

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1192

(SENATE AUTHORS: BIGHAM)

DATE
02/14/2019

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
 1.2 relating to public safety; expanding vehicle forfeiture in prostitution offenses;
 1.3 amending Minnesota Statutes 2018, sections 609.324, subdivision 5; 609.5312,
 1.4 subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2018, section 609.324, subdivision 5, is amended to read:

1.7 Subd. 5. **Use of motor vehicle to patronize prostitutes; driving record notation.** (a)
 1.8 When a court sentences a person convicted of violating this section while acting as a patron,
 1.9 the court shall determine whether the person used in any way a motor vehicle during the
 1.10 commission of the offense and whether the person has previously been convicted of violating
 1.11 this section or section 609.322. If the court finds that the person used a motor vehicle during
 1.12 the commission of the offense, it shall forward its finding along with an indication of whether
 1.13 the person has previously been convicted of a prostitution offense to the commissioner of
 1.14 public safety who shall record the finding on the person's driving record. Except as provided
 1.15 in paragraph (b), the finding is classified as private data on individuals, as defined in section
 1.16 13.02, subdivision 12, but is accessible for law enforcement purposes.

1.17 (b) If the person has previously been convicted of a violation of this section or section
 1.18 609.322, the finding is public data.

1.19 Sec. 2. Minnesota Statutes 2018, section 609.5312, subdivision 3, is amended to read:

1.20 Subd. 3. **Vehicle forfeiture for prostitution offenses.** (a) A motor vehicle is subject to
 1.21 forfeiture under this subdivision if it was used in any way to commit or facilitate, or used
 1.22 in any way during the commission of, a violation of section 609.324 or a violation of a local

2.1 ordinance substantially similar to section 609.324. A motor vehicle used to provide
2.2 transportation to or from the crime scene has been used to commit or facilitate a violation
2.3 of section 609.324 or a violation of a local ordinance substantially similar to section 609.324.
2.4 A motor vehicle is subject to forfeiture under this subdivision only if the offense is established
2.5 by proof of a criminal conviction for the offense. Except as otherwise provided in this
2.6 subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312,
2.7 and 609.5313.

2.8 (b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance
2.9 of a judicial forfeiture order, a hearing before a judge or referee must be held within 96
2.10 hours of the seizure. Notice of the hearing must be given to the registered owner within 48
2.11 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of
2.12 the hearing, that it has filed or intends to file charges against the alleged violator for violating
2.13 section 609.324 or a local ordinance substantially similar to section 609.324. After conducting
2.14 the hearing, the court shall order that the motor vehicle be returned to the owner if:

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

2.17 (2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the
2.18 owner has a defense to the forfeiture, including but not limited to the defenses contained in
2.19 subdivision 2; or

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

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

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

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

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

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

- 3.1 (f) The Department of Corrections Fugitive Apprehension Unit shall not participate in
- 3.2 paragraphs (a) to (e).