

September 12th, 2012

Minnesota Police May Keep Seized Vehicles From DUI Repeat Offenders

On September 10th, the [Minnesota Court of Appeals](#) issued their ruling on the case of Matthew Nielsen. Nielsen pled guilty to driving while impaired, or DWI (DUI in Minnesota), following an April 2011 stop by Minneapolis police. It was Nielsen's fourth DWI in a two-year span.

Following his 2011 stop, the Minneapolis Police Department seized Nielsen's vehicle to prevent him from driving drunk in the near future. Nielsen sued the police department, citing the Minnesota Constitution. In Nielsen's argument, he claims, "the state cannot acquire his car through forfeiture or that if it can, it must pay him the value of the forfeited car."

The Minnesota legislature had laid out exemptions to the property claim cited by Nielsen. Among those exemptions are cars meeting exact specifications. The statute passed by the legislature reads:

One motor vehicle to the extent of a value not exceeding \$2,000; or one motor vehicle to the extent of a value not exceeding \$20,000 that has been modified, at a cost of not less than \$1,500, to accommodate the physical disability making a disabled person eligible for a certificate authorized by section

The Court of Appeals examined the statute and the Constitution, deciding that drunk driving was not covered by the exemption. The Court of Appeals deemed the legislature had no intention in protecting property owned and used to commit crimes. In Minnesota, [driving while impaired](#), or DUI, is a crime that is taken quite seriously.

In addition to the motives of the legislature ruling, the Court ruled existing statutes dictating the compensation of seized property sold at auction prevent Nielsen from receiving compensation for the sale price. The existing statutes lay out a 70-30 split between law enforcement and the prosecutorial agencies would be impossible. This impossibility nullified Nielsen's argument for just compensation.

The Court's decision now allows for law enforcement agencies to claim vehicles owned and used by drunk drivers committing repeat offenses without having to compensate the offender.

<http://www.thelawman.net/blog/>
