

1.1 A bill for an act

1.2 relating to public safety; recodifying and consolidating certain forfeiture
1.3 provisions while making numerous substantive and technical changes; proposing
1.4 coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota
1.5 Statutes 2008, sections 169A.63; 609.531, subdivisions 1, 1a, 4, 5, 5a, 6a;
1.6 609.5311; 609.5312; 609.5313; 609.5314; 609.5315; 609.5316; 609.5317;
1.7 609.5318; 609.762, subdivisions 2, 3, 4, 5; Minnesota Statutes 2009 Supplement,
1.8 section 609.762, subdivision 1.

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

1.10 Section 1. **[609.95] FORFEITURES.**

1.11 Subdivision 1. **Definitions.** For the purposes of this section, the following terms
1.12 have the meanings given them.

1.13 (a) "Appropriate agency" means the Bureau of Criminal Apprehension, the
1.14 Department of Commerce Division of Insurance Fraud Prevention, the Minnesota Division
1.15 of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department,
1.16 the Three Rivers Park District park rangers, the Department of Natural Resources Division
1.17 of Enforcement, the University of Minnesota Police Department, the Department of
1.18 Corrections Fugitive Apprehension Unit, or a city, metropolitan transit, or airport police
1.19 department. For forfeitures under subdivision 7, the term means a law enforcement agency
1.20 that has the authority to make an arrest for a violation of a designated DWI offense.

1.21 (b) "Contraband" means property that is illegal to possess under Minnesota law.

1.22 (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

1.23 (d) "Conveyance device" means a device used for transportation and includes,
1.24 but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any
1.25 equipment attached to it. The term "conveyance device" does not include property that is,
1.26 in fact, itself stolen or taken in violation of the law.

2.1 (e) "Designated DWI license revocation" includes a license revocation under section
2.2 169A.52 or a license disqualification under section 171.165 resulting from a violation of
2.3 section 169A.52; within ten years of the first of two or more qualified prior impaired
2.4 driving incidents as defined in section 169A.03, subdivision 22.

2.5 (f) "Designated DWI offense" includes:

2.6 (1) a violation of section 169A.20 under the circumstances described in section
2.7 169A.24 or 169A.25; or

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

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

2.12 (ii) by a person who is subject to a restriction on the person's driver's license under
2.13 section 171.09, subdivision 1, paragraph (d), clause (1), which provides that the person
2.14 may not use or consume any amount of alcohol or a controlled substance.

2.15 (g) "Designated offense" includes:

2.16 (1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

2.17 (2) for driver's license or identification card transactions: any violation of section
2.18 171.22; and

2.19 (3) for all other purposes: a felony violation of, or a felony-level attempt or
2.20 conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21;
2.21 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282;
2.22 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1,
2.23 clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); 609.345,
2.24 subdivision 1, clauses (a) to (e) and (h) to (j); 609.352; 609.42; 609.425; 609.466;
2.25 609.485; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562;
2.26 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e; 609.671,
2.27 subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89;
2.28 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of
2.29 section 609.891 or 624.7181; or any violation of section 609.324.

2.30 (h) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

2.31 (i) "Weapon used" means a dangerous weapon as defined under section 609.02,
2.32 subdivision 6, that the actor used or had in possession in furtherance of a crime.

2.33 Subd. 2. Purpose and construction. (a) The purpose of this section is to deter
2.34 criminal activity. Property is subject to forfeiture only when courts determine that
2.35 forfeiture is necessary and proportional to fulfilling that purpose.

3.1 (b) Courts shall strictly construe this section and resolve any doubt in its applicability
3.2 in favor of the party challenging the forfeiture.

3.3 Subd. 3. **Controlled substances and property associated with controlled**
3.4 **substances.** (a) The following are subject to forfeiture under this section following a
3.5 conviction for a felony-level controlled substance crime:

3.6 (1) all controlled substances that were manufactured, distributed, dispensed, or
3.7 acquired in violation of chapter 152;

3.8 (2) all real and personal property that was used in or represents the proceeds derived
3.9 proximately from the manufacturing, compounding, processing, delivering, importing,
3.10 cultivating, exporting, transporting, or exchanging of contraband or a controlled substance
3.11 that has not been lawfully manufactured, distributed, dispensed, and acquired; and

3.12 (3) all books, records, and research products and materials, including formulas,
3.13 microfilm, tapes, and data that are used in the manner described in clause (2).

3.14 (b) For purposes of forfeiture under this subdivision, a stipulation of facts that is a
3.15 part of a diversion agreement is considered to be a conviction.

3.16 Subd. 4. **Property associated with designated offenses.** Upon conviction, all real
3.17 and personal property that was used to commit a designated offense or represents the
3.18 proceeds derived proximately from a designated offense is subject to forfeiture.

3.19 Subd. 5. **Designated offenses; computers and related property subject to**
3.20 **forfeiture.** (a) As used in this subdivision, "property" has the meaning given in section
3.21 609.87, subdivision 6.

3.22 (b) When a computer or a component part of a computer is used to commit a
3.23 designated offense, upon conviction, the computer and all software, data, and other
3.24 property contained in the computer are subject to forfeiture unless prohibited by the
3.25 Privacy Protection Act, United States Code, title 42, sections 2000aa to 2000aa-12, or
3.26 other state or federal law.

3.27 (c) Regardless of whether a forfeiture action is initiated following the lawful seizure
3.28 of a computer and related property, if the appropriate agency returns hardware, software,
3.29 data, or other property to the owner, the agency may charge the owner for the cost of
3.30 separating contraband from the computer or other property returned, including salary and
3.31 contract costs. The agency may not charge these costs to an owner of a computer or
3.32 related property who was not privy to the act or omission upon which the seizure was
3.33 based, or who did not have knowledge of or consent to the act or omission, if the owner:

3.34 (1) requests from the agency copies of specified legitimate data files and provides
3.35 sufficient storage media; or

4.1 (2) requests the return of a computer or other property less data storage devices on
4.2 which contraband resides.

4.3 Subd. 6. **Gambling devices, prizes, and proceeds.** The following are subject to
4.4 forfeiture under this section following a conviction for a gambling crime:

4.5 (1) devices used or intended for use, including those defined in section 609.75,
4.6 subdivision 4, as a gambling device, except as authorized in sections 299L.07 and 349.11
4.7 to 349.23;

4.8 (2) all real and personal property that was used in gambling, including money used
4.9 as prizes, or that represents the proceeds derived proximately from gambling;

4.10 (3) books, records, and research products and materials, including formulas,
4.11 microfilm, tapes, and data used or intended for use in gambling; and

4.12 (4) property used or intended to be used to illegally influence the outcome of a
4.13 horse race.

4.14 Subd. 7. **Additional conveyance device forfeitures.** (a) Upon conviction,
4.15 a conveyance device is subject to forfeiture under this section if it was used in the
4.16 commission of one of the following crimes:

4.17 (1) a designated DWI offense;

4.18 (2) a prostitution offense under section 609.324 or a local ordinance substantially
4.19 similar to section 609.324; or

4.20 (3) fleeing a peace officer under section 609.487 when endangering life or property.

4.21 (b) A conveyance device is subject to forfeiture under this section if it was used in
4.22 conduct resulting in a designated DWI license revocation and the driver fails to seek
4.23 judicial review of the revocation in a timely manner as required by section 169A.53,
4.24 subdivision 2, or the license revocation is judicially reviewed and sustained under section
4.25 169A.53, subdivision 2.

4.26 Subd. 8. **Residential rental property.** (a) When contraband or a controlled
4.27 substance manufactured, distributed, or acquired in violation of chapter 152 is seized on
4.28 residential rental property incident to a lawful search or arrest, following a felony-level
4.29 conviction, the county attorney shall give the notice required by this subdivision to (1) the
4.30 landlord of the property or the fee owner identified in the records of the county assessor,
4.31 and (2) the agent authorized by the owner to accept service pursuant to section 504B.181.
4.32 The notice shall state what has been seized and specify the applicable duties and penalties
4.33 under this subdivision. The notice shall state that the landlord who chooses to assign
4.34 the right to bring an eviction action retains all rights and duties, including removal of a
4.35 tenant's personal property following issuance of the writ of restitution and delivery of the
4.36 writ to the sheriff for execution. The notice shall also state that the landlord may contact

5.1 the county attorney if threatened by the tenant. Notice shall be sent by certified letter,
5.2 return receipt requested, within 30 days of the seizure. If receipt is not returned, notice
5.3 shall be given in the manner provided by law for service of summons in a civil action.

5.4 (b) Within 15 days after notice of the first occurrence, the landlord shall bring, or
5.5 assign to the county attorney of the county in which the real property is located, the right
5.6 to bring an eviction action against the tenant. The assignment must be in writing on a form
5.7 prepared by the county attorney. Should the landlord choose to assign the right to bring
5.8 an eviction action, the assignment shall be limited to those rights and duties up to and
5.9 including delivery of the writ of restitution to the sheriff for execution.

5.10 (c) Upon notice of a second occurrence on any residential rental property owned by
5.11 the same landlord in the same county and involving the same tenant, and within one year
5.12 after notice of the first occurrence, the property is subject to forfeiture under this section,
5.13 unless an eviction action has been commenced as provided in paragraph (b) or the right
5.14 to bring an eviction action was assigned to the county attorney as provided in paragraph
5.15 (b). If the right has been assigned and not previously exercised, or if the county attorney
5.16 requests an assignment and the landlord makes an assignment, the county attorney may
5.17 bring an eviction action rather than an action for forfeiture.

5.18 (d) Nothing in this subdivision prevents the county attorney from proceeding under
5.19 subdivision 3 whenever that subdivision applies.

5.20 (e) It is a defense against a proceeding under paragraph (b) that the tenant had no
5.21 knowledge or reason to know of the presence of the contraband or controlled substance
5.22 or could not prevent its being brought onto the property.

5.23 (f) It is a defense against a proceeding under paragraph (c) that the landlord made
5.24 every reasonable attempt to evict a tenant or to assign the county attorney the right to
5.25 bring an eviction action against the tenant, or that the landlord did not receive notice
5.26 of the seizure.

5.27 Subd. 9. **Seizure.** (a) Property subject to forfeiture under this section may be seized
5.28 by the appropriate agency upon process issued by any court having jurisdiction over the
5.29 property. Property may be seized without process if:

5.30 (1) the seizure is incident to a lawful arrest or a lawful search;

5.31 (2) the property subject to seizure has been the subject of a prior judgment in favor
5.32 of the state in a criminal injunction or forfeiture proceeding under this chapter; or

5.33 (3) the appropriate agency has probable cause to believe that the delay occasioned
5.34 by the necessity to obtain process would result in the removal or destruction of the
5.35 property and that:

5.36 (i) the property was used or is intended to be used in commission of a felony; or

6.1 (ii) the property is dangerous to health or safety.

6.2 If property is seized without process, the prosecutor shall institute a forfeiture action
6.3 under this section as soon as is reasonably possible.

6.4 (b) When property is seized under this subdivision, the appropriate agency may:

6.5 (1) place the property under seal;

6.6 (2) remove the property to a place designated by it; and

6.7 (3) in the case of controlled substances, require the state Board of Pharmacy to
6.8 take custody of the property and remove it to an appropriate location for disposition
6.9 in accordance with law.

6.10 Except for contraband under clause (3), the agency shall ensure that the property is
6.11 maintained and cared for in a manner likely to secure the property and preserve its value.

6.12 (c) Any property seized under this section is not subject to replevin, but is deemed to
6.13 be in the custody of the appropriate agency subject to the orders and decrees of the court
6.14 having jurisdiction over the forfeiture proceedings.

6.15 (d) Property seized illegally is not subject to forfeiture under this section.

6.16 Subd. 10. **Release of property before final determination.** (a) If the owner of
6.17 property that has been seized under this section seeks possession of the property before
6.18 the forfeiture action is determined, the owner may give security or post bond payable to
6.19 the appropriate agency in an amount equal to the retail value of the seized property. The
6.20 appropriate agency may deny acceptance of the security or bond by obtaining a court order
6.21 within two business days of the attempt to post the security or bond by showing cause for
6.22 the agency to maintain possession of the seized asset. On posting the security or bond,
6.23 the seized property must be returned to the owner and the forfeiture action shall proceed
6.24 against the security as if it were the seized property. This subdivision does not apply
6.25 to contraband property.

6.26 (b) If the owner of a conveyance device that has been seized under this section
6.27 seeks possession of the device before the forfeiture action is determined, the owner may
6.28 surrender the device's certificate of title in exchange for the device. The device must be
6.29 returned to the owner within 24 hours if the owner surrenders the device's certificate of
6.30 title to the appropriate agency, pending resolution of the forfeiture action. If the certificate
6.31 is surrendered, the owner may not be ordered to post security or bond as a condition of
6.32 release of the device. If the device is not returned as required in this subdivision, the
6.33 appropriate agency is liable to the owner for the owner's actual costs incurred due to the
6.34 agency's failure to return it. When a certificate of title is surrendered under this provision,
6.35 the agency shall notify the Department of Public Safety and any secured party noted on

7.1 the certificate. The agency shall also notify the department and the secured party when it
7.2 returns a surrendered title to the device's owner.

7.3 (c) Any person with an interest in property that has been seized for forfeiture under
7.4 this section may file an application to have an order to show cause issued to the prosecuting
7.5 agency to determine if probable cause existed to seize the property for forfeiture.

7.6 When a hearing is held on the show cause order, the court shall determine if probable
7.7 cause to seize the property for forfeiture exists on the date of the hearing. If the court finds
7.8 that probable cause for seizure of the property for forfeiture does not exist, the appropriate
7.9 agency shall release the property.

7.10 Subd. 11. **Forfeiture a civil procedure; conviction or implied consent revocation**
7.11 **as prerequisite; speedy determination.** (a) An action for forfeiture under this section is
7.12 an independent civil in rem action. The appropriate agency handling the forfeiture has the
7.13 burden of proving by clear and convincing evidence that:

7.14 (1) except as provided in subdivision 7, paragraph (b), the owner of the property was
7.15 convicted of a crime that subjects the property to forfeiture;

7.16 (2) the owner's property was used in committing the underlying crime or conduct or
7.17 represents proceeds derived proximately from the underlying crime; and

7.18 (3) the forfeiture of any property used to commit a crime or conduct is proportional
7.19 to the underlying crime or conduct.

7.20 (b) Forfeitures under this section are not subject to the rules of civil procedure.

7.21 (c) Notwithstanding section 357.021, no filing or other court-related fees may be
7.22 assessed against a person contesting a forfeiture.

7.23 (d) Forfeiture actions must be heard by the court at the earliest practicable date, and
7.24 in any event no later than 120 days following the filing of the claimant's answer unless
7.25 this requirement is waived by the claimant.

7.26 (e) The court may order sanctions under section 549.211.

7.27 Subd. 12. **Complaint; notice.** The prosecutor must file a separate complaint
7.28 against the property subject to forfeiture under this section stating the act, omission, or
7.29 occurrence giving rise to the forfeiture and the date and place of the act or occurrence.
7.30 The prosecutor shall notify by personal service the owner or possessor of the property of
7.31 the action, if known or readily ascertainable. The action must be captioned in the name of
7.32 the prosecuting jurisdiction as plaintiff and the property as defendant.

7.33 The complaint must be accompanied by a written notice describing the property
7.34 seized, the date of seizure, and a description of the forfeiture process, including the steps
7.35 the person has to take to defend the person's interest in the property. This notice must
7.36 be worded in plain language that is likely to be understood by a person with limited

8.1 reading skills. This notice must include a detachable form designed in a manner and with
8.2 sufficient space to be easily used by the person receiving it to object to the forfeiture.
8.3 The objection may be made by immediately returning the form to the person serving it
8.4 or by filing it in the district court having jurisdiction over the property or the person's
8.5 residence. If the objection is made to the person serving the complaint, that person shall
8.6 give the objector written acknowledgment of the objection and forward the objection to
8.7 the prosecutor who shall file it with the court. The written objection shall serve as the
8.8 person's answer to the complaint.

8.9 Subd. 13. **Limitations; liens and innocent owner.** (a) Property encumbered by a
8.10 bona fide security interest is subject to the interest of the secured party. A person claiming
8.11 a security interest bears the burden of establishing that interest by clear and convincing
8.12 evidence.

8.13 (b) If any person who has not been convicted of an underlying crime or the subject of
8.14 a final implied consent determination that triggers a forfeiture demonstrates by substantial
8.15 evidence that the person has an ownership interest in property subject to forfeiture under
8.16 this section, the person's interest is not subject to forfeiture unless the prosecutor proves
8.17 by clear and convincing evidence that the person took the property or interest with the
8.18 intent of defeating the forfeiture or the person consented to the underlying criminal act or
8.19 conduct.

8.20 Subd. 14. **Return of property and damages.** (a) Property shall be returned to the
8.21 property owner no later than three business days after a court finds that:

8.22 (1) the property owner has a bona fide security interest or is an innocent owner
8.23 under subdivision 13;

8.24 (2) charges against the accused property owner are dismissed;

8.25 (3) the accused property owner is found not guilty of the criminal charge that is
8.26 the basis for the forfeiture action;

8.27 (4) the designated DWI license revocation that is the basis for the forfeiture is
8.28 overturned; or

8.29 (5) the property is a computer and the property owner is not privy to the act or
8.30 omission upon which the seizure is made, under subdivision 5.

8.31 (b) A property owner may bring a claim in district court for damages to the seized
8.32 property against the agency that seized the property, under the circumstances described in
8.33 paragraph (a), clauses (1) to (5).

8.34 Subd. 15. **Department of Corrections Fugitive Apprehension Unit.** The
8.35 Department of Corrections Fugitive Apprehension Unit may not seize conveyance devices
8.36 or real property for forfeiture under this section.

9.1 Subd. 16. **Unclaimed property; contraband.** Notwithstanding any contrary
9.2 provision in this section, a judgment of forfeiture may be entered without an underlying
9.3 conviction or designated DWI license revocation for the following types of property:

9.4 (1) contraband; and

9.5 (2) property for which no person has claimed an interest and, after reasonable
9.6 investigation, no owner has been found.

9.7 Subd. 17. **Disposition of forfeited property.** (a) If the court finds under this
9.8 section that property is subject to forfeiture, it shall order the appropriate agency to do
9.9 one of the following:

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

9.14 (2) sell property that is not required to be destroyed by law and is not harmful to
9.15 the public and distribute the proceeds under paragraph (b);

9.16 (3) sell antique firearms, as defined in section 624.712, subdivision 3, to the public
9.17 and distribute the proceeds under paragraph (b);

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

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

9.22 (6) disburse money as provided under paragraph (b).

9.23 Notwithstanding clauses (1) and (3), the Hennepin or Ramsey County sheriff may not
9.24 sell firearms, ammunition, or firearms accessories if the policy is disapproved by the
9.25 applicable county board.

9.26 (b) The money or proceeds from the sale of forfeited property, after payment of
9.27 seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against
9.28 the property, must be forwarded to the commissioner of management and budget to be
9.29 deposited into the state treasury and credited to the general fund. This money must be
9.30 appropriated by the legislature for public safety purposes.

9.31 (c) Sales of forfeited property under this subdivision must be conducted in a
9.32 commercially reasonable manner.

9.33 (d) Employees of law enforcement agencies and their family members may not
9.34 purchase forfeited items directly from the appropriate agency.

9.35 Subd. 18. **Reporting requirement.** (a) For each forfeiture occurring in the state
9.36 regardless of the authority for it, the appropriate agency and the prosecutor shall provide a

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10.1 written record of the forfeiture incident to the state auditor. The record shall include the
10.2 amount forfeited, the underlying crime or conduct, its date, whether the property had a lien
10.3 against it, and whether the forfeiture was contested. The record shall also list the number
10.4 of firearms forfeited and the make, model, and serial number of each firearm forfeited.
10.5 The record shall indicate how the property was or is to be disposed of.

10.6 (b) An appropriate agency and the prosecutor shall report to the state auditor all
10.7 instances in which property seized for forfeiture is returned to its owner either because
10.8 forfeiture is not pursued or for any other reason.

10.9 (c) The state auditor may require information not specified in this subdivision to
10.10 be reported as well.

10.11 (d) Reports shall be made on a monthly basis in a manner prescribed by the state
10.12 auditor. The state auditor shall report annually to the legislature and the public on the
10.13 nature and extent of forfeitures.

10.14 (e) For forfeitures resulting from the activities of multijurisdictional law enforcement
10.15 entities, the entity on its own behalf shall report the information required in this
10.16 subdivision.

10.17 (f) The state auditor shall include in its report required under paragraph (d)
10.18 recommended changes to forfeiture law to better ensure that forfeiture proceedings are
10.19 handled in a manner that is fair to innocent property owners and interest holders.

10.20 (g) The state auditor shall include in its report required under paragraph (d)
10.21 information on law enforcement agencies and prosecutorial offices not in compliance
10.22 with this section.

10.23 Subd. 19. **Penalty for violations.** (a) Any person acting under color of law, official
10.24 title, or position who takes any action intending to conceal, transfer, withhold, retain,
10.25 divert, or otherwise prevent any proceeds, conveyances, real property, or any things
10.26 of value forfeited under the law of this state or the United States from being applied,
10.27 deposited, or used in accordance with this section is subject to a civil penalty in an
10.28 amount of three times the value of the forfeited property concealed, transferred, withheld,
10.29 retained, or diverted.

10.30 (b) Nothing in this subdivision shall be construed to impair judicial immunity
10.31 if otherwise applicable.

10.32 Subd. 20. **Coordination with federal law.** The state and local units of government
10.33 shall take all necessary steps to obtain shared property or proceeds from the United States
10.34 Department of Justice resulting from a forfeiture. Any property or proceeds received from
10.35 the United States Department of Justice by the state or any local unit of government shall
10.36 be disposed of as provided in subdivision 17.

11.1 Neither the state, a local unit of government, nor any forfeiting agency shall
11.2 transfer forfeiture proceedings to the federal government to circumvent state law. For an
11.3 appropriate agency to transfer a forfeiture proceeding to the federal government, a state
11.4 court shall have affirmatively found that:

11.5 (1) the activity giving rise to the forfeiture is interstate in nature and sufficiently
11.6 complex to justify the transfer; or

11.7 (2) the seized property is forfeitable only under federal law.

11.8 Sec. 2. **REVISOR'S INSTRUCTION.**

11.9 In the 2010 and subsequent editions of Minnesota Statutes, the revisor of statutes
11.10 shall make changes to statutory cross-references as necessitated by this bill.

11.11 Sec. 3. **REPEALER.**

(a) Minnesota Statutes 2008, sections 169A.63; 609.531, subdivisions 1, 1a, 4, 5,
5a, and 6a; 609.5311; 609.5312; 609.5313; 609.5314; 609.5315; 609.5316; 609.5317;
609.5318; and 609.762, subdivisions 2, 3, 4, and 5, are repealed.

(b) Minnesota Statutes 2009 Supplement, section 609.762, subdivision 1, is repealed.