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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **742**

February 8, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to public safety; expanding forfeiture of conveyance devices involved in
1.3 drug crimes; amending Minnesota Statutes 2006, section 609.5311, subdivision 3.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2006, section 609.5311, subdivision 3, is amended to
1.6 read:

1.7 Subd. 3. **Limitations on forfeiture of certain property associated with controlled**
1.8 **substances.** (a) A conveyance device is subject to forfeiture under this section only if
1.9 the retail value of the controlled substance is \$25 or more and the conveyance device is
1.10 associated with a ~~felony-level~~ controlled substance crime as established by state law
1.11 or local ordinance.

1.12 (b) Real property is subject to forfeiture under this section only if the retail value of
1.13 the controlled substance or contraband is \$1,000 or more.

1.14 (c) Property used by any person as a common carrier in the transaction of business
1.15 as a common carrier is subject to forfeiture under this section only if the owner of the
1.16 property is a consenting party to, or is privy to, the use or intended use of the property as
1.17 described in subdivision 2.

1.18 (d) Property is subject to forfeiture under this section only if its owner was privy to
1.19 the use or intended use described in subdivision 2, or the unlawful use or intended use of
1.20 the property otherwise occurred with the owner's knowledge or consent.

1.21 (e) Forfeiture under this section of a conveyance device or real property encumbered
1.22 by a bona fide security interest is subject to the interest of the secured party unless the
1.23 secured party had knowledge of or consented to the act or omission upon which the

2.1 forfeiture is based. A person claiming a security interest bears the burden of establishing
2.2 that interest by clear and convincing evidence.

2.3 (f) Forfeiture under this section of real property is subject to the interests of a good
2.4 faith purchaser for value unless the purchaser had knowledge of or consented to the act or
2.5 omission upon which the forfeiture is based.

2.6 (g) Notwithstanding paragraphs (d), (e), and (f), property is not subject to forfeiture
2.7 based solely on the owner's or secured party's knowledge of the unlawful use or intended
2.8 use of the property if: (1) the owner or secured party took reasonable steps to terminate
2.9 use of the property by the offender; or (2) the property is real property owned by the
2.10 parent of the offender, unless the parent actively participated in, or knowingly acquiesced
2.11 to, a violation of chapter 152, or the real property constitutes proceeds derived from or
2.12 traceable to a use described in subdivision 2.

2.13 (h) The Department of Correction's Fugitive Apprehension Unit shall not seize a
2.14 conveyance device or real property, for the purposes of forfeiture under paragraphs (a)
2.15 to (g).

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes
2.17 committed on or after that date.