

**Sec. 6. EFFECTIVE DATE.**

Sections 1 to 5 are effective August 1, 1984, and apply to crimes committed on or after that date.

Approved May 2, 1984

**CHAPTER 625 — S.F.No. 1561**

*An act relating to crimes; providing for forfeitures of conveyances, containers, weapons used, and contraband property when utilized in the commission of designated offenses; proposing new law coded in Minnesota Statutes, chapter 609.*

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

**Section 1. [609.531] FORFEITURES.**

Subdivision 1. DEFINITIONS. For the purpose of this section, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation in connection with a designated offense and includes, but is not limited to, motor vehicles, trailers, snowmobiles, airplanes, and vessels. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Primary container" means a fundamental receptacle other than a conveyance device used to store or transport property.

(c) "Weapon used" means weapons used in the furtherance of a crime and defined as a dangerous weapon under section 609.02, subdivision 6.

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

(e) "Contraband property" means property which is illegal to possess under Minnesota law.

(f) "Appropriate agency" means either the bureau of criminal apprehension, Minnesota state patrol, county sheriffs and their deputies, or city police departments.

(g) "Designated offense" includes:

(1) For weapons used: any violation of chapter 609;

(2) For all other purposes: violation of, or an attempt or conspiracy to violate, sections 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322, subdivision 1 or 2; 609.342; 609.343; 609.344; 609.345; 609.42; 609.425; 609.466; 609.485;

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609.487; 609.52; 609.521; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.687; 609.825; 609.86; 609.88; 609.89; or 617.246, when the violation constitutes a felony.

**Subd. 2. FORFEITURES OF CONVEYANCE DEVICES; PRIMARY CONTAINERS; WEAPONS USED, AND CONTRABAND PROPERTY.** Conveyance devices, primary containers, and weapons associated with the commission or utilized in the commission of a designated offense, and all contraband property shall be subject to forfeiture with the following limitations:

(a) No conveyance device or primary container used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless the owner or other person in charge of the conveyance or container is a consenting party or privy to commission of a designated offense.

(b) No conveyance device, primary container, or weapon used is subject to forfeiture under this section unless the owner of it is privy to a violation of a designated offense or unless the use of the conveyance device, primary container, or weapon in a violation occurred with his knowledge or consent.

(c) A forfeiture of a conveyance device, primary container, or weapon used encumbered by a bona fide security interest is subject to the interest of the secured party unless he had knowledge of or consented to the act or omission upon which the forfeiture is based.

**Subd. 3. SEIZURE WITH PROCESS.** Any conveyance device, primary container, weapon used, or contraband property subject to forfeiture under this section may be seized by the appropriate agency upon process issued by any court having jurisdiction over the property.

**Subd. 4. SEIZURE WITHOUT PROCESS.** Seizure without process of a weapon used or of contraband property may be made if:

(a) the seizure is incident to an arrest or a search under a search warrant;

(b) the weapon subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding;

(c) the appropriate agency has probable cause to believe:

(1) that the weapon was used or is intended to be used in commission of a designated offense; and

(2) that the delay occasioned by the necessity to obtain process would result in the removal, destruction, illegal use, or intended illegal use of the weapon; or

(d) the property is contraband property.

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Subd. 5. NOT SUBJECT TO REPLEVIN. Any conveyance device, primary container, weapon used, or contraband property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the appropriate agency subject only to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When any conveyance device, primary container, weapon used, or contraband property is seized under this section, the appropriate agency may:

(a) place the conveyance device, primary container, weapon used, or contraband property under seal; or

(b) remove the conveyance device, primary container, weapon used, or contraband property to a place designated by it.

Subd. 6. FORFEITURE PROCEDURES. Any conveyance device, primary container, weapon used, or contraband property shall be forfeited according to the following procedure:

(a) a separate complaint shall be filed against the conveyance device, primary container, weapon used, or contraband property describing it, and either specifying that it is contraband property, or charging its use in the specified violation, and specifying the time and place of its unlawful use;

(b) if the person charged with a designated offense is not convicted of an offense, the court shall dismiss the complaint against the conveyance device, primary container, or weapon used pursuant to subdivisions 2 to 5 and order the property returned to the persons legally entitled to it;

(c) if after conviction of a felony offense the court finds that the conveyance device, primary container or weapon was used in commission of a designated offense, it may order that the conveyance device, primary container or weapon be sold, used, converted, or disposed of by the appropriate agency in the following manner:

(1) if the lawful ownership of the conveyance device, primary container, or weapon used can be determined and it is found the owner was not privy to violation of a designated offense, the conveyance device, primary container, or weapon used will be returned forthwith; or

(2) if the lawful ownership of the conveyance device, primary container, or weapon used cannot be determined or if the lawful owner can be determined and it is found the owner was privy to violation of a designated offense, the appropriate agency or prosecuting agency handling the forfeiture may:

(i) retain the conveyance device, primary container, weapon used, or contraband property for official use; or

(ii) the conveyance device, primary container, or weapon used may be sold in accordance with law. One-third of the proceeds from the sale, after payment

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of seizure, storage, sale expenses, and satisfaction of valid liens against the property, shall be forwarded to the prosecuting agency that handled the forfeiture proceedings for deposit in its operating fund, or similar fund; one-third of the proceeds shall be forwarded to the commissioner of public safety for disbursement pursuant to section 299C.065, and one-third of the proceeds shall be retained by the appropriate agency and deposited in its operating fund;

(d) if the property is deemed to be contraband, the property shall be destroyed or used by the appropriate agency for law enforcement purposes.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective August 1, 1984, and applies to crimes committed on or after that date.

Approved May 2, 1984

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**CHAPTER 626 — S.F.No. 1349**

*An act relating to liquor; adding liquor, nonintoxicating malt liquor and food to the list of substances exempted from classification as hazardous substances; redefining restaurants for purposes of licensing in St. Louis, Lake, and Cook counties; permitting exclusive sale of certain liquors by Minnesota wholesalers, distillers, rectifiers, or bottlers; authorizing the use of wine catalogs by off-sale dealers; imposing a moratorium on new off-sale intoxicating liquor licenses issued by towns; allowing the cities of Roseville and West St. Paul to issue on-sale intoxicating liquor licenses in excess of the number authorized by law; increasing the number of on-sale licenses, modifying the transferability thereof, and abolishing liquor patrol limits within the city of St. Paul; allowing the city of St. Paul to issue on-sale intoxicating liquor licenses to the Minnesota Museum of Art and the Ordway Music Theatre; authorizing the Duluth city council to permit the on-sale of liquor at the St. Louis County Heritage and Arts Center by on-sale licensees in the city of Duluth; authorizing the town of Greenwood in St. Louis County to issue one off-sale intoxicating liquor license; repealing certain restrictions on territory in the city of St. Paul where licenses may be issued; amending Minnesota Statutes 1982, sections 340.07, subdivision 14; 340.114, by adding a subdivision; 340.15, subdivision 1; and 340.601; Minnesota Statutes 1983 Supplement, section 182.651, subdivision 18; repealing Minnesota Statutes 1982, sections 340.57; 340.58; 340.59; 340.73, subdivision 2; 340.78; and 340.81; and Special Laws 1885, chapter 281, section 6.*

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

Section 1. Minnesota Statutes 1983 Supplement, section 182.651, subdivision 18, is amended to read:

Subd. 18. The following substances or mixtures are not hazardous substances if they are:

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