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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **561**

02/13/2013 Authored by Laine, Newton, Moran, Loeffler, Clark 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; modifying the judicial process for restoring firearms
1.3 eligibility to violent felons; amending Minnesota Statutes 2012, section 609.165,
1.4 subdivision 1d.

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

1.6 Section 1. Minnesota Statutes 2012, section 609.165, subdivision 1d, is amended to read:

1.7 Subd. 1d. **Judicial restoration of ability to possess firearm by felon.** (a) A person
1.8 prohibited by state law from shipping, transporting, possessing, or receiving a firearm
1.9 because of a conviction or a delinquency adjudication for committing a crime of violence
1.10 may petition a court to restore the person's ability to possess, receive, ship, or transport
1.11 firearms and otherwise deal with firearms.

1.12 (b) A person petitioning the court under paragraph (a) shall serve a copy of the
1.13 petition by mail on the prosecutorial office that had jurisdiction over the crime of violence
1.14 and the corrections department, if any, who supervised the person in the community
1.15 before the person's sentence or disposition was discharged.

1.16 (c) The court may grant the relief sought if the person shows good cause to do so
1.17 and the person ~~has been released from physical confinement~~ establishes by clear and
1.18 convincing evidence that: (1) the person is not likely to act in a manner that is dangerous
1.19 to public safety; and (2) the granting of relief is not contrary to the public interest.

1.20 (d) If a petition is denied, the person may not file another petition until three years
1.21 have elapsed without the permission of the court.

1.22 (e) A petition under this subdivision must be filed in the county in which the
1.23 petitioner was convicted or adjudicated delinquent for the underlying crime of violence.

2.1 (f) A petition under this subdivision may not be brought unless at least ten years have
2.2 elapsed since the discharge of the petitioner's sentence or disposition for the underlying
2.3 crime of violence. However, if the underlying crime of violence was controlled substance
2.4 crime in the fifth degree or theft involving the intentional taking of a motor vehicle without
2.5 the consent of the owner or authorized agent of the owner, and the petitioner was not in
2.6 possession of a firearm when committing the offense, the petition may be brought if at
2.7 least five years have elapsed since the discharge.

2.8 (g) A person bringing a petition under this subdivision may be required to disclose
2.9 any relevant information and, upon request, must agree to release any relevant mental
2.10 health information to facilitate the court's decision on the petition.

2.11 (h) A judge who grants or denies a petition under this subdivision must report this
2.12 action along with its underlying justification to the state court administrator.

2.13 (i) By January 15 of each year, the state court administrator shall report to the chairs
2.14 and ranking minority members of the senate and house of representatives committees
2.15 having jurisdiction over firearms summary data on the number of petitions brought under
2.16 this subdivision and the number granted.

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