~~and the standard filing fee for civil actions unless the petitioner has the right~~  
3.8 ~~to sue in forma pauperis under section 563.01.~~ The claimant may serve the complaint on  
3.9 the prosecuting authority by any means permitted by court rules. If the value of the seized  
3.10 property is \$15,000 or less, the claimant may file an action in conciliation court for recovery  
3.11 of the seized property. ~~If the value of the seized property is less than \$500,~~ The claimant  
3.12 does not have to pay the ~~conciliation~~ court filing fee. No responsive pleading is required of  
3.13 the prosecuting authority and no court fees may be charged for the prosecuting authority's  
3.14 appearance in the matter. The district court administrator shall schedule the hearing as soon  
3.15 as practicable after, and in any event no later than 90 days following, the conclusion of the  
3.16 criminal prosecution. The proceedings are governed by the Rules of Civil Procedure.

3.17 (b) The complaint must be captioned in the name of the claimant as plaintiff and the  
3.18 seized property as defendant, and must state with specificity the grounds on which the  
3.19 claimant alleges the property was improperly seized and the plaintiff's interest in the property  
3.20 seized. Notwithstanding any law to the contrary, an action for the return of property seized  
3.21 under this section may not be maintained by or on behalf of any person who has been served  
3.22 with a notice of seizure and forfeiture unless the person has complied with this subdivision.

3.23 (c) If the claimant makes a timely demand for judicial determination under this  
3.24 subdivision, the appropriate agency must conduct the forfeiture under section 609.531,  
3.25 subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3,  
3.26 apply to the judicial determination.

3.27 (d) If a demand for judicial determination of an administrative forfeiture is filed under  
3.28 this subdivision and the court orders the return of the seized property, ~~the court shall order~~  
3.29 ~~that filing fees be reimbursed to the person who filed the demand. In addition,~~ the court  
3.30 may order sanctions under section 549.211. If the court orders payment of these costs, they  
3.31 must be paid from forfeited money or proceeds from the sale of forfeited property from the  
3.32 appropriate law enforcement and prosecuting agencies in the same proportion as they would  
3.33 be distributed under section 609.5315, subdivision 5.

- 4.1 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
- 4.2 that take place on or after that day."
- 4.3 Renumber the sections in sequence and correct the internal references
- 4.4 Amend the title accordingly