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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3692

02/24/2020 Authored by Munson, Drazkowski, Miller, Poston, Heinrich and others
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; prohibiting the enactment or enforcement of extreme risk
1.3 protection orders against individuals regarding firearms; establishing criminal
1.4 penalty for violation; proposing coding for new law in Minnesota Statutes, chapter
1.5 624.

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

1.7 Section 1. [624.7193] RED FLAG PREEMPTION.

1.8 (a) This act shall be known and may be cited as the "Minnesota Anti-Red Flag Act."

1.9 (b) The legislature hereby preempts the entire field of legislation in this state concerning
1.10 in any way federal or state extreme risk protection orders that have been issued against a
1.11 citizen of Minnesota. No city, county, or other political subdivision of this state shall enact
1.12 any ordinance, resolution, or regulation providing for extreme risk protection orders nor
1.13 enforce or aid in the enforcement of any extreme risk protection order issued pursuant to
1.14 federal law or the laws of another jurisdiction.

1.15 (c) Any federal statute, rule, or executive order; federal or state judicial order; or other
1.16 judicial action that would have the effect of enforcing an extreme risk protection order
1.17 against a resident of Minnesota shall be null, void, unenforceable, and of no effect in the
1.18 state of Minnesota. Such orders shall be deemed to infringe upon the constitutional rights
1.19 of such resident including but not limited to the right to due process, the right to keep and
1.20 bear arms, and the right to free speech.

1.21 (d) No state agency or any city, county, or other political subdivision in the state shall
1.22 accept any moneys to implement any federal statute, rule, or executive order; federal or

2.1 state judicial order; or other judicial action that would have the effect of enforcing an extreme  
2.2 risk protection order against or upon a resident of Minnesota.

2.3 (e) For purposes of this act, "extreme risk protection order" means an order or warrant  
2.4 issued by a federal court or a state court or signed by a magistrate or comparable officer of  
2.5 the court, including ex parte orders, for which the primary purpose is to reduce the risk of  
2.6 firearm-related death or injury by doing one or more of the following:

2.7 (1) prohibiting a named individual from owning, possessing, receiving, or otherwise  
2.8 having custody or control of a firearm; or

2.9 (2) having a firearm removed or requiring the surrender of firearms from a named  
2.10 individual.

2.11 (f) It shall be unlawful for any person, including a law enforcement officer, to enforce  
2.12 or attempt to enforce an extreme risk protection order upon a resident of Minnesota. Any  
2.13 person violating this act is guilty of a felony, and may be sentenced to imprisonment for  
2.14 not more than 18 months, or to a fine of not more than \$5,000, or both.

2.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.