

1.1 Senator ..... moves to amend S.F. No. 878 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 PUBLIC SAFETY

1.5 Section 1. [5B.13] CRIMINAL PENALTY.

1.6 When the performance of any act is prohibited under this chapter as of February  
1.7 1, 2015, but no criminal or civil penalty is provided, the commission of the act is a  
1.8 misdemeanor.

1.9 EFFECTIVE DATE. This section is effective August 1, 2015, and applies to acts  
1.10 committed on or after that date.

1.11 Sec. 2. [626.19] USE OF UNMANNED AERIAL VEHICLES.

1.12 Subdivision 1. Definitions. (a) For purposes of this section, the following terms  
1.13 have the meanings given.

1.14 (b) "Adverse result" means:

1.15 (1) endangering the life or physical safety of an individual;

1.16 (2) flight from prosecution;

1.17 (3) destruction of or tampering with evidence;

1.18 (4) intimidation of potential witnesses; or

1.19 (5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

1.20 (c) "Law enforcement agency" has the meaning given in section 626.84, subdivision  
1.21 1.

1.22 (d) "Unmanned aerial vehicle" or "UAV" means an aircraft that is operated without  
1.23 the possibility of direct human intervention from within or on the aircraft.

1.24 Subd. 2. Use of unmanned aerial vehicles limited. Except as provided in  
1.25 subdivision 3, a law enforcement agency may not operate a UAV without a search warrant  
1.26 issued under this chapter.

1.27 Subd. 3. Exceptions. (a) A law enforcement agency may operate a UAV and  
1.28 disclose information collected from the operation in an emergency situation that involves  
1.29 a reasonably likely threat to the life or safety of a person. A law enforcement agency that  
1.30 deploys a UAV under this paragraph must document the factual basis for the emergency  
1.31 on a form created for that purpose by the Bureau of Criminal Apprehension and submit a  
1.32 sworn statement with the district court setting forth the grounds for the emergency use not  
1.33 later than 48 hours after operation of the UAV commenced.

2.1 (b) A law enforcement agency may operate a UAV to collect information from a  
2.2 public area if a court, upon motion, determines that there are specific and articulable facts  
2.3 demonstrating reasonable suspicion of criminal activity, that the operation of the UAV  
2.4 will uncover this activity, and that alternative methods of data collection are either cost  
2.5 prohibitive or present a significant risk to any person's bodily safety. An order shall not  
2.6 be issued for a period greater than 48 hours. Extensions of an order may be granted but  
2.7 shall be no longer than the authorizing judge deems necessary to achieve the purposes for  
2.8 which it was granted and in no event for longer than 30 days.

2.9 (c) A law enforcement agency may operate a UAV to counter a high risk of a terrorist  
2.10 attack by a specific individual or organization if the agency determines that credible  
2.11 intelligence indicates this risk. A law enforcement agency that deploys a UAV under this  
2.12 paragraph must document the factual basis for the use on a form created for that purpose  
2.13 by the Bureau of Criminal Apprehension and submit a sworn statement with the district  
2.14 court setting forth the grounds for the use not later than 48 hours after operation of the  
2.15 UAV commenced. The law enforcement agency may request that the form and statement  
2.16 be sealed. An order must be issued granting the request in whole or in part if the court  
2.17 finds reasonable grounds exist to believe that refusing the request may cause the search  
2.18 or a related search to be unsuccessful, create a substantial risk of injury to an innocent  
2.19 person, or severely hamper an ongoing investigation.

2.20 (d) A law enforcement agency may operate a UAV to prevent the loss of life and  
2.21 property in natural or man-made disasters and to facilitate the operational planning,  
2.22 rescue, and recovery operations in the aftermath of these disasters. A law enforcement  
2.23 agency that deploys a UAV under this paragraph must document the factual basis for the  
2.24 use on a form created for that purpose by the Bureau of Criminal Apprehension and  
2.25 submit a sworn statement with the district court setting forth the grounds for the use not  
2.26 later than 48 hours after operation of the UAV commenced.

2.27 Subd. 4. **Limitations on use.** (a) A law enforcement agency operating a UAV must  
2.28 fully comply with all Federal Aviation Administration requirements and guidelines.

2.29 (b) Acquisition of UAVs must be approved by the governmental entity overseeing  
2.30 the law enforcement agency.

2.31 (c) Unless specifically authorized in the warrant or order, a UAV shall be operated in  
2.32 a manner to collect data only on a clearly and narrowly defined target and to avoid data  
2.33 collection on individuals, homes, or areas other than the defined target.

2.34 (d) A law enforcement agency may not deploy facial recognition or other  
2.35 biometric-matching technology via a UAV unless expressly authorized to do so through  
2.36 a court order or warrant.

3.1 (e) UAVs may not be equipped with weapons.

3.2 Subd. 5. **Consensual disclosure of information.** A law enforcement agency may  
3.3 disclose or receive information about any person acquired through the operation of a UAV  
3.4 if the person has given written consent to the disclosure.

3.5 Subd. 6. **Data retention and classification.** (a) No data collected on an individual,  
3.6 home, or area other than the subject identified in the warrant or order may be used,  
3.7 copied, or disclosed for any purpose except as provided in subdivision 5. Notwithstanding  
3.8 section 138.17, the data must be deleted as soon as possible, and in no event later than  
3.9 24 hours after collection.

3.10 (b) Data collected pursuant to this section is criminal investigative data under  
3.11 section 13.82, subdivision 7.

3.12 Subd. 7. **Evidence.** Information obtained or collected by a law enforcement agency  
3.13 in violation of this section is not admissible as evidence in a criminal prosecution in any  
3.14 court of law in this state.

3.15 Subd. 8. **Notice.** (a) Within a reasonable time but not later than 90 days after the  
3.16 court unseals a warrant under this subdivision, the issuing or denying judge shall cause  
3.17 to be served on the persons named in the warrant and the application an inventory that  
3.18 shall include notice of:

3.19 (1) the fact of the issuance of the warrant or the application;

3.20 (2) the date of the issuance and the period of authorized, approved, or disapproved  
3.21 collection of information, or the denial of the application; and

3.22 (3) the fact that during the period information was or was not collected.

3.23 (b) A warrant authorizing collection of information must direct that:

3.24 (1) the warrant be sealed for a period of 90 days or until the objective of the warrant  
3.25 has been accomplished, whichever is shorter; and

3.26 (2) the warrant be filed with the court administrator within ten days of the expiration  
3.27 of the warrant.

3.28 (c) The prosecutor may request that the warrant, supporting affidavits, and any order  
3.29 granting the request not be filed. An order must be issued granting the request in whole or  
3.30 in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable  
3.31 grounds exist to believe that filing the warrant may cause the search or a related search  
3.32 to be unsuccessful, create a substantial risk of injury to an innocent person, or severely  
3.33 hamper an ongoing investigation.

3.34 (d) The warrant must direct that following the commencement of any criminal  
3.35 proceeding utilizing evidence obtained in or as a result of the search, the supporting  
3.36 application or affidavit must be filed either immediately or at any other time as the court

4.1 directs. Until such filing, the documents and materials ordered withheld from filing must  
4.2 be retained by the judge or the judge's designee.

4.3 Subd. 9. Remedies for violation. An aggrieved party may initiate a civil action  
4.4 against a law enforcement agency to obtain all appropriate relief to prevent or remedy a  
4.5 violation of this section.

4.6 Subd. 10. Reporting. (a) By January 15 of each year, each law enforcement agency  
4.7 that uses UAVs shall report to the commissioner of public safety the following information  
4.8 for the preceding calendar year:

4.9 (1) the number of times a UAV was used, organized by the types of incidents and  
4.10 the types of justification for deployment;

4.11 (2) the number of criminal investigations aided by the use of UAVs;

4.12 (3) the number of uses of UAVs for reasons other than criminal investigations; and

4.13 (4) the total cost of the agency's UAV program.

4.14 (b) By June 15 of each year, the commissioner of public safety shall compile a full  
4.15 and complete report summarizing the information submitted to the commissioner under  
4.16 paragraph (a), and submit the report to the chairs and ranking minority members of the  
4.17 senate and house of representatives committees having jurisdiction over criminal justice  
4.18 and public safety issues and make the report public on the department's Web site.

4.19 (c) By January 15 of each year, any judge who has issued a warrant or order under  
4.20 this section that expired during the preceding year, or who has denied approval during that  
4.21 year, shall report to the state court administrator:

4.22 (1) the fact that a warrant, order, or extension was applied for;

4.23 (2) the kind of warrant, order, or extension applied for;

4.24 (3) the fact that the warrant, order, or extension was granted as applied for, was  
4.25 modified, or was denied;

4.26 (4) the period of UAV use authorized by the warrant or order, and the number and  
4.27 duration of any extensions of the warrant or order;

4.28 (5) the offense specified in the warrant, order, or application, or extension of a  
4.29 warrant or order; and

4.30 (6) the identity of the law enforcement agency making the application and the  
4.31 person authorizing the application.

4.32 (d) By June 15 of each year, the state court administrator shall transmit to the chairs  
4.33 and ranking minority members of the senate and house of representatives committees  
4.34 having jurisdiction over criminal justice and public safety issues and post on the Supreme  
4.35 Court's Web site a full and complete report concerning the number of applications  
4.36 for warrants or orders authorizing or approving operation of UAVs or disclosure of

5.1 information from the operation of UAVs under this section and the number of warrants,  
5.2 orders, and extensions granted or denied under this section during the preceding calendar  
5.3 year. The report must include a summary and analysis of the data required to be filed with  
5.4 the state court administrator by paragraph (c).

5.5 **Sec. 3. [626.891] PEACE OFFICER-INVOLVED INCIDENTS; OUTSIDE**  
5.6 **INVESTIGATION REQUIRED.**

5.7 Subdivision 1. **Definitions.** As used in this section: (1) "deadly force" has the  
5.8 meaning given in section 609.066, subdivision 1; (2) "great bodily harm" has the meaning  
5.9 given in section 609.02, subdivision 8; (3) "law enforcement agency" has the meaning  
5.10 given in section 626.84, subdivision 1, paragraph (f); (4) "officer-involved incident"  
5.11 means the use of deadly force by a peace officer while the officer is on duty or off duty but  
5.12 performing activities that are within the scope of the officer's law enforcement duties that  
5.13 results in great bodily harm or death of another; and (5) "peace officer" has the meaning  
5.14 given in section 626.84, subdivision 1, paragraph (c).

5.15 Subd. 2. **Officer-involved incident investigations.** The chief law enforcement  
5.16 officer of a law enforcement agency shall ensure that when a peace officer employed by the  
5.17 agency is involved in an officer-involved incident, an investigation into the incident occurs  
5.18 and is conducted by the Bureau of Criminal Apprehension. If the officer-involved incident  
5.19 involves a peace officer employed by the Bureau of Criminal Apprehension, the required  
5.20 investigation must be conducted by a law enforcement agency other than the bureau. The  
5.21 agency conducting an investigation under this subdivision must expeditiously provide a  
5.22 complete report to the county attorney of the county in which the officer-involved incident  
5.23 occurred. An internal investigation into the officer-involved incident may be completed  
5.24 by the law enforcement agency that employs the officer involved in the incident if the  
5.25 internal investigation does not interfere with the outside investigation conducted under  
5.26 this subdivision.

5.27 Subd. 3. **Release of report.** If the county attorney determines there is no basis to  
5.28 prosecute the peace officer involved in the officer-involved incident, the attorney shall  
5.29 inform the law enforcement agency that conducted the investigation of this determination  
5.30 and the agency shall release the report to the public.

5.31 **Sec. 4. Minnesota Statutes 2014, section 645.241, is amended to read:**

5.32 **645.241 PUNISHMENT FOR PROHIBITED ACTS.**

6.1 ~~(a) Except as provided in paragraph (b),~~ When the performance of any act is  
6.2 prohibited by a statute, and no penalty for the violation of the same shall be imposed in  
6.3 any statute, the doing of such act shall be a petty misdemeanor.

6.4 ~~(b) When the performance of any act is prohibited by a statute enacted or amended~~  
6.5 ~~after September 1, 2014, and no penalty for the violation of the same shall be imposed in~~  
6.6 ~~any statute, the doing of such act shall be a petty misdemeanor.~~

6.7 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts  
6.8 committed on or after that date.

## 6.9 **ARTICLE 2**

### 6.10 **JUVENILE JUSTICE**

6.11 Section 1. Minnesota Statutes 2014, section 244.05, subdivision 4, is amended to read:

6.12 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a  
6.13 mandatory life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2,  
6.14 paragraph (a), must not be given supervised release under this section.

6.15 (b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence  
6.16 under section 609.185, clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109,  
6.17 subdivision 3, must not be given supervised release under this section without having  
6.18 served a minimum term of 30 years.

6.19 (c) An inmate serving a mandatory life sentence under section 609.385 must not  
6.20 be given supervised release under this section without having served a minimum term of  
6.21 imprisonment of 17 years.

6.22 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision  
6.23 3 or 4, must not be given supervised release under this section without having served the  
6.24 minimum term of imprisonment specified by the court in its sentence.

6.25 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision  
6.26 3, or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under  
6.27 this section without having served a minimum term of imprisonment of 20 years.

6.28 (f) An inmate serving a mandatory life sentence for a crime described in paragraph  
6.29 (b) who was under 18 years of age at the time of the commission of the offense requiring  
6.30 the life sentence, and who was certified under section 260B.125 or designated an extended  
6.31 jurisdiction juvenile under section 260B.130, must not be given supervised release under  
6.32 this section without having served a minimum term of imprisonment of 20 years.

7.1 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day  
7.2 following final enactment and applies to offenders sentenced on or after that date, and also  
7.3 retroactively to offenders sentenced to life without release before that date.

7.4 Sec. 2. Minnesota Statutes 2014, section 244.05, subdivision 5, is amended to read:

7.5 Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections  
7.6 may, under rules promulgated by the commissioner, give supervised release to an inmate  
7.7 serving a mandatory life sentence under section 609.185, clause (3), (5), or (6); 609.106,  
7.8 subdivision 3; 609.3455, subdivision 2, paragraph (c), 3<sub>2</sub> or 4; 609.385; or Minnesota  
7.9 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum  
7.10 term of imprisonment specified in subdivision 4.

7.11 (b) The commissioner shall require the preparation of a community investigation  
7.12 report and shall consider the findings of the report when making a supervised release  
7.13 decision under this subdivision. The report shall reflect the sentiment of the various  
7.14 elements of the community toward the inmate, both at the time of the offense and at the  
7.15 present time. The report shall include the views of the sentencing judge, the prosecutor,  
7.16 any law enforcement personnel who may have been involved in the case, and any  
7.17 successors to these individuals who may have information relevant to the supervised  
7.18 release decision. The report shall also include the views of the victim and the victim's  
7.19 family unless the victim or the victim's family chooses not to participate.

7.20 (c) The commissioner shall make reasonable efforts to notify the victim, in advance,  
7.21 of the time and place of the inmate's supervised release review hearing. The victim has  
7.22 a right to submit an oral or written statement at the review hearing. The statement may  
7.23 summarize the harm suffered by the victim as a result of the crime and give the victim's  
7.24 recommendation on whether the inmate should be given supervised release at this time.  
7.25 The commissioner must consider the victim's statement when making the supervised  
7.26 release decision.

7.27 (d) When considering whether to give supervised release to an inmate serving a life  
7.28 sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at  
7.29 a minimum, the following: the risk the inmate poses to the community if released, the  
7.30 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological  
7.31 or other diagnostic evaluations of the inmate, the inmate's criminal history, and any  
7.32 other relevant conduct of the inmate while incarcerated or before incarceration. The  
7.33 commissioner may not give supervised release to the inmate unless:

7.34 (1) while in prison:

7.35 (i) the inmate has successfully completed appropriate sex offender treatment;

8.1 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate,  
8.2 has successfully completed chemical dependency treatment; and

8.3 (iii) the inmate has been assessed for mental health needs and, if appropriate, has  
8.4 successfully completed mental health treatment; and

8.5 (2) a comprehensive individual release plan is in place for the inmate that ensures  
8.6 that, after release, the inmate will have suitable housing and receive appropriate aftercare  
8.7 and community-based treatment. The comprehensive plan also must include a postprison  
8.8 employment or education plan for the inmate.

8.9 (e) As used in this subdivision, "victim" means the individual who suffered harm as  
8.10 a result of the inmate's crime or, if the individual is deceased, the deceased's surviving  
8.11 spouse or next of kin.

8.12 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day  
8.13 following final enactment and applies to offenders sentenced on or after that date, and also  
8.14 retroactively to offenders sentenced to life without release before that date.

8.15 Sec. 3. Minnesota Statutes 2014, section 260B.001, subdivision 2, is amended to read:

8.16 Subd. 2. **Delinquency.** The purpose of the laws relating to children alleged or  
8.17 adjudicated to be delinquent is to promote the public safety ~~and reduce~~ by reducing  
8.18 juvenile delinquency by maintaining the integrity of the substantive law prohibiting  
8.19 certain behavior and by developing individual responsibility for lawful behavior. This  
8.20 purpose should be pursued through means that are fair and just, that recognize the unique  
8.21 characteristics and needs of children, and that give children access to opportunities for  
8.22 personal and social growth.

8.23 Sec. 4. **[260B.008] USE OF RESTRAINTS.**

8.24 (a) As used in this section, "restraints" means a mechanical or other device that  
8.25 constrains the movement of a person's body or limbs.

8.26 (b) Restraints may not be used on a child appearing in court in a proceeding under  
8.27 this chapter unless the court finds that:

8.28 (1) the use of restraints is necessary:

8.29 (i) to prevent physical harm to the child or another; or

8.30 (ii) to prevent the child from fleeing in situations in which the child presents a  
8.31 substantial risk of flight from the courtroom; and

8.32 (2) there are no less restrictive alternatives to restraints that will prevent flight or  
8.33 physical harm to the child or another, including, but not limited to, the presence of court  
8.34 personnel, law enforcement officers, or bailiffs.

9.1 The finding in clause (1), item (i), may be based, among other things, on the child having  
9.2 a history of disruptive courtroom behavior or behavior while in custody for any current  
9.3 or prior offense that has placed others in potentially harmful situations, or presenting a  
9.4 substantial risk of inflicting physical harm on the child or others as evidenced by recent  
9.5 behavior.

9.6 (c) The court shall be provided the child's behavior history and shall provide the child  
9.7 an opportunity to be heard in person or through counsel before ordering the use of restraints.  
9.8 If restraints are ordered, the court shall make findings of fact in support of the order.

9.9 Sec. 5. Minnesota Statutes 2014, section 260B.125, is amended by adding a  
9.10 subdivision to read:

9.11 Subd. 11. **Applicability of mandatory minimum sentences.** Notwithstanding  
9.12 any other law to the contrary, when a person who has been convicted of an offense that  
9.13 has been certified under this section is sentenced, the sentencing court is not required  
9.14 to sentence the person under the terms of a mandatory minimum sentence that would  
9.15 otherwise be applicable to the offense.

9.16 Sec. 6. Minnesota Statutes 2014, section 260B.130, subdivision 4, is amended to read:

9.17 Subd. 4. **Disposition.** (a) If an extended jurisdiction juvenile prosecution results in a  
9.18 guilty plea or finding of guilt, the court shall:

- 9.19 (1) impose one or more juvenile dispositions under section 260B.198; and  
9.20 (2) impose an adult criminal sentence, the execution of which shall be stayed on  
9.21 the condition that the offender not violate the provisions of the disposition order and  
9.22 not commit a new offense.

9.23 (b) If a child prosecuted as an extended jurisdiction juvenile after designation by  
9.24 the prosecutor in the delinquency petition is convicted of an offense after trial that is not  
9.25 an offense described in subdivision 1, clause (2), the court shall adjudicate the child  
9.26 delinquent and order a disposition under section 260B.198. If the extended jurisdiction  
9.27 juvenile proceeding results in a guilty plea for an offense not described in subdivision 1,  
9.28 clause (2), the court may impose a disposition under paragraph (a) if the child consents.

9.29 (c) Notwithstanding any other law to the contrary, when imposing an adult sentence  
9.30 under paragraph (a), clause (2), the court is not required to sentence the child under the  
9.31 terms of a mandatory minimum sentence that would otherwise be applicable to the offense.

9.32 Sec. 7. **[260B.1755] LAW ENFORCEMENT DIVERSION OF NONVIOLENT**  
9.33 **JUVENILE OFFENDERS AUTHORIZED.**

10.1           (a) A peace officer may refer a child that the officer has the lawful authority to arrest  
10.2 or has arrested to a diversion program that the law enforcement agency with jurisdiction  
10.3 over the child deems appropriate.

10.4           (b) This section applies only to nonviolent offenses and does not apply to peace  
10.5 officers acting pursuant to an order or warrant described in section 260B.175, subdivision  
10.6 1, paragraph (a), or other court order to take a child into custody.

10.7           (c) A diversion program authorized by this section may defer prosecution of  
10.8 juvenile offenders who agree to complete appropriate conditions. Upon completion of the  
10.9 conditions, the charge shall be dismissed. Both petty offenders and delinquents may be  
10.10 diverted.

10.11       Sec. 8. Minnesota Statutes 2014, section 609.106, subdivision 2, is amended to read:

10.12           Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall  
10.13 sentence a person to life imprisonment without possibility of release under the following  
10.14 circumstances:

10.15           (1) the person is convicted of first-degree murder under section 609.185, paragraph  
10.16 (a), clause (1), (2), (4), or (7);

10.17           (2) the person is convicted of committing first-degree murder in the course of a  
10.18 kidnapping under section 609.185, clause (3); or

10.19           (3) the person is convicted of first-degree murder under section 609.185, clause (3),  
10.20 (5), or (6), and the court determines on the record at the time of sentencing that the person  
10.21 has one or more previous convictions for a heinous crime.

10.22           **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day  
10.23 following final enactment and applies to offenders sentenced on or after that date, and also  
10.24 retroactively to offenders sentenced to life without release before that date.

10.25       Sec. 9. Minnesota Statutes 2014, section 609.106, is amended by adding a subdivision  
10.26 to read:

10.27           Subd. 3. **Offender under age 18; life imprisonment with possibility of release.** If  
10.28 the defendant was under 18 years of age at the time of the commission of an offense that  
10.29 would require a life without release sentence under subdivision 2, and the child has been  
10.30 certified under section 260B.125 or designated an extended jurisdiction juvenile under  
10.31 section 260B.130, the court shall sentence the defendant to imprisonment for life.

11.1 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day  
11.2 following final enactment and applies to offenders sentenced on or after that date, and also  
11.3 retroactively to offenders sentenced to life without release before that date.

11.4 Sec. 10. Minnesota Statutes 2014, section 609.3455, subdivision 2, is amended to read:

11.5 Subd. 2. **Mandatory life sentence without release; egregious first-time and**  
11.6 **repeat offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory  
11.7 maximum penalty otherwise applicable to the offense, the court shall sentence a person  
11.8 convicted under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or  
11.9 609.343, subdivision 1, paragraph (c), (d), (e), (f), or (h), to life without the possibility of  
11.10 release if:

11.11 (1) the fact finder determines that two or more heinous elements exist; or

11.12 (2) the person has a previous sex offense conviction for a violation of section  
11.13 609.342, 609.343, or 609.344, and the fact finder determines that a heinous element exists  
11.14 for the present offense.

11.15 (b) A fact finder may not consider a heinous element if it is an element of the  
11.16 underlying specified violation of section 609.342 or 609.343. In addition, when  
11.17 determining whether two or more heinous elements exist, the fact finder may not use the  
11.18 same underlying facts to support a determination that more than one element exists.

11.19 (c) If the defendant was under 18 years of age at the time of the commission of an  
11.20 offense that would require a life without release sentence under paragraph (a), and the child  
11.21 has been certified under section 260B.125 or designated an extended jurisdiction juvenile  
11.22 under section 260B.130, the court shall sentence the defendant to imprisonment for life.

11.23 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day  
11.24 following final enactment and applies to offenders sentenced on or after that date, and also  
11.25 retroactively to offenders sentenced to life without release before that date.

11.26 Sec. 11. **RULE SUPERSEDED.**

11.27 Minnesota Rules of Juvenile Procedure, rule 2.03, subdivision 1, is superseded to  
11.28 the extent it conflicts with section 4.

11.29 Sec. 12. **COMPLIANCE WITH JUVENILE RESTRAINT PROVISION.**

11.30 By July 1, 2016, each judicial district shall develop a protocol to address how to  
11.31 implement and comply with section 4. In developing the protocol, a district shall consult  
11.32 with law enforcement agencies, prosecutors, and public defenders within the district, as  
11.33 well as any other entity deemed necessary by the district's chief judge.



13.1 **EFFECTIVE DATE.** This section applies to reporting of financial information for  
13.2 years ending on or after December 31, 2016.

13.3 Sec. 2. Minnesota Statutes 2014, section 84.7741, subdivision 10, is amended to read:

13.4 Subd. 10. **Disposition of forfeited vehicle.** (a) If the vehicle is administratively  
13.5 forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is  
13.6 subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

13.7 (1) sell the vehicle and distribute the proceeds under paragraph (b); or

13.8 (2) keep the vehicle for official use. If the agency keeps a forfeited off-highway  
13.9 vehicle for official use, the agency shall make reasonable efforts to ensure that the  
13.10 off-highway vehicle is available for use by the agency's officers who participate in  
13.11 off-highway vehicle enforcement or education programs.

13.12 (b) The proceeds from the sale of forfeited vehicles, after payment of seizure,  
13.13 towing, storage, forfeiture, and sale expenses and satisfaction of valid liens against the  
13.14 property, must be distributed as follows:

13.15 (1) 70 percent of the proceeds must be forwarded to the appropriate agency for  
13.16 deposit as a supplement to the state or local agency's operating fund or similar fund for use  
13.17 in purchasing equipment for off-highway vehicle enforcement, training, and education; and

13.18 (2) 30 percent of the money or proceeds must be forwarded to the prosecuting  
13.19 authority that handled the forfeiture for deposit as a supplement to its operating fund or  
13.20 similar fund for prosecutorial purposes.

13.21 (c) If a vehicle is sold under paragraph (a), the appropriate agency shall not sell  
13.22 the vehicle to: (1) an officer or employee of the agency that seized the property or to a  
13.23 person related to the officer or employee by blood or marriage; or (2) the prosecuting  
13.24 authority or any individual working in the same office or a person related to the authority  
13.25 or individual by blood or marriage.

13.26 (d) Sales of forfeited vehicles under this section must be conducted in a  
13.27 commercially reasonable manner.

13.28 (e) If a vehicle is forfeited administratively under this section and no demand for  
13.29 judicial determination is made, the appropriate agency shall provide the prosecuting  
13.30 authority with a copy of the forfeiture or evidence receipt, the notice of seizure and intent  
13.31 to forfeit, a statement of probable cause for forfeiture of the property, and a description of  
13.32 the property and its estimated value. Upon review and certification by the prosecuting  
13.33 authority that (1) the appropriate agency provided a receipt in accordance with subdivision  
13.34 2, paragraph (c), (2) the appropriate agency served notice in accordance with subdivision 8,

14.1 and (3) probable cause for forfeiture exists based on the officer's statement, the appropriate  
14.2 agency may dispose of the property in any of the ways listed in this subdivision.

14.3 (f) The appropriate agency or prosecuting authority may not use the proceeds  
14.4 from the sale of forfeited vehicles to pay base salaries, benefits, overtime, or bonuses to  
14.5 personnel, or to pay a private attorney for services related to forfeiture litigation.

14.6 Sec. 3. Minnesota Statutes 2014, section 169A.60, subdivision 1, is amended to read:

14.7 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the  
14.8 meanings given in this subdivision.

14.9 (b) "Family or household member" ~~has the meaning given in section 169A.63,~~  
14.10 subdivision 1 means:

14.11 (1) a parent, stepparent, or guardian;

14.12 (2) any of the following persons related by blood, marriage, or adoption: brother,  
14.13 sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent,  
14.14 great-grandparent, great-uncle, great-aunt; or

14.15 (3) persons residing together or persons who regularly associate and communicate  
14.16 with one another outside of a workplace setting.

14.17 (c) "Motor vehicle" means a self-propelled motor vehicle other than a motorboat in  
14.18 operation or an off-road recreational vehicle.

14.19 (d) "Plate impoundment violation" includes:

14.20 (1) a violation of section 169A.20 (driving while impaired) or 169A.52 (license  
14.21 revocation for test failure or refusal), or an ordinance from this state or a statute or  
14.22 ordinance from another state in conformity with either of those sections, that results in  
14.23 the revocation of a person's driver's license or driving privileges, within ten years of a  
14.24 qualified prior impaired driving incident;

14.25 (2) a license disqualification under section 171.165 (commercial driver's license  
14.26 disqualification) resulting from a violation of section 169A.52 within ten years of a  
14.27 qualified prior impaired driving incident;

14.28 (3) a violation of section 169A.20 or 169A.52 while having an alcohol concentration  
14.29 of twice the legal limit or more as measured at the time, or within two hours of the time,  
14.30 of the offense;

14.31 (4) a violation of section 169A.20 or 169A.52 while having a child under the age of  
14.32 16 in the vehicle if the child is more than 36 months younger than the offender; or

14.33 (5) a violation of section 171.24 (driving without valid license) by a person whose  
14.34 driver's license or driving privileges have been canceled or denied under section 171.04,

15.1 subdivision 1, clause (10) (persons not eligible for driver's license, inimical to public  
15.2 safety).

15.3 (e) "Violator" means a person who was driving, operating, or in physical control of  
15.4 the motor vehicle when the plate impoundment violation occurred.

15.5 Sec. 4. Minnesota Statutes 2014, section 169A.63, subdivision 1, is amended to read:

15.6 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have  
15.7 the meanings given them.

15.8 (b) "Appropriate agency" means a law enforcement agency that has the authority to  
15.9 make an arrest for a violation of a designated offense or to require a test under section  
15.10 169A.51 (chemical tests for intoxication).

15.11 (c) "Claimant" means an owner of a motor vehicle or a person claiming a leasehold  
15.12 or security interest in a motor vehicle.

15.13 (d) "Designated license revocation" includes a license revocation under section  
15.14 169A.52 (license revocation for test failure or refusal) or a license disqualification under  
15.15 section 171.165 (commercial driver's license disqualification) resulting from a violation  
15.16 of section 169A.52; within ten years of the first of two or more qualified prior impaired  
15.17 driving incidents.

15.18 (e) "Designated offense" includes:

15.19 (1) a violation of section 169A.20 (driving while impaired) under the circumstances  
15.20 described in section 169A.24 (first-degree driving while impaired), or 169A.25  
15.21 (second-degree driving while impaired); or

15.22 (2) a violation of section 169A.20 or an ordinance in conformity with it:

15.23 (i) by a person whose driver's license or driving privileges have been canceled  
15.24 as inimical to public safety under section 171.04, subdivision 1, clause (10), and not  
15.25 reinstated; or

15.26 (ii) by a person who is subject to a restriction on the person's driver's license under  
15.27 section 171.09 (commissioner's license restrictions), which provides that the person may  
15.28 not use or consume any amount of alcohol or a controlled substance.

15.29 (f) ~~"Family or household member" means:~~

15.30 ~~(1) a parent, stepparent, or guardian;~~

15.31 ~~(2) any of the following persons related by blood, marriage, or adoption: brother,~~  
15.32 ~~sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent,~~  
15.33 ~~great-grandparent, great-uncle, great-aunt; or~~

15.34 ~~(3) persons residing together or persons who regularly associate and communicate~~  
15.35 ~~with one another outside of a workplace setting.~~

16.1 (g) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen or taken  
16.2 in violation of the law.

16.3 (h) (g) "Owner" means a person legally entitled to possession, use, and control of  
16.4 a motor vehicle, including a lessee of a motor vehicle if the lease agreement has a term  
16.5 of 180 days or more. There is a rebuttable presumption that a person registered as the  
16.6 owner of a motor vehicle according to the records of the Department of Public Safety  
16.7 is the legal owner. For purposes of this section, if a motor vehicle is owned jointly by  
16.8 two or more people, each owner's interest extends to the whole of the vehicle and is not  
16.9 subject to apportionment.

16.10 (i) (h) "Prosecuting authority" means the attorney in the jurisdiction in which the  
16.11 designated offense occurred who is responsible for prosecuting violations of a designated  
16.12 offense or a designee. If a state agency initiated the forfeiture, and the attorney responsible  
16.13 for prosecuting the designated offense declines to pursue forfeiture, the Attorney General's  
16.14 Office or its designee may initiate forfeiture under this section.

16.15 (j) (i) "Security interest" means a bona fide security interest perfected according to  
16.16 section 168A.17, subdivision 2, based on a loan or other financing that, if a vehicle is  
16.17 required to be registered under chapter 168, is listed on the vehicle's title.

16.18 Sec. 5. Minnesota Statutes 2014, section 169A.63, subdivision 7, is amended to read:

16.19 Subd. 7. **Limitations on vehicle forfeiture.** (a) A vehicle is presumed subject to  
16.20 forfeiture under this section if:

16.21 (1) the driver is convicted of the designated offense upon which the forfeiture is based;

16.22 (2) the driver fails to appear for a scheduled court appearance with respect to the  
16.23 designated offense charged and fails to voluntarily surrender within 48 hours after the  
16.24 time required for appearance; or

16.25 (3) the driver's conduct results in a designated license revocation and the driver  
16.26 fails to seek judicial review of the revocation in a timely manner as required by section  
16.27 169A.53, subdivision 2, (petition for judicial review), or the license revocation is judicially  
16.28 reviewed and sustained under section 169A.53, subdivision 2.

16.29 (b) ~~A vehicle encumbered by a security interest perfected according to section~~  
16.30 ~~168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more, is subject~~  
16.31 ~~to the interest of the secured party or lessor unless the party or lessor had knowledge of~~  
16.32 ~~or consented to the act upon which the forfeiture is based. However, when the proceeds~~  
16.33 ~~of the sale of a seized vehicle do not equal or exceed the outstanding loan balance, the~~  
16.34 ~~appropriate agency shall remit all proceeds of the sale to the secured party after deducting~~  
16.35 ~~the agency's costs for the seizure, tow, storage, forfeiture, and sale of the vehicle. If the~~

17.1 ~~sale of the vehicle is conducted in a commercially reasonable manner consistent with the~~  
17.2 ~~provisions of section 336.9-610, the agency is not liable to the secured party for any~~  
17.3 ~~amount owed on the loan in excess of the sale proceeds. The validity and amount of a~~  
17.4 ~~nonperfected security interest must be established by its holder by clear and convincing~~  
17.5 ~~evidence. The limitations and defenses in section 609.531, subdivisions 9 and 10, apply~~  
17.6 ~~to forfeitures under this section.~~

17.7 (e) ~~Notwithstanding paragraph (b), the secured party's or lessor's interest in a vehicle~~  
17.8 ~~is not subject to forfeiture based solely on the secured party's or lessor's knowledge of~~  
17.9 ~~the act or omission upon which the forfeiture is based if the secured party or lessor~~  
17.10 ~~demonstrates by clear and convincing evidence that the party or lessor took reasonable~~  
17.11 ~~steps to terminate use of the vehicle by the offender.~~

17.12 (d) ~~A motor vehicle is not subject to forfeiture under this section if its owner can~~  
17.13 ~~demonstrate by clear and convincing evidence that the owner did not have actual or~~  
17.14 ~~constructive knowledge that the vehicle would be used or operated in any manner contrary~~  
17.15 ~~to law or that the owner took reasonable steps to prevent use of the vehicle by the offender.~~  
17.16 ~~If the offender is a family or household member of the owner and has three or more prior~~  
17.17 ~~impaired driving convictions, the owner is presumed to know of any vehicle use by the~~  
17.18 ~~offender that is contrary to law. "Vehicle use contrary to law" includes, but is not limited~~  
17.19 ~~to, violations of the following statutes:~~

- 17.20 (1) ~~section 171.24 (violations; driving without valid license);~~  
17.21 (2) ~~section 169.791 (criminal penalty for failure to produce proof of insurance);~~  
17.22 (3) ~~section 171.09 (driving restrictions; authority, violations);~~  
17.23 (4) ~~section 169A.20 (driving while impaired);~~  
17.24 (5) ~~section 169A.33 (underage drinking and driving); and~~  
17.25 (6) ~~section 169A.35 (open bottle law).~~

17.26 **EFFECTIVE DATE.** ~~This section is effective August 1, 2015, and applies to~~  
17.27 ~~offenses committed on or after that date.~~

17.28 Sec. 6. Minnesota Statutes 2014, section 169A.63, subdivision 9, is amended to read:

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

17.34 (b) If no demand for judicial determination of the forfeiture is pending, the  
17.35 prosecuting authority may, in the name of the jurisdiction pursuing the forfeiture, file a

18.1 separate complaint against the vehicle, describing it, specifying that it was used in the  
18.2 commission of a designated offense or was used in conduct resulting in a designated  
18.3 license revocation, and specifying the time and place of its unlawful use.

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

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

18.14 ~~(e) There is a presumption that a vehicle seized under this section is subject~~  
18.15 ~~to forfeiture if the prosecuting authority establishes that the vehicle was used in the~~  
18.16 ~~commission of a designated offense or designated license revocation. A claimant bears the~~  
18.17 ~~burden of proving any affirmative defense raised~~ The prosecuting authority has the burden  
18.18 of proof to show by a preponderance of the evidence that the vehicle was used in the  
18.19 commission of a designated offense or designated license revocation. The limitations and  
18.20 defenses in section 609.531, subdivisions 9 and 10, apply to forfeitures under this section.

18.21 (f) If the forfeiture is based on the commission of a designated offense and the person  
18.22 charged with the designated offense appears in court as required and is not convicted of  
18.23 the offense, the court shall order the property returned to the person legally entitled to it  
18.24 upon that person's compliance with the redemption requirements of section 169A.42. If  
18.25 the forfeiture is based on a designated license revocation, and the license revocation is  
18.26 rescinded under section 169A.53, subdivision 3 (judicial review hearing, issues, order,  
18.27 appeal), the court shall order the property returned to the person legally entitled to it upon  
18.28 that person's compliance with the redemption requirements of section 169A.42.

18.29 ~~(g) If the lawful ownership of the vehicle used in the commission of a designated~~  
18.30 ~~offense or used in conduct resulting in a designated license revocation can be determined~~  
18.31 ~~and the owner makes the demonstration required under subdivision 7, paragraph (d)~~ If the  
18.32 prosecuting authority fails to establish by a preponderance of the evidence that the vehicle  
18.33 was used in the commission of a designated offense or designated license revocation, the  
18.34 vehicle must be returned immediately upon the owner's compliance with the redemption  
18.35 requirements of section 169A.42.

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

19.7 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to  
19.8 offenses committed on or after that date.

19.9 Sec. 7. Minnesota Statutes 2014, section 169A.63, subdivision 10, is amended to read:

19.10 Subd. 10. **Disposition of forfeited vehicle.** (a) If the vehicle is administratively  
19.11 forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is  
19.12 subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

19.13 (1) sell the vehicle and distribute the proceeds under paragraph (b); or

19.14 (2) keep the vehicle for official use. If the agency keeps a forfeited motor vehicle for  
19.15 official use, it shall make reasonable efforts to ensure that the motor vehicle is available for  
19.16 use by the agency's officers who participate in the drug abuse resistance education program.

19.17 (b) The proceeds from the sale of forfeited vehicles, after payment of seizure,  
19.18 towing, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the  
19.19 property, must be distributed as follows:

19.20 (1) 70 percent of the proceeds must be forwarded to the appropriate agency for  
19.21 deposit as a supplement to the state or local agency's operating fund or similar fund for use  
19.22 in DWI-related enforcement, training, and education; and

19.23 (2) 30 percent of the money or proceeds must be forwarded to the prosecuting  
19.24 authority that handled the forfeiture for deposit as a supplement to its operating fund or  
19.25 similar fund for prosecutorial purposes.

19.26 (c) If a vehicle is sold under paragraph (a), the appropriate agency shall not sell  
19.27 the vehicle to: (1) an officer or employee of the agency that seized the property or to a  
19.28 person related to the officer or employee by blood or marriage; or (2) the prosecuting  
19.29 authority or any individual working in the same office or a person related to the authority  
19.30 or individual by blood or marriage.

19.31 (d) Sales of forfeited vehicles under this section must be conducted in a  
19.32 commercially reasonable manner.

19.33 (e) If a vehicle is forfeited administratively under this section and no demand for  
19.34 judicial determination is made, the appropriate agency shall provide the prosecuting  
19.35 authority with a copy of the forfeiture or evidence receipt, the notice of seizure and intent

20.1 to forfeit, a statement of probable cause for forfeiture of the property, and a description of  
20.2 the property and its estimated value. Upon review and certification by the prosecuting  
20.3 authority that (1) the appropriate agency provided a receipt in accordance with subdivision  
20.4 2, paragraph (c), (2) the appropriate agency served notice in accordance with subdivision 8,  
20.5 and (3) probable cause for forfeiture exists based on the officer's statement, the appropriate  
20.6 agency may dispose of the property in any of the ways listed in this subdivision.

20.7 (f) The appropriate agency or prosecuting authority may not use the proceeds  
20.8 from the sale of forfeited vehicles to pay base salaries, benefits, overtime, or bonuses to  
20.9 personnel, or to pay a private attorney for services related to forfeiture litigation.

20.10 Sec. 8. Minnesota Statutes 2014, section 609.531, subdivision 1, is amended to read:

20.11 Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the  
20.12 following terms have the meanings given them.

20.13 (a) "Actual knowledge" means direct and clear awareness of information, a fact,  
20.14 or a condition.

20.15 (b) "Conveyance device" means a device used for transportation and includes, but  
20.16 is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any  
20.17 equipment attached to it. The term "conveyance device" does not include property which  
20.18 is, in fact, itself stolen or taken in violation of the law.

20.19 ~~(b)~~ (c) "Weapon used" means a dangerous weapon as defined under section 609.02,  
20.20 subdivision 6, that the actor used or had in possession in furtherance of a crime.

20.21 ~~(e)~~ (d) "Property" means property as defined in section 609.52, subdivision 1,  
20.22 clause (1).

20.23 (e) "Constructive knowledge" means knowledge that is imputed to family or  
20.24 household members of the owner, as defined in section 169A.60, subdivision 1, paragraph  
20.25 (b), if the owner has been adjudicated guilty three or more times for the same or a specified  
20.26 similar violation in the last ten years.

20.27 ~~(d)~~ (f) "Contraband" means property which is illegal to possess under Minnesota law.

20.28 (e) (g) "Appropriate agency" means the Bureau of Criminal Apprehension, the  
20.29 Department of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle  
20.30 Services, the Minnesota State Patrol, a county sheriff's department, the Three Rivers Park  
20.31 District park rangers, the Department of Natural Resources Division of Enforcement, the  
20.32 University of Minnesota Police Department, the Department of Corrections Fugitive  
20.33 Apprehension Unit, a city, metropolitan transit, or airport police department; or a  
20.34 multijurisdictional entity established under section 299A.642 or 299A.681.

20.35 ~~(f)~~ (h) "Designated offense" includes:

21.1 (1) for weapons used: any violation of this chapter, chapter 152 or 624;  
 21.2 (2) for driver's license or identification card transactions: any violation of section  
 21.3 171.22; and

21.4 (3) for all other purposes: a felony violation of, or a felony-level attempt or  
 21.5 conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21;  
 21.6 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282;  
 21.7 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1,  
 21.8 clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345,  
 21.9 subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466;  
 21.10 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;  
 21.11 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;  
 21.12 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88;  
 21.13 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation  
 21.14 of section 609.891 or 624.7181; or any violation of section 609.324.

21.15 ~~(g)~~(i) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

21.16 ~~(h)~~(j) "Prosecuting authority" means the attorney who is responsible for prosecuting  
 21.17 an offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

21.18 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to  
 21.19 offenses committed on or after that date.

21.20 Sec. 9. Minnesota Statutes 2014, section 609.531, subdivision 8, is amended to read:

21.21 Subd. 8. **Forfeiture policies; statewide model policy required.** ~~(a) By December~~  
 21.22 ~~1, 2010, the Peace Officer Standards and Training Board, after consulting with the~~  
 21.23 ~~Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the~~  
 21.24 ~~Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers~~  
 21.25 ~~Association, shall develop a model policy that articulates best practices for forfeiture~~  
 21.26 ~~and is designed to encourage the uniform application of forfeiture laws statewide. At a~~  
 21.27 ~~minimum, the policy shall address the following:~~

21.28 (1) ~~best practices in pursuing, seizing, and tracking forfeitures;~~

21.29 (2) ~~type and frequency of training for law enforcement on forfeiture laws; and~~

21.30 (3) ~~situations in which forfeitures should not be pursued.~~

21.31 ~~(b) By December 1, 2010, the Minnesota County Attorneys Association, after~~  
 21.32 ~~consulting with the attorney general, the Peace Officer Standards and Training Board,~~  
 21.33 ~~the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and~~  
 21.34 ~~the Minnesota Police and Peace Officers Association, shall develop a model policy that~~

22.1 articulates best practices for forfeiture and is designed to encourage the uniform application  
22.2 of forfeiture laws statewide. At a minimum, the policy shall address the following:

- 22.3 (1) statutory role of prosecuting authorities in forfeiture procedures;  
22.4 (2) best practices for timely and fair resolution of forfeiture cases;  
22.5 (3) type and frequency of training for prosecuting authorities on forfeiture laws; and  
22.6 (4) situations in which forfeitures should not be pursued.

22.7 (e) By December 1, 2010, the Minnesota County Attorneys Association and the Peace  
22.8 Officer Standards and Training Board shall forward an electronic copy of its respective  
22.9 model policy to the chairs and ranking minority members of the senate and house of  
22.10 representatives committees having jurisdiction over criminal justice and civil law policy.

22.11 (d) By March 1, 2011, The chief law enforcement officer of every state and local law  
22.12 enforcement agency and every prosecution office in the state shall adopt and implement  
22.13 maintain a written policy on forfeiture that is identical or substantially similar to the  
22.14 consistent with the model policies developed under paragraphs (a) and (b) Laws 2010,  
22.15 chapter 391, section 11. The written policy shall be made available to the public upon  
22.16 request.

22.17 Sec. 10. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision  
22.18 to read:

22.19 **Subd. 9. Limitations and defenses to forfeiture; ownership or interest at time**  
22.20 **of the crime.** (a) For purposes of sections 169A.63, 609.5311, 609.5312, 609.5314, and  
22.21 609.5318, an innocent owner claimant may file a claim for the return of property that the  
22.22 claimant owned or had interest in at the time of the crime by using the process described  
22.23 in this subdivision. The innocent owner claimant may file a claim at any time prior to the  
22.24 commencement of the underlying criminal trial and request a prompt hearing.

22.25 (b) The prosecuting authority may move to postpone the hearing for a reasonable  
22.26 period of time not to exceed five days, unless approved by the court, for the prosecuting  
22.27 authority to complete an investigation of the property related to the underlying criminal  
22.28 charge.

22.29 (c) The alleged suspect or convicted offender may invoke the right against  
22.30 self-incrimination at a civil hearing consistent with state law.

22.31 (d) The innocent owner claimant has the burden of production to show by a  
22.32 preponderance of the evidence that the claimant:

22.33 (1) had a full or joint ownership or security interest in the property at the time the  
22.34 conduct giving rise to the forfeiture occurred; and

23.1 (2) is not the person accused or convicted of the crime for which the property is  
23.2 subject to forfeiture.

23.3 (e) If the claimant meets the burden of production in paragraph (d), the property  
23.4 is subject to forfeiture if the prosecuting authority proves by a preponderance of the  
23.5 evidence that the claimant:

23.6 (1) had actual or constructive knowledge of the crime giving rise to the forfeiture; or

23.7 (2) consented to the act or omission upon which the forfeiture is based.

23.8 (f) If the trier-of-fact determines the property is not subject to forfeiture, all claims  
23.9 of right, title, and interest to the property that vested in the state are relinquished. The  
23.10 court shall order the return of the property within a reasonable period of time.

23.11 (g) Notwithstanding paragraph (f), if the property is jointly owned, the court may  
23.12 divide and allocate interest in the property among its joint owners and order the return  
23.13 of a prorated amount of the property only to the innocent owner claimant. The court  
23.14 may divide and allocate the property based on the joint owners' history of payments of  
23.15 initial and ongoing costs, or other factors required to realize an equitable division and  
23.16 allocation of the property.

23.17 (h) At the claimant's option, the court may realize the division of jointly owned  
23.18 property in paragraph (g) by ordering:

23.19 (1) the sale of property in a commercially reasonable manner and dividing the  
23.20 resulting net proceeds after first extinguishing any security interest perfected according to  
23.21 section 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more;

23.22 (2) the claimant to remit payment for the portion of the net value in the property  
23.23 not awarded to the claimant; or

23.24 (3) other equitable means.

23.25 For purposes of clause (2), the net value is calculated by first establishing the market value  
23.26 of the property and then subtracting any security interest perfected according to section  
23.27 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more.

23.28 (i) Notwithstanding paragraphs (e) to (h), the court may order the return of the  
23.29 undivided property to the claimant in a case involving forfeiture under section 169A.63  
23.30 if the claimant shows by a preponderance of the evidence either that failing to return  
23.31 the vehicle would deprive the claimant of reasonable means to employment or care for  
23.32 dependents residing with the claimant, or the innocent owner claimant took reasonable  
23.33 steps to prevent the use of the vehicle by the offender.

23.34 (j) The claimant is responsible for paying towing and storage fees if the appropriate  
23.35 agency returns a seized vehicle within 60 days following seizure. After 60 days following

24.1 seizure, the appropriate agency is responsible for paying towing and storage fees if the  
24.2 trier-of-fact determines the claims are valid.

24.3 (k) Except as provided in paragraph (h), a motor vehicle encumbered by a security  
24.4 interest perfected according to section 168A.17, subdivision 2, or subject to a lease that has  
24.5 a term of 180 days or more, is subject to the interest of the secured party or lessor. When  
24.6 the proceeds of the sale of a seized motor vehicle encumbered by a perfected security  
24.7 interest vehicle do not equal or exceed the outstanding loan balance, the appropriate  
24.8 agency shall remit all proceeds of the sale to the secured party after deducting the agency's  
24.9 allowed costs for the seizure, towing, storage, forfeiture, and sale of the vehicle.

24.10 (l) If a sale of a vehicle is conducted in a commercially reasonable manner consistent  
24.11 with section 336.9-610, the agency is not liable to the secured party for any amount owed  
24.12 on the loan in excess of the sale proceeds.

24.13 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to  
24.14 offenses committed on or after that date.

24.15 Sec. 11. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision  
24.16 to read:

24.17 Subd. 10. **Limitations and defenses to forfeiture; ownership or interest acquired**  
24.18 **after crime.** (a) For purposes of sections 169A.63, 609.5311, 609.5312, 609.5314, and  
24.19 609.5318, an innocent owner claimant may file a claim for the return of property that the  
24.20 claimant acquired an interest in after the time of the crime by using the process described  
24.21 in this subdivision. The innocent owner claimant may file a claim at any time prior to the  
24.22 commencement of the underlying criminal trial and request a prompt hearing.

24.23 (b) The prosecuting authority may move to postpone the hearing for a reasonable  
24.24 period of time not to exceed five days, unless approved by the court, for the prosecuting  
24.25 authority to complete an investigation of the property related to the underlying criminal  
24.26 charge.

24.27 (c) The alleged suspect or convicted offender may invoke the right against  
24.28 self-incrimination at a civil hearing consistent with state law.

24.29 (d) The innocent owner claimant has the burden of production to show by a  
24.30 preponderance of the evidence that the claimant:

24.31 (1) acquired a full or joint ownership or security interest in the property after the  
24.32 commission of the crime giving rise to the forfeiture; and

24.33 (2) is not the person accused or convicted of the crime for which the property is  
24.34 subject to forfeiture.

25.1 (e) Property is subject to forfeiture if the prosecuting authority proves by a  
25.2 preponderance of the evidence that, at the time of acquisition of the property, the claimant:

25.3 (1) had actual or constructive knowledge of the crime giving rise to the forfeiture;

25.4 (2) consented to the act or omission upon which the forfeiture is based; or

25.5 (3) was not a bona fide purchaser for valuable consideration and without notice of  
25.6 any defect in title.

25.7 (f) If the trier-of-fact determines the property is not subject to forfeiture, all claims  
25.8 of right, title, and interest to the property that vested in the state are relinquished. The  
25.9 court shall order the return of the property within a reasonable period of time.

25.10 (g) The claimant is responsible for paying towing and storage fees if the appropriate  
25.11 agency returns a seized vehicle within 60 days following seizure. After 60 days following  
25.12 seizure, the appropriate agency is responsible for paying towing and storage fees if the  
25.13 trier-of-fact determines the claims are valid.

25.14 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to  
25.15 offenses committed on or after that date.

25.16 Sec. 12. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision  
25.17 to read:

25.18 Subd. 11. **Return of filing fees.** If the court orders the return of seized property  
25.19 under this section, it must order that filing fees be reimbursed to the person who filed the  
25.20 demand for judicial determination or contested the forfeiture. Any reimbursement fees  
25.21 must be paid from other forfeiture proceeds of the appropriate agency and prosecuting  
25.22 authority involved, in the same proportion as proceeds would be distributed for the sale  
25.23 of the property had it been forfeited, and any remaining proportion shall be divided and  
25.24 paid evenly from the agencies.

25.25 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to  
25.26 offenses committed on or after that date.

25.27 Sec. 13. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision  
25.28 to read:

25.29 Subd. 12. **Exemption; homestead property.** Real property that qualifies for the  
25.30 homestead exemption as determined in sections 510.01 and 510.02, is not subject to  
25.31 forfeiture.

25.32 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to  
25.33 offenses committed on or after that date.

26.1 Sec. 14. Minnesota Statutes 2014, section 609.5311, subdivision 3, is amended to read:

26.2 Subd. 3. **Limitations on forfeiture of certain property associated with controlled**  
26.3 **substances.** (a) A conveyance device is subject to forfeiture under this section only if  
26.4 the retail value of the controlled substance is \$75 or more and the conveyance device is  
26.5 associated with a felony-level controlled substance crime.

26.6 (b) Real property that does not qualify for the homestead exemption as determined  
26.7 in sections 510.01 and 510.02, is subject to forfeiture under this section only if the retail  
26.8 value of the controlled substance or contraband is \$2,000 or more.

26.9 (c) ~~Property used by any person as a common carrier in the transaction of business~~  
26.10 ~~as a common carrier is subject to forfeiture under this section only if the owner of the~~  
26.11 ~~property is a consenting party to, or is privy to, the use or intended use of the property as~~  
26.12 ~~described in subdivision 2.~~ The limitations and defenses in section 609.531, subdivisions  
26.13 9 and 10, apply to forfeitures under this section.

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

26.17 (e) ~~Forfeiture under this section of a conveyance device or real property encumbered~~  
26.18 ~~by a bona fide security interest is subject to the interest of the secured party unless the~~  
26.19 ~~secured party had knowledge of or consented to the act or omission upon which the~~  
26.20 ~~forfeiture is based. A person claiming a security interest bears the burden of establishing~~  
26.21 ~~that interest by clear and convincing evidence.~~

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

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

26.32 (h) (d) The Department of Corrections Fugitive Apprehension Unit shall not seize a  
26.33 conveyance device or real property, for the purposes of forfeiture under paragraphs (a)  
26.34 ~~to (g)~~ and (b).

26.35 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
26.36 committed on or after that date.

27.1 Sec. 15. Minnesota Statutes 2014, section 609.5312, subdivision 2, is amended to read:

27.2 Subd. 2. **Limitations on forfeiture of property associated with designated**  
27.3 **offenses.** ~~(a) Property used by a person as a common carrier in the transaction of business~~  
27.4 ~~as a common carrier is subject to forfeiture under this section only if the owner of the~~  
27.5 ~~property is a consenting party to, or is privy to, the commission of a designated offense.~~  
27.6 The limitations and defenses in section 609.531, subdivisions 9 and 10, apply to forfeitures  
27.7 under subdivisions 1 and 1a.

27.8 ~~(b) Property is subject to forfeiture under this section only if the owner was privy to~~  
27.9 ~~the act or omission upon which the forfeiture is based, or the act or omission occurred~~  
27.10 ~~with the owner's knowledge or consent.~~

27.11 ~~(c) Property encumbered by a bona fide security interest is subject to the interest of~~  
27.12 ~~the secured party unless the party had knowledge of or consented to the act or omission~~  
27.13 ~~upon which the forfeiture is based. A person claiming a security interest bears the burden~~  
27.14 ~~of establishing that interest by clear and convincing evidence.~~

27.15 ~~(d) Notwithstanding paragraphs (b) and (c), property is not subject to forfeiture~~  
27.16 ~~based solely on the owner's or secured party's knowledge of the act or omission upon~~  
27.17 ~~which the forfeiture is based if the owner or secured party took reasonable steps to~~  
27.18 ~~terminate use of the property by the offender.~~

27.19 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
27.20 committed on or after that date.

27.21 Sec. 16. Minnesota Statutes 2014, section 609.5312, subdivision 3, is amended to read:

27.22 Subd. 3. **Vehicle forfeiture for prostitution offenses.** (a) A motor vehicle is subject  
27.23 to forfeiture under this subdivision if it was used to commit or facilitate, or used during  
27.24 the commission of, a violation of section 609.324 or a violation of a local ordinance  
27.25 substantially similar to section 609.324. A motor vehicle is subject to forfeiture under  
27.26 this subdivision only if the offense is established by proof of a criminal conviction for  
27.27 the offense. Except as otherwise provided in this subdivision, a forfeiture under this  
27.28 subdivision is governed by sections 609.531, 609.5312, and 609.5313.

27.29 (b) When a motor vehicle subject to forfeiture under this subdivision is seized in  
27.30 advance of a judicial forfeiture order, a hearing before a judge or referee must be held  
27.31 within 96 hours of the seizure. Notice of the hearing must be given to the registered owner  
27.32 within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or  
27.33 in advance of the hearing, that it has filed or intends to file charges against the alleged  
27.34 violator for violating section 609.324 or a local ordinance substantially similar to section

28.1 609.324. After conducting the hearing, the court shall order that the motor vehicle be  
28.2 returned to the owner if:

28.3 (1) the prosecuting authority has failed to make the certification required by  
28.4 paragraph (b);

28.5 (2) ~~the owner of the motor vehicle has demonstrated to the court's satisfaction~~  
28.6 ~~that the owner has a defense to the forfeiture, including but not limited to the defenses~~  
28.7 ~~contained in subdivision 2~~ the court finds that the motor vehicle is not subject to forfeiture  
28.8 under section 609.531, subdivision 9 or 10; or

28.9 (3) the court determines that seizure of the vehicle creates or would create an undue  
28.10 hardship for members of the owner's family.

28.11 (c) If the defendant is acquitted or prostitution charges against the defendant are  
28.12 dismissed, neither the owner nor the defendant is responsible for paying any costs  
28.13 associated with the seizure or storage of the vehicle.

28.14 (d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of  
28.15 180 days or less is not subject to forfeiture under this subdivision.

28.16 (e) For purposes of this subdivision, seizure occurs either:

28.17 (1) at the date at which personal service of process upon the registered owner is  
28.18 made; or

28.19 (2) at the date when the registered owner has been notified by certified mail at the  
28.20 address listed in the Minnesota Department of Public Safety computerized motor vehicle  
28.21 registration records.

28.22 (f) The Department of Corrections Fugitive Apprehension Unit shall not participate  
28.23 in paragraphs (a) to (e).

28.24 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
28.25 committed on or after that date.

28.26 Sec. 17. Minnesota Statutes 2014, section 609.5312, subdivision 4, is amended to read:

28.27 Subd. 4. **Vehicle forfeiture for fleeing peace officer.** (a) A motor vehicle is subject  
28.28 to forfeiture under this subdivision if it was used to commit a violation of section 609.487  
28.29 and endanger life or property. A motor vehicle is subject to forfeiture under this subdivision  
28.30 only if the offense is established by proof of a criminal conviction for the offense. Except  
28.31 as otherwise provided in this subdivision, a forfeiture under this subdivision is governed  
28.32 by sections 609.531, 609.5312, 609.5313, and 609.5315, subdivision 6.

28.33 (b) When a motor vehicle subject to forfeiture under this subdivision is seized in  
28.34 advance of a judicial forfeiture order, a hearing before a judge or referee must be held  
28.35 within 96 hours of the seizure. Notice of the hearing must be given to the registered owner

29.1 within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or  
29.2 in advance of the hearing, that it has filed or intends to file charges against the alleged  
29.3 violator for violating section 609.487. After conducting the hearing, the court shall order  
29.4 that the motor vehicle be returned to the owner if:

29.5 (1) the prosecuting authority has failed to make the certification required by this  
29.6 paragraph;

29.7 ~~(2) the owner of the motor vehicle has demonstrated to the court's satisfaction~~  
29.8 ~~that the owner has a defense to the forfeiture, including but not limited to the defenses~~  
29.9 ~~contained in subdivision 2~~ the court finds that the motor vehicle is not subject to forfeiture  
29.10 under section 609.531, subdivision 9 or 10; or

29.11 (3) the court determines that seizure of the vehicle creates or would create an undue  
29.12 hardship for members of the owner's family.

29.13 (c) If the defendant is acquitted or the charges against the defendant are dismissed,  
29.14 neither the owner nor the defendant is responsible for paying any costs associated with the  
29.15 seizure or storage of the vehicle.

29.16 (d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of  
29.17 180 days or less is not subject to forfeiture under this subdivision.

29.18 (e) A motor vehicle that is an off-road recreational vehicle as defined in section  
29.19 169A.03, subdivision 16, or a motorboat as defined in section 169A.03, subdivision 13,  
29.20 is not subject to paragraph (b).

29.21 (f) For purposes of this subdivision, seizure occurs either:

29.22 (1) at the date at which personal service of process upon the registered owner is  
29.23 made; or

29.24 (2) at the date when the registered owner has been notified by certified mail at the  
29.25 address listed in the Minnesota Department of Public Safety computerized motor vehicle  
29.26 registration records.

29.27 (g) The Department of Corrections Fugitive Apprehension Unit shall not seize a  
29.28 motor vehicle for the purposes of forfeiture under paragraphs (a) to (f).

29.29 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
29.30 committed on or after that date.

29.31 Sec. 18. Minnesota Statutes 2014, section 609.5315, subdivision 1, is amended to read:

29.32 Subdivision 1. **Disposition.** (a) Subject to paragraph (b), if the court finds under  
29.33 section 609.5313, 609.5314, or 609.5318 that the property is subject to forfeiture, it shall  
29.34 order the appropriate agency to do one of the following:

30.1 (1) unless a different disposition is provided under clause (3) or (4), either destroy  
30.2 firearms, ammunition, and firearm accessories that the agency decides not to use for  
30.3 law enforcement purposes under clause (8), or sell them to federally licensed firearms  
30.4 dealers, as defined in section 624.7161, subdivision 1, and distribute the proceeds under  
30.5 subdivision 5 or 5b;

30.6 (2) sell property that is not required to be destroyed by law and is not harmful to the  
30.7 public and distribute the proceeds under subdivision 5 or 5b;

30.8 (3) sell antique firearms, as defined in section 624.712, subdivision 3, to the public  
30.9 and distribute the proceeds under subdivision 5 or 5b;

30.10 (4) destroy or use for law enforcement purposes semiautomatic military-style assault  
30.11 weapons, as defined in section 624.712, subdivision 7;

30.12 (5) take custody of the property and remove it for disposition in accordance with law;

30.13 (6) forward the property to the federal drug enforcement administration;

30.14 (7) disburse money as provided under subdivision 5, 5b, or 5c; or

30.15 (8) keep property other than money for official use by the agency and the prosecuting  
30.16 agency.

30.17 (b) Notwithstanding paragraph (a), the Hennepin or Ramsey County sheriff may  
30.18 not sell firearms, ammunition, or firearm accessories if the policy is disapproved by the  
30.19 applicable county board.

30.20 (c) If property is sold under paragraph (a), the appropriate agency shall not sell  
30.21 property to: (1) an officer or employee of the agency that seized the property or to a  
30.22 person related to the officer or employee by blood or marriage; or (2) the prosecuting  
30.23 authority or any individual working in the same office or a person related to the authority  
30.24 or individual by blood or marriage.

30.25 (d) Sales of forfeited property under this section must be conducted in a  
30.26 commercially reasonable manner.

30.27 (e) The appropriate agency or prosecuting authority may not use the proceeds  
30.28 from the sale of forfeited property to pay base salaries, benefits, overtime, or bonuses to  
30.29 personnel, or to pay a private attorney for services related to forfeiture litigation.

30.30 Sec. 19. Minnesota Statutes 2014, section 609.5315, subdivision 6, is amended to read:

30.31 Subd. 6. **Reporting requirement.** (a) For each forfeiture occurring in the state  
30.32 regardless of the authority for it, the appropriate agency and the prosecuting authority  
30.33 shall provide a written record of the forfeiture incident to the state auditor. The record  
30.34 shall include the amount forfeited, the statutory authority for the forfeiture, its date, a brief  
30.35 description of the circumstances involved, and whether the forfeiture was contested.

31.1 For controlled substance and driving while impaired forfeitures, the record shall indicate  
31.2 whether the forfeiture was initiated as an administrative or a judicial forfeiture. The  
31.3 record shall also list the number of firearms forfeited and the make, model, and serial  
31.4 number of each firearm forfeited. The record shall indicate how the property was or is  
31.5 to be disposed of.

31.6 (b) An appropriate agency or the prosecuting authority shall report to the state  
31.7 auditor all instances in which property seized for forfeiture is returned to its owner either  
31.8 because forfeiture is not pursued or for any other reason.

31.9 (c) Reports shall be made on a monthly basis in a manner prescribed by the state  
31.10 auditor. The state auditor shall report annually to the legislature on the nature and extent  
31.11 of forfeitures.

31.12 (d) For forfeitures resulting from the activities of multijurisdictional law enforcement  
31.13 entities, the entity on its own behalf shall report the information required in this subdivision.

31.14 (e) The prosecuting authority is not required to report information required by this  
31.15 subdivision unless the prosecuting authority has been notified by the state auditor that  
31.16 the appropriate agency has not reported it.

31.17 (f) Annually, an appropriate agency or the prosecuting authority shall report  
31.18 forfeiture expenditures as required by section 6.74.

31.19 **EFFECTIVE DATE.** This section applies to reporting of financial information for  
31.20 years ending on or after December 31, 2016.

31.21 Sec. 20. Minnesota Statutes 2014, section 609.5318, subdivision 5, is amended to read:

31.22 Subd. 5. **Limitations.** ~~(a) A vehicle used by a person as a common carrier in the~~  
31.23 ~~transaction of business as a common carrier is subject to forfeiture under this section only~~  
31.24 ~~if the owner is a consenting party to, or is privy to, the commission of the act giving rise~~  
31.25 ~~to the forfeiture. The limitations and defenses in section 609.531, subdivisions 9 and~~  
31.26 ~~10, apply to forfeitures under this section.~~

31.27 ~~(b) A vehicle is subject to forfeiture under this section only if the registered owner~~  
31.28 ~~was privy to the act upon which the forfeiture is based, the act occurred with the owner's~~  
31.29 ~~knowledge or consent, or the act occurred due to the owner's gross negligence in allowing~~  
31.30 ~~another to use the vehicle.~~

31.31 ~~(c) A vehicle encumbered by a bona fide security interest is subject to the interest of~~  
31.32 ~~the secured party unless the party had knowledge of or consented to the act upon which the~~  
31.33 ~~forfeiture is based. A person claiming a security interest bears the burden of establishing~~  
31.34 ~~that interest by clear and convincing evidence.~~

32.1 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
32.2 committed on or after that date.

#### 32.3 **ARTICLE 4**

#### 32.4 **RESTORATION OF RIGHT TO VOTE**

32.5 Section 1. Minnesota Statutes 2014, section 201.014, is amended by adding a  
32.6 subdivision to read:

32.7 Subd. 2a. **Felony conviction; restoration of civil right to vote.** An individual  
32.8 convicted of a felony has the civil right to vote restored when the individual completes  
32.9 any incarceration imposed and executed by the court for the offense, and during any other  
32.10 period following conviction in which the individual is not incarcerated. If the individual  
32.11 is later incarcerated for the same offense, the individual's civil right to vote is lost only  
32.12 during the period of incarceration.

32.13 Sec. 2. Minnesota Statutes 2014, section 201.071, subdivision 1, is amended to read:

32.14 Subdivision 1. **Form.** Both paper and electronic voter registration applications must  
32.15 contain the same information unless otherwise provided by law. A voter registration  
32.16 application must contain spaces for the following required information: voter's first name,  
32.17 middle name, and last name; voter's previous name, if any; voter's current address; voter's  
32.18 previous address, if any; voter's date of birth; voter's municipality and county of residence;  
32.19 voter's telephone number, if provided by the voter; date of registration; current and valid  
32.20 Minnesota driver's license number or Minnesota state identification number, or if the voter  
32.21 has no current and valid Minnesota driver's license or Minnesota state identification, the  
32.22 last four digits of the voter's Social Security number; and voter's signature. The paper  
32.23 registration application may include the voter's e-mail address, if provided by the voter.  
32.24 The electronic voter registration application must include the voter's e-mail address. The  
32.25 registration application may include the voter's interest in serving as an election judge,  
32.26 if indicated by the voter. The application must also contain the following certification  
32.27 of voter eligibility:

32.28 "I certify that I:

32.29 (1) will be at least 18 years old on election day;

32.30 (2) am a citizen of the United States;

32.31 (3) will have resided in Minnesota for 20 days immediately preceding election day;

32.32 (4) maintain residence at the address given on the registration form;

32.33 (5) am not under court-ordered guardianship in which the court order revokes my  
32.34 right to vote;

33.1 (6) have not been found by a court to be legally incompetent to vote;

33.2 (7) ~~have the right to vote because, if I have been convicted of a felony, my felony~~  
33.3 ~~sentence has expired (been completed) or I have been discharged from my sentence~~ am  
33.4 not currently incarcerated for a felony offense; and

33.5 (8) have read and understand the following statement: that giving false information  
33.6 is a felony punishable by not more than five years imprisonment or a fine of not more  
33.7 than \$10,000, or both."

33.8 The certification must include boxes for the voter to respond to the following  
33.9 questions:

33.10 "(1) Are you a citizen of the United States?" and

33.11 "(2) Will you be 18 years old on or before election day?"

33.12 And the instruction:

33.13 "If you checked 'no' to either of these questions, do not complete this form."

33.14 A paper voter registration application must be of suitable size and weight for  
33.15 mailing. The form of the voter registration application and the certification of voter  
33.16 eligibility must be as provided in this subdivision and approved by the secretary of state.  
33.17 Voter registration forms authorized by the National Voter Registration Act must also be  
33.18 accepted as valid. The federal postcard application form must also be accepted as valid if  
33.19 it is not deficient and the voter is eligible to register in Minnesota.

33.20 An individual may use a voter registration application to apply to register to vote in  
33.21 Minnesota or to change information on an existing registration.

33.22 Sec. 3. Minnesota Statutes 2014, section 201.12, subdivision 2, is amended to read:

33.23 Subd. 2. **Moved within state.** If any nonforwardable mailing from an election  
33.24 official is returned as undeliverable but with a permanent forwarding address in this state,  
33.25 the county auditor may change the voter's status to "inactive" in the statewide registration  
33.26 system and shall transmit a copy of the mailing to the auditor of the county in which the  
33.27 new address is located. If an election is scheduled to occur in the precinct in which the voter  
33.28 resides in the next 47 days, the county auditor shall promptly update the voter's address in  
33.29 the statewide voter registration system. If there is not an election scheduled, the auditor  
33.30 may wait to update the voter's address until after the next list of address changes is received  
33.31 from the secretary of state. Once updated, the county auditor shall mail to the voter a notice  
33.32 stating the voter's name, address, precinct, and polling place, except that if the voter's  
33.33 record is challenged due to incarceration for a felony conviction offense, noncitizenship,  
33.34 name change, incompetence, or a court's revocation of voting rights of individuals under  
33.35 guardianship, the auditor must not mail the notice. The notice must advise the voter that

34.1 the voter's voting address has been changed and that the voter must notify the county  
34.2 auditor within 21 days if the new address is not the voter's address of residence. The notice  
34.3 must state that it must be returned if it is not deliverable to the voter at the named address.

34.4 Sec. 4. Minnesota Statutes 2014, section 201.12, subdivision 3, is amended to read:

34.5 Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election  
34.6 official is returned as undeliverable but with a permanent forwarding address outside this  
34.7 state, the county auditor shall promptly mail to the voter at the voter's new address a  
34.8 notice advising the voter that the voter's status in the statewide voter registration system  
34.9 will be changed to "inactive" unless the voter notifies the county auditor within 21 days  
34.10 that the voter is retaining the former address as the voter's address of residence. If the  
34.11 voter's record is challenged due to incarceration for a felony conviction offense, lack of  
34.12 United States citizenship, legal incompetence, or court-ordered revocation of voting rights  
34.13 of persons under guardianship, the county auditor must not mail this notice. If the notice is  
34.14 not received by the deadline, the county auditor shall change the voter's status to "inactive"  
34.15 in the statewide voter registration system.

34.16 Sec. 5. Minnesota Statutes 2014, section 201.13, subdivision 3, is amended to read:

34.17 Subd. 3. **Use of change of address system.** (a) At least once each month the  
34.18 secretary of state shall obtain a list of individuals registered to vote in this state who have  
34.19 filed with the United States Postal Service a change of their permanent address. The  
34.20 secretary of state may also periodically obtain a list of individuals with driver's licenses or  
34.21 state identification cards to identify those who are registered to vote who have applied to  
34.22 the Department of Public Safety for a replacement driver's license or state identification  
34.23 card with a different address, and a list of individuals for whom the Department of Public  
34.24 Safety received notification of a driver's license or state identification card cancellation  
34.25 due to a change of residency out of state. However, the secretary of state shall not load  
34.26 data derived from these lists into the statewide voter registration system within the 47 days  
34.27 before the state primary or 47 days before a November general election.

34.28 (b) If the address is changed to another address in this state, the secretary of state  
34.29 shall locate the precinct in which the voter resides, if possible. If the secretary of state  
34.30 is able to locate the precinct in which the voter resides, the secretary must transmit the  
34.31 information about the changed address by electronic means to the county auditor of the  
34.32 county in which the new address is located. For addresses for which the secretary of  
34.33 state is unable to determine the precinct, the secretary may forward information to the  
34.34 appropriate county auditors for individual review. If the voter has not voted or submitted a

35.1 voter registration application since the address change, upon receipt of the information, the  
35.2 county auditor shall update the voter's address in the statewide voter registration system.  
35.3 The county auditor shall mail to the voter a notice stating the voter's name, address,  
35.4 precinct, and polling place, unless the voter's record is challenged due to incarceration  
35.5 for a felony conviction offense, noncitizenship, name change, incompetence, or a court's  
35.6 revocation of voting rights of individuals under guardianship, in which case the auditor  
35.7 must not mail the notice. The notice must advise the voter that the voter's voting address  
35.8 has been changed and that the voter must notify the county auditor within 21 days if the  
35.9 new address is not the voter's address of residence. The notice must state that it must be  
35.10 returned if it is not deliverable to the voter at the named address.

35.11 (c) If the change of permanent address is to an address outside this state, the secretary  
35.12 of state shall notify by electronic means the auditor of the county where the voter formerly  
35.13 resided that the voter has moved to another state. If the voter has not voted or submitted a  
35.14 voter registration application since the address change, the county auditor shall promptly  
35.15 mail to the voter at the voter's new address a notice advising the voter that the voter's status  
35.16 in the statewide voter registration system will be changed to "inactive" unless the voter  
35.17 notifies the county auditor within 21 days that the voter is retaining the former address  
35.18 as the voter's address of residence, except that if the voter's record is challenged due to  
35.19 incarceration for a felony conviction offense, noncitizenship, name change, incompetence,  
35.20 or a court's revocation of voting rights of individuals under guardianship, the auditor must  
35.21 not mail the notice. If the notice is not received by the deadline, the county auditor shall  
35.22 change the voter's status to "inactive" in the statewide voter registration system.

35.23 (d) If, in order to maintain voter registration records, the secretary of state enters  
35.24 an agreement to share information or data with an organization governed exclusively by  
35.25 a group of states, the secretary must first determine that the data security protocols are  
35.26 sufficient to safeguard the information or data shared. If required by such an agreement,  
35.27 the secretary of state may share the following data from the statewide voter registration  
35.28 system and data released to the secretary of state under section 171.12, subdivision 7a:

- 35.29 (1) name;
- 35.30 (2) date of birth;
- 35.31 (3) address;
- 35.32 (4) driver's license or state identification card number;
- 35.33 (5) the last four digits of an individual's Social Security number; and
- 35.34 (6) the date that an individual's record was last updated.

35.35 If the secretary of state enters into such an agreement, the secretary and county auditors  
35.36 must process changes to voter records based upon that data in accordance with this section.

36.1 Except as otherwise provided in this subdivision, when data is shared with the secretary of  
 36.2 state by another state, the secretary of state must maintain the same data classification that  
 36.3 the data had while it was in the possession of the state providing the data.

36.4 Sec. 6. Minnesota Statutes 2014, section 201.14, is amended to read:

36.5 **201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT**  
 36.6 **CHANGES OF NAMES.**

36.7 The state court administrator shall regularly report by electronic means to the  
 36.8 secretary of state the name, address, and, if available, driver's license or state identification  
 36.9 card number of each individual, 18 years of age or over, whose name was changed since  
 36.10 the last report, by marriage, divorce, or any order or decree of the court. The secretary of  
 36.11 state shall determine if any of the persons in the report are registered to vote under their  
 36.12 previous name and shall prepare a list of those registrants for each county auditor. Upon  
 36.13 receipt of the list, the county auditor shall make the change in the voter's record and mail  
 36.14 to the voter the notice of registration required by section 201.121, subdivision 2. A notice  
 36.15 must not be mailed if the voter's record is challenged due to incarceration for a felony  
 36.16 ~~conviction~~ offense, lack of United States citizenship, legal incompetence, or court-ordered  
 36.17 revocation of voting rights of persons under guardianship.

36.18 Sec. 7. Minnesota Statutes 2014, section 201.157, is amended to read:

36.19 **201.157 USE OF DEPARTMENT OF CORRECTIONS DATA.**

36.20 (a) The commissioner of corrections shall make electronic data available to the  
 36.21 secretary of state on individuals 18 years of age or older who are currently: incarcerated in  
 36.22 a state correctional facility.

36.23 ~~(1) serving felony sentences under the commissioner's jurisdiction; or~~

36.24 ~~(2) on probation for felony offenses that would result in the loss of civil rights, as~~  
 36.25 ~~indicated by the statewide supervision system established under section 241.065.~~

36.26 The data must include the name, date of birth, last known residential address that is  
 36.27 not a correctional facility, and, if available, corrections' state identification number, and  
 36.28 the driver's license or state identification card number, and, if an individual has completed  
 36.29 the sentence, the date of discharge.

36.30 (b) The secretary of state must determine if any data newly indicates that:

36.31 (1) an individual with an active voter registration in the statewide voter registration  
 36.32 system is currently ~~serving a felony sentence under the commissioner's jurisdiction or is~~  
 36.33 ~~on probation for a felony offense that would result in the loss of civil rights~~ incarcerated

37.1 in a state correctional facility and the individual's voter record does not already have a  
37.2 challenged status due to a felony conviction;

37.3 (2) an individual with an active voter registration in the statewide voter registration  
37.4 system who is currently ~~servicing a felony sentence under the commissioner's jurisdiction~~  
37.5 ~~or who is on probation for a felony offense that would result in the loss of civil rights~~  
37.6 incarcerated in a state correctional facility appears to have registered to vote or to have  
37.7 voted during a period when the individual's civil rights were revoked; and

37.8 (3) an individual with a voter record that has a challenged status due to a felony  
37.9 conviction who was serving a felony sentence under the commissioner's jurisdiction  
37.10 or who has been on probation for a felony offense that would result in the loss of civil  
37.11 rights has been discharged from a sentence.

37.12 The secretary of state shall prepare a list of the registrants included under clause (1),  
37.13 (2), or (3) for each county auditor. For individuals under clause (1), the county auditor  
37.14 shall challenge the individual's record in the statewide voter registration system. The  
37.15 county auditor must provide information to the county attorney about individuals under  
37.16 clause (2) for the county attorney's investigation. For individuals under clause (3), the  
37.17 county auditor must determine if the challenge status should be removed from the voter  
37.18 record for the individual, and if so, must remove the challenge.

37.19 The secretary of state must make the required determinations and provide the  
37.20 required lists to the county auditors at least monthly.

37.21 For each state general election that occurs prior to the statewide voter registration  
37.22 system being programmed to generate lists as required by this section, the secretary of  
37.23 state must make the determination and provide lists to the county auditors between 30 and  
37.24 60 days before the election and again between six and ten weeks after the election. In the  
37.25 year following that state election, the secretary of state must make this determination and  
37.26 provide lists to the county auditors again as part of the annual list maintenance.

37.27 **Sec. 8. [201.276] DUTIES OF SECRETARY OF STATE; INFORMATION**  
37.28 **ABOUT VOTING RIGHTS.**

37.29 The secretary of state shall develop accurate and complete information in a single  
37.30 publication about the voting rights of people who have been charged with or convicted of  
37.31 a crime. The secretary of state must make this publication available electronically to the  
37.32 state court administrator for distribution to judges, court personnel, probation officers,  
37.33 and the Department of Corrections for distribution to corrections officials, parole and  
37.34 supervised release agents, and the public. The secretary of state must make the publication  
37.35 available to the public on the Office of the Secretary of State's Web site.

38.1 Sec. 9. Minnesota Statutes 2014, section 204C.08, subdivision 1d, is amended to read:

38.2 Subd. 1d. **Voter's Bill of Rights.** The county auditor shall prepare and provide to  
38.3 each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set  
38.4 forth in this section. Before the hours of voting are scheduled to begin, the election judges  
38.5 shall post it in a conspicuous location or locations in the polling place. The Voter's Bill  
38.6 of Rights is as follows:

38.7 "VOTER'S BILL OF RIGHTS

38.8 For all persons residing in this state who meet federal voting eligibility requirements:

38.9 (1) You have the right to be absent from work for the purpose of voting in a state  
38.10 ~~or~~ federal, or regularly scheduled election without reduction to your pay, personal leave,  
38.11 or vacation time on election day for the time necessary to appear at your polling place,  
38.12 cast a ballot, and return to work.

38.13 (2) If you are in line at your polling place any time before 8:00 p.m., you have the  
38.14 right to vote.

38.15 (3) If you can provide the required proof of residence, you have the right to register  
38.16 to vote and to vote on election day.

38.17 (4) If you are unable to sign your name, you have the right to orally confirm your  
38.18 identity with an election judge and to direct another person to sign your name for you.

38.19 (5) You have the right to request special assistance when voting.

38.20 (6) If you need assistance, you may be accompanied into the voting booth by a  
38.21 person of your choice, except by an agent of your employer or union or a candidate.

38.22 (7) You have the right to bring your minor children into the polling place and into  
38.23 the voting booth with you.

38.24 (8) ~~If you have been convicted of a felony but your felony sentence has expired~~  
38.25 ~~(been completed) or you have been discharged from your sentence,~~ You have the right to  
38.26 vote, even if you have been convicted of a felony, if you are not currently incarcerated for  
38.27 the felony offense.

38.28 (9) If you are under a guardianship, you have the right to vote, unless the court  
38.29 order revokes your right to vote.

38.30 (10) You have the right to vote without anyone in the polling place trying to  
38.31 influence your vote.

38.32 (11) If you make a mistake or spoil your ballot before it is submitted, you have the  
38.33 right to receive a replacement ballot and vote.

38.34 (12) You have the right to file a written complaint at your polling place if you are  
38.35 dissatisfied with the way an election is being run.

38.36 (13) You have the right to take a sample ballot into the voting booth with you.

39.1 (14) You have the right to take a copy of this Voter's Bill of Rights into the voting  
39.2 booth with you."

39.3 Sec. 10. Minnesota Statutes 2014, section 204C.10, is amended to read:

39.4 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**  
39.5 **REGISTRATION.**

39.6 (a) An individual seeking to vote shall sign a polling place roster or voter signature  
39.7 certificate which states that the individual:

39.8 (1) is at least 18 years of age;

39.9 (2) a citizen of the United States;

39.10 (3) has resided in Minnesota for 20 days immediately preceding the election;

39.11 (4) maintains residence at the address shown;

39.12 (5) is not under a guardianship in which the court order revokes the individual's  
39.13 right to vote;

39.14 (6) has not been found by a court of law to be legally incompetent to vote ~~or has~~  
39.15 ~~the right to vote because;~~

39.16 (7) ~~if the individual was convicted of a felony, the felony sentence has expired or~~  
39.17 ~~been completed or the individual has been discharged from the sentence, is not currently~~  
39.18 incarcerated for a felony offense;

39.19 (8) is registered; and

39.20 (9) has not already voted in the election.

39.21 The roster must also state: "I understand that deliberately providing false information is  
39.22 a felony punishable by not more than five years imprisonment and a fine of not more  
39.23 than \$10,000, or both."

39.24 (b) A judge may, before the applicant signs the roster or voter signature certificate,  
39.25 confirm the applicant's name, address, and date of birth.

39.26 (c) After the applicant signs the roster or voter signature certificate, the judge shall  
39.27 give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge  
39.28 in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall  
39.29 hand to the voter the ballot. The voters' receipts must be maintained during the time for  
39.30 notice of filing an election contest.

39.31 Sec. 11. **[243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

39.32 Subdivision 1. Correctional facilities; designation of official. The chief executive  
39.33 officer of each state and local correctional facility shall designate an official within the  
39.34 facility to provide the notice required under this section to persons to whom the civil right to

40.1 vote is restored by reason of the persons' release from actual incarceration. The official shall  
40.2 maintain an adequate supply of voter registration informational materials for this purpose.

40.3 Subd. 2. **Notice requirement.** A notice of restoration of the civil right to vote must  
40.4 be provided as follows:

40.5 (1) the chief executive officer of each state and local correctional facility shall  
40.6 provide the notice to a person being released from the facility following incarceration for a  
40.7 felony-level offense; and

40.8 (2) a probation officer or supervised release agent shall provide the notice to all  
40.9 individuals under correctional supervision for a felony-level offense.

40.10 Subd. 3. **Form of notice.** The notice required by subdivision 2 must appear  
40.11 substantially as follows:

40.12 **"NOTICE OF RESTORATION OF YOUR RIGHT TO VOTE.**

40.13 Your receipt of this notice today means that your right to vote in Minnesota has been  
40.14 restored. Before you can vote on election day, you still need to register to vote and you  
40.15 must satisfy all other voter eligibility criteria. To register, you may complete a voter  
40.16 registration application and return it to the Office of the Minnesota Secretary of State. You  
40.17 may also register to vote in your polling place on election day. You will not be permitted  
40.18 to cast a ballot until you register to vote. The first time you appear at your polling place to  
40.19 cast a ballot, you may be required to provide proof of your current residence."

40.20 Subd. 4. **Failure to provide notice.** A failure to provide proper notice as required  
40.21 by this section does not prevent the restoration of the person's civil right to vote.

40.22 Sec. 12. Minnesota Statutes 2014, section 609.165, subdivision 1, is amended to read:

40.23 Subdivision 1. **Restoration.** (a) When a person has been deprived of civil rights by  
40.24 reason of conviction of a crime and is thereafter discharged, such discharge shall restore the  
40.25 person to all civil rights and to full citizenship, with full right to ~~vote~~ and hold office, the  
40.26 same as if such conviction had not taken place, and the order of discharge shall so provide.

40.27 (b) Section 201.014, subdivision 2a, governs the restoration of voting rights for  
40.28 persons whose right to vote has been lost due to a felony conviction.

40.29 Sec. 13. **REPEALER.**

40.30 Minnesota Statutes 2014, sections 201.155; and 201.275, are repealed.

40.31 Sec. 14. **EFFECTIVE DATE.**

