

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3476

(SENATE AUTHORS: DIBBLE and Kent)

DATE
03/15/2018

D-PG
6524 Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; prohibiting transfer of a firearm without a safety device;
1.3 requiring rules and standards to be adopted for firearm safety devices; imposing
1.4 criminal penalties; appropriating money; proposing coding for new law in
1.5 Minnesota Statutes, chapter 299C.

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

1.7 Section 1. **[299C.80] FIREARMS SAFETY DEVICES; MINIMUM STANDARDS;**
1.8 **DEVICES REQUIRED.**

1.9 Subdivision 1. **Definitions.** As used in this section:

1.10 (1) "commissioner" means the commissioner of public safety;

1.11 (2) "firearm safety device" means a device, other than a gun safe, that locks and is
1.12 designed to prevent children and other unauthorized users from firing a firearm; and

1.13 (3) "transfer" means a sale, gift, loan, assignment, or other delivery to another, whether
1.14 or not for consideration.

1.15 Subd. 2. **Minimum standards; rules required.** The commissioner shall adopt rules
1.16 setting minimum standards for firearm safety devices and for firearms that have firearm
1.17 safety devices incorporated into their design. In adopting the rules, the commissioner shall
1.18 study the minimum standards set by other states for these items and incorporate the best
1.19 elements from those states into the standards.

1.20 Subd. 3. **Required testing.** (a) A manufacturer of a firearm safety device or a firearm
1.21 that has a firearm safety device incorporated into the firearm's design or any other interested
1.22 party that wishes to sell the device or firearm in Minnesota may submit a representative
1.23 model of the item to the commissioner for testing. The commissioner shall conduct an

2.1 independent test on the item to determine if it meets the minimum standards adopted under
2.2 subdivision 2.

2.3 (b) The commissioner shall maintain and continually update a list of firearm safety
2.4 devices and firearms that have been tested under paragraph (a) and have been determined
2.5 to have met the minimum standards adopted under subdivision 2. This list must be published
2.6 on the department's Web site and be made readily available to the public.

2.7 Subd. 4. **Prohibition of transfers.** (a) No firearm safety device may be transferred of
2.8 a type that has not been tested and approved under this section.

2.9 (b) No firearm may be transferred that is not accompanied with a firearm safety device
2.10 of a type tested and approved by the commissioner under this section. The transferor of a
2.11 firearm is required to provide the device to the transferee at the time of the transfer. This
2.12 paragraph does not apply if:

2.13 (1) the firearm has a firearm safety device incorporated into the firearm's design and the
2.14 firearm is of a type that has been tested and approved by the commissioner under this section;
2.15 or

2.16 (2) the transferee presents at the time of transfer a firearm safety device of a type that
2.17 has been tested and approved by the commissioner under this section and that is compatible
2.18 with the firearm being transferred.

2.19 Subd. 5. **Penalty.** A person who knowingly violates this section is guilty of a
2.20 misdemeanor.

2.21 Subd. 6. **Exceptions.** This section does not apply to:

2.22 (1) transfers of antique firearms;

2.23 (2) a loan that is intended to be for a period of no more than one day;

2.24 (3) the delivery of a pistol to a person for the purpose of repair, reconditioning, or
2.25 remodeling;

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

2.28 (5) a loan between persons lawfully engaged in hunting or target shooting if the loan is
2.29 intended for a period of no more than seven days;

2.30 (6) a loan between peace officers;

3.1 (7) a transfer to a peace officer or member of the armed forces of the United States or
3.2 the state National Guard;

3.3 (8) a transfer to a federally licensed firearms dealer; or

3.4 (9) a transfer between adult immediate family members, which for the purposes of this
3.5 section means spouses, domestic partners, parents, step-parents, children, step-children,
3.6 siblings, step-siblings, grandparents, step-grandparents, grandchildren, and
3.7 step-grandchildren.

3.8 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
3.9 committed on or after that date.

3.10 Sec. 2. **APPROPRIATION.**

3.11 \$..... is appropriated to the commissioner of public safety from the general fund for the
3.12 fiscal year ending June 30, 2019, to implement section 1.