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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 396

01/17/2023 Authored by Becker-Finn, Moller, Pinto, Curran, Hansen, R., and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; requiring the safe storage of firearms and ammunition;
1.3 requiring a locking device to be included in each firearm transfer; imposing criminal
1.4 penalties; proposing coding for new law in Minnesota Statutes, chapter 624;
1.5 repealing Minnesota Statutes 2022, section 609.666.

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

1.7 Section 1. 624.7163 FIREARM AND AMMUNITION STORAGE
1.8 REQUIREMENTS.

1.9 Subdivision 1. Storage. The owner of a firearm must take reasonable action to secure
1.10 the firearm when it is not carried or under the control of the owner or an authorized user.
1.11 For this purpose, reasonable action requires a firearm to be stored unloaded with a locking
1.12 device and separately from its ammunition.

1.13 Subd. 2. Transfer. No person shall transfer a firearm to another person without an
1.14 appropriate locking device unless the transferee provides proof of ownership of a locking
1.15 device capable of storing the firearm in compliance with subdivision 1. The transferee must
1.16 own a sufficient number of locking devices to secure each firearm the transferee owns.

1.17 Subd. 3. Penalty. (a) A person who violates subdivision 1 is guilty of a misdemeanor.
1.18 (b) A person who violates subdivision 1 is guilty of a gross misdemeanor if a firearm
1.19 that belongs to the person is not secured and is either loaded or in the immediate area of the
1.20 unsecured firearm's ammunition.

1.21 (c) A person who violates subdivision 1 is guilty of a felony and may be sentenced to
1.22 18 months in prison or a fine of up to \$5,000, or both, if a loaded, unsecured firearm that

2.1 belongs to the person is accessed by a child or a person prohibited from possessing firearms
2.2 under section 624.713, subdivision 1.

2.3 (d) A person who violates subdivision 1 is guilty of a felony and may be sentenced to
2.4 five years in prison or a fine of up to \$25,000, or both, if an unsecured firearm that belongs
2.5 to the person is used in a felony crime of violence or to inflict substantial or great bodily
2.6 harm on, or to cause the death of, someone other than the owner of the firearm.

2.7 (e) A person who violates subdivision 2 is guilty of a misdemeanor.

2.8 Subd. 4. **Limitations.** Subdivision 3, paragraphs (a) to (d), do not apply if access to the
2.9 firearm was obtained as a result of an unlawful entry into a structure where the firearm is
2.10 located.

2.11 Subd. 5. **Definitions.** (a) For purposes of this section, the following terms have the
2.12 meanings provided.

2.13 (b) "Child" means a person under the age of 18 years.

2.14 (c) "Firearm" means a device designed to be used as a weapon, from which is expelled
2.15 a projectile by the force of any explosion or force of combustion.

2.16 (d) "Loaded" means the firearm has ammunition in the chamber or magazine, if the
2.17 magazine is in the firearm.

2.18 (e) "Locking device" means a feature of a firearm or an external device that renders the
2.19 firearm inaccessible or inoperable, or both, to children and unauthorized users. Locking
2.20 device includes but is not limited to the following: a biometric lock; a trigger lock; a barrel
2.21 lock; a cylinder lock; a gun vault; a locked cabinet; a locked box; or any other appropriate
2.22 locked container.

2.23 Sec. 2. **REPEALER.**

2.24 Minnesota Statutes 2022, section 609.666, is repealed.

609.666 NEGLIGENT STORAGE OF FIREARMS.

Subdivision 1. **Definitions.** For purposes of this section, the following words have the meanings given.

(a) "Firearm" means a device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion.

(b) "Child" means a person under the age of 18 years.

(c) "Loaded" means the firearm has ammunition in the chamber or magazine, if the magazine is in the firearm, unless the firearm is incapable of being fired by a child who is likely to gain access to the firearm.

Subd. 2. **Access to firearms.** A person is guilty of a gross misdemeanor who negligently stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access, unless reasonable action is taken to secure the firearm against access by the child.

Subd. 3. **Limitations.** Subdivision 2 does not apply to a child's access to firearms that was obtained as a result of an unlawful entry.