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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3779

04/01/2016 Authored by Ward, Norton, Mariani, Yarusso, Davnie and others

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; clarifying petition for judicial restoration of ability
1.3 to possess firearms and ammunition; amending Minnesota Statutes 2015
1.4 Supplement, section 609.165, subdivision 1d.

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

1.6 Section 1. Minnesota Statutes 2015 Supplement, section 609.165, subdivision 1d,
1.7 is amended to read:

1.8 Subd. 1d. **Judicial restoration of ability to possess firearms and ammunition**
1.9 **by felon.** A person prohibited by state law from shipping, transporting, possessing, or
1.10 receiving a firearm or ammunition because of a conviction or a delinquency adjudication
1.11 for committing a crime of violence may petition a court to restore the person's ability
1.12 to possess, receive, ship, or transport firearms and otherwise deal with firearms and
1.13 ammunition.

1.14 This petition must be filed in the county in which the conviction or delinquency
1.15 adjudication occurred and served on the prosecuting authority responsible for the
1.16 conviction or delinquency adjudication. If the person is prohibited from this conduct
1.17 as a result of more than one conviction or delinquency adjudication, the person must
1.18 file a petition in each county where any such conviction or delinquency adjudication
1.19 occurred and must serve the petition on each prosecuting authority responsible for any
1.20 such conviction or delinquency adjudication.

1.21 A hearing on the petition shall be held no sooner than 60 days after service of the
1.22 petition. A victim of the relevant conviction or delinquency adjudication has a right to
1.23 submit an oral or written statement to the court at the time of the hearing describing the
1.24 harm suffered by the victim as a result of the crime and the victim's recommendation on

2.1 whether the petition should be granted or denied. The judge shall consider the victim's
2.2 statement when making a decision.

2.3 The court may grant the relief sought if the person shows good cause to do so and
2.4 the person has been released from physical confinement.

2.5 If a petition is denied, the person may not file another petition until three years have
2.6 elapsed without the permission of the court.