

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 5153

(SENATE AUTHORS: GUSTAFSON)

DATE	D-PG	OFFICIAL STATUS
03/21/2024	12529	Introduction and first reading Referred to Judiciary and Public Safety
04/02/2024	12930a	Comm report: To pass as amended and re-refer to Finance (Non-revisor companion) HF2609
04/24/2024		Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to public safety; requiring a report on gun trafficking investigations and

1.3 firearm seizures by the Bureau of Criminal Apprehension and Violent Crime

1.4 Enforcement Teams; amending the definition of trigger activator; increasing

1.5 penalties for transferring firearms to certain persons who are ineligible to possess

1.6 firearms; amending Minnesota Statutes 2022, section 624.7141; Minnesota Statutes

1.7 2023 Supplement, sections 299A.642, subdivision 15; 609.67, subdivision 1.

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

1.9 Section 1. Minnesota Statutes 2023 Supplement, section 299A.642, subdivision 15, is

1.10 amended to read:

1.11 Subd. 15. **Required reports.** (a) By February 1 of each year, the commissioner of public

1.12 safety shall submit the following reports to the chairs and ranking minority members of the

1.13 senate and house of representatives committees and divisions having jurisdiction over

1.14 criminal justice policy and funding:

1.15 (1) a report containing a summary of all audits conducted on multijurisdictional entities

1.16 under subdivision 4;

1.17 (2) a report on the results of audits conducted on data submitted to the criminal gang

1.18 investigative data system under section 299C.091;

1.19 (3) a report on the activities and goals of the coordinating council; and

1.20 (4) a report on how funds appropriated for violent crime reduction strategies were used.

1.21 (b) The report submitted under paragraph (a), clause (4), must include the following

1.22 information regarding actions taken by the Bureau of Criminal Apprehension and Violent

1.23 Crime Enforcement Teams receiving funding under this section:

- 2.1 (1) the number of firearms seized;
2.2 (2) the number of gun trafficking investigations conducted; and
2.3 (3) a summary of the types of investigations conducted.

2.4 Sec. 2. Minnesota Statutes 2023 Supplement, section 609.67, subdivision 1, is amended
2.5 to read:

2.6 Subdivision 1. **Definitions.** (a) "Machine gun" means any firearm designed to discharge,
2.7 or capable of discharging automatically more than once by a single function of the trigger.

2.8 (b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended
2.9 to be fired from the shoulder and uses the energy of the explosive in a fixed shotgun shell
2.10 to fire through a smooth bore either a number of ball shot or a single projectile for each
2.11 single pull of the trigger.

2.12 (c) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18
2.13 inches in length and any weapon made from a shotgun if such weapon as modified has an
2.14 overall length less than 26 inches.

2.15 (d) "Trigger activator" means:

2.16 (1) a removable manual or power driven trigger activating device constructed and
2.17 designed so that, when attached to a firearm, the rate at which the trigger may be pulled
2.18 increases and the rate of fire of the firearm increases to that of a machine gun; or

2.19 (2) a device that allows a semiautomatic firearm to shoot more than one shot with a
2.20 single pull of the trigger, a single pull and release of the trigger, or by harnessing the recoil
2.21 of energy of the semiautomatic firearm to which it is affixed so that the trigger resets and
2.22 continues firing without additional physical manipulation of the trigger.

2.23 (e) "Machine gun conversion kit" means any part or combination of parts designed and
2.24 intended for use in converting a weapon into a machine gun, and any combination of parts
2.25 from which a machine gun can be assembled, but does not include a spare or replacement
2.26 part for a machine gun that is possessed lawfully under section 609.67, subdivision 3.

2.27 **EFFECTIVE DATE.** This section is effective January 1, 2025.

3.1 Sec. 3. Minnesota Statutes 2022, section 624.7141, is amended to read:

3.2 **624.7141 TRANSFER TO INELIGIBLE PERSON.**

3.3 Subdivision 1. **Transfer prohibited.** (a) A person is guilty of a gross misdemeanor who
 3.4 felony and may be sentenced to imprisonment for up to two years and to payment of a fine
 3.5 of not more than \$10,000 if the person intentionally transfers a pistol or semiautomatic
 3.6 military-style assault weapon firearm to another if and the person knows or reasonably
 3.7 should know that the transferee:

3.8 (1) has been denied a permit to carry under section 624.714 because the transferee is
 3.9 not eligible under section 624.713 to possess a pistol or semiautomatic military-style assault
 3.10 weapon or any other firearm;

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

3.14 (3) is disqualified under section 624.713 from possessing a pistol or semiautomatic
 3.15 military-style assault weapon or any other firearm.

3.16 (b) Paragraph (a) does not apply to the transfer of a firearm other than a pistol or
 3.17 semiautomatic military-style assault weapon to a person under the age of 18 who is not
 3.18 disqualified from possessing any other firearm.

3.19 Subd. 2. **Felony Aggravated offense.** A violation of this section is a felony person who
 3.20 violates this section may be sentenced to imprisonment for up to five years and to payment
 3.21 of a fine of not more than \$20,000 if the transferee possesses or uses the weapon within one
 3.22 year after the transfer in furtherance of a felony crime of violence.

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

3.27 Subd. 4. **Affirmative defense.** (a) As used in this subdivision:

3.28 (1) "family or household member" has the meaning given in section 518B.01, subdivision
 3.29 2, paragraph (b); and

3.30 (2) "substantial emotional distress" has the meaning given in section 609.749, subdivision
 3.31 2, paragraph (a).

4.1 (b) If proven by a preponderance of the evidence, it is an affirmative defense to a violation
4.2 of this section that the defendant committed the violation only under compulsion by the
4.3 transferee, who by explicit or implicit threats or other acts created a reasonable apprehension
4.4 in the mind of the defendant that the refusal of the defendant to participate in the violation
4.5 would result in the transferee inflicting substantial bodily harm, substantial emotional
4.6 distress, or death on the defendant or a family or household member of the defendant.

4.7 (c) The court may consider any evidence of past domestic abuse, domestic or
4.8 non-domestic assault, criminal sexual conduct, sexual extortion, sex trafficking, labor
4.9 trafficking, harassment or stalking, or any other violent crime, or threats to commit any of
4.10 these crimes by the transferee toward the defendant or another when determining the
4.11 applicability of this subdivision. Past prosecution is not required for the court to consider
4.12 evidence of these crimes. Nothing in this paragraph limits the court's authority to consider
4.13 other relevant evidence when determining the applicability of this subdivision.

4.14 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
4.15 committed on or after that date.