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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. **4360**

04/12/2018 Authored by Murphy, E., and Ward
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; firearms; requiring criminal background checks for pistol
1.3 transfers; excepting certain transfers; enabling law enforcement and family members
1.4 to petition a court to prohibit people from possessing firearms if they pose a
1.5 significant danger to themselves or others by possessing a firearm; prohibiting the
1.6 transfer of semiautomatic military-style assault weapons; prohibiting the transfer
1.7 of large-capacity magazines; establishing a semiautomatic military-style assault
1.8 weapon and large capacity magazine buyback program; clarifying that a slide-fire
1.9 stock for a semiautomatic firearm is a trigger activator; providing criminal penalties;
1.10 appropriating money; amending Minnesota Statutes 2016, sections 609.66, by
1.11 adding a subdivision; 609.67, subdivision 1; 624.712, by adding a subdivision;
1.12 624.713, subdivision 1; 624.7132, subdivision 12; proposing coding for new law
1.13 in Minnesota Statutes, chapter 624; repealing Minnesota Statutes 2016, sections
1.14 609.66, subdivision 1f; 624.7132, subdivision 14.

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

1.16 ARTICLE 1

1.17 FIREARMS TRANSFERS

1.18 Section 1. Minnesota Statutes 2016, section 609.66, is amended by adding a subdivision
1.19 to read:

1.20 Subd. 1i. Transfer of a pistol without background check. A transferor who voluntarily
1.21 transfers a pistol, or a transferee who voluntarily receives a pistol, in violation of section
1.22 624.7134:

1.23 (1) for a first conviction, is guilty of a gross misdemeanor; and

1.24 (2) for a second or subsequent conviction, is guilty of a felony and may be sentenced to
1.25 imprisonment for not more than two years or to payment of a fine of not more than \$5,000,
1.26 or both.

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

2.3 Sec. 2. Minnesota Statutes 2016, section 609.67, subdivision 1, is amended to read:

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

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

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

2.13 (d) "Trigger activator" means a removable manual or power driven trigger activating
2.14 device constructed and designed so that, when attached to a firearm, the rate at which the
2.15 trigger may be pulled increases and the rate of fire of the firearm increases to approximate
2.16 that of a machine gun. For purposes of this section, a device that is designed to use the recoil
2.17 of a semiautomatic firearm to enable a shooter to fire multiple shots in rapid succession,
2.18 commonly known as a slide-fire or bump-fire stock, is a trigger activator.

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

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2018.

2.24 Sec. 3. Minnesota Statutes 2016, section 624.712, is amended by adding a subdivision to
2.25 read:

2.26 Subd. 13. **Large-capacity magazine.** "Large-capacity magazine" means any ammunition
2.27 feeding device with the capacity to accept more than 12 rounds, or any conversion kit, part,
2.28 or combination of parts, from which this type of device can be assembled if those parts are
2.29 in the possession or under the control of the same person. The term does not include any of
2.30 the following:

2.31 (1) a feeding device that has been permanently altered so that it cannot accommodate
2.32 more than 12 rounds;

3.1 (2) a .22 caliber tube ammunition feeding device; or

3.2 (3) a tubular magazine that is contained in a lever-action firearm.

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

3.5 Sec. 4. Minnesota Statutes 2016, section 624.7132, subdivision 12, is amended to read:

3.6 Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision ~~4f~~
 3.7 1i, this section shall not apply to transfers of antique firearms as curiosities or for their
 3.8 historical significance or value, transfers to or between federally licensed firearms dealers,
 3.9 transfers by order of court, involuntary transfers, transfers at death or the following transfers:

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

3.11 (2) a transfer facilitated by a federally licensed firearms dealer as provided in section
 3.12 624.7134;

3.13 (3) a loan to a prospective transferee if the loan is intended for a period of no more than
 3.14 one day;

3.15 ~~(3)~~ (4) the delivery of a pistol or semiautomatic military-style assault weapon to a person
 3.16 for the purpose of repair, reconditioning or remodeling;

3.17 ~~(4)~~ (5) a loan by a teacher to a student in a course designed to teach marksmanship or
 3.18 safety with a pistol and approved by the commissioner of natural resources;

3.19 ~~(5)~~ (6) a loan between persons at a firearms collectors exhibition;

3.20 ~~(6)~~ (7) a loan between persons lawfully engaged in hunting or target shooting if the loan
 3.21 is intended for a period of no more than 12 hours;

3.22 ~~(7)~~ (8) a loan between law enforcement officers who have the power to make arrests
 3.23 other than citizen arrests; and

3.24 ~~(8)~~ (9) a loan between employees or between the employer and an employee in a business
 3.25 if the employee is required to carry a pistol or semiautomatic military-style assault weapon
 3.26 by reason of employment and is the holder of a valid permit to carry a pistol.

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

4.1 Sec. 5. **[624.7134] TRANSFERS OF PISTOLS BY UNLICENSED PERSONS;**
4.2 **BACKGROUND CHECK REQUIRED.**

4.3 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
4.4 meanings given them.

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

4.8 (c) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
4.9 paragraph (f).

4.10 (d) "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
4.11 (c).

4.12 (e) "Person" means an individual; corporation; business trust; estate; trust; partnership;
4.13 limited liability company; association; joint venture; government; governmental subdivision,
4.14 agency, or instrumentality; or any other legal or commercial entity.

4.15 (f) "Transfer" means a sale, gift, loan, assignment, or other delivery to another, whether
4.16 or not for consideration, of a pistol.

4.17 (g) "Transferee" means an unlicensed person who wishes or intends to receive a transfer
4.18 from another unlicensed person, whether or not for consideration.

4.19 (h) "Transferor" means an unlicensed person who wishes or intends to make a transfer
4.20 to another unlicensed person, whether or not for consideration.

4.21 (i) "Unlicensed person" means a person who does not hold a license under United States
4.22 Code, title 18, section 923(a).

4.23 Subd. 2. **Background check required.** Except as provided in this section:

4.24 (1) each transfer occurring in whole or in part in the state shall be preceded by a
4.25 background check on the transferee; and

4.26 (2) no transferor shall transfer a pistol and no transferee shall receive a pistol unless the
4.27 transferee first complies with this section.

4.28 Subd. 3. **Background check conducted by federally licensed firearms dealer.** Where
4.29 both parties to a prospective transfer are unlicensed persons, the transferor and transferee
4.30 shall appear jointly before a federally licensed firearms dealer with the pistol and request
4.31 that the federally licensed firearms dealer conduct a background check on the transferee
4.32 and facilitate the transfer.

5.1 Subd. 4. **Compliance with law.** Except as otherwise provided in this section, a federally
5.2 licensed firearms dealer who agrees to facilitate a transfer under this section shall:

5.3 (1) process the transfer as though transferring the pistol from its own inventory to the
5.4 transferee; and

5.5 (2) comply with all requirements of federal and state law that would apply if the firearms
5.6 dealer were making the transfer, including at a minimum all background check and record
5.7 keeping requirements.

5.8 Subd. 5. **Transfer prohibited.** If the transferee is prohibited by federal law from
5.9 purchasing or possessing the pistol or not entitled under state law to possess the pistol,
5.10 neither the federally licensed firearms dealer nor the transferor shall transfer the pistol to
5.11 the transferee.

5.12 Subd. 6. **Leaving firearm with federally licensed dealer.** Notwithstanding any other
5.13 law to the contrary, this section shall not prevent the transferor from:

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

5.20 (2) removing the firearm from the business premises of the federally licensed firearms
5.21 dealer if the results of the background check indicate the transferee is prohibited by federal
5.22 law from purchasing or possessing the firearm, or not entitled under state law to possess
5.23 the firearm.

5.24 Subd. 7. **Report of transfer not required.** As provided under section 624.7132,
5.25 subdivision 12, clause (1), where both parties to a transfer are unlicensed persons, there is
5.26 no requirement to make a transfer report either for the unlicensed persons or for the federally
5.27 licensed firearms dealer facilitating the transfer.

5.28 Subd. 8. **Dealer fee.** A federally licensed firearms dealer may charge a reasonable fee
5.29 for conducting a background check and facilitating a transfer between the transferor and
5.30 transferee pursuant to this section.

5.31 Subd. 9. **Exclusions.** This section shall not apply to the following transfers:

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

6.1 (2) a transfer by or to any law enforcement agency or, to the extent an employee of the
6.2 agency is acting within the course and scope of employment and official duties, a peace
6.3 officer; law enforcement officer; corrections officer; member of the armed forces of the
6.4 United States, the National Guard, or the Reserves of the United States armed forces; federal
6.5 law enforcement officer; or security guard employed by a protective agent licensed pursuant
6.6 to chapter 326;

6.7 (3) a transfer between immediate family members, which for the purposes of this section
6.8 means spouses, domestic partners, parents, stepparents, children, stepchildren, siblings,
6.9 stepsiblings, grandparents, step-grandparents, grandchildren, and step-grandchildren;

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

6.12 (5) a transfer of an antique pistol as defined in section 624.712, subdivision 3;

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

6.18 (7) a temporary transfer to a transferee who is not prohibited by federal law from
6.19 purchasing or possessing firearms, and is entitled under state law to possess firearms, if the
6.20 transfer:

6.21 (i) is necessary to prevent imminent death or great bodily harm; and

6.22 (ii) lasts only as long as immediately necessary to prevent imminent death or great bodily
6.23 harm; and

6.24 (8) a temporary transfer if the transferor has no reason to believe that the transferee will
6.25 use or intends to use the firearm in the commission of a crime and the transfer occurs and
6.26 the transferee's possession of the firearm following the transfer is only:

6.27 (i) at a shooting range that operates in compliance with the performance standards under
6.28 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2; or, if compliance
6.29 is not required by the governing body of the jurisdiction, at an established shooting range
6.30 operated consistently with local law in the jurisdiction;

6.31 (ii) at a lawfully organized competition involving the use of a firearm, or while
6.32 participating in or practicing for a performance by an organized group that uses firearms as
6.33 part of the performance;

7.1 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
 7.2 transferee possesses the firearm and the transferee holds all licenses or permits required for
 7.3 hunting or trapping; or

7.4 (iv) while in the actual presence of the transferor provided that any transfer under this
 7.5 clause is permitted only if the transferor has no reason to believe that the transferee is
 7.6 prohibited by federal law from buying or possessing firearms or not entitled under state law
 7.7 to possess firearms.

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

7.10 **Sec. 6. [624.7135] TRANSFER OF SEMIAUTOMATIC MILITARY-STYLE**
 7.11 **ASSAULT WEAPONS PROHIBITED.**

7.12 Subdivision 1. **Definition.** As used in this section, "transfer" means to sell, gift, loan,
 7.13 assign, or otherwise deliver to another, whether or not for consideration, a semiautomatic
 7.14 weapon.

7.15 Subd. 2. **Prohibition.** It is unlawful to transfer a semiautomatic military-style assault
 7.16 weapon.

7.17 Subd. 3. **Exceptions.** Subdivision 2 does not apply to:

7.18 (1) a transfer by or to any law enforcement agency or, to the extent an employee of the
 7.19 agency is acting within the course and scope of employment and official duties, a peace
 7.20 officer; law enforcement officer; corrections officer; member of the armed forces of the
 7.21 United States, the National Guard, or the Reserves of the United States armed forces; federal
 7.22 law enforcement officer; or security guard employed by a protective agent licensed pursuant
 7.23 to chapter 326;

7.24 (2) a transfer between immediate family members, which for the purposes of this section
 7.25 means spouses, domestic partners, parents, stepparents, children, stepchildren, siblings,
 7.26 stepsiblings, grandparents, step-grandparents, grandchildren, and step-grandchildren;

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

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

7.30 (5) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
 7.31 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
 7.32 by United States Code, title 18, section 921(a)(13), who each have in their possession a

8.1 valid collector of curio and relics license issued by the United States Department of Justice,
8.2 Bureau of Alcohol, Tobacco, Firearms and Explosives;

8.3 (6) a temporary transfer to a transferee who is not prohibited by federal law from
8.4 purchasing or possessing firearms, and is entitled under state law to possess firearms, if the
8.5 transfer:

8.6 (i) is necessary to prevent imminent death or great bodily harm; and

8.7 (ii) lasts only as long as immediately necessary to prevent imminent death or great bodily
8.8 harm; and

8.9 (7) a temporary transfer if the transferor has no reason to believe that the transferee will
8.10 use or intends to use the firearm in the commission of a crime and the transfer occurs and
8.11 the transferee's possession of the firearm following the transfer is only:

8.12 (i) at a shooting range that operates in compliance with the performance standards under
8.13 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2; or, if compliance
8.14 is not required by the governing body of the jurisdiction, at an established shooting range
8.15 operated consistently with local law in the jurisdiction;

8.16 (ii) at a lawfully organized competition involving the use of a firearm, or while
8.17 participating in or practicing for a performance by an organized group that uses firearms as
8.18 part of the performance;

8.19 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
8.20 transferee possesses the firearm and the transferee holds all licenses or permits required for
8.21 hunting or trapping; or

8.22 (iv) while in the actual presence of the transferor provided that any transfer under this
8.23 clause is permitted only if the transferor has no reason to believe that the transferee is
8.24 prohibited by federal law from buying or possessing firearms or not entitled under state law
8.25 to possess firearms.

8.26 Subd. 4. **Penalty.** A person who violates subdivision 2 is guilty of a gross misdemeanor.

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

9.1 Sec. 7. [624.7136] TRANSFER OF LARGE-CAPACITY MAGAZINES
9.2 PROHIBITED.

9.3 Subdivision 1. Definition. As used in this section, "transfer" means to sell, gift, loan,
9.4 assign, or otherwise deliver to another, whether or not for consideration, a large-capacity
9.5 magazine.

9.6 Subd. 2. Prohibition. It is unlawful to transfer a large-capacity magazine.

9.7 Subd. 3. Exceptions. Subdivision 2 does not apply to:

9.8 (1) a transfer by or to any law enforcement agency or, to the extent an employee of the
9.9 agency is acting within the course and scope of employment and official duties, a peace
9.10 officer; law enforcement officer; corrections officer; member of the armed forces of the
9.11 United States, the National Guard, or the Reserves of the United States armed forces; federal
9.12 law enforcement officer; or security guard employed by a protective agent licensed pursuant
9.13 to chapter 326;

9.14 (2) a transfer between immediate family members, which for the purposes of this section
9.15 means spouses, domestic partners, parents, stepparents, children, stepchildren, siblings,
9.16 stepsiblings, grandparents, step-grandparents, grandchildren, and step-grandchildren;

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

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

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

9.25 (6) a temporary transfer to a transferee who is not prohibited by federal law from
9.26 purchasing or possessing firearms, and is entitled under state law to possess firearms, if the
9.27 transfer:

9.28 (i) is necessary to prevent imminent death or great bodily harm; and

9.29 (ii) lasts only as long as immediately necessary to prevent imminent death or great bodily
9.30 harm; and

10.1 (7) a temporary transfer if the transferor has no reason to believe that the transferee will
 10.2 use or intends to use the firearm in the commission of a crime and the transfer occurs and
 10.3 the transferee's possession of the firearm following the transfer is only:

10.4 (i) at a shooting range that operates in compliance with the performance standards under
 10.5 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2; or, if compliance
 10.6 is not required by the governing body of the jurisdiction, at an established shooting range
 10.7 operated consistently with local law in the jurisdiction;

10.8 (ii) at a lawfully organized competition involving the use of a firearm, or while
 10.9 participating in or practicing for a performance by an organized group that uses firearms as
 10.10 part of the performance;

10.11 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
 10.12 transferee possesses the firearm and the transferee holds all licenses or permits required for
 10.13 hunting or trapping; or

10.14 (iv) while in the actual presence of the transferor provided that any transfer under this
 10.15 clause is permitted only if the transferor has no reason to believe that the transferee is
 10.16 prohibited by federal law from buying or possessing firearms or not entitled under state law
 10.17 to possess firearms.

10.18 Subd. 4. **Penalty.** A person who violates subdivision 2 is guilty of a misdemeanor.

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

10.21 Sec. 8. **VOLUNTARY SEMIAUTOMATIC MILITARY-STYLE ASSAULT**
 10.22 **WEAPON AND LARGE-CAPACITY MAGAZINE BUYBACK PROGRAM.**

10.23 The commissioner of public safety shall create a voluntary semiautomatic military-style
 10.24 assault weapon and large-capacity magazine buyback program. Reimbursements shall be
 10.25 issued to local law enforcement agencies or licensed firearms dealers that elect to voluntarily
 10.26 buyback semiautomatic military-style assault weapons and large-capacity magazines from
 10.27 the public. The commissioner shall reimburse entities that operate a voluntary buyback
 10.28 program only for functioning semiautomatic military-style assault weapons and large-capacity
 10.29 magazines. The rate of reimbursement shall be the amount the entity paid for the weapon
 10.30 or magazine or the fair market value of the firearm or magazine on the effective date of
 10.31 section 1, whichever is less. A law enforcement agency or licensed firearms dealer that buys
 10.32 a semiautomatic military-style assault weapon or large-capacity magazine must destroy or
 10.33 permanently disable the weapon or magazine within 45 days. Nothing in this section compels

11.1 the owner of a semiautomatic military-style assault weapon or large-capacity magazine to
 11.2 sell the owner's semiautomatic military-style assault weapon or large-capacity magazine to
 11.3 law enforcement or a firearms dealer.

11.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.5 Sec. 9. **APPROPRIATION; VOLUNTARY SEMIAUTOMATIC MILITARY-STYLE**
 11.6 **ASSAULT WEAPON AND LARGE-CAPACITY MAGAZINE REIMBURSEMENT**
 11.7 **PROGRAM.**

11.8 \$..... in fiscal year 2019 is appropriated from the general fund to the commissioner of
 11.9 public safety for the implementation of the voluntary semiautomatic military-style assault
 11.10 weapon and large-capacity magazine buyback program under section 8.

11.11 Sec. 10. **REPEALER.**

11.12 Minnesota Statutes 2016, sections 609.66, subdivision 1f; and 624.7132, subdivision
 11.13 14, are repealed.

11.14 **ARTICLE 2**

11.15 **EXTREME RISK PROTECTION ORDERS**

11.16 Section 1. Minnesota Statutes 2016, section 624.713, subdivision 1, is amended to read:

11.17 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
 11.18 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
 11.19 (1), any other firearm:

11.20 (1) a person under the age of 18 years except that a person under 18 may possess
 11.21 ammunition designed for use in a firearm that the person may lawfully possess and may
 11.22 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
 11.23 presence or under the direct supervision of the person's parent or guardian, (ii) for the
 11.24 purpose of military drill under the auspices of a legally recognized military organization
 11.25 and under competent supervision, (iii) for the purpose of instruction, competition, or target
 11.26 practice on a firing range approved by the chief of police or county sheriff in whose
 11.27 jurisdiction the range is located and under direct supervision; or (iv) if the person has
 11.28 successfully completed a course designed to teach marksmanship and safety with a pistol
 11.29 or semiautomatic military-style assault weapon and approved by the commissioner of natural
 11.30 resources;

12.1 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
12.2 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
12.3 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
12.4 includes crimes in other states or jurisdictions which would have been crimes of violence
12.5 as herein defined if they had been committed in this state;

12.6 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
12.7 determination that the person is mentally ill, developmentally disabled, or mentally ill and
12.8 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
12.9 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
12.10 the person's ability to possess a firearm and ammunition has been restored under subdivision
12.11 4;

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

12.19 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
12.20 by a judicial determination that the person is chemically dependent as defined in section
12.21 253B.02, unless the person has completed treatment or the person's ability to possess a
12.22 firearm and ammunition has been restored under subdivision 4. Property rights may not be
12.23 abated but access may be restricted by the courts;

12.24 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
12.25 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
12.26 of the treatment facility discharging or provisionally discharging the officer from the
12.27 treatment facility. Property rights may not be abated but access may be restricted by the
12.28 courts;

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

12.33 (8) except as otherwise provided in clause (9), a person who has been convicted in
12.34 another state of committing an offense similar to the offense described in section 609.224,

13.1 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
13.2 unless three years have elapsed since the date of conviction and, during that time, the person
13.3 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
13.4 subdivision 3, or a similar law of another state;

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

13.9 (10) a person who:

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

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

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

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

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

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

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

13.22 or

13.23 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
13.24 922(g)(8) or (9), as amended through March 1, 2014;

13.25 (11) a person who has been convicted of the following offenses at the gross misdemeanor
13.26 level, unless three years have elapsed since the date of conviction and, during that time, the
13.27 person has not been convicted of any other violation of these sections: section 609.229
13.28 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
13.29 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
13.30 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
13.31 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified gross misdemeanor

14.1 convictions include crimes committed in other states or jurisdictions which would have
14.2 been gross misdemeanors if conviction occurred in this state;

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

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

14.10 (14) a person who is subject to an extreme risk protection order as described in section
14.11 624.7172 or 624.7174.

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

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

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

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

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

14.26 Subdivision 1. **Definitions.** As used in this section to section 624.7178, the term "family
14.27 or household members" has the meaning given in section 518B.01, subdivision 2.

14.28 Subd. 2. **Court jurisdiction.** An application for relief under this section may be filed
14.29 in the county of residence of either party. There are no residency requirements that apply
14.30 to a petition for an extreme risk protection order. Actions under this section shall be given
14.31 docket priorities by the court.

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

15.6 Subd. 4. **Generally.** (a) There shall exist an action known as a petition for an extreme
15.7 risk protection order for protection from gun violence, which order shall enjoin and prohibit
15.8 the respondent from possessing firearms for a fixed period.

15.9 (b) A petition for relief under sections 624.7171 to 624.7178 may be made by any family
15.10 or household members, by the chief law enforcement officer or a designee, a city or county
15.11 attorney, or by a guardian as defined in section 524.1-201, clause (27).

15.12 (c) A petition for relief shall allege that the respondent poses a significant danger of
15.13 bodily harm to self or to other persons by possessing a firearm, and shall allege that less
15.14 restrictive alternatives are inadequate or inappropriate to the circumstances. The petition
15.15 shall be accompanied by an affidavit made under oath stating specific facts and circumstances
15.16 forming a basis to allege that an extreme risk protection order should be granted. The affidavit
15.17 may include, but is not limited to, evidence showing any of the factors described in
15.18 subdivision 3.

15.19 (d) A petition for emergency relief under section 624.7174 shall additionally allege that
15.20 the respondent presents an immediate and present danger of bodily injury.

15.21 (e) A petition for relief must state whether there is an existing order in effect under
15.22 sections 624.7171 to 624.7178, or chapter 260C or 518B governing the respondent and
15.23 whether there is a pending lawsuit, complaint, petition, or other action between the parties
15.24 under sections 624.7171 to 624.7178, or chapter 257, 518, 518A, 518B, or 518C. The court
15.25 administrator shall verify the terms of any existing order governing the parties. The court
15.26 may not delay granting relief because of the existence of a pending action between the
15.27 parties or the necessity of verifying the terms of an existing order. A petition for relief may
15.28 be granted whether or not there is a pending action between the parties.

15.29 (f) Where the sole evidence to support the issuance of an extreme risk protection order
15.30 would also allow for the issuance of an order under chapter 518B, the petitioner must either
15.31 be the victim of domestic abuse or obtain the consent of the victim of domestic abuse to
15.32 petition.

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

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

16.3 (i) The state court administrator shall create all forms necessary under sections 624.7171
16.4 to 624.7178.

16.5 (j) The court shall advise a petitioner of the right to file a motion and affidavit and to
16.6 sue in forma pauperis, pursuant to section 563.01, and shall assist with the writing and filing
16.7 of the motion and affidavit.

16.8 (k) The court shall advise the petitioner of the right to serve the respondent by alternate
16.9 notice under section 624.7172, subdivision 1, paragraph (e), if the respondent is avoiding
16.10 personal service by concealment or otherwise, and shall assist in the writing and filing of
16.11 the affidavit.

16.12 (l) The court shall advise the petitioner of the right to request a hearing under section
16.13 624.7174, paragraph (b). If the petitioner does not request a hearing, the court shall advise
16.14 the petitioner that the respondent may request a hearing and that notice of the hearing date
16.15 and time will be provided to the petitioner by mail at least five days before the hearing.

16.16 (m) An extreme risk protection order issued under sections 624.7171 to 624.7178 applies
16.17 throughout the state.

16.18 (n) Any proceeding under sections 624.7171 to 624.7178 shall be in addition to other
16.19 civil or criminal remedies.

16.20 (o) All health records and other health information provided in a petition or considered
16.21 as evidence in a proceeding under sections 624.7171 to 624.7178 shall be protected from
16.22 public disclosure but may be provided to law enforcement agencies as described in this
16.23 section.

16.24 (p) Any extreme risk protection order or subsequent extension issued under sections
16.25 624.7171 to 624.7178 shall be forwarded by the court administrator within 24 hours to the
16.26 local law enforcement agency with jurisdiction over the residence of the respondent. Each
16.27 appropriate law enforcement agency shall make available to other law enforcement officers,
16.28 through a system for verification, information as to the existence and status of any extreme
16.29 risk protection order issued under sections 624.7171 to 624.7178.

17.1 Sec. 3. **[624.7172] EXTREME RISK PROTECTION ORDERS ISSUED AFTER**
17.2 **HEARING.**

17.3 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the
17.4 court shall order a hearing which shall be held not later than 14 days from the date of the
17.5 order for hearing.

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

17.9 (c) The petitioning law enforcement agency shall be responsible for service of an extreme
17.10 risk protection order issued by the court and shall further be the agency responsible for the
17.11 execution of any legal process required for the seizure and storage of guns subject to the
17.12 order. Nothing in this provision limits the ability of the law enforcement agency of record
17.13 cooperating with other law enforcement entities. When the petitioner is a family member,
17.14 the primary law enforcement agency serving the jurisdiction of residency of the respondent
17.15 shall be responsible for the execution of any legal process required for the seizure and
17.16 storage of guns subject to the order.

17.17 (d) Personal service of notice for the hearing may be made upon the respondent at any
17.18 time up to 12 hours prior to the time set for the hearing, provided that the respondent at the
17.19 hearing may request a continuance of up to five days if the respondent is served less than
17.20 five days prior to the hearing, which continuance shall be granted unless there are compelling
17.21 reasons not to do so. If the court grants the requested continuance, and an existing emergency
17.22 order under section 624.7174 will expire due to the continuance, the court shall also issue
17.23 a written order continuing the emergency order pending the new time set for the hearing.

17.24 (e) If personal service cannot be made, the court may order service of the petition and
17.25 any order issued under this section by alternate means. The application for alternate service
17.26 must include the last known location of the respondent; the petitioner's most recent contacts
17.27 with the respondent; the last known location of the respondent's employment; the names
17.28 and locations of the respondent's parents, siblings, children, and other close relatives; the
17.29 names and locations of other persons who are likely to know the respondent's whereabouts;
17.30 and a description of efforts to locate those persons. The court shall consider the length of
17.31 time the respondent's location has been unknown, the likelihood that the respondent's location
17.32 will become known, the nature of the relief sought, and the nature of efforts made to locate
17.33 the respondent. The court shall order service by first class mail, forwarding address requested,
17.34 to any addresses where there is a reasonable possibility that mail or information will be

18.1 forwarded or communicated to the respondent. The court may also order publication, within
18.2 or without the state, but only if it might reasonably succeed in notifying the respondent of
18.3 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
18.4 court-ordered publication.

18.5 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by a preponderance
18.6 of the evidence that:

18.7 (1) the respondent poses a significant danger of bodily injury to self or other persons by
18.8 possessing a firearm; and

18.9 (2) less restrictive alternatives are inadequate or inappropriate to the circumstances.

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

18.12 (1) a history of threats or acts of violence by the respondent directed toward the
18.13 respondent's self or another person;

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

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

18.18 (4) a prior arrest for a felony offense;

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

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

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

18.24 (8) evidence of controlled substances or alcohol abuse factored against countervailing
18.25 evidence of recovery from abuse of controlled substances or alcohol.

18.26 (c) In determining whether to grant the order after a hearing, the court may consider any
18.27 other evidence that bears on whether the respondent poses a danger to the respondent's self
18.28 or others.

18.29 (d) If the court finds there is a preponderance of the evidence to issue an extreme risk
18.30 protection order, the court shall issue the order prohibiting the person from possessing a
18.31 firearm for the duration of the order. The court shall inform the respondent that the respondent

19.1 is prohibited from possessing firearms and shall issue a transfer order under section 624.7175.
19.2 The court shall also give notice to the county attorney's office, which may take action as it
19.3 deems appropriate.

19.4 (e) The order shall have a fixed period, to be determined by the court, of not less than
19.5 six months and not more than two years, subject to renewal or extension under section
19.6 624.7173.

19.7 (f) If there is no existing emergency order under section 624.7174 at the time an order
19.8 is granted under this section, the court shall determine by a preponderance of the evidence
19.9 whether the respondent presents an immediate and present danger of bodily injury. If the
19.10 court so determines, the transfer order shall include the provisions described in section
19.11 624.7175, paragraph (c).

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

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

19.15 (a) Upon application by any party entitled to petition for an order under section 624.7172,
19.16 and after notice to the respondent and a hearing, the court may extend the relief granted in
19.17 an existing order granted after a hearing under section 624.7172. Application for an extension
19.18 may be made any time within the three months before the expiration of the existing order.
19.19 The order may be extended for a fixed period of at least six months and not to exceed two
19.20 years, if the court makes the same findings by a preponderance of the evidence as required
19.21 for granting of an initial order under section 624.7172, subdivision 2, paragraph (d). The
19.22 court shall consider the same types of evidence as required for the initial order under section
19.23 624.7172, subdivision 2, paragraphs (b) and (c).

19.24 (b) Upon application by the respondent to an order issued under section 624.7172, the
19.25 court may terminate an order after a hearing at which the respondent shall bear the burden
19.26 of proving by a preponderance of the evidence that the respondent does not pose a significant
19.27 danger of bodily injury to the respondent's self or to other persons by possessing a firearm,
19.28 or that less restrictive alternatives are appropriate and adequate to the circumstances.
19.29 Application may be made for termination one time for each year an order is in effect. If an
19.30 order has been issued for a period of six months, the respondent may apply for termination
19.31 one time.

20.1 Sec. 5. [624.7174] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION
20.2 ORDER.

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

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

20.8 (c) If the court finds there is reasonable grounds that (1) the respondent poses a significant
20.9 danger of bodily injury to the respondent's self or to other persons by possessing a firearm,
20.10 (2) less restrictive alternatives are inappropriate or inadequate to the circumstances, and (3)
20.11 the respondent presents an immediate and present danger of bodily injury, the court shall
20.12 issue an ex parte emergency order prohibiting the respondent from possessing a firearm for
20.13 the duration of the order. The order shall inform the respondent that the respondent is
20.14 prohibited from possessing firearms and shall issue a transfer order under section 624.7175,
20.15 paragraph (c).

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

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

20.22 (f) Except as provided in paragraph (g), the respondent shall be personally served
20.23 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
20.24 is requested by the petitioner under section 624.7172, notice of the date set for the hearing.
20.25 If the petitioner does not request a hearing under section 624.7172, an order served on a
20.26 respondent under this subdivision must include a notice advising the respondent of the right
20.27 to request a hearing challenging the issuance of the emergency order, and must be
20.28 accompanied by a form that can be used by the respondent to request a hearing.

20.29 (g) Service of the emergency order may be made by alternate service as provided under
20.30 section 624.7172, subdivision 1, paragraph (e), provided that the petitioner files the affidavit
20.31 required under that subdivision. If the petitioner does not request a hearing under section
20.32 624.7172, the petition mailed to the respondent's residence, if known, must be accompanied
20.33 by the form for requesting a hearing described in paragraph (f).

21.1 Sec. 6. [624.7175] TRANSFER OF FIREARMS.

21.2 (a) Upon issuance of an extreme risk protection order, the court shall direct the respondent
21.3 to transfer immediately any firearms the person possesses, within 24 hours, to a federally
21.4 licensed firearms dealer, a law enforcement agency, or third party. If the respondent elects
21.5 to transfer the respondent's firearms to a law enforcement agency, the agency must accept
21.6 the transfer. The transfer may be permanent or temporary. A temporary firearm transfer
21.7 only entitles the receiving party to possess the firearm and does not transfer ownership or
21.8 title. If the respondent makes a temporary transfer, a federally licensed firearms dealer or
21.9 law enforcement agency may charge the respondent a reasonable fee to store the firearms
21.10 and may establish policies for disposal of abandoned firearms, provided these policies
21.11 require that the respondent be notified prior to disposal of abandoned firearms. If a respondent
21.12 permanently transfers the respondent's firearms to a law enforcement agency, the agency
21.13 is not required to compensate the respondent and may charge the respondent a reasonable
21.14 processing fee.

21.15 (b) Proof of transfer must be filed as provided in this paragraph.

21.16 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
21.17 of a firearm pursuant to this section shall provide proof of transfer to the respondent and
21.18 the court that issued the order. The proof of transfer must specify whether the firearms were
21.19 permanently or temporarily transferred and must include the name of the respondent, date
21.20 of transfer, and the serial number, manufacturer, and model of all transferred firearms. If
21.21 transfer is made to a federally licensed firearms dealer, the respondent shall, within two
21.22 business days after being served with the order, file a copy of proof of transfer with the law
21.23 enforcement agency, and attest that all firearms owned or possessed at the time of the order
21.24 have been transferred in accordance with this section and that the person currently does not
21.25 possess any firearms. If the respondent claims not to own or possess firearms, the respondent
21.26 shall file a declaration of nonpossession with the law enforcement agency attesting that, at
21.27 the time of the order, the respondent neither owned nor possessed any firearms, and that
21.28 the respondent currently neither owns nor possesses any firearms.

21.29 (2) If the transfer is made to a third party, the third party must sign an affidavit under
21.30 oath before a notary public either acknowledging that the respondent permanently transferred
21.31 the abusing party's firearms to the third party or agreeing to temporarily store the abusing
21.32 party's firearms until such time as the respondent is legally permitted to possess firearms.
21.33 The affidavit shall indicate the serial number, make, and model of all firearms transferred
21.34 by the abusing party to the third party. The third party shall acknowledge in the affidavit
21.35 that the third party may be held criminally and civilly responsible under section 624.7144

22.1 if the respondent gains access to a transferred firearm while the firearm is in the custody of
22.2 the third party. The respondent shall provide the law enforcement agency and the court with
22.3 a signed and notarized affidavit as described in this section within two business days of the
22.4 firearms transfer.

22.5 (3) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
22.6 filed pursuant to this paragraph.

22.7 (c) If a court issues an emergency order under section 624.7174, or makes a finding of
22.8 immediate and present danger under section 624.7172, subdivision 2, paragraph (e), and
22.9 there is probable cause to believe the respondent possesses firearms, the court shall issue a
22.10 search warrant to the local law enforcement agency to take possession of all firearms in the
22.11 respondent's possession as soon as practicable. The local law enforcement agency shall,
22.12 upon written notice from the respondent, transfer the firearms to a federally licensed firearms
22.13 dealer. Before a local law enforcement agency transfers a firearm under this paragraph, the
22.14 agency shall require the federally licensed firearms dealer receiving the firearm to submit
22.15 a proof of transfer that complies with the requirements for proofs of transfer established in
22.16 paragraph (b). The agency shall file all proofs of transfer received by the court within two
22.17 business days of the transfer. A federally licensed firearms dealer who accepts a firearm
22.18 transfer pursuant to this paragraph shall comply with paragraphs (a) and (b) as if accepting
22.19 transfer directly from the respondent. If the law enforcement agency does not receive written
22.20 notice from the respondent within three business days, the agency may charge a reasonable
22.21 fee to store the respondent's firearms. A law enforcement agency may establish policies for
22.22 disposal of abandoned firearms, provided these policies require that the respondent be
22.23 notified prior to disposal of abandoned firearms.

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

22.25 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
22.26 temporary transfer of firearms under section 624.7175 shall return the firearms to the
22.27 respondent upon request after the expiration of the order, provided the respondent is not
22.28 otherwise prohibited from possessing firearms under state or federal law.

22.29 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
22.30 transfer of firearms under section 624.7175 shall return the transferring firearms to the
22.31 respondent upon request after the expiration of the order, provided the respondent is not
22.32 otherwise prohibited from possessing firearms under state or federal law. A federally licensed
22.33 firearms dealer returning firearms shall comply with state and federal law as though
22.34 transferring a firearm from the dealer's own inventory.

23.1 Subd. 3. **Third party.** A local law enforcement agency shall inform the third party that
23.2 accepted transfer under section 624.7175 that the third party may return firearms to the
23.3 respondent upon request after the expiration of the order, provided the respondent is not
23.4 otherwise prohibited from possessing firearms under state or federal law.

23.5 Sec. 8. [624.7177] OFFENSES.

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

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

23.17 Sec. 9. [624.7178] LIABILITY PROTECTION.

23.18 Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, or a
23.19 designee, who in good faith decides not to petition for an extreme risk protection order or
23.20 emergency extreme risk protection order shall be immune from criminal or civil liability.

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

23.26 Sec. 10. EFFECTIVE DATE.

23.27 Sections 1 to 9 are effective January 1, 2019, and apply to firearm permit background
23.28 checks made on or after that date.

APPENDIX
Article locations in HF4360-0

ARTICLE 1 FIREARMS TRANSFERS..... Page.Ln 1.16
ARTICLE 2 EXTREME RISK PROTECTION ORDERS..... Page.Ln 11.14

609.66 DANGEROUS WEAPONS.

Subd. 1f. **Gross misdemeanor; transferring firearm without background check.** A person, other than a federally licensed firearms dealer, who transfers a pistol or semiautomatic military-style assault weapon to another without complying with the transfer requirements of section 624.7132, is guilty of a gross misdemeanor if the transferee possesses or uses the weapon within one year after the transfer in furtherance of a felony crime of violence, and if:

(1) the transferee was prohibited from possessing the weapon under section 624.713 at the time of the transfer; or

(2) it was reasonably foreseeable at the time of the transfer that the transferee was likely to use or possess the weapon in furtherance of a felony crime of violence.

624.7132 REPORT OF TRANSFER.

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

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

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

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