

624.7143 CHEMICAL TESTING.

Subdivision 1. **Mandatory chemical testing.** A person who carries a pistol in a public place on or about the person's clothes or person is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 624.7142. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was carrying a pistol in violation of section 624.7142, and one of the following conditions exists:

- (1) the person has been lawfully placed under arrest for violating section 624.7142;
- (2) the person has been involved while carrying a firearm in a firearms-related accident resulting in property damage, personal injury, or death;
- (3) the person has refused to take the preliminary screening test provided for in section 624.7142; or
- (4) the screening test was administered and indicated an alcohol concentration of 0.04 or more.

Subd. 2. **Penalties; refusal; revocation.** (a) If a person refuses to take a test required under subdivision 1, none must be given but the officer shall report the refusal to the sheriff and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the incident occurred that gave rise to the test demand and refusal. On certification by the officer that probable cause existed to believe the person had been carrying a pistol on or about the person's clothes or person in a public place while under the influence of alcohol or a controlled substance, and that the person refused to submit to testing, a court may impose a civil penalty of \$500 and may revoke the person's authority to carry a pistol in a public place on or about the person's clothes or person under the provisions of a permit or otherwise for a period of one year from the date of the refusal. The person shall be accorded notice and an opportunity to be heard prior to imposition of the civil penalty or the revocation.

(b) Revocations under this subdivision must be reported in the same manner as in section 624.714, subdivision 12a.

Subd. 3. **Rights and obligations.** At the time a test is requested, the person must be informed that:

- (1) Minnesota law requires a person to take a test to determine if the person is under the influence of alcohol or a controlled substance;
- (2) if the person refuses to take the test, the person is subject to a civil penalty of \$500 and is prohibited for a period of one year from carrying a pistol in a public place on or about the person's clothes or person, as provided under subdivision 2; and
- (3) that the person has the right to consult with an attorney, but that this right is limited to the extent it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test.

Subd. 4. **Requirement of blood or urine test.** Notwithstanding subdivision 1, if there is probable cause to believe there is impairment by a controlled substance that is not subject to testing by a breath test, a blood or urine test may be required even after a breath test has been administered.

Subd. 5. **Chemical tests.** Chemical tests administered under this section are governed by section 169A.51 in all aspects that are not inconsistent with this section.

History: *2003 c 28 art 2 s 30; 2005 c 83 s 1*