

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 956

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DATE	D-PG	OFFICIAL STATUS
02/03/2025	262	Introduction and first reading Referred to Environment, Climate, and Legacy

1.1A bill for an act

1.2relating to natural resources; prohibiting conservation officers from conducting

1.3searches or seizures without a warrant or court order; requiring receipts to be

1.4provided to persons from whom property is seized; amending Minnesota Statutes

1.52024, sections 84.7741, subdivision 2; 84.89; 97A.221, subdivision 1; 97A.223,

1.6subdivision 1; 97A.225, subdivision 1; 97B.021, subdivision 2; 97C.355,

1.7subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 84.

1.8BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9Section 1. **[84.0287] SEARCHES AND SEIZURES BY CONSERVATION OFFICERS.**

1.10(a) Notwithstanding any other provision of law, a conservation officer may not conduct

1.11a search or seizure except:

1.12(1) pursuant to a warrant or other order issued by a court having appropriate jurisdiction;

1.13(2) where necessary to prevent imminent danger to human life; or

1.14(3) where a person consents to the search or seizure.

1.15(b) When property is seized under this section, the seizing officer must provide a receipt

1.16to the person from whom the property is seized.

1.17(c) Notwithstanding any other provision of law, any law that confers authority on

1.18conservation officers by providing authority to peace officers must be construed consistently

1.19with this section.

2.1 Sec. 2. Minnesota Statutes 2024, section 84.7741, subdivision 2, is amended to read:

2.2 Subd. 2. **Seizure.** ~~(a) An off-highway vehicle subject to forfeiture under this section~~
2.3 ~~may be seized by the appropriate agency upon process issued by any court having jurisdiction~~
2.4 ~~over the vehicle in accordance with section 84.0287.~~

2.5 ~~(b) Property may be seized without process if:~~

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

2.7 ~~(2) the vehicle subject to seizure has been the subject of a prior judgment in favor of the~~
2.8 ~~state in a criminal injunction or forfeiture proceeding under this section; or~~

2.9 ~~(3) the appropriate agency has probable cause to believe that the delay occasioned by~~
2.10 ~~the necessity to obtain process would result in the removal or destruction of the vehicle. If~~
2.11 ~~property is seized without process under this clause, the prosecuting authority must institute~~
2.12 ~~a forfeiture action under this section as soon as is reasonably possible by serving a notice~~
2.13 ~~of seizure and intent to forfeit at the address of the owner as listed in the records of the~~
2.14 ~~Department of Public Safety or Department of Natural Resources.~~

2.15 ~~(c) When an off-highway vehicle is seized, the officer must provide a receipt to the~~
2.16 ~~person found in possession of the vehicle; or in the absence of any person, the officer must~~
2.17 ~~leave a receipt in the place where the vehicle was found, if reasonably possible.~~

2.18 Sec. 3. Minnesota Statutes 2024, section 84.89, is amended to read:

2.19 **84.89 CONFISCATING SNOWMOBILE USED IN BURGLARY.**

2.20 When authorized under section 84.0287, a law enforcement officer shall seize any
2.21 snowmobile, as defined in section 84.81, used for the purpose of gaining access to property
2.22 for the purpose of committing the crime of burglary, as defined in section 609.582. Any
2.23 snowmobile seized pursuant to this section shall be held, subject to the order of the district
2.24 court of the county in which the burglary was committed, and shall be confiscated after
2.25 conviction of the person from whom the snowmobile was seized and disposed of in
2.26 accordance with the procedure provided for equipment used in committing game and fish
2.27 violations by section 97A.225, except that the balance of the proceeds from the sale of a
2.28 confiscated snowmobile which are paid into the state treasury shall be credited to the general
2.29 fund.

3.1 Sec. 4. Minnesota Statutes 2024, section 97A.221, subdivision 1, is amended to read:

3.2 Subdivision 1. **Property subject to seizure and confiscation.** (a) When authorized
3.3 under section 84.0287, an enforcement officer may seize:

3.4 (1) wild animals, wild rice, and other aquatic vegetation taken, bought, sold, transported,
3.5 or possessed in violation of the game and fish laws or chapter 84 or 84D; and

3.6 (2) firearms, bows and arrows, nets, boats, lines, poles, fishing rods and tackle, lights,
3.7 lanterns, snares, traps, spears, dark houses, fish houses, and wild rice harvesting equipment
3.8 that are used with the owner's knowledge to unlawfully take or transport wild animals, wild
3.9 rice, or other aquatic vegetation and that have a value under \$1,000 are subject to this section.

3.10 (b) An item described in paragraph (a), clause (2), that has a value of \$1,000 or more is
3.11 subject to the provisions of section 97A.225.

3.12 (c) When authorized under section 84.0287, an enforcement officer must seize nets and
3.13 equipment unlawfully possessed within ten miles of Lake of the Woods or Rainy Lake.

3.14 Sec. 5. Minnesota Statutes 2024, section 97A.223, subdivision 1, is amended to read:

3.15 Subdivision 1. **Property subject to seizure and forfeiture.** (a) When authorized under
3.16 section 84.0287, an enforcement officer must seize:

3.17 (1) firearms possessed in violation of state or federal law or court order; and

3.18 (2) property described in section 97A.221, subdivision 1, where no owner can be
3.19 determined.

3.20 (b) Property seized under this section is subject to administrative forfeiture.

3.21 Sec. 6. Minnesota Statutes 2024, section 97A.225, subdivision 1, is amended to read:

3.22 Subdivision 1. **Seizure.** (a) When authorized under section 84.0287, an enforcement
3.23 officer must seize all motor vehicles used to:

3.24 (1) shine wild animals in violation of section 97B.081, subdivision 1;

3.25 (2) transport big game animals illegally taken or fur-bearing animals illegally purchased;
3.26 or

3.27 (3) transport minnows in violation of section 97C.501, 97C.515, or 97C.525.

3.28 (b) An enforcement officer must seize all boats and motors used in netting fish on Lake
3.29 of the Woods, Rainy Lake, Lake Superior, Namakan Lake, and Sand Point Lake in violation

of licensing or operating requirements of section 97A.475, subdivision 30, 97C.825, 97C.831, or 97C.835, or a rule of the commissioner relating to these provisions.

(c) An enforcement officer may seize all boats and motors with their trailers that are used to take, possess, or transport wild animals when the restitution value of the wild animals exceeds \$500.

Sec. 7. Minnesota Statutes 2024, section 97B.021, subdivision 2, is amended to read:

Subd. 2. **Seizing unlawfully possessed firearms.** When authorized under section 84.0287, a law enforcement officer shall seize a firearm used in violation of this section. The officer must tag the seized firearm with the name and address of the person from whom it was taken and give the person a receipt. The firearm shall be placed in the custody of the conservation officer in charge of the area where the seizure was made.

Sec. 8. Minnesota Statutes 2024, section 97C.355, subdivision 7, is amended to read:

Subd. 7. **Shelters prohibited; dates and times.** (a) A shelter, including a fish house or dark house, may not be on the ice unattended between midnight and one hour before sunrise after:

(1) the first Monday in March, for state waters south of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and

(2) the third Monday in March, for other state waters.

A shelter, including a fish house or dark house, on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously posted on the shores of the waters as prescribed by the commissioner.

(b) When authorized under section 84.0287, a conservation officer must confiscate a fish house, dark house, or shelter in violation of paragraph (a). The officer may remove, burn, or destroy the house or shelter. The officer shall seize the contents of the house or shelter and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.