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State of Minnesota  
HOUSE OF REPRESENTATIVES  
NINETIETH SESSION

H. F. No. 4474

05/02/2018 Authored by Anderson, S., and Loon  
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act  
1.2 relating to public safety; requiring a hearing if an ex parte order for protection  
1.3 prohibits the respondent from possessing a firearm; requiring surrender of firearms  
1.4 to a county sheriff following issuance of an order for protection and domestic  
1.5 violence convictions; establishing a background check and court appearance for  
1.6 third parties accepting surrendered firearms; amending Minnesota Statutes 2016,  
1.7 sections 518B.01, subdivisions 5, 6, 7; 609.2242, subdivision 3.

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

1.9 Section 1. Minnesota Statutes 2016, section 518B.01, subdivision 5, is amended to read:

1.10 Subd. 5. **Hearing on application; notice.** (a) Upon receipt of the petition, the court  
1.11 shall order a hearing which shall be held not later than 14 days from the date of the order  
1.12 for hearing unless an ex parte order is issued.

1.13 (b) If an ex parte order has been issued under subdivision 7 and the petitioner seeks only  
1.14 the relief under subdivision 7, paragraph (a), a hearing is not required unless:

1.15 (1) the court declines to order the requested relief; ~~or~~

1.16 (2) one of the parties requests a hearing; or

1.17 (3) the ex parte order prohibits the respondent from possessing a firearm.

1.18 (c) If an ex parte order has been issued under subdivision 7 and the petitioner seeks relief  
1.19 beyond that specified in subdivision 7, paragraph (a), or if the court declines to order relief  
1.20 requested by the petitioner, a hearing must be held within seven days. Personal service of  
1.21 the ex parte order may be made upon the respondent at any time up to 12 hours prior to the  
1.22 time set for the hearing, provided that the respondent at the hearing may request a continuance

2.1 of up to five days if served fewer than five days prior to the hearing which continuance shall  
2.2 be granted unless there are compelling reasons not to.

2.3 (d) If an ex parte order has been issued only granting relief under subdivision 7, paragraph  
2.4 (a), and the respondent requests a hearing, the hearing shall be held within ten days of the  
2.5 court's receipt of the respondent's request. Service of the notice of hearing must be made  
2.6 upon the petitioner not less than five days prior to the hearing. The court shall serve the  
2.7 notice of hearing upon the petitioner by mail in the manner provided in the Rules of Civil  
2.8 Procedure for pleadings subsequent to a complaint and motions and shall also mail notice  
2.9 of the date and time of the hearing to the respondent. In the event that service cannot be  
2.10 completed in time to give the respondent or petitioner the minimum notice required under  
2.11 this subdivision, the court may set a new hearing date no more than five days later.

2.12 (e) If an ex parte order prohibits a respondent from possessing a firearm, a hearing must  
2.13 be held within three days. Personal service of the ex parte order may be made upon the  
2.14 respondent at any time up to 12 hours prior to the time set for the hearing. At a hearing held  
2.15 under this paragraph, the court shall inquire as to the respondent's access to firearms and  
2.16 inform the respondent of the requirement to transfer any firearms the respondent owns or  
2.17 possesses to the sheriff.

2.18 (f) If for good cause shown either party is unable to proceed at the initial hearing and  
2.19 requests a continuance and the court finds that a continuance is appropriate, the hearing  
2.20 may be continued. Unless otherwise agreed by the parties and approved by the court, the  
2.21 continuance shall be for no more than five days. If the court grants the requested continuance,  
2.22 the court shall also issue a written order continuing all provisions of the ex parte order  
2.23 pending the issuance of an order after the hearing.

2.24 ~~(f)~~ (g) Notwithstanding the preceding provisions of this subdivision, service on the  
2.25 respondent may be made by one week published notice, as provided under section 645.11,  
2.26 provided the petitioner files with the court an affidavit stating that an attempt at personal  
2.27 service made by a sheriff or other law enforcement or corrections officer was unsuccessful  
2.28 because the respondent is avoiding service by concealment or otherwise, and that a copy  
2.29 of the petition and notice of hearing has been mailed to the respondent at the respondent's  
2.30 residence or that the residence is not known to the petitioner. Service under this paragraph  
2.31 is complete seven days after publication. The court shall set a new hearing date if necessary  
2.32 to allow the respondent the five-day minimum notice required under paragraph (d).

3.1 Sec. 2. Minnesota Statutes 2016, section 518B.01, subdivision 6, is amended to read:

3.2 Subd. 6. **Relief by court.** (a) Upon notice and hearing, the court may provide relief as  
3.3 follows:

3.4 (1) restrain the abusing party from committing acts of domestic abuse;

3.5 (2) exclude the abusing party from the dwelling which the parties share or from the  
3.6 residence of the petitioner;

3.7 (3) exclude the abusing party from a reasonable area surrounding the dwelling or  
3.8 residence, which area shall be described specifically in the order;

3.9 (4) award temporary custody or establish temporary parenting time with regard to minor  
3.10 children of the parties on a basis which gives primary consideration to the safety of the  
3.11 victim and the children. In addition to the primary safety considerations, the court may  
3.12 consider particular best interest factors that are found to be relevant to the temporary custody  
3.13 and parenting time award. Findings under section 257.025, 518.17, or 518.175 are not  
3.14 required with respect to the particular best interest factors not considered by the court. If  
3.15 the court finds that the safety of the victim or the children will be jeopardized by unsupervised  
3.16 or unrestricted parenting time, the court shall condition or restrict parenting time as to time,  
3.17 place, duration, or supervision, or deny parenting time entirely, as needed to guard the safety  
3.18 of the victim and the children. The court's decision on custody and parenting time shall in  
3.19 no way delay the issuance of an order for protection granting other relief provided for in  
3.20 this section. The court must not enter a parenting plan under section 518.1705 as part of an  
3.21 action for an order for protection;

3.22 (5) on the same basis as is provided in chapter 518 or 518A, establish temporary support  
3.23 for minor children or a spouse, and order the withholding of support from the income of  
3.24 the person obligated to pay the support according to chapter 518A;

3.25 (6) provide upon request of the petitioner counseling or other social services for the  
3.26 parties, if married, or if there are minor children;

3.27 (7) order the abusing party to participate in treatment or counseling services, including  
3.28 requiring the abusing party to successfully complete a domestic abuse counseling program  
3.29 or educational program under section 518B.02;

3.30 (8) award temporary use and possession of property and restrain one or both parties from  
3.31 transferring, encumbering, concealing, or disposing of property except in the usual course  
3.32 of business or for the necessities of life, and to account to the court for all such transfers,

4.1 encumbrances, dispositions, and expenditures made after the order is served or communicated  
4.2 to the party restrained in open court;

4.3 (9) exclude the abusing party from the place of employment of the petitioner, or otherwise  
4.4 limit access to the petitioner by the abusing party at the petitioner's place of employment;

4.5 (10) order the abusing party to have no contact with the petitioner whether in person,  
4.6 by telephone, mail, or electronic mail or messaging, through a third party, or by any other  
4.7 means;

4.8 (11) order the abusing party to pay restitution to the petitioner;

4.9 (12) order the continuance of all currently available insurance coverage without change  
4.10 in coverage or beneficiary designation;

4.11 (13) order, in its discretion, other relief as it deems necessary for the protection of a  
4.12 family or household member, including orders or directives to the sheriff or other law  
4.13 enforcement or corrections officer as provided by this section;

4.14 (14) direct the care, possession, or control of a pet or companion animal owned,  
4.15 possessed, or kept by the petitioner or respondent or a child of the petitioner or respondent;  
4.16 and

4.17 (15) direct the respondent to refrain from physically abusing or injuring any pet or  
4.18 companion animal, without legal justification, known to be owned, possessed, kept, or held  
4.19 by either party or a minor child residing in the residence or household of either party as an  
4.20 indirect means of intentionally threatening the safety of such person.

4.21 (b) Any relief granted by the order for protection shall be for a period not to exceed two  
4.22 years, except when the court determines a longer period is appropriate. When a referee  
4.23 presides at the hearing on the petition, the order granting relief becomes effective upon the  
4.24 referee's signature.

4.25 (c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated  
4.26 or modified in a proceeding for dissolution of marriage or legal separation, except that the  
4.27 court may hear a motion for modification of an order for protection concurrently with a  
4.28 proceeding for dissolution of marriage upon notice of motion and motion. The notice required  
4.29 by court rule shall not be waived. If the proceedings are consolidated and the motion to  
4.30 modify is granted, a separate order for modification of an order for protection shall be issued.

4.31 (d) An order granting the relief authorized in paragraph (a), clause (2) or (3), is not  
4.32 voided by the admittance of the abusing party into the dwelling from which the abusing  
4.33 party is excluded.

5.1 (e) If a proceeding for dissolution of marriage or legal separation is pending between  
5.2 the parties, the court shall provide a copy of the order for protection to the court with  
5.3 jurisdiction over the dissolution or separation proceeding for inclusion in its file.

5.4 (f) An order for restitution issued under this subdivision is enforceable as civil judgment.

5.5 (g) An order granting relief shall prohibit the abusing party from possessing firearms  
5.6 for the length the order is in effect if the order (1) restrains the abusing party from harassing,  
5.7 stalking, or threatening the petitioner or restrains the abusing party from engaging in other  
5.8 conduct that would place the petitioner in reasonable fear of bodily injury, and (2) includes  
5.9 a finding that the abusing party represents a credible threat to the physical safety of the  
5.10 petitioner or prohibits the abusing party from using, attempting to use, or threatening to use  
5.11 physical force against the petitioner. The order shall inform the abusing party of that party's  
5.12 prohibited status. Except as provided in paragraph (i), the court shall order the abusing party  
5.13 to transfer any firearms that the person possesses, within three business days, to the sheriff.  
5.14 The abusing party may authorize the sheriff to make a subsequent transfer of any transferred  
5.15 firearms to a federally licensed firearms dealer, a law enforcement agency, or a third party  
5.16 who may lawfully receive them. The transfer may be permanent or temporary. A temporary  
5.17 firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer  
5.18 does not transfer ownership or title. An abusing party Before a sheriff may transfer a firearm  
5.19 to a third party authorized by the abusing party to receive a firearm: (1) the sheriff must  
5.20 conduct a background check to verify that the person is eligible to possess a firearm, and  
5.21 (2) the person must provide proof that the person appeared in court and received notice  
5.22 from the court on the responsibilities and potential liabilities related to accepting a firearm  
5.23 including but not limited to the possibility that the third party may be held criminally and  
5.24 civilly responsible under section 624.7144 if the abusing party gains access to a transferred  
5.25 firearm while the firearm is in the custody of the third party. The sheriff may not transfer  
5.26 firearms to a third party who resides with the abusing party. If an abusing party makes a  
5.27 temporary transfer, a federally licensed firearms dealer or law enforcement agency sheriff  
5.28 may charge the abusing party a reasonable fee to store the person's firearms and may establish  
5.29 policies for disposal of abandoned firearms, provided such policies require that the person  
5.30 be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms  
5.31 transfers under this paragraph, a law enforcement agency sheriff, federally licensed firearms  
5.32 dealer, or third party shall exercise due care to preserve the quality and function of the  
5.33 transferred firearms and shall return the transferred firearms to the person upon request after  
5.34 the expiration of the prohibiting time period, provided the person is not otherwise prohibited  
5.35 from possessing firearms under state or federal law. The return of temporarily transferred

6.1 firearms to an abusing party shall comply with state and federal law. If an abusing party  
 6.2 permanently transfers the abusing party's firearms to a ~~law enforcement agency~~ sheriff, the  
 6.3 ~~agency~~ sheriff is not required to compensate the abusing party and may charge the abusing  
 6.4 party a reasonable processing fee. A ~~law enforcement agency~~ sheriff is ~~not~~ required to accept  
 6.5 an abusing party's firearm under this paragraph.

6.6 (h) ~~An abusing party who is ordered to transfer firearms under paragraph (g) must file~~  
 6.7 ~~proof of transfer as provided for in this paragraph. If the transfer is made to a third party,~~  
 6.8 ~~the third party must sign an affidavit under oath before a notary public either acknowledging~~  
 6.9 ~~that the abusing party permanently transferred the abusing party's firearms to the third party~~  
 6.10 ~~or agreeing to temporarily store the abusing party's firearms until such time as the abusing~~  
 6.11 ~~party is legally permitted to possess firearms. The affidavit shall indicate the serial number,~~  
 6.12 ~~make, and model of all firearms transferred by the abusing party to the third party. The third~~  
 6.13 ~~party shall acknowledge in the affidavit that the third party may be held criminally and~~  
 6.14 ~~civilly responsible under section 624.7144 if the abusing party gains access to a transferred~~  
 6.15 ~~firearm while the firearm is in the custody of the third party. If the transfer is to a law~~  
 6.16 ~~enforcement agency or federally licensed firearms dealer, the law enforcement agency or~~  
 6.17 ~~federally licensed firearms dealer~~ The sheriff shall provide proof of transfer to the abusing  
 6.18 party and file proof of transfer with the court. The proof of transfer must specify whether  
 6.19 the firearms were permanently or temporarily transferred to the sheriff, whether the abusing  
 6.20 party authorized transfer to a federally licensed firearms dealer or a third party, and include  
 6.21 the name of the abusing party, date of transfer, date of subsequent transfer to a federally  
 6.22 licensed firearms dealer or a third party, if any, and the serial number, make, and model of  
 6.23 all transferred firearms. The abusing party ~~sheriff~~ shall provide file with the court ~~with a~~  
 6.24 ~~signed and notarized affidavit or~~ any proof of transfer as described in this section within  
 6.25 two business days of the firearms transfer. If the sheriff further transfers a firearm to a  
 6.26 federally licensed firearms dealer or a third party after filing the proof of transfer, the sheriff  
 6.27 shall file an updated proof of transfer with the court. The court shall seal ~~affidavits and~~  
 6.28 ~~proofs of transfer filed pursuant to this paragraph.~~

6.29 (i) When a court issues an order containing a firearms restriction provided for in paragraph  
 6.30 (g), the court shall determine by a preponderance of evidence if an abusing party poses an  
 6.31 imminent risk of causing another person substantial bodily harm. Upon a finding of imminent  
 6.32 risk, the court shall order that the ~~local law enforcement agency~~ sheriff take immediate  
 6.33 possession of all firearms in the abusing party's possession. The ~~local law enforcement~~  
 6.34 ~~agency~~ sheriff shall exercise due care to preserve the quality and function of the abusing  
 6.35 party's firearms and shall return the firearms to the person upon request after the expiration

7.1 of the prohibiting time period, provided the person is not otherwise prohibited from  
 7.2 possessing firearms under state or federal law. The sheriff shall provide proof that it has  
 7.3 taken possession of any firearms pursuant to an order issued under this paragraph to the  
 7.4 abusing party and the court in a form consistent with paragraph (h). ~~The local law~~  
 7.5 ~~enforcement agency sheriff~~ shall, upon written notice from the abusing party, transfer the  
 7.6 firearms to a federally licensed firearms dealer or a third party who may lawfully receive  
 7.7 them and shall file an updated proof of transfer with the court. ~~Before a local law enforcement~~  
 7.8 ~~agency transfers a firearm under this paragraph, the agency shall require the third party or~~  
 7.9 ~~federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of~~  
 7.10 ~~transfer that complies with the requirements for affidavits or proofs of transfer established~~  
 7.11 ~~in paragraph (h).~~ The agency sheriff shall file all affidavits or proofs of transfer received  
 7.12 with the court within two business days of the transfer. The court shall seal all affidavits or  
 7.13 proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or  
 7.14 third party who accepts a firearm transfer pursuant to this paragraph shall comply with  
 7.15 ~~paragraphs~~ paragraph (g) and (h) as if accepting transfer from the abusing party. If the law  
 7.16 enforcement agency does not receive written notice from the abusing party within three  
 7.17 business days, the agency may charge a reasonable fee to store the abusing party's firearms.  
 7.18 A law enforcement agency may establish policies for disposal of abandoned firearms,  
 7.19 provided such policies require that the abusing party be notified via certified mail prior to  
 7.20 disposal of abandoned firearms.

7.21 Sec. 3. Minnesota Statutes 2016, section 518B.01, subdivision 7, is amended to read:

7.22 Subd. 7. **Ex parte order.** (a) Where an application under this section alleges an immediate  
 7.23 and present danger of domestic abuse, the court may grant an ex parte order for protection  
 7.24 and granting relief as the court deems proper, including an order:

7.25 (1) restraining the abusing party from committing acts of domestic abuse;

7.26 (2) excluding any party from the dwelling they share or from the residence of the other,  
 7.27 including a reasonable area surrounding the dwelling or residence, which area shall be  
 7.28 described specifically in the order, except by further order of the court;

7.29 (3) excluding the abusing party from the place of employment of the petitioner or  
 7.30 otherwise limiting access to the petitioner by the abusing party at the petitioner's place of  
 7.31 employment;

7.32 (4) ordering the abusing party to have no contact with the petitioner whether in person,  
 7.33 by telephone, mail, e-mail, through electronic devices, or through a third party;

8.1 (5) continuing all currently available insurance coverage without change in coverage or  
8.2 beneficiary designation;

8.3 (6) directing the care, possession, or control of a pet or companion animal owned,  
8.4 possessed, or kept by a party or a child of a party; and

8.5 (7) directing the respondent to refrain from physically abusing or injuring any pet or  
8.6 companion animal, without legal justification, known to be owned, possessed, kept, or held  
8.7 by either party or a minor child residing in the residence or household of either party as an  
8.8 indirect means of intentionally threatening the safety of such person.

8.9 (b) A finding by the court that there is a basis for issuing an ex parte order for protection  
8.10 constitutes a finding that sufficient reasons exist not to require notice under applicable court  
8.11 rules governing applications for ex parte relief.

8.12 (c) Subject to paragraph (d), an ex parte order for protection shall be effective for a fixed  
8.13 period set by the court, as provided in subdivision 6, paragraph (b), or until modified or  
8.14 vacated by the court pursuant to a hearing. When signed by a referee, the ex parte order  
8.15 becomes effective upon the referee's signature. Upon request, a hearing, as provided by this  
8.16 section, shall be set. Except as provided in paragraph (d), the respondent shall be personally  
8.17 served forthwith a copy of the ex parte order along with a copy of the petition and, if  
8.18 requested by the petitioner, notice of the date set for the hearing. If the petitioner does not  
8.19 request a hearing, an order served on a respondent under this subdivision must include a  
8.20 notice advising the respondent of the right to request a hearing, must be accompanied by a  
8.21 form that can be used by the respondent to request a hearing and must include a conspicuous  
8.22 notice that a hearing will not be held unless requested by the respondent within five days  
8.23 of service of the order.

8.24 (d) Service of the ex parte order may be made by published notice, as provided under  
8.25 subdivision 5, provided that the petitioner files the affidavit required under that subdivision.  
8.26 If personal service is not made or the affidavit is not filed within 14 days of issuance of the  
8.27 ex parte order, the order expires. If the petitioner does not request a hearing, the petition  
8.28 mailed to the respondent's residence, if known, must be accompanied by the form for  
8.29 requesting a hearing and notice described in paragraph (c). Unless personal service is  
8.30 completed, if service by published notice is not completed within 28 days of issuance of  
8.31 the ex parte order, the order expires.

8.32 (e) If the petitioner seeks relief under subdivision 6 other than the relief described in  
8.33 paragraph (a), the petitioner must request a hearing to obtain the additional relief.

9.1 (f) If the ex parte order prohibits a respondent from possessing a firearm pursuant to  
9.2 subdivision 6, paragraph (g), a hearing must be held within three days.

9.3 (g) Nothing in this subdivision affects the right of a party to seek modification of an  
9.4 order under subdivision 11.

9.5 Sec. 4. Minnesota Statutes 2016, section 609.2242, subdivision 3, is amended to read:

9.6 Subd. 3. **Domestic assaults; firearms.** (a) When a person is convicted of a violation of  
9.7 this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, the court shall  
9.8 determine and make written findings on the record as to whether:

9.9 (1) the assault was committed against a family or household member, as defined in  
9.10 section 518B.01, subdivision 2;

9.11 (2) the defendant owns or possesses a firearm; and

9.12 (3) the firearm was used in any way during the commission of the assault.

9.13 (b) If the court determines that the assault was of a family or household member, and  
9.14 that the offender owns or possesses a firearm and used it in any way during the commission  
9.15 of the assault, it shall order that the firearm be summarily forfeited under section 609.5316,  
9.16 subdivision 3.

9.17 (c) When a person is convicted of assaulting a family or household member and is  
9.18 determined by the court to have used a firearm in any way during commission of the assault,  
9.19 the court may order that the person is prohibited from possessing any type of firearm for  
9.20 any period longer than three years or for the remainder of the person's life. A person who  
9.21 violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the  
9.22 court shall inform the defendant for how long the defendant is prohibited from possessing  
9.23 a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the  
9.24 court to provide this information to a defendant does not affect the applicability of the  
9.25 firearm possession prohibition or the gross misdemeanor penalty to that defendant.

9.26 (d) Except as otherwise provided in paragraph (c), when a person is convicted of a  
9.27 violation of this section or section 609.224 and the court determines that the victim was a  
9.28 family or household member, the court shall inform the defendant that the defendant is  
9.29 prohibited from possessing a firearm for three years from the date of conviction and that it  
9.30 is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide  
9.31 this information to a defendant does not affect the applicability of the firearm possession  
9.32 prohibition or the gross misdemeanor penalty to that defendant.

10.1 (e) Except as otherwise provided in paragraph (c), a person is not entitled to possess a  
10.2 pistol if the person has been convicted after August 1, 1992, or a firearm if a person has  
10.3 been convicted on or after August 1, 2014, of domestic assault under this section or assault  
10.4 in the fifth degree under section 609.224 and the assault victim was a family or household  
10.5 member as defined in section 518B.01, subdivision 2, unless three years have elapsed from  
10.6 the date of conviction and, during that time, the person has not been convicted of any other  
10.7 violation of this section or section 609.224. Property rights may not be abated but access  
10.8 may be restricted by the courts. A person who possesses a firearm in violation of this  
10.9 paragraph is guilty of a gross misdemeanor.

10.10 (f) Except as otherwise provided in paragraphs (b) and (h), when a person is convicted  
10.11 of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247  
10.12 and the court determines that the assault was against a family or household member, the  
10.13 court shall order the defendant to transfer any firearms that the person possesses, within  
10.14 three business days, to the sheriff. The abusing party may authorize the sheriff to make a  
10.15 subsequent transfer of any transferred firearms to a federally licensed firearms dealer, a law  
10.16 enforcement agency, or a third party who may lawfully receive them. The transfer may be  
10.17 permanent or temporary, unless the court prohibits the person from possessing a firearm  
10.18 for the remainder of the person's life under paragraph (c). A temporary firearm transfer only  
10.19 entitles the receiving party to possess the firearm. A temporary transfer does not transfer  
10.20 ownership or title. ~~A defendant~~ Before a sheriff may transfer a firearm to a third party  
10.21 authorized by the abusing party to receive a firearm: (1) the sheriff must conduct a  
10.22 background check to verify that the person is eligible to possess a firearm, and (2) the person  
10.23 must provide proof that the person appeared in court and received notice from the court on  
10.24 the responsibilities and potential liabilities related to accepting a firearm including but not  
10.25 limited to the possibility that the third party may be held criminally and civilly responsible  
10.26 under section 624.7144 if the abusing party gains access to a transferred firearm while the  
10.27 firearm is in the custody of the third party. The sheriff may not transfer firearms to a third  
10.28 party who resides with the defendant. If a defendant makes a temporary transfer, a federally  
10.29 licensed firearms dealer or ~~law enforcement agency~~ sheriff may charge the defendant a  
10.30 reasonable fee to store the person's firearms and may establish policies for disposal of  
10.31 abandoned firearms, provided such policies require that the person be notified by certified  
10.32 mail prior to disposal of abandoned firearms. For temporary firearms transfers under this  
10.33 paragraph, a ~~law enforcement agency~~ sheriff, federally licensed firearms dealer, or third  
10.34 party shall exercise due care to preserve the quality and function of the transferred firearms  
10.35 and shall return the transferred firearms to the person upon request after the expiration of  
10.36 the prohibiting time period imposed under this subdivision, provided the person is not

11.1 otherwise prohibited from possessing firearms under state or federal law. The return of  
 11.2 temporarily transferred firearms to a person shall comply with state and federal law. If a  
 11.3 defendant permanently transfers the defendant's firearms to a ~~law enforcement agency~~  
 11.4 sheriff, the ~~agency~~ sheriff is not required to compensate the defendant and may charge the  
 11.5 defendant a reasonable processing fee. A ~~law enforcement agency~~ sheriff is ~~not~~ required to  
 11.6 accept a person's firearm under this paragraph. The court shall order that the person surrender  
 11.7 all permits to carry and purchase firearms to the sheriff.

11.8 (g) ~~A defendant who is ordered to transfer firearms under paragraph (f) must file proof~~  
 11.9 ~~of transfer as provided for in this paragraph. If the transfer is made to a third party, the third~~  
 11.10 ~~party must sign an affidavit under oath before a notary public either acknowledging that~~  
 11.11 ~~the defendant permanently transferred the defendant's firearms to the third party or agreeing~~  
 11.12 ~~to temporarily store the defendant's firearms until such time as the defendant is legally~~  
 11.13 ~~permitted to possess firearms. The affidavit shall indicate the serial number, make, and~~  
 11.14 ~~model of all firearms transferred by the defendant to the third party. The third party shall~~  
 11.15 ~~acknowledge in the affidavit that the third party may be held criminally and civilly~~  
 11.16 ~~responsible under section 624.7144 if the defendant gains access to a transferred firearm~~  
 11.17 ~~while the firearm is in the custody of the third party. If the transfer is to a law enforcement~~  
 11.18 ~~agency or federally licensed firearms dealer, the law enforcement agency or federally~~  
 11.19 ~~licensed firearms dealer~~ The sheriff shall provide proof of transfer to the defendant and file  
 11.20 proof of transfer with the court. The proof of transfer must specify whether the firearms  
 11.21 were permanently or temporarily transferred to the sheriff, whether the abusing party  
 11.22 authorized transfer to a federally licensed firearms dealer or a third party, and include the  
 11.23 name of the defendant, date of transfer, date of subsequent transfer to a federally licensed  
 11.24 firearms dealer or a third party, if any, and the serial number, make, and model of all  
 11.25 transferred firearms. The defendant sheriff shall provide file with the court with a signed  
 11.26 and notarized affidavit or any proof of transfer as described in this section within two  
 11.27 business days of the firearms transfer. If the sheriff further transfers a firearm to a federally  
 11.28 licensed firearms dealer or a third party after filing the proof of transfer, the county sheriff's  
 11.29 office shall file an updated proof of transfer with the court. The court shall seal affidavits  
 11.30 and proofs of transfer filed pursuant to this paragraph.

11.31 (h) When a person is convicted of a violation of this section or section 609.221, 609.222,  
 11.32 609.223, 609.224, or 609.2247, and the court determines that the assault was against a family  
 11.33 or household member, the court shall determine by a preponderance of the evidence if the  
 11.34 person poses an imminent risk of causing another person substantial bodily harm. Upon a  
 11.35 finding of imminent risk, the court shall order that the ~~local law enforcement agency~~ sheriff

12.1 take immediate possession of all firearms in the person's possession. The ~~local law~~  
12.2 ~~enforcement agency~~ sheriff shall exercise due care to preserve the quality and function of  
12.3 the defendant's firearms and shall return the firearms to the person upon request after the  
12.4 expiration of the prohibiting time period, provided the person is not otherwise prohibited  
12.5 from possessing firearms under state or federal law. The sheriff shall provide proof that it  
12.6 has taken possession of any firearms pursuant to an order issued under this paragraph to the  
12.7 abusing party and the court in a form consistent with paragraph (g). The ~~local law~~  
12.8 ~~enforcement agency~~ sheriff shall, upon written notice from the person, transfer the firearms  
12.9 to a federally licensed firearms dealer or a third party who may lawfully receive them and  
12.10 shall file an updated proof of transfer with the court. ~~Before a local law enforcement agency~~  
12.11 ~~transfers a firearm under this paragraph, the agency shall require the third party or federally~~  
12.12 ~~licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that~~  
12.13 ~~complies with the requirements for affidavits or proofs of transfer established in paragraph~~  
12.14 ~~(g).~~ The ~~agency~~ sheriff shall file all affidavits or proofs of transfer received with the court  
12.15 within two business days of the transfer. The court shall seal all affidavits or proofs of  
12.16 transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party  
12.17 who accepts a firearm transfer pursuant to this paragraph shall comply with ~~paragraphs~~  
12.18 paragraph (f) and (g) as if accepting transfer from the defendant. If the law enforcement  
12.19 agency does not receive written notice from the defendant within three business days, the  
12.20 agency may charge a reasonable fee to store the defendant's firearms. A law enforcement  
12.21 agency may establish policies for disposal of abandoned firearms, provided such policies  
12.22 require that the person be notified via certified mail prior to disposal of abandoned firearms.