

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3866

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DATE	D-PG	OFFICIAL STATUS
03/02/2020	5123	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
03/12/2020	5418a 5436	Comm report: To pass as amended and re-refer to Finance Rule 12.10: report of votes in committee

1.1 A bill for an act

1.2 relating to public safety; expressly prohibiting civilly committed sex offenders

1.3 from possessing firearms; consolidating various provisions on mandatory transfers

1.4 of firearms and providing for enforcement of these transfers; clarifying felony

1.5 drive-by shooting; increasing penalties for gang members who possess pistols in

1.6 public without a permit to carry; expanding the information collected and scope

1.7 of background check conducted for noncitizen permit to carry applicants; increasing

1.8 penalties for transferring certain firearms to ineligible persons; prohibiting local

1.9 units of government from disarming peace officers who are in good standing;

1.10 amending Minnesota Statutes 2018, sections 260C.201, subdivision 3; 518B.01,

1.11 subdivision 6; 609.2242, subdivision 3; 609.66, subdivision 1e; 624.713,

1.12 subdivision 4; 624.714, subdivisions 1a, 3, 4; 624.7141; 624.7144; 626.8452, by

1.13 adding a subdivision; Minnesota Statutes 2019 Supplement, sections 609.749,

1.14 subdivision 8; 624.713, subdivision 1; proposing coding for new law in Minnesota

1.15 Statutes, chapter 624.

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

1.17 Section 1. Minnesota Statutes 2018, section 260C.201, subdivision 3, is amended to read:

1.18 Subd. 3. **Domestic child abuse.** (a) If the court finds that the child is a victim of domestic

1.19 child abuse, as defined in section 260C.007, subdivision 13, it may order any of the following

1.20 dispositions of the case in addition to or as alternatives to the dispositions authorized under

1.21 subdivision 1:

1.22 (1) restrain any party from committing acts of domestic child abuse;

1.23 (2) exclude the abusing party from the dwelling which the family or household members

1.24 share or from the residence of the child;

1.25 (3) on the same basis as is provided in chapter 518, establish temporary visitation with

1.26 regard to minor children of the adult family or household members;

2.1 (4) on the same basis as is provided in chapter 518 or 518A, establish temporary support
2.2 or maintenance for a period of 30 days for minor children or a spouse;

2.3 (5) provide counseling or other social services for the family or household members; or

2.4 (6) order the abusing party to participate in treatment or counseling services.

2.5 Any relief granted by the order for protection shall be for a fixed period not to exceed
2.6 one year.

2.7 (b) No order excluding the abusing party from the dwelling may be issued unless the
2.8 court finds that:

2.9 (1) the order is in the best interests of the child or children remaining in the dwelling;

2.10 (2) a remaining adult family or household member is able to care adequately for the
2.11 child or children in the absence of the excluded party; and

2.12 (3) the local welfare agency has developed a plan to provide appropriate social services
2.13 to the remaining family or household members.

2.14 (c) Upon a finding that the remaining parent is able to care adequately for the child and
2.15 enforce an order excluding the abusing party from the home and that the provision of
2.16 supportive services by the responsible social services agency is no longer necessary, the
2.17 responsible social services agency may be dismissed as a party to the proceedings. Orders
2.18 entered regarding the abusing party remain in full force and effect and may be renewed by
2.19 the remaining parent as necessary for the continued protection of the child for specified
2.20 periods of time, not to exceed one year.

2.21 (d) An order granting relief that was issued after a hearing of which the abusing party
2.22 received actual notice and at which the abusing party had the opportunity to participate,
2.23 shall prohibit the abusing party from possessing firearms for the length the order is in effect
2.24 if the order (1) restrains the abusing party from harassing, stalking, or threatening the child
2.25 or restrains the abusing party from engaging in other conduct that would place the child in
2.26 reasonable fear of bodily injury, and (2) includes a finding that the abusing party represents
2.27 a credible threat to the physical safety of the child or prohibits the abusing party from using,
2.28 attempting to use, or threatening to use physical force against the child. The order shall
2.29 inform the abusing party of that party's prohibited status. ~~Except as provided in paragraph~~
2.30 ~~(f), the court shall order the abusing party to transfer any firearms that the person possesses,~~
2.31 ~~within three business days, to a federally licensed firearms dealer, a law enforcement agency,~~
2.32 ~~or a third party who may lawfully receive them. The transfer may be permanent or temporary.~~
2.33 ~~A temporary firearm transfer only entitles the receiving party to possess the firearm. A~~

3.1 temporary transfer does not transfer ownership or title. An abusing party may not transfer
3.2 firearms to a third party who resides with the abusing party. If an abusing party makes a
3.3 temporary transfer, a federally licensed firearms dealer or law enforcement agency may
3.4 charge the abusing party a reasonable fee to store the person's firearms and may establish
3.5 policies for disposal of abandoned firearms, provided such policies require that the person
3.6 be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms
3.7 transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer,
3.8 or third party shall exercise due care to preserve the quality and function of the transferred
3.9 firearms and shall return the transferred firearms to the person upon request after the
3.10 expiration of the prohibiting time period, provided the person is not otherwise prohibited
3.11 from possessing firearms under state or federal law. The return of temporarily transferred
3.12 firearms to an abusing party shall comply with state and federal law. If an abusing party
3.13 permanently transfers the abusing party's firearms to a law enforcement agency, the agency
3.14 is not required to compensate the abusing party and may charge the abusing party a
3.15 reasonable processing fee. A law enforcement agency is not required to accept an abusing
3.16 party's firearm under this paragraph Section 624.7134 governs the mandatory transfer of
3.17 firearms from abusing parties who are prohibited from possessing a firearm under this
3.18 paragraph.

3.19 (e) An abusing party who is ordered to transfer firearms under paragraph (d) must file
3.20 proof of transfer as provided for in this paragraph. If the transfer is made to a third party,
3.21 the third party must sign an affidavit under oath before a notary public either acknowledging
3.22 that the abusing party permanently transferred the abusing party's firearms to the third party
3.23 or agreeing to temporarily store the abusing party's firearms until such time as the abusing
3.24 party is legally permitted to possess firearms. The affidavit shall indicate the serial number,
3.25 make, and model of all firearms transferred by the abusing party to the third party. The third
3.26 party shall acknowledge in the affidavit that the third party may be held criminally and
3.27 civilly responsible under section 624.7144 if the abusing party gains access to a transferred
3.28 firearm while the firearm is in the custody of the third party. If the transfer is to a law
3.29 enforcement agency or federally licensed firearms dealer, the law enforcement agency or
3.30 federally licensed firearms dealer shall provide proof of transfer to the abusing party. The
3.31 proof of transfer must specify whether the firearms were permanently or temporarily
3.32 transferred and include the name of the abusing party, date of transfer, and the serial number,
3.33 make, and model of all transferred firearms. The abusing party shall provide the court with
3.34 a signed and notarized affidavit or proof of transfer as described in this section within two
3.35 business days of the firearms transfer. The court shall seal affidavits and proofs of transfer
3.36 filed pursuant to this paragraph.

4.1 ~~(f) When a court issues an order containing a firearms restriction provided for in~~
4.2 ~~paragraph (d), the court shall determine by a preponderance of evidence if an abusing party~~
4.3 ~~poses an imminent risk of causing another person substantial bodily harm. Upon a finding~~
4.4 ~~of imminent risk, the court shall order that the local law enforcement agency take immediate~~
4.5 ~~possession of all firearms in the abusing party's possession. The local law enforcement~~
4.6 ~~agency shall exercise due care to preserve the quality and function of the abusing party's~~
4.7 ~~firearms and shall return the firearms to the person upon request after the expiration of the~~
4.8 ~~prohibiting time period, provided the person is not otherwise prohibited from possessing~~
4.9 ~~firearms under state or federal law. The local law enforcement agency shall, upon written~~
4.10 ~~notice from the abusing party, transfer the firearms to a federally licensed firearms dealer~~
4.11 ~~or a third party who may lawfully receive them. Before a local law enforcement agency~~
4.12 ~~transfers a firearm under this paragraph, the agency shall require the third party or federally~~
4.13 ~~licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that~~
4.14 ~~complies with the requirements for affidavits or proofs of transfer established in paragraph~~
4.15 ~~(e). The agency shall file all affidavits or proofs of transfer received with the court within~~
4.16 ~~two business days of the transfer. The court shall seal all affidavits or proofs of transfer~~
4.17 ~~filed pursuant to this paragraph. A federally licensed firearms dealer or third party who~~
4.18 ~~accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (d) and~~
4.19 ~~(e) as if accepting transfer from the abusing party. If the law enforcement agency does not~~
4.20 ~~receive written notice from the abusing party within three business days, the agency may~~
4.21 ~~charge a reasonable fee to store the abusing party's firearms. A law enforcement agency~~
4.22 ~~may establish policies for disposal of abandoned firearms, provided such policies require~~
4.23 ~~that the abusing party be notified via certified mail prior to disposal of abandoned firearms.~~

4.24 Sec. 2. Minnesota Statutes 2018, section 518B.01, subdivision 6, is amended to read:

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

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

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

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

4.32 (4) award temporary custody or establish temporary parenting time with regard to minor
4.33 children of the parties on a basis which gives primary consideration to the safety of the
4.34 victim and the children. In addition to the primary safety considerations, the court may

5.1 consider particular best interest factors that are found to be relevant to the temporary custody
5.2 and parenting time award. Findings under section 257.025, 518.17, or 518.175 are not
5.3 required with respect to the particular best interest factors not considered by the court. If
5.4 the court finds that the safety of the victim or the children will be jeopardized by unsupervised
5.5 or unrestricted parenting time, the court shall condition or restrict parenting time as to time,
5.6 place, duration, or supervision, or deny parenting time entirely, as needed to guard the safety
5.7 of the victim and the children. The court's decision on custody and parenting time shall in
5.8 no way delay the issuance of an order for protection granting other relief provided for in
5.9 this section. The court must not enter a parenting plan under section 518.1705 as part of an
5.10 action for an order for protection;

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

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

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

5.19 (8) award temporary use and possession of property and restrain one or both parties from
5.20 transferring, encumbering, concealing, or disposing of property except in the usual course
5.21 of business or for the necessities of life, and to account to the court for all such transfers,
5.22 encumbrances, dispositions, and expenditures made after the order is served or communicated
5.23 to the party restrained in open court;

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

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

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

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

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

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

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

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

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

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

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

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

6.28 (g) An order granting relief shall prohibit the abusing party from possessing firearms
6.29 for the length the order is in effect if the order (1) restrains the abusing party from harassing,
6.30 stalking, or threatening the petitioner or restrains the abusing party from engaging in other
6.31 conduct that would place the petitioner in reasonable fear of bodily injury, and (2) includes
6.32 a finding that the abusing party represents a credible threat to the physical safety of the
6.33 petitioner or prohibits the abusing party from using, attempting to use, or threatening to use

7.1 physical force against the petitioner. The order shall inform the abusing party of that party's
7.2 prohibited status. ~~Except as provided in paragraph (i), the court shall order the abusing party~~
7.3 ~~to transfer any firearms that the person possesses, within three business days, to a federally~~
7.4 ~~licensed firearms dealer, a law enforcement agency, or a third party who may lawfully~~
7.5 ~~receive them. The transfer may be permanent or temporary. A temporary firearm transfer~~
7.6 ~~only entitles the receiving party to possess the firearm. A temporary transfer does not transfer~~
7.7 ~~ownership or title. An abusing party may not transfer firearms to a third party who resides~~
7.8 ~~with the abusing party. If an abusing party makes a temporary transfer, a federally licensed~~
7.9 ~~firearms dealer or law enforcement agency may charge the abusing party a reasonable fee~~
7.10 ~~to store the person's firearms and may establish policies for disposal of abandoned firearms,~~
7.11 ~~provided such policies require that the person be notified via certified mail prior to disposal~~
7.12 ~~of abandoned firearms. For temporary firearms transfers under this paragraph, a law~~
7.13 ~~enforcement agency, federally licensed firearms dealer, or third party shall exercise due~~
7.14 ~~care to preserve the quality and function of the transferred firearms and shall return the~~
7.15 ~~transferred firearms to the person upon request after the expiration of the prohibiting time~~
7.16 ~~period, provided the person is not otherwise prohibited from possessing firearms under state~~
7.17 ~~or federal law. The return of temporarily transferred firearms to an abusing party shall~~
7.18 ~~comply with state and federal law. If an abusing party permanently transfers the abusing~~
7.19 ~~party's firearms to a law enforcement agency, the agency is not required to compensate the~~
7.20 ~~abusing party and may charge the abusing party a reasonable processing fee. A law~~
7.21 ~~enforcement agency is not required to accept an abusing party's firearm under this paragraph~~
7.22 Section 624.7134 governs the mandatory transfer of firearms from abusing parties who are
7.23 prohibited from possessing a firearm under this paragraph.

7.24 (h) An abusing party who is ordered to transfer firearms under paragraph (g) must file
7.25 proof of transfer as provided for in this paragraph. If the transfer is made to a third party,
7.26 the third party must sign an affidavit under oath before a notary public either acknowledging
7.27 that the abusing party permanently transferred the abusing party's firearms to the third party
7.28 or agreeing to temporarily store the abusing party's firearms until such time as the abusing
7.29 party is legally permitted to possess firearms. The affidavit shall indicate the serial number,
7.30 make, and model of all firearms transferred by the abusing party to the third party. The third
7.31 party shall acknowledge in the affidavit that the third party may be held criminally and
7.32 civilly responsible under section 624.7144 if the abusing party gains access to a transferred
7.33 firearm while the firearm is in the custody of the third party. If the transfer is to a law
7.34 enforcement agency or federally licensed firearms dealer, the law enforcement agency or
7.35 federally licensed firearms dealer shall provide proof of transfer to the abusing party. The
7.36 proof of transfer must specify whether the firearms were permanently or temporarily

8.1 transferred and include the name of the abusing party, date of transfer, and the serial number,
8.2 make, and model of all transferred firearms. The abusing party shall provide the court with
8.3 a signed and notarized affidavit or proof of transfer as described in this section within two
8.4 business days of the firearms transfer. The court shall seal affidavits and proofs of transfer
8.5 filed pursuant to this paragraph.

8.6 (i) When a court issues an order containing a firearms restriction provided for in paragraph
8.7 (g), the court shall determine by a preponderance of evidence if an abusing party poses an
8.8 imminent risk of causing another person substantial bodily harm. Upon a finding of imminent
8.9 risk, the court shall order that the local law enforcement agency take immediate possession
8.10 of all firearms in the abusing party's possession. The local law enforcement agency shall
8.11 exercise due care to preserve the quality and function of the abusing party's firearms and
8.12 shall return the firearms to the person upon request after the expiration of the prohibiting
8.13 time period, provided the person is not otherwise prohibited from possessing firearms under
8.14 state or federal law. The local law enforcement agency shall, upon written notice from the
8.15 abusing party, transfer the firearms to a federally licensed firearms dealer or a third party
8.16 who may lawfully receive them. Before a local law enforcement agency transfers a firearm
8.17 under this paragraph, the agency shall require the third party or federally licensed firearms
8.18 dealer receiving the firearm to submit an affidavit or proof of transfer that complies with
8.19 the requirements for affidavits or proofs of transfer established in paragraph (h). The agency
8.20 shall file all affidavits or proofs of transfer received with the court within two business days
8.21 of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this
8.22 paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer
8.23 pursuant to this paragraph shall comply with paragraphs (g) and (h) as if accepting transfer
8.24 from the abusing party. If the law enforcement agency does not receive written notice from
8.25 the abusing party within three business days, the agency may charge a reasonable fee to
8.26 store the abusing party's firearms. A law enforcement agency may establish policies for
8.27 disposal of abandoned firearms, provided such policies require that the abusing party be
8.28 notified via certified mail prior to disposal of abandoned firearms.

8.29 Sec. 3. Minnesota Statutes 2018, section 609.2242, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

9.32 ~~(f) Except as otherwise provided in paragraphs (b) and (h), when a person is convicted~~
9.33 ~~of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247~~
9.34 ~~and the court determines that the assault was against a family or household member, the~~

10.1 ~~court shall order the defendant to transfer any firearms that the person possesses, within~~
10.2 ~~three business days, to a federally licensed firearms dealer, a law enforcement agency, or~~
10.3 ~~a third party who may lawfully receive them. The transfer may be permanent or temporary,~~
10.4 ~~unless the court prohibits the person from possessing a firearm for the remainder of the~~
10.5 ~~person's life under paragraph (c). A temporary firearm transfer only entitles the receiving~~
10.6 ~~party to possess the firearm. A temporary transfer does not transfer ownership or title. A~~
10.7 ~~defendant may not transfer firearms to a third party who resides with the defendant. If a~~
10.8 ~~defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement~~
10.9 ~~agency may charge the defendant a reasonable fee to store the person's firearms and may~~
10.10 ~~establish policies for disposal of abandoned firearms, provided such policies require that~~
10.11 ~~the person be notified by certified mail prior to disposal of abandoned firearms. For temporary~~
10.12 ~~firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms~~
10.13 ~~dealer, or third party shall exercise due care to preserve the quality and function of the~~
10.14 ~~transferred firearms and shall return the transferred firearms to the person upon request after~~
10.15 ~~the expiration of the prohibiting time period imposed under this subdivision, provided the~~
10.16 ~~person is not otherwise prohibited from possessing firearms under state or federal law. The~~
10.17 ~~return of temporarily transferred firearms to a person shall comply with state and federal~~
10.18 ~~law. If a defendant permanently transfers the defendant's firearms to a law enforcement~~
10.19 ~~agency, the agency is not required to compensate the defendant and may charge the defendant~~
10.20 ~~a reasonable processing fee. A law enforcement agency is not required to accept a person's~~
10.21 ~~firearm under this paragraph. The court shall order that the person surrender all permits to~~
10.22 ~~carry and purchase firearms to the sheriff Section 624.7134 governs the mandatory transfer~~
10.23 ~~of firearms from persons who are prohibited from possessing a firearm under paragraph (c)~~
10.24 ~~or (e).~~

10.25 ~~(g) A defendant who is ordered to transfer firearms under paragraph (f) must file proof~~
10.26 ~~of transfer as provided for in this paragraph. If the transfer is made to a third party, the third~~
10.27 ~~party must sign an affidavit under oath before a notary public either acknowledging that~~
10.28 ~~the defendant permanently transferred the defendant's firearms to the third party or agreeing~~
10.29 ~~to temporarily store the defendant's firearms until such time as the defendant is legally~~
10.30 ~~permitted to possess firearms. The affidavit shall indicate the serial number, make, and~~
10.31 ~~model of all firearms transferred by the defendant to the third party. The third party shall~~
10.32 ~~acknowledge in the affidavit that the third party may be held criminally and civilly~~
10.33 ~~responsible under section 624.7144 if the defendant gains access to a transferred firearm~~
10.34 ~~while the firearm is in the custody of the third party. If the transfer is to a law enforcement~~
10.35 ~~agency or federally licensed firearms dealer, the law enforcement agency or federally~~
10.36 ~~licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer~~

11.1 ~~must specify whether the firearms were permanently or temporarily transferred and include~~
11.2 ~~the name of the defendant, date of transfer, and the serial number, make, and model of all~~
11.3 ~~transferred firearms. The defendant shall provide the court with a signed and notarized~~
11.4 ~~affidavit or proof of transfer as described in this section within two business days of the~~
11.5 ~~firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this~~
11.6 ~~paragraph.~~

11.7 ~~(h) When a person is convicted of a violation of this section or section 609.221, 609.222,~~
11.8 ~~609.223, 609.224, or 609.2247, and the court determines that the assault was against a family~~
11.9 ~~or household member, the court shall determine by a preponderance of the evidence if the~~
11.10 ~~person poses an imminent risk of causing another person substantial bodily harm. Upon a~~
11.11 ~~finding of imminent risk, the court shall order that the local law enforcement agency take~~
11.12 ~~immediate possession of all firearms in the person's possession. The local law enforcement~~
11.13 ~~agency shall exercise due care to preserve the quality and function of the defendant's firearms~~
11.14 ~~and shall return the firearms to the person upon request after the expiration of the prohibiting~~
11.15 ~~time period, provided the person is not otherwise prohibited from possessing firearms under~~
11.16 ~~state or federal law. The local law enforcement agency shall, upon written notice from the~~
11.17 ~~person, transfer the firearms to a federally licensed firearms dealer or a third party who may~~
11.18 ~~lawfully receive them. Before a local law enforcement agency transfers a firearm under this~~
11.19 ~~paragraph, the agency shall require the third party or federally licensed firearms dealer~~
11.20 ~~receiving the firearm to submit an affidavit or proof of transfer that complies with the~~
11.21 ~~requirements for affidavits or proofs of transfer established in paragraph (g). The agency~~
11.22 ~~shall file all affidavits or proofs of transfer received with the court within two business days~~
11.23 ~~of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this~~
11.24 ~~paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer~~
11.25 ~~pursuant to this paragraph shall comply with paragraphs (f) and (g) as if accepting transfer~~
11.26 ~~from the defendant. If the law enforcement agency does not receive written notice from the~~
11.27 ~~defendant within three business days, the agency may charge a reasonable fee to store the~~
11.28 ~~defendant's firearms. A law enforcement agency may establish policies for disposal of~~
11.29 ~~abandoned firearms, provided such policies require that the person be notified via certified~~
11.30 ~~mail prior to disposal of abandoned firearms.~~

11.31 Sec. 4. Minnesota Statutes 2018, section 609.66, subdivision 1e, is amended to read:

11.32 Subd. 1e. **Felony; drive-by shooting.** (a) ~~Whoever,~~ A person is guilty of a felony who,
11.33 while in or having just exited from a motor vehicle, recklessly discharges a firearm at or
11.34 toward ~~another;~~

12.1 ~~(1) an unoccupied motor vehicle or a building is guilty of a felony and may be sentenced~~
12.2 ~~to imprisonment for not more than three years or to payment of a fine of not more than~~
12.3 ~~\$6,000, or both;~~

12.4 (2) an occupied motor vehicle or building; or

12.5 (3) another person.

12.6 ~~(b) Any person who violates this subdivision by firing at or toward a person, or an~~
12.7 ~~occupied building or motor vehicle, may be sentenced~~ A person convicted under paragraph
12.8 (a), clause (1), may be sentenced to imprisonment for not more than three years or to payment
12.9 of a fine of not more than \$6,000, or both. A person convicted under paragraph (a), clause
12.10 (2) or (3), may be sentenced to imprisonment for not more than ten years or to payment of
12.11 a fine of not more than \$20,000, or both.

12.12 (c) For purposes of this subdivision, "motor vehicle" has the meaning given in section
12.13 609.52, subdivision 1, and "building" has the meaning given in section 609.581, subdivision
12.14 2.

12.15 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
12.16 committed on or after that date.

12.17 Sec. 5. Minnesota Statutes 2019 Supplement, section 609.749, subdivision 8, is amended
12.18 to read:

12.19 Subd. 8. **Harassment; stalking; firearms.** (a) When a person is convicted of harassment
12.20 or stalking under this section and the court determines that the person used a firearm in any
12.21 way during commission of the crime, the court may order that the person is prohibited from
12.22 possessing any type of firearm for any period longer than three years or for the remainder
12.23 of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor.
12.24 At the time of the conviction, the court shall inform the defendant for how long the defendant
12.25 is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this
12.26 paragraph. The failure of the court to provide this information to a defendant does not affect
12.27 the applicability of the firearm possession prohibition or the gross misdemeanor penalty to
12.28 that defendant.

12.29 (b) Except as otherwise provided in paragraph (a), when a person is convicted of
12.30 harassment or stalking under this section, the court shall inform the defendant that the
12.31 defendant is prohibited from possessing a firearm for three years from the date of conviction
12.32 and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court

13.1 to provide this information to a defendant does not affect the applicability of the firearm
13.2 possession prohibition or the gross misdemeanor penalty to that defendant.

13.3 (c) Except as otherwise provided in paragraph (a), a person is not entitled to possess a
13.4 pistol if the person has been convicted after August 1, 1996, of harassment or stalking under
13.5 this section, or to possess a firearm if the person has been convicted on or after August 1,
13.6 2014, of harassment or stalking under this section, unless three years have elapsed from the
13.7 date of conviction and, during that time, the person has not been convicted of any other
13.8 violation of this section. Property rights may not be abated but access may be restricted by
13.9 the courts. A person who possesses a firearm in violation of this paragraph is guilty of a
13.10 gross misdemeanor.

13.11 (d) If the court determines that a person convicted of harassment or stalking under this
13.12 section owns or possesses a firearm and used it in any way during the commission of the
13.13 crime, it shall order that the firearm be summarily forfeited under section 609.5316,
13.14 subdivision 3.

13.15 ~~(e) Except as otherwise provided in paragraphs (d) and (g), when a person is convicted~~
13.16 ~~of harassment or stalking under this section, the court shall order the defendant to transfer~~
13.17 ~~any firearms that the person possesses, within three business days, to a federally licensed~~
13.18 ~~firearms dealer, a law enforcement agency, or a third party who may lawfully receive them.~~
13.19 ~~The transfer may be permanent or temporary. A temporary firearm transfer only entitles~~
13.20 ~~the receiving party to possess the firearm. A temporary transfer does not transfer ownership~~
13.21 ~~or title. A defendant may not transfer firearms to a third party who resides with the defendant.~~
13.22 ~~If a defendant makes a temporary transfer, a federally licensed firearms dealer or law~~
13.23 ~~enforcement agency may charge the defendant a reasonable fee to store the person's firearms~~
13.24 ~~and may establish policies for disposal of abandoned firearms, provided such policies require~~
13.25 ~~that the person be notified via certified mail prior to disposal of abandoned firearms. For~~
13.26 ~~temporary firearms transfers under this paragraph, a law enforcement agency, federally~~
13.27 ~~licensed firearms dealer, or third party shall exercise due care to preserve the quality and~~
13.28 ~~function of the transferred firearms and shall return the transferred firearms to the person~~
13.29 ~~upon request after the expiration of the prohibiting time period imposed under this~~
13.30 ~~subdivision, provided the person is not otherwise prohibited from possessing firearms under~~
13.31 ~~state or federal law. The return of temporarily transferred firearms to a defendant shall~~
13.32 ~~comply with state and federal law. If a defendant permanently transfers the defendant's~~
13.33 ~~firearms to a law enforcement agency, the agency is not required to compensate the defendant~~
13.34 ~~and may charge the defendant a reasonable processing fee. A law enforcement agency is~~
13.35 ~~not required to accept a person's firearm under this paragraph. The court shall order that the~~

14.1 ~~person surrender all permits to carry and purchase firearms to the sheriff~~ Section 624.7134
14.2 governs the mandatory transfer of firearms from persons who are prohibited from possessing
14.3 a firearm under paragraph (a) or (c).

14.4 ~~(f) A defendant who is ordered to transfer firearms under paragraph (e) must file proof~~
14.5 ~~of transfer as provided for in this paragraph. If the transfer is made to a third party, the third~~
14.6 ~~party must sign an affidavit under oath before a notary public either acknowledging that~~
14.7 ~~the defendant permanently transferred the defendant's firearms to the third party or agreeing~~
14.8 ~~to temporarily store the defendant's firearms until such time as the defendant is legally~~
14.9 ~~permitted to possess firearms. The affidavit shall indicate the serial number, make, and~~
14.10 ~~model of all firearms transferred by the defendant to the third party. The third party shall~~
14.11 ~~acknowledge in the affidavit that the third party may be held criminally and civilly~~
14.12 ~~responsible under section 624.7144 if the defendant gains access to a transferred firearm~~
14.13 ~~while the firearm is in the custody of the third party. If the transfer is to a law enforcement~~
14.14 ~~agency or federally licensed firearms dealer, the law enforcement agency or federally~~
14.15 ~~licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer~~
14.16 ~~must specify whether the firearms were permanently or temporarily transferred and include~~
14.17 ~~the name of the defendant, date of transfer, and the serial number, make, and model of all~~
14.18 ~~transferred firearms. The defendant shall provide the court with a signed and notarized~~
14.19 ~~affidavit or proof of transfer as described in this section within two business days of the~~
14.20 ~~firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this~~
14.21 ~~paragraph.~~

14.22 ~~(g) When a person is convicted of harassment or stalking under this section, the court~~
14.23 ~~shall determine by a preponderance of the evidence if the person poses an imminent risk of~~
14.24 ~~causing another person substantial bodily harm. Upon a finding of imminent risk, the court~~
14.25 ~~shall order that the local law enforcement agency take immediate possession of all firearms~~
14.26 ~~in the person's possession. The local law enforcement agency shall exercise due care to~~
14.27 ~~preserve the quality and function of the defendant's firearms and shall return the firearms~~
14.28 ~~to the person upon request after the expiration of the prohibiting time period, provided the~~
14.29 ~~person is not otherwise prohibited from possessing firearms under state or federal law. The~~
14.30 ~~local law enforcement agency shall, upon written notice from the person, transfer the firearms~~
14.31 ~~to a federally licensed firearms dealer or a third party who may lawfully receive them.~~
14.32 ~~Before a local law enforcement agency transfers a firearm under this paragraph, the agency~~
14.33 ~~shall require the third party or federally licensed firearms dealer receiving the firearm to~~
14.34 ~~submit an affidavit or proof of transfer that complies with the requirements for affidavits~~
14.35 ~~or proofs of transfer established in paragraph (f). The agency shall file all affidavits or proofs~~

15.1 ~~of transfer received with the court within two business days of the transfer. The court shall~~
 15.2 ~~seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed~~
 15.3 ~~firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall~~
 15.4 ~~comply with paragraphs (e) and (f) as if accepting transfer from the defendant. If the law~~
 15.5 ~~enforcement agency does not receive written notice from the defendant within three business~~
 15.6 ~~days, the agency may charge a reasonable fee to store the defendant's firearms. A law~~
 15.7 ~~enforcement agency may establish policies for disposal of abandoned firearms, provided~~
 15.8 ~~such policies require that the person be notified via certified mail prior to disposal of~~
 15.9 ~~abandoned firearms.~~

15.10 Sec. 6. Minnesota Statutes 2019 Supplement, section 624.713, subdivision 1, is amended
 15.11 to read:

15.12 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
 15.13 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
 15.14 (1), any other firearm:

15.15 (1) a person under the age of 18 years except that a person under 18 may possess
 15.16 ammunition designed for use in a firearm that the person may lawfully possess and may
 15.17 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
 15.18 presence or under the direct supervision of the person's parent or guardian, (ii) for the
 15.19 purpose of military drill under the auspices of a legally recognized military organization
 15.20 and under competent supervision, (iii) for the purpose of instruction, competition, or target
 15.21 practice on a firing range approved by the chief of police or county sheriff in whose
 15.22 jurisdiction the range is located and under direct supervision; or (iv) if the person has
 15.23 successfully completed a course designed to teach marksmanship and safety with a pistol
 15.24 or semiautomatic military-style assault weapon and approved by the commissioner of natural
 15.25 resources;

15.26 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
 15.27 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
 15.28 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
 15.29 includes crimes in other states or jurisdictions which would have been crimes of violence
 15.30 as herein defined if they had been committed in this state;

15.31 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
 15.32 determination that the person is mentally ill, developmentally disabled, or mentally ill and
 15.33 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
 15.34 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless

16.1 the person's ability to possess a firearm and ammunition has been restored under subdivision
16.2 4;

16.3 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
16.4 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
16.5 of conviction and, during that time, the person has not been convicted of any other such
16.6 violation of chapter 152 or a similar law of another state; or a person who is or has ever
16.7 been committed by a judicial determination for treatment for the habitual use of a controlled
16.8 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
16.9 to possess a firearm and ammunition has been restored under subdivision 4;

16.10 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
16.11 by a judicial determination that the person is chemically dependent as defined in section
16.12 253B.02, unless the person has completed treatment or the person's ability to possess a
16.13 firearm and ammunition has been restored under subdivision 4. Property rights may not be
16.14 abated but access may be restricted by the courts;

16.15 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
16.16 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
16.17 of the treatment facility discharging or provisionally discharging the officer from the
16.18 treatment facility. Property rights may not be abated but access may be restricted by the
16.19 courts;

16.20 (7) a person, including a person under the jurisdiction of the juvenile court, who has
16.21 been charged with committing a crime of violence and has been placed in a pretrial diversion
16.22 program by the court before disposition, until the person has completed the diversion program
16.23 and the charge of committing the crime of violence has been dismissed;

16.24 (8) except as otherwise provided in clause (9), a person who has been convicted in
16.25 another state of committing an offense similar to the offense described in section 609.224,
16.26 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
16.27 unless three years have elapsed since the date of conviction and, during that time, the person
16.28 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
16.29 subdivision 3, or a similar law of another state;

16.30 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
16.31 household member and who was found by the court to have used a firearm in any way
16.32 during commission of the assault is prohibited from possessing any type of firearm or
16.33 ammunition for the period determined by the sentencing court;

16.34 (10) a person who:

17.1 (i) has been convicted in any court of a crime punishable by imprisonment for a term
17.2 exceeding one year;

17.3 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
17.4 for a crime or to avoid giving testimony in any criminal proceeding;

17.5 (iii) is an unlawful user of any controlled substance as defined in chapter 152;

17.6 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
17.7 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
17.8 public, as defined in section 253B.02;

17.9 (v) is an alien who is illegally or unlawfully in the United States;

17.10 (vi) has been discharged from the armed forces of the United States under dishonorable
17.11 conditions;

17.12 (vii) has renounced the person's citizenship having been a citizen of the United States;
17.13 or

17.14 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
17.15 922(g)(8) or (9), as amended through March 1, 2014;

17.16 (11) a person who has been convicted of the following offenses at the gross misdemeanor
17.17 level, unless three years have elapsed since the date of conviction and, during that time, the
17.18 person has not been convicted of any other violation of these sections: section 609.229
17.19 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
17.20 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
17.21 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
17.22 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified
17.23 gross misdemeanor convictions include crimes committed in other states or jurisdictions
17.24 which would have been gross misdemeanors if conviction occurred in this state;

17.25 (12) a person who has been convicted of a violation of section 609.224 if the court
17.26 determined that the assault was against a family or household member in accordance with
17.27 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
17.28 the date of conviction and, during that time, the person has not been convicted of another
17.29 violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

17.30 (13) a person who is subject to an order for protection as described in section 260C.201,
17.31 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

18.1 (14) a person who has been committed to a treatment facility in Minnesota or elsewhere
18.2 by a judicial determination that the person is a sexually dangerous person or a person with
18.3 a sexual psychopathic personality, unless the person's ability to possess a firearm and
18.4 ammunition has been restored under subdivision 4.

18.5 A person who issues a certificate pursuant to this section in good faith is not liable for
18.6 damages resulting or arising from the actions or misconduct with a firearm or ammunition
18.7 committed by the individual who is the subject of the certificate.

18.8 The prohibition in this subdivision relating to the possession of firearms other than
18.9 pistols and semiautomatic military-style assault weapons does not apply retroactively to
18.10 persons who are prohibited from possessing a pistol or semiautomatic military-style assault
18.11 weapon under this subdivision before August 1, 1994.

18.12 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
18.13 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
18.14 (2), applies only to offenders who are discharged from sentence or court supervision for a
18.15 crime of violence on or after August 1, 1993.

18.16 For purposes of this section, "judicial determination" means a court proceeding pursuant
18.17 to sections 253B.07 to 253B.09 or chapter 253D, or a comparable law from another state.

18.18 Sec. 7. Minnesota Statutes 2018, section 624.713, subdivision 4, is amended to read:

18.19 Subd. 4. **Restoration of firearms and ammunition eligibility to civilly committed**
18.20 **person; petition authorized.** (a) A person who is prohibited from possessing a firearm or
18.21 ammunition under subdivision 1, due to commitment resulting from a judicial determination
18.22 that the person is mentally ill, developmentally disabled, mentally ill and dangerous, or
18.23 chemically dependent, or is a sexually dangerous person or a person with a sexual
18.24 psychopathic personality, may petition a court to restore the person's ability to possess a
18.25 firearm or ammunition.

18.26 (b) The court may grant the relief sought in paragraph (a) in accordance with the
18.27 principles of due process if the circumstances regarding the person's disqualifying condition
18.28 and the person's record and reputation are determined to be such that:

18.29 (1) the person is not likely to act in a manner that is dangerous to public safety; and

18.30 (2) the granting of relief would not be contrary to the public interest.

18.31 (c) When determining whether a person has met the requirement of paragraph (b), clause
18.32 (1), the court may consider evidence from a licensed medical doctor or clinical psychologist

19.1 that the person is no longer suffering from the disease or condition that caused the disability
19.2 or that the disease or condition has been successfully treated for a period of three consecutive
19.3 years.

19.4 (d) Review on appeal shall be de novo.

19.5 **Sec. 8. [624.7134] MANDATORY TRANSFER OF FIREARMS POSSESSED BY**
19.6 **CERTAIN INELIGIBLE PERSONS.**

19.7 Subdivision 1. **Applicability.** This section applies to persons who are ineligible to possess
19.8 firearms under section 260C.201, subdivision 3, paragraph (d); 518B.01, subdivision 6,
19.9 paragraph (g); 609.2242, subdivision 3, paragraph (c) or (e); or 609.749, subdivision 8,
19.10 paragraph (a) or (c).

19.11 Subd. 2. **Mandatory transfers of firearms.** (a) When a person becomes ineligible to
19.12 possess a firearm under a provision described in subdivision 1, the court shall order the
19.13 person to transfer any firearms that the person possesses, within three business days, to a
19.14 federally licensed firearms dealer, a law enforcement agency, or a third party who may
19.15 lawfully receive them. The transfer may be permanent or temporary. A temporary firearm
19.16 transfer only entitles the receiving party to possess the firearm. A temporary transfer does
19.17 not transfer ownership or title. A person may not transfer firearms to a third party who
19.18 resides with the person. If a person makes a temporary transfer, a federally licensed firearms
19.19 dealer or law enforcement agency may charge the person a reasonable fee to store the
19.20 person's firearms and may establish policies for disposal of abandoned firearms, provided
19.21 such policies require that the person be notified via certified mail prior to disposal of
19.22 abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement
19.23 agency, federally licensed firearms dealer, or third party shall exercise due care to preserve
19.24 the quality and function of the transferred firearms and shall return the transferred firearms
19.25 to the person upon request after the expiration of the prohibiting time period, provided the
19.26 person is not otherwise prohibited from possessing firearms under state or federal law. The
19.27 return of temporarily transferred firearms to a person shall comply with state and federal
19.28 law. If a person permanently transfers the person's firearms to a law enforcement agency,
19.29 the agency is not required to compensate the person and may charge the person a reasonable
19.30 processing fee. A law enforcement agency is not required to accept a person's firearm under
19.31 this paragraph. The court shall order that the person surrender all permits to carry and
19.32 purchase firearms to the sheriff.

19.33 (b) A person who is ordered to transfer firearms under paragraph (a) must file proof of
19.34 transfer as provided for in this paragraph. If the transfer is made to a third party, the third

20.1 party must sign an affidavit under oath before a notary public either acknowledging that
20.2 the person permanently transferred the person's firearms to the third party or agreeing to
20.3 temporarily store the person's firearms until such time as the person is legally permitted to
20.4 possess firearms. The affidavit shall indicate the serial number, make, and model of all
20.5 firearms transferred by the person to the third party. The third party shall acknowledge in
20.6 the affidavit that the third party may be held criminally and civilly responsible under section
20.7 624.7144 if the person gains access to a transferred firearm while the firearm is in the custody
20.8 of the third party. If the transfer is to a law enforcement agency or federally licensed firearms
20.9 dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof
20.10 of transfer to the person. The proof of transfer must specify whether the firearms were
20.11 permanently or temporarily transferred and include the name of the person, date of transfer,
20.12 and the serial number, make, and model of all transferred firearms. The person shall provide
20.13 the court with a signed and notarized affidavit or proof of transfer as described in this section
20.14 within two business days of the firearms transfer. The court shall seal affidavits and proofs
20.15 of transfer filed pursuant to this paragraph.

20.16 (c) When a person becomes ineligible to possess a firearm under a provision described
20.17 in subdivision 1, the court shall determine by a preponderance of the evidence if the person
20.18 poses an imminent risk of causing another person substantial bodily harm. Upon a finding
20.19 of imminent risk, the court shall order that the local law enforcement agency take immediate
20.20 possession of all firearms in the person's possession. The local law enforcement agency
20.21 shall exercise due care to preserve the quality and function of the person's firearms and shall
20.22 return the firearms to the person upon request after the expiration of the prohibiting time
20.23 period, provided the person is not otherwise prohibited from possessing firearms under state
20.24 or federal law. The local law enforcement agency shall, upon written notice from the person,
20.25 transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully
20.26 receive them. Before a local law enforcement agency transfers a firearm under this paragraph,
20.27 the agency shall require the third party or federally licensed firearms dealer receiving the
20.28 firearm to submit an affidavit or proof of transfer that complies with the requirements for
20.29 affidavits or proofs of transfer established in paragraph (b). The agency shall file all affidavits
20.30 or proofs of transfer received with the court within two business days of the transfer. The
20.31 court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally
20.32 licensed firearms dealer or third party who accepts a firearm transfer pursuant to this
20.33 paragraph shall comply with paragraphs (a) and (b) as if accepting transfer from the person.
20.34 If the law enforcement agency does not receive written notice from the person within three
20.35 business days, the agency may charge a reasonable fee to store the person's firearms. A law
20.36 enforcement agency may establish policies for disposal of abandoned firearms, provided

21.1 such policies require that the person be notified via certified mail prior to disposal of
 21.2 abandoned firearms.

21.3 (d) The court shall ensure that all firearms have been transferred as required in this
 21.4 section by scheduling and holding a compliance hearing within ten business days of issuing
 21.5 an order containing a firearms restriction. If, at the hearing, the court finds that the party is
 21.6 not in compliance, the court shall take appropriate action under the circumstances, including
 21.7 but not limited to a contempt proceeding under section 588.01, subdivision 3. The
 21.8 requirement to hold a compliance hearing under this paragraph does not apply if the party
 21.9 has already filed the required proofs of transfer or an affidavit declaring that the party does
 21.10 not own or possess a firearm.

21.11 Sec. 9. Minnesota Statutes 2018, section 624.714, subdivision 1a, is amended to read:

21.12 Subd. 1a. **Permit required; penalty.** A person, other than a peace officer, as defined
 21.13 in section 626.84, subdivision 1, who carries, holds, or possesses a pistol in a motor vehicle,
 21.14 snowmobile, or boat, or on or about the person's clothes or the person, or otherwise in
 21.15 possession or control in a public place, as defined in section 624.7181, subdivision 1,
 21.16 paragraph (c), without first having obtained a permit to carry the pistol is guilty of a gross
 21.17 misdemeanor. A person who is convicted a second or subsequent time is guilty of a felony.
 21.18 A member of a criminal gang, as defined in section 609.229, subdivision 1, who is convicted
 21.19 of violating this subdivision is guilty of a felony.

21.20 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
 21.21 committed on or after that date.

21.22 Sec. 10. Minnesota Statutes 2018, section 624.714, subdivision 3, is amended to read:

21.23 Subd. 3. **Form and contents of application.** (a) Applications for permits to carry must
 21.24 be an official, standardized application form, adopted under section 624.7151, and must set
 21.25 forth in writing only the following information:

21.26 (1) the applicant's name, residence, telephone number, if any, and driver's license number
 21.27 or state identification card number;

21.28 (2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and
 21.29 distinguishing physical characteristics, if any;

21.30 (3) the township or statutory city or home rule charter city, and county, of all Minnesota
 21.31 residences of the applicant in the last five years, though not including specific addresses;

22.1 (4) the township or city, county, and state of all non-Minnesota residences of the applicant
22.2 in the last five years, though not including specific addresses;

22.3 (5) a statement that the applicant authorizes the release to the sheriff of commitment
22.4 information about the applicant maintained by the commissioner of human services or any
22.5 similar agency or department of another state where the applicant has resided, to the extent
22.6 that the information relates to the applicant's eligibility to possess a firearm; ~~and~~

22.7 (6) a statement by the applicant that, to the best of the applicant's knowledge and belief,
22.8 the applicant is not prohibited by law from possessing a firearm; and

22.9 (7) if the applicant is not a United States citizen, the applicant's country of birth and
22.10 alien number or alien admission number.

22.11 (b) The statement under paragraph (a), clause (5), must comply with any applicable
22.12 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
22.13 to consent to disclosure of alcohol or drug abuse patient records.

22.14 (c) An applicant must submit to the sheriff an application packet consisting only of the
22.15 following items:

22.16 (1) a completed application form, signed and dated by the applicant;

22.17 (2) an accurate photocopy of the certificate described in subdivision 2a, paragraph (c),
22.18 that is submitted as the applicant's evidence of training in the safe use of a pistol; and

22.19 (3) an accurate photocopy of the applicant's current driver's license, state identification
22.20 card, or the photo page of the applicant's passport.

22.21 (d) In addition to the other application materials, a person who is otherwise ineligible
22.22 for a permit due to a criminal conviction but who has obtained a pardon or expungement
22.23 setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights,
22.24 must submit a copy of the relevant order.

22.25 (e) Applications must be submitted in person.

22.26 (f) The sheriff may charge a new application processing fee in an amount not to exceed
22.27 the actual and reasonable direct cost of processing the application or \$100, whichever is
22.28 less. Of this amount, \$10 must be submitted to the commissioner and deposited into the
22.29 general fund.

22.30 (g) This subdivision prescribes the complete and exclusive set of items an applicant is
22.31 required to submit in order to apply for a new or renewal permit to carry. The applicant
22.32 must not be asked or required to submit, voluntarily or involuntarily, any information, fees,

23.1 or documentation beyond that specifically required by this subdivision. This paragraph does
23.2 not apply to alternate training evidence accepted by the sheriff under subdivision 2a,
23.3 paragraph (d).

23.4 (h) Forms for new and renewal applications must be available at all sheriffs' offices and
23.5 the commissioner must make the forms available on the Internet.

23.6 (i) Application forms must clearly display a notice that a permit, if granted, is void and
23.7 must be immediately returned to the sheriff if the permit holder is or becomes prohibited
23.8 by law from possessing a firearm. The notice must list the applicable state criminal offenses
23.9 and civil categories that prohibit a person from possessing a firearm.

23.10 (j) Upon receipt of an application packet and any required fee, the sheriff must provide
23.11 a signed receipt indicating the date of submission.

23.12 Sec. 11. Minnesota Statutes 2018, section 624.714, subdivision 4, is amended to read:

23.13 Subd. 4. **Investigation.** (a) The sheriff must check, by means of electronic data transfer,
23.14 criminal records, histories, and warrant information on each applicant through the Minnesota
23.15 Crime Information System and the National Instant Criminal Background Check System.
23.16 In addition, if the applicant is not a United States citizen, the sheriff must ensure that an
23.17 Immigration Alien Query (IAQ) check is performed on the applicant. The sheriff shall also
23.18 make a reasonable effort to check other available and relevant federal, state, or local
23.19 record-keeping systems. The sheriff must obtain commitment information from the
23.20 commissioner of human services as provided in section 245.041 or, if the information is
23.21 reasonably available, as provided by a similar statute from another state.

23.22 (b) When an application for a permit is filed under this section, the sheriff must notify
23.23 the chief of police, if any, of the municipality where the applicant resides. The police chief
23.24 may provide the sheriff with any information relevant to the issuance of the permit.

23.25 (c) The sheriff must conduct a background check by means of electronic data transfer
23.26 on a permit holder through the Minnesota Crime Information System and the National
23.27 Instant Criminal Background Check System at least yearly to ensure continuing eligibility.
23.28 The sheriff may also conduct additional background checks by means of electronic data
23.29 transfer on a permit holder at any time during the period that a permit is in effect.

24.1 Sec. 12. Minnesota Statutes 2018, section 624.7141, is amended to read:

24.2 **624.7141 TRANSFER TO INELIGIBLE PERSON.**

24.3 Subdivision 1. **Transfer prohibited.** A person is guilty of a ~~gross misdemeanor who~~
 24.4 felony and may be sentenced to imprisonment for not more than two years or to payment
 24.5 of a fine of not more than \$4,000, or both, if the person intentionally transfers a pistol or
 24.6 semiautomatic military-style assault weapon to another if and the person knows that the
 24.7 transferee:

24.8 (1) has been denied a permit to carry under section 624.714 because the transferee is
 24.9 not eligible under section 624.713 to possess a pistol or semiautomatic military-style assault
 24.10 weapon;

24.11 (2) has been found ineligible to possess a pistol or semiautomatic military-style assault
 24.12 weapon by a chief of police or sheriff as a result of an application for a transferee permit
 24.13 or a transfer report; or

24.14 (3) is disqualified under section 624.713 from possessing a pistol or semiautomatic
 24.15 military-style assault weapon.

24.16 Subd. 2. **Felony Aggravated offense.** ~~A violation of this section is a felony~~ A person who
 24.17 violates this section is guilty of a felony and may be sentenced to imprisonment for not
 24.18 more than five years or to payment of a fine of not more than \$10,000, or both, if the
 24.19 transferee possesses or uses the weapon within one year after the transfer in furtherance of
 24.20 a felony crime of violence.

24.21 Subd. 3. **Subsequent eligibility.** This section is not applicable to a transfer to a person
 24.22 who became eligible to possess a pistol or semiautomatic military-style assault weapon
 24.23 under section 624.713 after the transfer occurred but before the transferee used or possessed
 24.24 the weapon in furtherance of any crime.

24.25 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
 24.26 committed on or after that date.

24.27 Sec. 13. Minnesota Statutes 2018, section 624.7144, is amended to read:

24.28 **624.7144 ALLOWING AN INELIGIBLE PERSON ACCESS TO FIREARMS.**

24.29 A person who accepts a transferred firearm from an abusing party or offender pursuant
 24.30 to section ~~260C.201, subdivision 3; 518B.01, subdivision 6; 609.2242, subdivision 3; or~~
 24.31 ~~609.749, subdivision 8;~~ 624.7134 is guilty of a gross misdemeanor if the abusing party or
 24.32 offender obtains possession of the transferred firearm while the person is prohibited from

25.1 possessing firearms. It is an affirmative defense to a violation of this section that the third
25.2 party who accepted the transferred firearm exercised due care to ensure that the abusing
25.3 party or offender could not access the firearm. The third party shall not return the firearm
25.4 to the abusing party or offender until the prohibiting time period imposed under section
25.5 260C.201, subdivision 3; 518B.01, subdivision 6; 609.2242, subdivision 3; or 609.749,
25.6 subdivision 8, has expired and the abusing party or offender presents a current, valid
25.7 transferee permit or passes a federal background check through the National Instant Criminal
25.8 Background Check System. The third party may rely on a court order describing the length
25.9 of the prohibiting time period as conclusive evidence that the prohibiting time period has
25.10 expired, unless otherwise notified by the court.

25.11 Sec. 14. Minnesota Statutes 2018, section 626.8452, is amended by adding a subdivision
25.12 to read:

25.13 Subd. 6. **Prohibition on disarming local law enforcement officers.** Unless expressly
25.14 authorized under another section of law, a mayor, city council, or county board may not
25.15 disarm or direct a chief law enforcement officer to disarm a peace officer who is in good
25.16 standing and not currently under investigation or subject to disciplinary action.

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

25.18 Sec. 15. **REVISED PERMIT TO CARRY APPLICATION.**

25.19 No later than 60 days after enactment of this act, the commissioner of public safety must
25.20 publish and post on the Internet a revised permit to carry application that includes the changes
25.21 to the application mandated by section 10 in order to bring the application into compliance
25.22 with federal law.