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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 722

- 02/09/2015 Authored by Newberger, Lucero, Heintzeman, Howe, Backer and others
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy
- 03/16/2015 Adoption of Report: Re-referred to the Committee on Civil Law and Data Practices
- 03/18/2015 Adoption of Report: Re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance
- 03/23/2015 Adoption of Report: Placed on the General Register
Read Second Time
- 04/16/2015 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
 1.2 relating to public safety; clarifying and delimiting the authority of public officials
 1.3 to disarm individuals at any time; proposing coding for new law in Minnesota
 1.4 Statutes, chapter 624.

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

1.6 Section 1. **[624.7192] AUTHORITY TO SEIZE AND CONFISCATE FIREARMS.**

1.7 (a) This section applies only during the effective period of a state of emergency
 1.8 proclaimed by the governor relating to a public disorder or disaster.

1.9 (b) A peace officer who is acting in the lawful discharge of the officer's official duties
 1.10 without a warrant may disarm a lawfully detained individual only temporarily and only if
 1.11 the officer reasonably believes it is immediately necessary for the protection of the officer
 1.12 or another individual. Before releasing the individual, the peace officer must return to the
 1.13 individual any seized firearms and ammunition, and components thereof, any firearms
 1.14 accessories and ammunition reloading equipment and supplies, and any other personal
 1.15 weapons taken from the individual, unless the officer: (1) takes the individual into
 1.16 physical custody for engaging in criminal activity or for observation pursuant to section
 1.17 253B.05, subdivision 2; or (2) seizes the items as evidence pursuant to an investigation for
 1.18 the commission of the crime for which the individual was arrested.

1.19 (c) Notwithstanding any other law to the contrary, no governmental unit, government
 1.20 official, government employee, peace officer, or other person or body acting under
 1.21 governmental authority or color of law may undertake any of the following actions with
 1.22 regard to any firearms and ammunition, and components thereof; any firearms accessories
 1.23 and ammunition reloading equipment and supplies; and any other personal weapons:

2.1 (1) prohibit, regulate, or curtail the otherwise lawful possession, carrying,
2.2 transportation, transfer, defensive use, or other lawful use of any of these items;

2.3 (2) seize, commandeer, or confiscate any of these items in any manner, except as
2.4 expressly authorized in paragraph (b);

2.5 (3) suspend or revoke a valid permit issued pursuant to section 624.7131 or 624.714,
2.6 except as expressly authorized in those sections; or

2.7 (4) close or limit the operating hours of businesses that lawfully sell or service any
2.8 of these items, unless such closing or limitation of hours applies equally to all forms
2.9 of commerce.

2.10 (d) No provision of law relating to a public disorder or disaster emergency
2.11 proclamation by the governor or any other governmental or quasi-governmental official,
2.12 including but not limited to emergency management powers pursuant to chapters 9
2.13 and 12, shall be construed as authorizing the governor or any other governmental or
2.14 quasi-governmental official of this state or any of its political subdivisions acting at
2.15 the direction of the governor or another official to act in violation of this paragraph
2.16 or paragraphs (b) and (c).

2.17 (e)(1) An individual aggrieved by a violation of this section may seek relief in an
2.18 action at law or in equity or in any other proper proceeding for damages, injunctive relief,
2.19 or other appropriate redress against a person who commits or causes the commission of
2.20 this violation. Venue must be in the district court having jurisdiction over the county in
2.21 which the aggrieved individual resides or in which the violation occurred.

2.22 (2) In addition to any other remedy available at law or in equity, an individual
2.23 aggrieved by the seizure or confiscation of an item listed in paragraph (c) in violation of
2.24 this section may make application for the immediate return of the items to the office of the
2.25 clerk of court for the county in which the items were seized and, except as provided in
2.26 paragraph (b), the court must order the immediate return of the items by the seizing or
2.27 confiscating governmental office and that office's employed officials.

2.28 (3) In an action or proceeding to enforce this section, the court must award the
2.29 prevailing plaintiff reasonable court costs and expenses, including attorney fees.

2.30 **EFFECTIVE DATE.** This section is effective August 1, 2015.