



Mr. Chair and Members of the Committee –

My name is Jason Flohrs. I am the State Director of the Minnesota Chapter of Americans for Prosperity. Thank you for opportunity to be here today to testify in support of reform to Minnesota’s asset forfeiture process – reforms that both protect public safety and uphold constitutional private property protections for all Minnesotans.

Changes to Minnesota’s asset forfeiture laws are an important part of ongoing criminal justice reform efforts at both the state and federal level. We believe that an effective criminal justice system protects people and preserves public safety, respects human dignity, restores victims, removes barriers to opportunity for people who have earned a second chance and ensures equal justice for all under the law.

To that end, this package of reforms before you today reflect extensive negotiation between defense attorneys, justice reform advocates, prosecutors and law enforcement stakeholders across Minnesota. This broad coalition – made up of some unlikely or “non-traditional” allies – started meeting last year and have devoted a significant amount of time and effort to get to this point. We believe the agreed-upon language will focus law enforcement’s use of civil asset forfeiture on individuals who pose a legitimate threat to public safety and will better safeguard civil liberties and constitutional rights of Minnesotans.

As you know, civil asset forfeiture allows the government to seize and permanently keep money, vehicles, and other property suspected of being connected to criminal activity. Even if an individual is never charged with a crime, their property can be seized and ultimately forfeited. Under current law, people wishing to reclaim seized property must engage in expensive and time-consuming litigation to get their property back, which often times costs much more than the value of the seized currency or property itself. Most people – in fact, 95% of people in Minnesota -make the economically rational choice to simply walk away from their own property.

The current system burdens not only property owners, but negatively impacts law enforcement as well by creating administrative burdens throughout the process, including the storage and sale of vehicles, at a significant cost to taxpayers.

Policing practices must build community trust and foster collaboration in order to protect public safety. That trust grows when law enforcement focuses resources on preventing and solving serious crime – and these reforms ensure that they retain the tools to do so. But continuing in a broken status quo perpetuates structural barriers to good policing, contributes to a negative perception of law enforcement, and disproportionately impacts low-income and economically disadvantaged communities across the state.

Let me highlight just a few key reforms. This package:

- Reforms the DWI forfeiture statute to expand the use of ignition interlock, require entrance into treatment courts, and focus seizure and forfeitures on repeat offenders;



- Provides additional protections for innocent owners and aligns with recent Minnesota Supreme Court decisions;
- Prevents circumvention of state forfeiture laws by accessing the federal sharing program;
- Establishes thresholds for money and property that can be subject to forfeiture unless there is probable cause that the property or currency was directly used in the commission of certain crimes;
- Creates transparent reporting requirements for forfeited property and the use of forfeiture revenue by local municipalities;
- Waives storage fees and some filing fees for individuals and innocent owners; and
- Requires a recidivism study to track the effectiveness of forfeiture and ignition interlock as strategies to reduce repeat DWI offenders.

These substantial and comprehensive changes are the result of careful work and consultation with stakeholders at all stages of the process. Thank you for taking the time to consider these reforms, and for the opportunity to express our coalition's support.

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