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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 60

06/24/2021 Authored by Munson, Bahr, Miller and Drazkowski
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; providing for local, state, and federal regulation of firearm
1.3 suppressors; amending Minnesota Statutes 2020, section 609.66, subdivision 1a;
1.4 proposing coding for new law in Minnesota Statutes, chapter 609.

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

1.6 Section 1. Minnesota Statutes 2020, section 609.66, subdivision 1a, is amended to read:

1.7 Subd. 1a. **Felony crimes; suppressors; reckless discharge.** (a) Whoever does any of
1.8 the following is guilty of a felony and may be sentenced as provided in paragraph (b):

1.9 (1) sells or has in possession a suppressor that is not lawfully possessed under state or
1.10 federal law;

1.11 (2) intentionally discharges a firearm under circumstances that endanger the safety of
1.12 another; or

1.13 (3) recklessly discharges a firearm within a municipality.

1.14 (b) A person convicted under paragraph (a) may be sentenced as follows:

1.15 (1) if the act was a violation of paragraph (a), clause (2), or if the act was a violation of
1.16 paragraph (a), clause (1) or (3), and was committed in a public housing zone, as defined in
1.17 section 152.01, subdivision 19, a school zone, as defined in section 152.01, subdivision
1.18 14a, or a park zone, as defined in section 152.01, subdivision 12a, to imprisonment for not
1.19 more than five years or to payment of a fine of not more than \$10,000, or both; or

1.20 (2) otherwise, to imprisonment for not more than two years or to payment of a fine of
1.21 not more than \$5,000, or both.

2.1 (c) As used in this subdivision, "suppressor" means any device for silencing, muffling,
2.2 or diminishing the report of a portable firearm, including any combination of parts, designed
2.3 or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm
2.4 muffler, and any part intended only for use in such assembly or fabrication.

2.5 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes
2.6 committed on or after that date.

2.7 Sec. 2. [609.6661] DEFINITIONS.

2.8 For the purposes of sections 609.6661 to 609.6663, the following terms have the meanings
2.9 given them:

2.10 (1) "firearm" has the meaning given in section 609.666, subdivision 1, paragraph (a);

2.11 (2) "firearm suppressor" has the meaning given in section 609.66, subdivision 1a,
2.12 paragraph (c);

2.13 (3) "generic and insignificant part" means an item that has manufacturing or consumer
2.14 product applications other than inclusion in a firearm suppressor including but not limited
2.15 to a spring, screw, nut, and pin; and

2.16 (4) "manufacture" means forging, casting, machining, or other processes for working a
2.17 material.

2.18 Sec. 3. [609.6662] INTRASTATE MANUFACTURE OF FIREARM SUPPRESSORS.

2.19 Subdivision 1. **Manufactured in state.** (a) For the purposes of sections 609.6661 to
2.20 609.6663, a firearm suppressor is manufactured in the state if the suppressor is manufactured:

2.21 (1) in the state from basic materials; and

2.22 (2) without the inclusion of any part imported from another state other than a generic
2.23 and insignificant part.

2.24 (b) A firearm suppressor is manufactured in the state if it is manufactured as described
2.25 under paragraph (a) without regard to whether a firearm imported into the state from another
2.26 state is attached to or used in conjunction with the suppressor.

2.27 Subd. 2. **Not subject to federal regulation.** (a) A firearm suppressor that is manufactured
2.28 in the state and remains in the state is not subject to federal law or federal regulation,
2.29 including but not limited to registration, under the authority of the United States Congress
2.30 to regulate interstate commerce.

3.1 (b) A basic material from which a firearm suppressor is manufactured in the state,
 3.2 including but not limited to unmachined steel, is not a firearm suppressor and is not subject
 3.3 to federal regulation under the authority of the United States Congress to regulate interstate
 3.4 commerce as if it actually were a firearm suppressor.

3.5 Subd. 3. **Marketing of firearm suppressor.** A firearm suppressor manufactured and
 3.6 sold in the state must have the words "Made in Minnesota" clearly stamped on it.

3.7 Subd. 4. **Attorney general.** On written notification to the attorney general by a United
 3.8 States citizen who resides in the state of the citizen's intent to manufacture a firearm
 3.9 suppressor to which subdivision 2 applies, the attorney general shall seek a declaratory
 3.10 judgment from a federal district court in the state that subdivision 2 is consistent with the
 3.11 United States Constitution.

3.12 Sec. 4. **[609.6663] ENFORCEMENT OF CERTAIN FEDERAL FIREARMS LAWS**
 3.13 **PROHIBITED.**

3.14 Subdivision 1. **Applicability.** This section applies to:

3.15 (1) the State of Minnesota, including but not limited to an agency, department,
 3.16 commission, bureau, board, office, council, court, or other entity that is in any branch of
 3.17 state government and that is created by the constitution or a statute of the state, including
 3.18 but not limited to a university system or a system of higher education;

3.19 (2) the governing body of a county, town, city, school district, or other municipal
 3.20 corporation or political subdivision of the state;

3.21 (3) an officer, employee, or other body that is part of a county, town, city, school district,
 3.22 or other municipal corporation or political subdivision of the state, including but not limited
 3.23 to a sheriff, municipal police department, city attorney, municipal attorney, or county
 3.24 attorney; and

3.25 (4) a district attorney.

3.26 Subd. 2. **State and local government policy regarding enforcement of federal firearm**
 3.27 **laws.** (a) An entity under subdivision 1 may not adopt a rule, order, ordinance, or policy
 3.28 under which the entity enforces, or by consistent action allows the enforcement of, a federal
 3.29 statute, order, rule, or regulation that purports to regulate a firearm suppressor if the statute,
 3.30 order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not
 3.31 exist under state law.

4.1 (b) No entity under subdivision 1 and no person employed by or otherwise under the
4.2 direction or control of the entity may enforce or attempt to enforce any federal statute, order,
4.3 rule, or regulation described under paragraph (a).

4.4 Subd. 3. **State grant funds.** (a) An entity under subdivision 1 may not receive state
4.5 grant funds if the entity adopts a rule, order, ordinance, or policy under which the entity
4.6 enforces a federal law described under subdivision 2, paragraph (a), or, by consistent action,
4.7 allows the enforcement of that federal law.

4.8 (b) State grant funds for the entity shall be denied for the fiscal year following the fiscal
4.9 year in which a final judicial determination in an action brought under this section is made
4.10 that the entity has violated subdivision 2, paragraph (a).

4.11 Subd. 4. **Enforcement.** (a) Any citizen residing in the jurisdiction of an entity under
4.12 subdivision 1 may file a complaint with the attorney general if the citizen offers evidence
4.13 to support an allegation that the entity has adopted a rule, order, ordinance, or policy under
4.14 which the entity enforces a federal law described under subdivision 2, paragraph (a), or that
4.15 the entity, by consistent action, allows the enforcement of a federal law described under
4.16 subdivision 2, paragraph (a). The citizen must include with the complaint any evidence the
4.17 citizen has in support of the complaint.

4.18 (b) If the attorney general determines that a complaint filed under paragraph (a) against
4.19 an entity under subdivision 1 is valid, to compel the entity's compliance with this section
4.20 the attorney general may file a petition for a writ of mandamus or apply for other appropriate
4.21 equitable relief in a district court in Ramsey County or in a county in which the principal
4.22 office of the entity is located. The attorney general may recover reasonable expenses incurred
4.23 obtaining relief under this section, including court costs, reasonable attorney fees,
4.24 investigative costs, witness fees, and deposition costs.

4.25 (c) An appeal of an action brought under paragraph (b) is governed by the procedures
4.26 for emergency situations under the Minnesota Rules of Civil Appellate Procedure. The
4.27 appellate court may limit the time for filing the notice of appeal or the time prescribed by
4.28 law for securing review of a decision or an order of a court and may otherwise suspend the
4.29 requirements of the Minnesota Rules of Civil Appellate Procedure in the interest of expediting
4.30 a decision. The appellate court shall render its final order or judgment with the least possible
4.31 delay.