

## CHAPTER 152

### PROHIBITED DRUGS

152.19 Forfeitures.

**152.19 FORFEITURES.***[For text of subds 1 to 4, see M.S.1984]*

Subd. 5. Property shall be forfeited after a conviction deemed to be a felony according to the following procedure:

(1) A separate complaint shall be filed against the property describing it, charging its use in the specified violation, and specifying the time and place of its unlawful use.

(2) If the person arrested is acquitted, the court shall dismiss the complaint against any property seized pursuant to the preceding subdivisions and order the property returned to the persons legally entitled to it.

(3) If after conviction the court finds that the property, or any part thereof, was used in any violation as specified in the complaint, it shall order that the property unlawfully used be sold, destroyed, or disposed of by the appropriate agency in the following manner:

(a) the appropriate agency and prosecuting agency that handled the forfeiture may retain the property for official use but shall not use any motor vehicle required to be registered pursuant to chapter 168A until title is properly transferred pursuant to chapter 168A;

(b) sell that which is not required to be destroyed by law and which is not harmful to the public;

(c) require the commissioner of administration to take custody of the property and remove it for disposition in accordance with law; or

(d) forward it to the federal drug enforcement administration.

Any property retained pursuant to clause (3)(a) shall be used only in the performance of official duties of the appropriate agency, and shall not be used for any other purpose. All proceeds from property retained under clause (3)(a) which is later sold shall be disbursed as provided in clause (4).

(4) One-third of the proceeds from the sale of forfeited property, after payment of seizure, storage, forfeiture and sale expenses and satisfaction of valid liens against the property, shall be forwarded to the state drug abuse authority for distribution among licensed hospitals and licensed drug treatment facilities of this state for the care and treatment of patients with drug related physical and psychological disorders, and licensed drug analysis centers. The remaining two-thirds of net proceeds shall be shared equally between the prosecuting agency with jurisdiction over the criminal offense or the agency handling the forfeiture proceeding at the request of the prosecuting agency, and the agency investigating the offense involved in the forfeiture, except that if the forfeiture proceeding was prosecuted by a county attorney whose position is not full time as provided in section 388.21, the prosecutor's share of net proceeds shall be forwarded to the county board.

Any local police relief association organized under chapter 423, which received or was entitled to receive the proceeds of any sale made under this section before August 1, 1984, shall continue to receive and retain the proceeds of these sales.

*[For text of subds 6 to 8, see M.S.1984]***History:** 1985 c 160 s 1; 1Sp1985 c 16 art 2 s 14