

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 1116

(SENATE AUTHORS: LATZ, Westlin, Dzedzic and Marty)

| DATE | D-PG | OFFICIAL STATUS |
|------------|------|---|
| 02/02/2023 | 590 | Introduction and first reading |
| | | Referred to Judiciary and Public Safety |
| 03/27/2023 | | Comm report: To pass as amended and re-refer to Finance |

1.1 A bill for an act

1.2 relating to public safety; requiring criminal background checks for firearms

1.3 transfers; modifying grounds for disqualification of transferee permit; amending

1.4 Minnesota Statutes 2022, sections 624.7131; 624.7132; proposing coding for new

1.5 law in Minnesota Statutes, chapter 624.

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

1.7 Section 1. Minnesota Statutes 2022, section 624.7131, is amended to read:

1.8 **624.7131 TRANSFEREE PERMIT; PENALTY.**

1.9 Subdivision 1. **Information.** Any person may apply for a transferee permit by providing

1.10 the following information in writing to the chief of police of an organized full time police

1.11 department of the municipality in which the person resides or to the county sheriff if there

1.12 is no such local chief of police:

1.13 (1) the name, residence, telephone number, and driver's license number or

1.14 nonqualification certificate number, if any, of the proposed transferee;

1.15 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical

1.16 characteristics, if any, of the proposed transferee;

1.17 (3) a statement that the proposed transferee authorizes the release to the local police

1.18 authority of commitment information about the proposed transferee maintained by the

1.19 commissioner of human services, to the extent that the information relates to the proposed

1.20 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon

1.21 under section 624.713, subdivision 1; and

2.1 (4) a statement by the proposed transferee that the proposed transferee is not prohibited
 2.2 by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

2.3 The statements shall be signed and dated by the person applying for a permit. At the
 2.4 time of application, the local police authority shall provide the applicant with a dated receipt
 2.5 for the application. The statement under clause (3) must comply with any applicable
 2.6 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
 2.7 to consent to disclosure of alcohol or drug abuse patient records.

2.8 Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories,
 2.9 records and warrant information relating to the applicant through the Minnesota Crime
 2.10 Information System, the national criminal record repository, and the National Instant Criminal
 2.11 Background Check System. The chief of police or sheriff shall also make a reasonable effort
 2.12 to check other available state and local record-keeping systems. The chief of police or sheriff
 2.13 shall obtain commitment information from the commissioner of human services as provided
 2.14 in section 245.041.

2.15 Subd. 3. **Forms.** Chiefs of police and sheriffs shall make transferee permit application
 2.16 forms available throughout the community. There shall be no charge for forms, reports,
 2.17 investigations, notifications, waivers or any other act performed or materials provided by
 2.18 a government employee or agency in connection with application for or issuance of a
 2.19 transferee permit.

2.20 Subd. 4. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
 2.21 sheriff ~~that~~ shall refuse to grant a transferee permit if the applicant is: (1) prohibited by
 2.22 ~~section 624.713~~ state or federal law from possessing a pistol or semiautomatic military-style
 2.23 assault weapon ~~shall be the only basis for refusal to grant a transferee permit;~~ (2) determined
 2.24 to be a danger to self or the public when in possession of firearms under paragraph (b); or
 2.25 (3) listed in the criminal gang investigative data system under section 299C.091.

2.26 (b) A chief of police or sheriff shall refuse to grant a permit to a person if there exists a
 2.27 substantial likelihood that the applicant is a danger to self or the public when in possession
 2.28 of a firearm. To deny the application pursuant to paragraph (a), clause (2), the chief of police
 2.29 or sheriff must provide the applicant with written notification and the specific factual basis
 2.30 justifying the denial, including the source of the factual basis. The chief of police or sheriff
 2.31 must inform the applicant of the applicant's right to submit, within 20 business days, any
 2.32 additional documentation relating to the propriety of the denial. Upon receiving any additional
 2.33 documentation, the chief of police or sheriff must reconsider the denial and inform the
 2.34 applicant within 15 business days of the result of the reconsideration. Any denial after

3.1 reconsideration must be in the same form and substance as the original denial and must
3.2 specifically address any continued deficiencies in light of the additional documentation
3.3 submitted by the applicant. The applicant must be informed of the right to seek de novo
3.4 review of the denial as provided in subdivision 8.

3.5 (c) A person is not eligible to submit a permit application under this section if the person
3.6 has had an application denied pursuant to paragraph (b) and less than six months have
3.7 elapsed since the denial was issued or the person's appeal under subdivision 8 was denied,
3.8 whichever is later.

3.9 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph
3.10 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with
3.11 joint jurisdiction over the proposed transferee's residence.

3.12 Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee
3.13 permit or deny the application within ~~seven~~ 30 days of application for the permit.

3.14 (b) In the case of a denial, the chief of police or sheriff shall provide an applicant with
3.15 written notification of a denial and the specific reason for the denial.

3.16 (c) The permits and their renewal shall be granted free of charge.

3.17 Subd. 6. **Permits valid statewide.** Transferee permits issued pursuant to this section are
3.18 valid statewide and shall expire after one year. A transferee permit may be renewed in the
3.19 same manner and subject to the same provisions by which the original permit was obtained,
3.20 except that all renewed permits must comply with the standards adopted by the commissioner
3.21 under section 624.7151. Permits issued pursuant to this section are not transferable. A person
3.22 who transfers a permit in violation of this subdivision is guilty of a misdemeanor.

3.23 Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time
3.24 that the holder becomes prohibited from possessing or receiving a pistol under section
3.25 624.713, in which event the holder shall return the permit within five days to the issuing
3.26 authority. If the chief law enforcement officer who issued the permit has knowledge that
3.27 the permit holder is ineligible to possess firearms, the chief law enforcement officer must
3.28 revoke the permit and give notice to the holder in writing. Failure of the holder to return
3.29 the permit within the five days of learning that the permit is void or revoked is a gross
3.30 misdemeanor unless the court finds that the circumstances or the physical or mental condition
3.31 of the permit holder prevented the holder from complying with the return requirement.

3.32 (b) When a permit holder receives a court disposition that prohibits the permit holder
3.33 from possessing a firearm, the court must take possession of the permit, if it is available,

4.1 and send it to the issuing law enforcement agency. If the permit holder does not have the
4.2 permit when the court imposes a firearm prohibition, the permit holder must surrender the
4.3 permit to the assigned probation officer, if applicable. When a probation officer is assigned
4.4 upon disposition of the case, the court shall inform the probation agent of the permit holder's
4.5 obligation to surrender the permit. Upon surrender, the probation officer must send the
4.6 permit to the issuing law enforcement agency. If a probation officer is not assigned to the
4.7 permit holder, the holder shall surrender the permit as provided for in paragraph (a).

4.8 Subd. 8. **Hearing upon denial.** (a) Any person aggrieved by denial of a transferee permit
4.9 may appeal the denial to the district court having jurisdiction over the county or municipality
4.10 in which the denial occurred. by petition to the district court having jurisdiction over the
4.11 county or municipality where the application was submitted. The petition must list the
4.12 applicable chief of police or sheriff as the respondent. The district court must hold a hearing
4.13 at the earliest practicable date and in any event no later than 60 days following the filing of
4.14 the petition for review. The court may not grant or deny any relief before the completion
4.15 of the hearing. The record of the hearing must be sealed. The matter must be heard de novo
4.16 without a jury.

4.17 (b) The court must issue written findings of fact and conclusions of law regarding the
4.18 issues submitted by the parties. The court must issue its writ of mandamus directing that
4.19 the permit be issued and order other appropriate relief unless the chief of police or sheriff
4.20 establishes by clear and convincing evidence that:

4.21 (1) the applicant is disqualified from possessing a firearm under state or federal law;

4.22 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
4.23 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
4.24 investigated and documented may not be considered; or

4.25 (3) the applicant is listed in the criminal gang investigative data system under section
4.26 299C.091.

4.27 (c) If an application is denied because the proposed transferee is listed in the criminal
4.28 gang investigative data system under section 299C.091, the applicant may challenge the
4.29 denial, after disclosure under court supervision of the reason for that listing, based on grounds
4.30 that the person:

4.31 (1) was erroneously identified as a person in the data system;

4.32 (2) was improperly included in the data system according to the criteria outlined in
4.33 section 299C.091, subdivision 2, paragraph (b); or

5.1 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
 5.2 in the data system.

5.3 Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714
 5.4 constitutes a transferee permit for the purposes of this section and ~~section~~ sections 624.7132
 5.5 and 624.7134.

5.6 Subd. 10. **Transfer report not required.** A person who transfers a pistol or
 5.7 semiautomatic military-style assault weapon to a person exhibiting a valid transferee permit
 5.8 issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714
 5.9 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

5.10 Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee
 5.11 permit knowing or having reason to know the statement is false is guilty of a ~~gross~~
 5.12 ~~misdemeanor~~ felony.

5.13 Subd. 12. **Local regulation.** This section shall be construed to supersede municipal or
 5.14 county regulation of the issuance of transferee permits.

5.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
 5.16 committed on or after that date.

5.17 Sec. 2. Minnesota Statutes 2022, section 624.7132, is amended to read:

5.18 **624.7132 REPORT OF TRANSFER.**

5.19 Subdivision 1. **Required information.** Except as provided in this section and section
 5.20 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style
 5.21 assault weapon shall report the following information in writing to the chief of police of
 5.22 the organized full-time police department of the municipality where the proposed transferee
 5.23 resides or to the appropriate county sheriff if there is no such local chief of police:

5.24 (1) the name, residence, telephone number, and driver's license number or
 5.25 nonqualification certificate number, if any, of the proposed transferee;

5.26 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical
 5.27 characteristics, if any, of the proposed transferee;

5.28 (3) a statement that the proposed transferee authorizes the release to the local police
 5.29 authority of commitment information about the proposed transferee maintained by the
 5.30 commissioner of human services, to the extent that the information relates to the proposed
 5.31 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
 5.32 under section 624.713, subdivision 1;

6.1 (4) a statement by the proposed transferee that the transferee is not prohibited by section
6.2 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and
6.3 (5) the address of the place of business of the transferor.

6.4 The report shall be signed and dated by the transferor and the proposed transferee. The
6.5 report shall be delivered by the transferor to the chief of police or sheriff no later than three
6.6 days after the date of the agreement to transfer, excluding weekends and legal holidays.
6.7 The statement under clause (3) must comply with any applicable requirements of Code of
6.8 Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of
6.9 alcohol or drug abuse patient records.

6.10 Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff
6.11 shall check criminal histories, records and warrant information relating to the proposed
6.12 transferee through the Minnesota Crime Information System, the national criminal record
6.13 repository, and the National Instant Criminal Background Check System. The chief of police
6.14 or sheriff shall also make a reasonable effort to check other available state and local
6.15 record-keeping systems. The chief of police or sheriff shall obtain commitment information
6.16 from the commissioner of human services as provided in section 245.041.

6.17 Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and
6.18 proposed transferee in writing as soon as possible if the chief or sheriff determines that the
6.19 proposed transferee is prohibited by section 624.713 from possessing a pistol or
6.20 semiautomatic military-style assault weapon. The notification to the transferee shall specify
6.21 the grounds for the disqualification of the proposed transferee and shall set forth in detail
6.22 the transferee's right of appeal under subdivision 13.

6.23 Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall
6.24 deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee
6.25 until ~~five business~~ 30 days after the date the agreement to transfer is delivered to a chief of
6.26 police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives
6.27 all or a portion of the ~~seven-day~~ waiting period. The chief of police or sheriff may waive
6.28 all or a portion of the ~~five-business-day~~ waiting period in writing if the chief of police or
6.29 sheriff: (1) determines the proposed transferee is not disqualified prior to the waiting period
6.30 concluding; or (2) finds that the transferee requires access to a pistol or semiautomatic
6.31 military-style assault weapon because of a threat to the life of the transferee or of any member
6.32 of the household of the transferee. Prior to modifying the waiting period under the authority
6.33 granted in clause (2), the chief of police or sheriff must first determine that the proposed
6.34 transferee is not prohibited from possessing a firearm under state or federal law.

7.1 No person shall deliver a pistol or semiautomatic military-style assault weapon to a
7.2 proposed transferee after receiving a written notification that the chief of police or sheriff
7.3 has determined that the proposed transferee is prohibited by section 624.713 from possessing
7.4 a pistol or semiautomatic military-style assault weapon.

7.5 If the transferor makes a report of transfer and receives no written notification of
7.6 disqualification of the proposed transferee within ~~five~~ 30 business days after delivery of the
7.7 agreement to transfer, the pistol or semiautomatic military-style assault weapon may be
7.8 delivered to the transferee, unless the transferor knows the transferee is ineligible to possess
7.9 a pistol or semiautomatic military-style assault weapon.

7.10 Subd. 5. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
7.11 sheriff that shall deny an application if the proposed transferee is: (1) prohibited by section
7.12 624.713 state or federal law from possessing a pistol or semiautomatic military-style assault
7.13 weapon shall be the sole basis for a notification of disqualification under this section; (2)
7.14 determined to be a danger to self or the public when in possession of firearms under paragraph
7.15 (b); or (3) listed in the criminal gang investigative data system under section 299C.091.

7.16 (b) A chief of police or sheriff shall deny an application if there exists a substantial
7.17 likelihood that the proposed transferee is a danger to self or the public when in possession
7.18 of a firearm. To deny the application under this paragraph, the chief of police or sheriff
7.19 must provide the applicant with written notification and the specific factual basis justifying
7.20 the denial, including the source of the factual basis. The chief of police or sheriff must
7.21 inform the applicant of the applicant's right to submit, within 20 business days, any additional
7.22 documentation relating to the propriety of the denial. Upon receiving any additional
7.23 documentation, the chief of police or sheriff must reconsider the denial and inform the
7.24 applicant within 15 business days of the result of the reconsideration. Any denial after
7.25 reconsideration must be in the same form and substance as the original denial and must
7.26 specifically address any continued deficiencies in light of the additional documentation
7.27 submitted by the applicant. The applicant must be informed of the right to seek de novo
7.28 review of the denial as provided in subdivision 13.

7.29 (c) A chief of police or sheriff need not process an application under this section if the
7.30 person has had an application denied pursuant to paragraph (b) and less than six months
7.31 have elapsed since the denial was issued or the person's appeal under subdivision 13 was
7.32 denied, whichever is later.

8.1 (d) A chief of police or sheriff who denies an application pursuant to paragraph (b) must
8.2 provide a copy of the notice of disqualification to the chief of police or sheriff with joint
8.3 jurisdiction over the applicant's residence.

8.4 Subd. 6. **Transferee permit.** If a chief of police or sheriff ~~determines that a transferee~~
8.5 ~~is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic~~
8.6 ~~military-style assault weapon~~ does not deny a proposed transferee's application under
8.7 subdivision 5, the transferee may, within 30 days after the determination, apply to that chief
8.8 of police or sheriff for a transferee permit, and the permit shall be issued.

8.9 Subd. 8. **Report not required.** If the proposed transferee presents a valid transferee
8.10 permit issued under section 624.7131 or a valid permit to carry issued under section 624.714,
8.11 the transferor need not file a transfer report.

8.12 Subd. 9. **Number of pistols or semiautomatic military-style assault weapons.** Any
8.13 number of pistols or semiautomatic military-style assault weapons may be the subject of a
8.14 single transfer agreement and report to the chief of police or sheriff. Nothing in this section
8.15 or section 624.7131 shall be construed to limit or restrict the number of pistols or
8.16 semiautomatic military-style assault weapons a person may acquire.

8.17 Subd. 10. **Restriction on records.** Except as provided for in section 624.7134, subdivision
8.18 3, paragraph (e), if, after a determination that the transferee is not a person prohibited by
8.19 section 624.713 from possessing a pistol or semiautomatic military-style assault weapon,
8.20 a transferee requests that no record be maintained of the fact of who is the transferee of a
8.21 pistol or semiautomatic military-style assault weapon, the chief of police or sheriff shall
8.22 sign the transfer report and return it to the transferee as soon as possible. Thereafter, no
8.23 government employee or agency shall maintain a record of the transfer that identifies the
8.24 transferee, and the transferee shall retain the report of transfer.

8.25 Subd. 11. **Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms
8.26 available throughout the community. There shall be no charge for forms, reports,
8.27 investigations, notifications, waivers or any other act performed or materials provided by
8.28 a government employee or agency in connection with a transfer.

8.29 Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision 1f,
8.30 this section shall not apply to transfers of antique firearms as curiosities or for their historical
8.31 significance or value, transfers to or between federally licensed firearms dealers, transfers
8.32 by order of court, involuntary transfers, transfers at death or the following transfers:

8.33 (1) a transfer by a person other than a federally licensed firearms dealer;

9.1 (2) a loan to a prospective transferee if the loan is intended for a period of no more than
9.2 one day;

9.3 (3) the delivery of a pistol or semiautomatic military-style assault weapon to a person
9.4 for the purpose of repair, reconditioning or remodeling;

9.5 (4) a loan by a teacher to a student in a course designed to teach marksmanship or safety
9.6 with a pistol and approved by the commissioner of natural resources;

9.7 (5) a loan between persons at a firearms collectors exhibition;

9.8 (6) a loan between persons lawfully engaged in hunting or target shooting if the loan is
9.9 intended for a period of no more than 12 hours;

9.10 (7) a loan between law enforcement officers who have the power to make arrests other
9.11 than citizen arrests; and

9.12 (8) a loan between employees or between the employer and an employee in a business
9.13 if the employee is required to carry a pistol or semiautomatic military-style assault weapon
9.14 by reason of employment and is the holder of a valid permit to carry a pistol.

9.15 Subd. 13. **Appeal.** (a) A person aggrieved by the determination of a chief of police or
9.16 sheriff that the person is prohibited by section 624.713 from possessing a pistol or
9.17 semiautomatic military-style assault weapon may appeal the determination as provided in
9.18 this subdivision. The district court shall have jurisdiction of proceedings under this
9.19 subdivision. under subdivision 5 may appeal by petition to the district court having
9.20 jurisdiction over the county or municipality where the application was submitted. The
9.21 petition must list the applicable chief of police or sheriff as the respondent. The district
9.22 court must hold a hearing at the earliest practicable date and in any event no later than 60
9.23 days following the filing of the petition for review. The court may not grant or deny any
9.24 relief before the completion of the hearing. The record of the hearing must be sealed. The
9.25 matter must be heard de novo without a jury.

9.26 ~~On review pursuant to this subdivision, the court shall be limited to a determination of~~
9.27 ~~whether the proposed transferee is a person prohibited from possessing a pistol or~~
9.28 ~~semiautomatic military-style assault weapon by section 624.713.~~

9.29 (b) The court must issue written findings of fact and conclusions of law regarding the
9.30 issues submitted by the parties. The court must issue its writ of mandamus directing that
9.31 the permit be issued and order other appropriate relief unless the chief of police or sheriff
9.32 establishes by clear and convincing evidence that:

9.33 (1) the applicant is disqualified under state or federal law from possession of firearms;

10.1 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
 10.2 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
 10.3 investigated and documented may not be considered; or

10.4 (3) the applicant is listed in the criminal gang investigative data system under section
 10.5 299C.091.

10.6 (c) If an application is denied because the proposed transferee is listed in the criminal
 10.7 gang investigative data system under section 299C.091, the proposed transferee may
 10.8 challenge the denial, after disclosure under court supervision of the reason for that listing,
 10.9 based on grounds that the person:

10.10 (1) was erroneously identified as a person in the data system;

10.11 (2) was improperly included in the data system according to the criteria outlined in
 10.12 section 299C.091, subdivision 2, paragraph (b); or

10.13 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
 10.14 in the data system.

10.15 ~~Subd. 14. **Transfer to unknown party.** (a) No person shall transfer a pistol or~~
 10.16 ~~semiautomatic military-style assault weapon to another who is not personally known to the~~
 10.17 ~~transferor unless the proposed transferee presents evidence of identity to the transferor.~~

10.18 ~~(b) No person who is not personally known to the transferor shall become a transferee~~
 10.19 ~~of a pistol or semiautomatic military-style assault weapon unless the person presents evidence~~
 10.20 ~~of identity to the transferor.~~

10.21 ~~(c) The evidence of identity shall contain the name, residence address, date of birth, and~~
 10.22 ~~photograph of the proposed transferee; must be made or issued by or under the authority of~~
 10.23 ~~the United States government, a state, a political subdivision of a state, a foreign government,~~
 10.24 ~~a political subdivision of a foreign government, an international governmental or an~~
 10.25 ~~international quasi-governmental organization; and must be of a type commonly accepted~~
 10.26 ~~for the purpose of identification of individuals.~~

10.27 ~~(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault~~
 10.28 ~~weapon in violation of this subdivision is guilty of a misdemeanor.~~

10.29 **Subd. 15. Penalties.** (a) Except as otherwise provided in paragraph (b), a person who
 10.30 does any of the following is guilty of a gross misdemeanor:

10.31 (1) transfers a pistol or semiautomatic military-style assault weapon in violation of
 10.32 subdivisions 1 to 13;

11.1 (2) transfers a pistol or semiautomatic military-style assault weapon to a person who
 11.2 has made a false statement in order to become a transferee, if the transferor knows or has
 11.3 reason to know the transferee has made the false statement;

11.4 (3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

11.5 (4) makes a false statement in order to become a transferee of a pistol or semiautomatic
 11.6 military-style assault weapon knowing or having reason to know the statement is false.

11.7 (b) A person who does either of the following is guilty of a felony:

11.8 (1) transfers a pistol or semiautomatic military-style assault weapon to a person under
 11.9 the age of 18 in violation of subdivisions 1 to 13; or

11.10 (2) transfers a pistol or semiautomatic military-style assault weapon to a person under
 11.11 the age of 18 who has made a false statement in order to become a transferee, if the transferor
 11.12 knows or has reason to know the transferee has made the false statement.

11.13 Subd. 16. **Local regulation.** This section shall be construed to supersede municipal or
 11.14 county regulation of the transfer of pistols.

11.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
 11.16 committed on or after that date.

11.17 Sec. 3. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK**
 11.18 **REQUIRED.**

11.19 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
 11.20 meanings provided in this subdivision.

11.21 (b) "Firearms dealer" means a person who is licensed by the United States Department
 11.22 of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code,
 11.23 title 18, section 923(a).

11.24 (c) "State or federally issued identification" means a document or card made or issued
 11.25 by or under the authority of the United States government or the state that contains the
 11.26 person's name, residence address, date of birth, and photograph and is of a type commonly
 11.27 accepted for the purpose of identification of individuals.

11.28 (d) "Unlicensed person" means a person who does not hold a license under United States
 11.29 Code, title 18, section 923(a).

11.30 Subd. 2. **Background check and evidence of identity.** An unlicensed person is prohibited
 11.31 from transferring a pistol or semiautomatic military-style assault weapon to any other

12.1 unlicensed person, unless: (1) the transfer is made through a firearms dealer as provided
12.2 for in subdivision 3; or (2) the transferee presents a valid transferee permit issued under
12.3 section 624.7131 and a current state or federally issued identification.

12.4 Subd. 3. **Background check conducted by federally licensed firearms dealer.** (a)
12.5 Where both parties to a prospective transfer of a pistol or semiautomatic military-style
12.6 assault weapon are unlicensed persons, the transferor and transferee may appear jointly
12.7 before a federally licensed firearms dealer with the firearm and request that the federally
12.8 licensed firearms dealer conduct a background check on the transferee and facilitate the
12.9 transfer.

12.10 (b) Except as otherwise provided in this section, a federally licensed firearms dealer
12.11 who agrees to facilitate a transfer under this section shall:

12.12 (1) process the transfer as though transferring the firearm from the dealer's inventory to
12.13 the transferee; and

12.14 (2) comply with all requirements of federal and state law that would apply if the firearms
12.15 dealer were making the transfer, including at a minimum all background checks and record
12.16 keeping requirements. The exception to the report of transfer process in section 624.7132,
12.17 subdivision 12, clause (1), does not apply to transfers completed under this subdivision.

12.18 (c) If the transferee is prohibited by federal law from purchasing or possessing the firearm
12.19 or not entitled under state law to possess the firearm, neither the federally licensed firearms
12.20 dealer nor the transferor shall transfer the firearm to the transferee.

12.21 (d) Notwithstanding any other law to the contrary, this section shall not prevent the
12.22 transferor from:

12.23 (1) removing the firearm from the premises of the federally licensed firearms dealer, or
12.24 the gun show or event where the federally licensed firearms dealer is conducting business,
12.25 as applicable, while the background check is being conducted, provided that the transferor
12.26 must return to the federally licensed firearms dealer with the transferee before the transfer
12.27 takes place, and the federally licensed firearms dealer must take possession of the firearm
12.28 in order to complete the transfer; and

12.29 (2) removing the firearm from the business premises of the federally licensed firearms
12.30 dealer if the results of the background check indicate the transferee is prohibited by federal
12.31 law from purchasing or possessing the firearm or not entitled under state law to possess the
12.32 firearm.

13.1 (e) A transferee who consents to participate in a transfer under this subdivision is not
13.2 entitled to have the transfer report returned as provided for in section 624.7132, subdivision
13.3 10.

13.4 (f) A firearms dealer may charge a reasonable fee for conducting a background check
13.5 and facilitating a transfer between the transferor and transferee pursuant to this section.

13.6 **Subd. 4. Record of transfer; required information.** (a) Unless a transfer is made
13.7 through a firearms dealer as provided for in subdivision 3, when two unlicensed persons
13.8 complete the transfer of a pistol or semiautomatic military-style assault weapon, the transferor
13.9 and transferee must complete a record of transfer on a form designed and made publicly
13.10 available without fee for this purpose by the superintendent of the Bureau of Criminal
13.11 Apprehension. Each page of the record of transfer must be signed and dated by the transferor
13.12 and the transferee and contain the serial number of the pistol or semiautomatic military-style
13.13 assault weapon.

13.14 (b) The record of transfer must contain the following information:

13.15 (1) a clear copy of each person's current state or federally issued identification;

13.16 (2) a clear copy of the transferee permit presented by the transferee; and

13.17 (3) a signed statement by the transferee swearing that the transferee is not currently
13.18 prohibited by state or federal law from possessing a firearm.

13.19 (c) The record of transfer must also contain the following information regarding the
13.20 transferred pistol or semiautomatic military-style assault weapon:

13.21 (1) the type of pistol or semiautomatic military-style assault weapon;

13.22 (2) the manufacturer, make, and model of the pistol or semiautomatic military-style
13.23 assault weapon; and

13.24 (3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned
13.25 serial number.

13.26 (d) Both the transferor and the transferee must retain a copy of the record of transfer
13.27 and any attachments to the record of transfer for 10 years from the date of the transfer. A
13.28 copy in digital form shall be acceptable for the purposes of this paragraph.

13.29 **Subd. 5. Compulsory production of a record of transfer; misdemeanor penalty.** (a)
13.30 Unless a transfer was completed under subdivision 3, the transferor and transferee of a pistol
13.31 or semiautomatic military-style assault weapon transferred under subdivision 4 must produce

14.1 the record of transfer when a peace officer requests the record as part of a criminal
14.2 investigation.

14.3 (b) A person who refuses or is unable to produce a record of transfer for a firearm
14.4 transferred under this section in response to a request for production made by a peace officer
14.5 pursuant to paragraph (a) is guilty of a misdemeanor. A prosecution or conviction for
14.6 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime
14.7 committed involving the transferred firearm.

14.8 Subd. 6. **Immunity.** A person is immune to a charge of violating this section if the person
14.9 presents a record of transfer that satisfies the requirements of subdivision 4.

14.10 Subd. 7. **Exclusions.** (a) This section shall not apply to the following transfers:

14.11 (1) a transfer by or to a federally licensed firearms dealer;

14.12 (2) a transfer by or to any law enforcement agency;

14.13 (3) to the extent the transferee is acting within the course and scope of employment and
14.14 official duties, a transfer to:

14.15 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

14.16 (ii) a member of the United States armed forces, the National Guard, or the Reserves of
14.17 the United States armed forces;

14.18 (iii) a federal law enforcement officer; or

14.19 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;

14.20 (4) a transfer between immediate family members, which for the purposes of this section
14.21 means spouses, domestic partners, parents, children, siblings, grandparents, and
14.22 grandchildren;

14.23 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
14.24 or a trust that occurs by operation of law upon the death of the former owner of the firearm;

14.25 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;

14.26 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
14.27 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
14.28 by United States Code, title 18, section 921(a)(13), who each have in their possession a
14.29 valid collector of curio and relics license issued by the United States Department of Justice,
14.30 Bureau of Alcohol, Tobacco, Firearms and Explosives;

14.31 (8) the temporary transfer of a firearm if:

- 15.1 (i) the transfer is necessary to prevent imminent death or great bodily harm; and
- 15.2 (ii) the person's possession lasts only as long as immediately necessary to prevent such
- 15.3 imminent death or great bodily harm;
- 15.4 (9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in
- 15.5 the person's official role as an auctioneer to facilitate or conduct an auction of the firearm;
- 15.6 and
- 15.7 (10) a temporary transfer if the transferee's possession of the firearm following the
- 15.8 transfer is only:
- 15.9 (i) at a shooting range that operates in compliance with the performance standards under
- 15.10 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance
- 15.11 is not required by the governing body of the jurisdiction, at an established shooting range
- 15.12 operated consistently with local law in the jurisdiction;
- 15.13 (ii) at a lawfully organized competition involving the use of a firearm, or while
- 15.14 participating in or practicing for a performance by an organized group that uses firearms as
- 15.15 part of the performance;
- 15.16 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
- 15.17 transferee possesses the firearm and the transferee holds all licenses or permits required for
- 15.18 hunting or trapping;
- 15.19 (iv) at a lawfully organized educational or instructional course and under the direct
- 15.20 supervision of a certified instructor, as that term is defined in section 624.714, subdivision
- 15.21 2a, paragraph (d); or
- 15.22 (v) while in the actual presence of the transferor.
- 15.23 (b) A transfer under this subdivision is permitted only if the transferor has no reason to
- 15.24 believe:
- 15.25 (1) that the transferee is prohibited by federal law from buying or possessing firearms
- 15.26 or not entitled under state law to possess firearms;
- 15.27 (2) if the transferee is under 18 years of age and is receiving the firearm under direct
- 15.28 supervision and control of an adult, that the adult is prohibited by federal law from buying
- 15.29 or possessing firearms or not entitled under state law to possess firearms; or
- 15.30 (3) that the transferee will use or intends to use the firearm in the commission of a crime.
- 15.31 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
- 15.32 committed on or after that date.