

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH LEGISLATURE**

**S.F. No. 346**

(SENATE AUTHORS: GOODWIN, Hall, Pappas, Torres Ray and Sheran)

DATE	D-PG	OFFICIAL STATUS
02/07/2013	174	Introduction and first reading Referred to Judiciary
02/11/2013	198	Author added Sheran
03/20/2013	1299a	Comm report: To pass as amended
	1352	Second reading
05/01/2013	3163	Special Order
	3163	Third reading Passed
05/15/2013	3697	Returned from House Presentment date 05/16/13 Governor's action Approval 05/20/13 Secretary of State Chapter 80 05/20/13 Effective date 07/01/13

A bill for an act

1.1 relating to crime; providing for forfeiture of money used or intended for use  
 1.2 to facilitate a prostitution or sex trafficking offense; appropriating money;  
 1.3 amending Minnesota Statutes 2012, sections 609.5312, subdivision 1; 609.5315,  
 1.4 subdivisions 1, 5b, by adding a subdivision.  
 1.5

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

1.7 Section 1. Minnesota Statutes 2012, section 609.5312, subdivision 1, is amended to read:

1.8 Subdivision 1. **Property subject to forfeiture.** (a) All personal property is subject  
 1.9 to forfeiture if it was used or intended for use to commit or facilitate the commission of  
 1.10 a designated offense. All money and other property, real and personal, that represent  
 1.11 proceeds of a designated offense, and all contraband property, are subject to forfeiture,  
 1.12 except as provided in this section.

1.13 (b) All money used or intended to be used to facilitate the commission of a violation  
 1.14 of section 609.322 or 609.324 or a violation of a local ordinance substantially similar to  
 1.15 section 609.322 or 609.324 is subject to forfeiture.

1.16 (c) The Department of Corrections Fugitive Apprehension Unit shall not seize real  
 1.17 property for the purposes of forfeiture under paragraph (a).

1.18 Sec. 2. Minnesota Statutes 2012, section 609.5315, subdivision 1, is amended to read:

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

1.22 (1) unless a different disposition is provided under clause (3) or (4), either destroy  
 1.23 firearms, ammunition, and firearm accessories that the agency decides not to use for  
 1.24 law enforcement purposes under clause (8), or sell them to federally licensed firearms

2.1 dealers, as defined in section 624.7161, subdivision 1, and distribute the proceeds under  
2.2 subdivision 5 or 5b;

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

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

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

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

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

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

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

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

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

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

2.24 Sec. 3. Minnesota Statutes 2012, section 609.5315, subdivision 5b, is amended to read:

2.25 Subd. 5b. **Disposition of certain forfeited proceeds; trafficking of persons;**  
2.26 **report required.** (a) Except as provided in subdivision 5c, for forfeitures resulting from  
2.27 violations of section 609.282, 609.283, or 609.322, the money or proceeds from the sale  
2.28 of forfeited property, after payment of seizure, storage, forfeiture, and sale expenses, and  
2.29 satisfaction of valid liens against the property, must be distributed as follows:

2.30 (1) 40 percent of the proceeds must be forwarded to the appropriate agency for deposit  
2.31 as a supplement to the agency's operating fund or similar fund for use in law enforcement;

2.32 (2) 20 percent of the proceeds must be forwarded to the prosecuting authority that  
2.33 handled the forfeiture for deposit as a supplement to its operating fund or similar fund  
2.34 for prosecutorial purposes; and

3.1 (3) the remaining 40 percent of the proceeds must be forwarded to the commissioner  
3.2 of public safety and are appropriated to the commissioner for distribution to crime victims  
3.3 services organizations that provide services to victims of trafficking offenses.

3.4 (b) By February 15 of each year, the commissioner of public safety shall report  
3.5 to the chairs and ranking minority members of the senate and house of representatives  
3.6 committees or divisions having jurisdiction over criminal justice funding on the money  
3.7 collected under paragraph (a), clause (3). The report must indicate the following relating  
3.8 to the preceding calendar year:

3.9 (1) the amount of money appropriated to the commissioner;

3.10 (2) how the money was distributed by the commissioner; and

3.11 (3) what the organizations that received the money did with it.

3.12 Sec. 4. Minnesota Statutes 2012, section 609.5315, is amended by adding a subdivision  
3.13 to read:

3.14 Subd. 5c. **Disposition of money; prostitution.** Money forfeited under section  
3.15 609.5312, subdivision 1, paragraph (b), must be distributed as follows:

3.16 (1) 40 percent must be forwarded to the appropriate agency for deposit as a  
3.17 supplement to the agency's operating fund or similar fund for use in law enforcement;

3.18 (2) 20 percent must be forwarded to the prosecuting authority that handled the  
3.19 forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial  
3.20 purposes; and

3.21 (3) the remaining 40 percent must be forwarded to the commissioner of public  
3.22 safety to be deposited in the safe harbor for youth account in the special revenue fund  
3.23 and are appropriated to the commissioner for distribution to crime victims services  
3.24 organizations that provide services to sexually exploited youth, as defined in section  
3.25 260C.007, subdivision 31.