

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

S.F. No. 1117

(SENATE AUTHORS: LATZ, Westlin, Mann and Rest)

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; enabling law enforcement and family members to petition

1.3 a court to prohibit people from possessing firearms if they pose a significant danger

1.4 to themselves or others by possessing a firearm; appropriating money; amending

1.5 Minnesota Statutes 2022, section 624.713, subdivision 1; proposing coding for

1.6 new law in Minnesota Statutes, chapters 624; 626.

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

1.8 Section 1. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

1.9 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess

1.10 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause

1.11 (1), any other firearm:

1.12 (1) a person under the age of 18 years except that a person under 18 may possess

1.13 ammunition designed for use in a firearm that the person may lawfully possess and may

1.14 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual

1.15 presence or under the direct supervision of the person's parent or guardian, (ii) for the

1.16 purpose of military drill under the auspices of a legally recognized military organization

1.17 and under competent supervision, (iii) for the purpose of instruction, competition, or target

1.18 practice on a firing range approved by the chief of police or county sheriff in whose

1.19 jurisdiction the range is located and under direct supervision; or (iv) if the person has

1.20 successfully completed a course designed to teach marksmanship and safety with a pistol

1.21 or semiautomatic military-style assault weapon and approved by the commissioner of natural

1.22 resources;

1.23 (2) except as otherwise provided in clause (9), a person who has been convicted of, or

1.24 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in

2.1 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
2.2 includes crimes in other states or jurisdictions which would have been crimes of violence
2.3 as herein defined if they had been committed in this state;

2.4 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
2.5 determination that the person is mentally ill, developmentally disabled, or mentally ill and
2.6 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
2.7 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
2.8 the person's ability to possess a firearm and ammunition has been restored under subdivision
2.9 4;

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

2.17 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
2.18 by a judicial determination that the person is chemically dependent as defined in section
2.19 253B.02, unless the person has completed treatment or the person's ability to possess a
2.20 firearm and ammunition has been restored under subdivision 4. Property rights may not be
2.21 abated but access may be restricted by the courts;

2.22 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
2.23 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
2.24 of the treatment facility discharging or provisionally discharging the officer from the
2.25 treatment facility. Property rights may not be abated but access may be restricted by the
2.26 courts;

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

2.31 (8) except as otherwise provided in clause (9), a person who has been convicted in
2.32 another state of committing an offense similar to the offense described in section 609.224,
2.33 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
2.34 unless three years have elapsed since the date of conviction and, during that time, the person

3.1 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
3.2 subdivision 3, or a similar law of another state;

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

3.7 (10) a person who:

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

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

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

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

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

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

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

3.20 or

3.21 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
3.22 922(g)(8) or (9), as amended through March 1, 2014;

3.23 (11) a person who has been convicted of the following offenses at the gross misdemeanor
3.24 level, unless three years have elapsed since the date of conviction and, during that time, the
3.25 person has not been convicted of any other violation of these sections: section 609.229
3.26 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
3.27 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
3.28 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
3.29 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified
3.30 gross misdemeanor convictions include crimes committed in other states or jurisdictions
3.31 which would have been gross misdemeanors if conviction occurred in this state;

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

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

4.8 (14) a person who is subject to an extreme risk protection order as described in section
 4.9 624.7172 or 624.7174.

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

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

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

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

4.23 Sec. 2. **[624.7171] EXTREME RISK PROTECTION ORDERS.**

4.24 Subdivision 1. Definitions. (a) As used in sections 624.7171 to 624.7178, the following
 4.25 terms have the meanings given.

4.26 (b) "Family or household members" means:

4.27 (1) spouses and former spouses of the respondent;

4.28 (2) parents and children of the respondent;

4.29 (3) persons who are presently residing with the respondent; or

4.30 (4) a person involved in a significant romantic or sexual relationship with the respondent.

5.1 In determining whether persons are in a significant romantic or sexual relationship under
5.2 clause (4), the court shall consider the length of time of the relationship; type of relationship;
5.3 and frequency of interaction between the parties.

5.4 (c) "Firearm" has the meaning given in section 609.666, subdivision 1, paragraph (a).

5.5 (d) "Mental health professional" has the meaning given in section 245I.02, subdivision
5.6 27.

5.7 Subd. 2. **Court jurisdiction.** (a) An application for relief under sections 624.7172 and
5.8 624.7174 may be filed in the county of residence of the respondent except as provided for
5.9 in paragraph (b). Actions under sections 624.7172 and 624.7174 shall be given docket
5.10 priorities by the court.

5.11 (b) At the time of filing, a petitioner may request that the court allow the petitioner to
5.12 appear virtually at all proceedings. If the court denies the petitioner's request for virtual
5.13 participation, the petitioner may refile the petition in the county where the petitioner resides
5.14 or is officed.

5.15 Subd. 3. **Information on petitioner's location or residence.** Upon the petitioner's
5.16 request, information maintained by the court regarding the petitioner's location or residence
5.17 is not accessible to the public and may be disclosed only to court personnel or law
5.18 enforcement for purposes of service of process, conducting an investigation, or enforcing
5.19 an order.

5.20 Subd. 4. **Generally.** (a) There shall exist an action known as a petition for an extreme
5.21 risk protection order, which order shall enjoin and prohibit the respondent from possessing
5.22 or purchasing firearms for as long as the order remains in effect.

5.23 (b) A petition for relief under sections 624.7171 to 624.7178 may be made by the chief
5.24 law enforcement officer, the chief law enforcement officer's designee, a city or county
5.25 attorney, any family or household members of the respondent, or a guardian, as defined in
5.26 section 524.1-201, clause (27), of the respondent.

5.27 (c) A petition for relief shall allege that the respondent poses a significant danger of
5.28 bodily harm to other persons or is at significant risk of suicide by possessing a firearm. The
5.29 petition shall be accompanied by an affidavit made under oath stating specific facts and
5.30 circumstances forming a basis to allege that an extreme risk protection order should be
5.31 granted. The affidavit may include but is not limited to evidence showing any of the factors
5.32 described in section 624.7172, subdivision 2.

6.1 (d) A petition for emergency relief under section 624.7174 shall additionally allege that
6.2 the respondent presents an immediate and present danger of either bodily harm to others or
6.3 of taking their life.

6.4 (e) A petition for relief must describe, to the best of the petitioner's knowledge, the types
6.5 and location of any firearms believed by the petitioner to be possessed by the respondent.

6.6 (f) The court shall provide simplified forms and clerical assistance to help with the
6.7 writing and filing of a petition under this section.

6.8 (g) The state court administrator shall create all forms necessary under sections 624.7171
6.9 to 624.7178.

6.10 (h) The filing fees for an extreme risk protection order under this section are waived for
6.11 the petitioner and respondent. The court administrator, the sheriff of any county in this state,
6.12 and other law enforcement and corrections officers shall perform their duties relating to
6.13 service of process without charge to the petitioner. The court shall direct payment of the
6.14 reasonable costs of service of process if served by a private process server when the sheriff
6.15 or other law enforcement or corrections officer is unavailable or if service is made by
6.16 publication, without requiring the petitioner to make application under section 563.01.

6.17 (i) The court shall advise the petitioner of the right to serve the respondent by alternate
6.18 notice under section 624.7172, subdivision 1, paragraph (e), if the respondent is avoiding
6.19 personal service by concealment or otherwise, and shall assist in the writing and filing of
6.20 the affidavit.

6.21 (j) The court shall advise the petitioner of the right to request a hearing under section
6.22 624.7174. If the petitioner does not request a hearing, the court shall advise the petitioner
6.23 that the respondent may request a hearing and that notice of the hearing date and time will
6.24 be provided to the petitioner by mail at least five days before the hearing.

6.25 (k) Any proceeding under sections 624.7171 to 624.7178 shall be in addition to other
6.26 civil or criminal remedies.

6.27 (l) All health records and other health information provided in a petition or considered
6.28 as evidence in a proceeding under sections 624.7171 to 624.7178 shall be protected from
6.29 public disclosure but may be provided to law enforcement agencies as described in this
6.30 section.

6.31 (m) Any extreme risk protection order or subsequent extension issued under sections
6.32 624.7171 to 624.7178 shall be forwarded by the court administrator within 24 hours to the
6.33 local law enforcement agency with jurisdiction over the residence of the respondent and

7.1 electronically transmitted within three business days to the National Instant Criminal
7.2 Background Check System. When an order expires or is terminated by the court, the court
7.3 must submit a request that the order be removed from the National Instant Background
7.4 Check System. Each appropriate law enforcement agency shall make available to other law
7.5 enforcement officers, through a system for verification, information as to the existence and
7.6 status of any extreme risk protection order issued under sections 624.7171 to 624.7178.

7.7 Subd. 5. **Mental health professionals.** When a mental health professional has a statutory
7.8 duty to warn another of a client's serious threat of physically violent behavior or determines
7.9 that a client presents a significant risk of suicide by possessing a firearm, the mental health
7.10 professional must communicate the threat or risk to the sheriff of the county where the client
7.11 resides and make a recommendation to the sheriff regarding the client's fitness to possess
7.12 firearms.

7.13 Sec. 3. **[624.7172] EXTREME RISK PROTECTION ORDERS ISSUED AFTER**
7.14 **HEARING.**

7.15 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the
7.16 court must schedule and hold a hearing within 14 days from the date the petition was
7.17 received.

7.18 (b) The court shall advise the petitioner of the right to request an emergency extreme
7.19 risk protection order under section 624.7174 separately from or simultaneously with the
7.20 petition under this subdivision.

7.21 (c) The petitioning agency shall be responsible for service of an extreme risk protection
7.22 order issued by the court and shall further be the agency responsible for the execution of
7.23 any legal process required for the seizure and storage of firearms subject to the order. Nothing
7.24 in this provision limits the ability of the law enforcement agency of record from cooperating
7.25 with other law enforcement entities. When a court issues an extreme risk protection order
7.26 for a person who resides on Tribal territory, the chief law enforcement officer of the law
7.27 enforcement agency responsible for serving the order must request the assistance and counsel
7.28 of the appropriate Tribal police department prior to serving the respondent. When the
7.29 petitioner is a family or household member of the respondent, the primary law enforcement
7.30 agency serving the jurisdiction of residency of the respondent shall be responsible for the
7.31 execution of any legal process required for the seizure and storage of firearms subject to
7.32 the order.

7.33 (d) Personal service of notice for the hearing may be made upon the respondent at any
7.34 time up to 48 hours prior to the time set for the hearing, provided that the respondent at the

8.1 hearing may request a continuance of up to 14 days if the respondent is served less than
8.2 five days prior to the hearing, which continuance shall be granted unless there are compelling
8.3 reasons not to do so. If the court grants the requested continuance, and an existing emergency
8.4 order under section 624.7174 will expire due to the continuance, the court shall also issue
8.5 a written order continuing the emergency order pending the new time set for the hearing.

8.6 (e) If personal service cannot be made, the court may order service of the petition and
8.7 any order issued under this section by alternate means. The application for alternate service
8.8 must include the last known location of the respondent; the petitioner's most recent contacts
8.9 with the respondent; the last known location of the respondent's employment; the names
8.10 and locations of the respondent's parents, siblings, children, and other close relatives; the
8.11 names and locations of other persons who are likely to know the respondent's whereabouts;
8.12 and a description of efforts to locate those persons. The court shall consider the length of
8.13 time the respondent's location has been unknown, the likelihood that the respondent's location
8.14 will become known, the nature of the relief sought, and the nature of efforts made to locate
8.15 the respondent. The court shall order service by first class mail, forwarding address requested,
8.16 to any addresses where there is a reasonable possibility that mail or information will be
8.17 forwarded or communicated to the respondent. The court may also order publication, within
8.18 or without the state, but only if it might reasonably succeed in notifying the respondent of
8.19 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
8.20 court-ordered publication.

8.21 (f) When a petitioner who is not the sheriff of the county where the respondent resides,
8.22 the sheriff's designee, or a family or household member files a petition, the petitioner must
8.23 provide notice of the action to the sheriff of the county where the respondent resides. When
8.24 a family or household member is the petitioner, the court must provide notice of the action
8.25 to the sheriff of the county where the respondent resides.

8.26 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by clear and
8.27 convincing evidence that the respondent poses a significant danger to other persons or is at
8.28 significant risk of suicide by possessing a firearm.

8.29 (b) In determining whether to grant the order after a hearing, the court shall consider
8.30 evidence of the following, whether or not the petitioner has provided evidence of the same:

8.31 (1) a history of threats or acts of violence by the respondent directed toward another
8.32 person;

8.33 (2) the history of use, attempted use, or threatened use of physical force by the respondent
8.34 against another person;

9.1 (3) a violation of any court order, including but not limited to orders issued under sections
9.2 624.7171 to 624.7178 or chapter 260C or 518B;

9.3 (4) a prior arrest for a violent felony offense;

9.4 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense
9.5 under section 609.749, or for domestic assault under section 609.2242;

9.6 (6) a conviction for an offense of cruelty to animals under chapter 343;

9.7 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;

9.8 (8) suicide attempts by the respondent or a serious mental illness; and

9.9 (9) whether the respondent is named in an existing order in effect under sections 624.7171
9.10 to 624.7178 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or
9.11 other action under sections 624.7171 to 624.7178 or chapter 518B.

9.12 (c) In determining whether to grant the order after a hearing, the court may:

9.13 (1) subpoena peace officers who have had contact with the respondent to provide written
9.14 or sworn testimony regarding the officer's contacts with the respondent; and

9.15 (2) consider any other evidence that bears on whether the respondent poses a danger to
9.16 others or is at risk of suicide.

9.17 (d) If the court finds there is clear and convincing evidence to issue an extreme risk
9.18 protection order, the court shall issue the order prohibiting the person from possessing or
9.19 purchasing a firearm for the duration of the order. The court shall inform the respondent
9.20 that the respondent is prohibited from possessing or purchasing firearms and shall issue a
9.21 transfer order under section 624.7175. The court shall also give notice to the county attorney's
9.22 office, which may take action as it deems appropriate.

9.23 (e) The court shall determine the length of time the order is in effect, but may not set
9.24 the length of time for less than six months or more than one year, subject to renewal or
9.25 extension under section 624.7173.

9.26 (f) If there is no existing emergency order under section 624.7174 at the time an order
9.27 is granted under this section, the court shall determine by clear and convincing evidence
9.28 whether the respondent presents an immediate and present danger of bodily harm. If the
9.29 court so determines, the transfer order shall include the provisions described in section
9.30 624.7175, paragraph (d).

9.31 (g) If, after a hearing, the court does not issue an order of protection, the court shall
9.32 vacate any emergency extreme risk protection order currently in effect.

10.1 (h) A respondent may waive the respondent's right to contest the hearing and consent
10.2 to the court's imposition of an extreme risk protection order. The court shall seal the petition
10.3 filed under this section and section 624.7174 if a respondent who consents to imposition of
10.4 an extreme risk protection order requests that the petition be sealed, unless the court finds
10.5 that there is clear and convincing evidence that the interests of the public and public safety
10.6 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk
10.7 protection orders based on the respondent being a danger to others shall remain public.
10.8 Extreme risk protection orders issued for respondents who are solely at risk of suicide shall
10.9 not be public.

10.10 **Sec. 4. [624.7173] SUBSEQUENT EXTENSIONS AND TERMINATION.**

10.11 (a) Upon application by any party entitled to petition for an order under section 624.7172,
10.12 and after notice to the respondent and a hearing, the court may extend the relief granted in
10.13 an existing order granted after a hearing under section 624.7172. Application for an extension
10.14 may be made any time within the three months before the expiration of the existing order.
10.15 The court may extend the order if the court makes the same findings by clear and convincing
10.16 evidence as required for granting of an initial order under section 624.7172, subdivision 2,
10.17 paragraph (d). The minimum length of time of an extension is six months and the maximum
10.18 length of time of an extension is one year. The court shall consider the same types of evidence
10.19 as required for the initial order under section 624.7172, subdivision 2, paragraphs (b) and
10.20 (c).

10.21 (b) Upon application by the respondent to an order issued under section 624.7172, the
10.22 court may terminate an order after a hearing at which the respondent shall bear the burden
10.23 of proving by clear and convincing evidence that the respondent does not pose a significant
10.24 danger to other persons or is at significant risk of suicide by possessing a firearm. Application
10.25 for termination may be made one time for every six months an order is in effect. If an order
10.26 has been issued for a period of six months, the respondent may apply for termination one
10.27 time.

10.28 **Sec. 5. [624.7174] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION**
10.29 **ORDER.**

10.30 (a) In determining whether to grant an emergency extreme risk protection order, the
10.31 court shall consider evidence of all facts identified in section 624.7172, subdivision 2,
10.32 paragraphs (b) and (c).

11.1 (b) The court shall advise the petitioner of the right to request an order after a hearing
11.2 under section 624.7172 separately from or simultaneously with the petition.

11.3 (c) If the court finds there is probable cause that (1) the respondent poses a significant
11.4 danger of bodily harm to other persons or is at significant risk of suicide by possessing a
11.5 firearm, and (2) the respondent presents an immediate and present danger of either bodily
11.6 harm to others or of taking their life, the court shall issue an ex parte emergency order
11.7 prohibiting the respondent from possessing or purchasing a firearm for the duration of the
11.8 order. The order shall inform the respondent that the respondent is prohibited from possessing
11.9 or purchasing firearms and shall issue a transfer order under section 624.7175, paragraph
11.10 (d).

11.11 (d) A finding by the court that there is a basis for issuing an emergency extreme risk
11.12 protection order constitutes a finding that sufficient reasons exist not to require notice under
11.13 applicable court rules governing applications for ex parte relief.

11.14 (e) The emergency order shall have a fixed period of 14 days unless a hearing is set
11.15 under section 624.7172 on an earlier date, in which case the order shall expire upon a judge's
11.16 finding that no order is issued under section 624.7172.

11.17 (f) Except as provided in paragraph (g), the respondent shall be personally served
11.18 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
11.19 is requested by the petitioner under section 624.7172, notice of the date set for the hearing.
11.20 If the petitioner does not request a hearing under section 624.7172, an order served on a
11.21 respondent under this section must include a notice advising the respondent of the right to
11.22 request a hearing challenging the issuance of the emergency order, and must be accompanied
11.23 by a form that can be used by the respondent to request a hearing.

11.24 (g) Service of the emergency order may be made by alternate service as provided under
11.25 section 624.7172, subdivision 1, paragraph (e), provided that the petitioner files the affidavit
11.26 required under that subdivision. If the petitioner does not request a hearing under section
11.27 624.7172, the petition mailed to the respondent's residence, if known, must be accompanied
11.28 by the form for requesting a hearing described in paragraph (f).

11.29 **Sec. 6. [624.7175] TRANSFER OF FIREARMS.**

11.30 (a) Except as provided in paragraph (b), upon issuance of an extreme risk protection
11.31 order, the court shall direct the respondent to transfer any firearms the person possesses as
11.32 soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed
11.33 firearms dealer or a law enforcement agency. If the respondent elects to transfer the

12.1 respondent's firearms to a law enforcement agency, the agency must accept the transfer.
12.2 The transfer may be permanent or temporary. A temporary firearm transfer only entitles
12.3 the receiving party to possess the firearm and does not transfer ownership or title. If the
12.4 respondent makes a temporary transfer to a federally licensed firearms dealer, the dealer
12.5 may charge the respondent a reasonable fee to store the firearms. If the temporary transfer
12.6 is made to a law enforcement agency, the agency may not charge the respondent any storage
12.7 or other associated fee. A dealer or agency may establish policies for disposal of abandoned
12.8 firearms, provided these policies require that the respondent be notified prior to disposal of
12.9 abandoned firearms. If a respondent permanently transfers the respondent's firearms to a
12.10 law enforcement agency, the agency must compensate the respondent at fair market value
12.11 and may not charge the respondent any processing or other fees.

12.12 (b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer
12.13 any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a),
12.14 clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title
12.15 27, section 478.11, as amended, to a relative who does not live with the respondent after
12.16 confirming that the relative may lawfully own or possess a firearm.

12.17 (c) The respondent must file proof of transfer as provided in this paragraph.

12.18 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
12.19 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
12.20 proof of transfer must specify whether the firearms were permanently or temporarily
12.21 transferred and must include the name of the respondent, date of transfer, and the serial
12.22 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally
12.23 licensed firearms dealer, the respondent shall, within two business days after being served
12.24 with the order, file a copy of proof of transfer with the law enforcement agency and attest
12.25 that all firearms owned or possessed at the time of the order have been transferred in
12.26 accordance with this section and that the person currently does not possess any firearms. If
12.27 the respondent claims not to own or possess firearms, the respondent shall file a declaration
12.28 of nonpossession with the law enforcement agency attesting that, at the time of the order,
12.29 the respondent neither owned nor possessed any firearms, and that the respondent currently
12.30 neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to
12.31 paragraph (b), the relative must sign an affidavit under oath before a notary public either
12.32 acknowledging that the respondent permanently transferred the respondent's antique firearms,
12.33 curios, or relics to the relative or agreeing to temporarily store the respondent's antique
12.34 firearms, curios, or relics until such time as the respondent is legally permitted to possess

13.1 firearms. To the extent possible, the affidavit shall indicate the serial number, make, and
13.2 model of all antique firearms, curios, or relics transferred by the respondent to the relative.

13.3 (2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
13.4 filed pursuant to this paragraph.

13.5 (d) If a court issues an emergency order under section 624.7174, or makes a finding of
13.6 immediate and present danger under section 624.7172, subdivision 2, paragraph (f), and
13.7 there is probable cause to believe the respondent possesses firearms, the court shall issue a
13.8 search warrant to the local law enforcement agency to take possession of all firearms in the
13.9 respondent's possession as soon as practicable. The chief law enforcement officer, or the
13.10 chief's designee, shall notify the respondent of the option to voluntarily comply with the
13.11 order by surrendering the respondent's firearms to law enforcement prior to execution of
13.12 the search warrant. Only if the respondent refuses to voluntarily comply with the order to
13.13 surrender the respondent's firearms shall the officer or officers tasked with serving the search
13.14 warrant execute the warrant. The local law enforcement agency shall, upon written notice
13.15 from the respondent, transfer the firearms to a federally licensed firearms dealer. Before a
13.16 local law enforcement agency transfers a firearm under this paragraph, the agency shall
13.17 require the federally licensed firearms dealer receiving the firearm to submit a proof of
13.18 transfer that complies with the requirements for proofs of transfer established in paragraph
13.19 (c). The agency shall file all proofs of transfer received by the court within two business
13.20 days of the transfer. A federally licensed firearms dealer who accepts a firearm transfer
13.21 pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting transfer
13.22 directly from the respondent. A law enforcement agency may establish policies for disposal
13.23 of abandoned firearms, provided these policies require that the respondent be notified prior
13.24 to disposal of abandoned firearms.

13.25 **Sec. 7. [624.7176] RETURN OF FIREARMS.**

13.26 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
13.27 temporary transfer of firearms under section 624.7175 shall return the firearms to the
13.28 respondent after the expiration of the order, provided the respondent is not otherwise
13.29 prohibited from possessing firearms under state or federal law.

13.30 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
13.31 transfer of firearms under section 624.7175 shall return the transferred firearms to the
13.32 respondent upon request after the expiration of the order, provided the respondent is not
13.33 otherwise prohibited from possessing firearms under state or federal law. A federally licensed

14.1 firearms dealer returning firearms shall comply with state and federal law as though
14.2 transferring a firearm from the dealer's own inventory.

14.3 Sec. 8. **[624.7177] OFFENSES.**

14.4 Subdivision 1. **False information or harassment.** A person who petitions for an extreme
14.5 risk protection order under section 624.7172 or 624.7174, knowing any information in the
14.6 petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a
14.7 gross misdemeanor.

14.8 Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should
14.9 have known that the person is prohibited from doing so by an extreme risk protection order
14.10 under section 624.7172 or 624.7174, or by an order of protection granted by a judge or
14.11 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor
14.12 and shall be prohibited from possessing firearms for a period of five years. Each extreme
14.13 risk protection order granted under this chapter must contain a conspicuous notice to the
14.14 respondent regarding the penalty for violation of the order.

14.15 Sec. 9. **[624.7178] LIABILITY PROTECTION.**

14.16 Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, the
14.17 chief law enforcement officer's designee, or a city or county attorney who, in good faith,
14.18 decides not to petition for an extreme risk protection order or emergency extreme risk
14.19 protection order shall be immune from criminal or civil liability.

14.20 Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall
14.21 be immune from civil or criminal liability for any damage or deterioration of firearms,
14.22 ammunition, or weapons stored or transported pursuant to section 624.7175. This subdivision
14.23 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
14.24 negligence, or intentional misconduct by the law enforcement agency.

14.25 Subd. 3. **Liability protection for harm following service of an order or execution of**
14.26 **a search warrant.** A peace officer, law enforcement agency, and the state or a political
14.27 subdivision by which a peace officer is employed has immunity from any liability, civil or
14.28 criminal, for harm caused by a person who is the subject of an extreme risk protection order,
14.29 a search warrant issued pursuant to section 624.7175, paragraph (d), or both, after service
14.30 of the order or execution of the warrant, whichever comes first, if the peace officer acts in
14.31 good faith in serving the order or executing the warrant.

15.1 Subd. 4. **Liability protection for mental health professionals.** A mental health
15.2 professional who provides notice to the sheriff under section 626.7171, subdivision 5, is
15.3 immune from monetary liability and no cause of action, or disciplinary action by the person's
15.4 licensing board may arise against the mental health professional for disclosure of confidences
15.5 to the sheriff, for failure to disclose confidences to the sheriff, or for erroneous disclosure
15.6 of confidences to the sheriff in a good faith effort to warn against or take precautions against
15.7 a client's violent behavior or threat of suicide.

15.8 Sec. 10. **[626.8481] EXTREME RISK PROTECTION ORDER; DEVELOPMENT**
15.9 **OF MODEL PROCEDURES.**

15.10 By December 1, 2023, the Peace Officer Standards and Training Board, after consulting
15.11 with the National Alliance on Mental Illness Minnesota, the Minnesota County Attorneys
15.12 Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association,
15.13 and the Minnesota Police and Peace Officers Association, shall develop model procedures
15.14 and standards for the storage of firearms transferred to law enforcement under section
15.15 624.7175.

15.16 Sec. 11. **APPROPRIATION.**

15.17 \$250,000 in fiscal year 2024 and \$250,000 in fiscal year 2025 are appropriated to the
15.18 commissioner of public safety from the general fund to reimburse law enforcement agencies
15.19 that have paid compensation to extreme risk protection order respondents who have
15.20 permanently transferred a firearm to the agency in compliance with Minnesota Statutes,
15.21 section 624.7175, or that have incurred storage-related costs for the storage of a firearm
15.22 temporarily transferred to the agency under that law. The commissioner shall designate a
15.23 process for agencies to apply for reimbursements under this section. Reimbursements are
15.24 limited to money appropriated for this purpose.

15.25 Sec. 12. **EFFECTIVE DATE.**

15.26 Sections 1 to 9 are effective January 1, 2024, and apply to firearm permit background
15.27 checks made on or after that date.