

**624.7132 REPORT OF TRANSFER.**

Subdivision 1. **Required information.** Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the proposed transferee resides or to the appropriate county sheriff if there is no such local chief of police:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1;

(4) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

(5) the address of the place of business of the transferor.

The report shall be signed and dated by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail the transferee's right of appeal under subdivision 13.

Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee until 30 days after the date the agreement to transfer is delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the waiting period. The chief of police or sheriff may waive all or a portion of the waiting period in writing if the chief of police or sheriff: (1) determines the proposed transferee is not disqualified prior to the waiting period concluding; or (2) finds that the transferee requires access to a pistol or semiautomatic military-style assault weapon because of a threat to the life of the transferee or of any member of the household of the transferee. Prior to modifying the waiting period

under the authority granted in clause (2), the chief of police or sheriff must first determine that the proposed transferee is not prohibited from possessing a firearm under state or federal law.

No person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within 30 business days after delivery of the agreement to transfer, the pistol or semiautomatic military-style assault weapon may be delivered to the transferee, unless the transferor knows the transferee is ineligible to possess a pistol or semiautomatic military-style assault weapon.

**Subd. 5. Grounds for disqualification.** (a) The chief of police or sheriff shall deny an application if the proposed transferee is: (1) prohibited by state or federal law from possessing a pistol or semiautomatic military-style assault weapon; (2) determined to be a danger to self or the public when in possession of firearms under paragraph (b); or (3) listed in the criminal gang investigative data system under section 299C.091.

(b) A chief of police or sheriff shall deny an application if there exists a substantial likelihood that the proposed transferee is a danger to self or the public when in possession of a firearm. To deny the application under this paragraph, the chief of police or sheriff must provide the applicant with written notification and the specific factual basis justifying the denial, including the source of the factual basis. The chief of police or sheriff must inform the applicant of the applicant's right to submit, within 20 business days, any additional documentation relating to the propriety of the denial. Upon receiving any additional documentation, the chief of police or sheriff must reconsider the denial and inform the applicant within 15 business days of the result of the reconsideration. Any denial after reconsideration must be in the same form and substance as the original denial and must specifically address any continued deficiencies in light of the additional documentation submitted by the applicant. The applicant must be informed of the right to seek de novo review of the denial as provided in subdivision 13.

(c) A chief of police or sheriff need not process an application under this section if the person has had an application denied pursuant to paragraph (b) and less than six months have elapsed since the denial was issued or the person's appeal under subdivision 13 was denied, whichever is later.

(d) A chief of police or sheriff who denies an application pursuant to paragraph (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with joint jurisdiction over the applicant's residence.

**Subd. 6. Transferee permit.** If a chief of police or sheriff does not deny a proposed transferee's application under subdivision 5, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.

**Subd. 7.** [Repealed, 1994 c 636 art 3 s 46]

**Subd. 8. Report not required.** If the proposed transferee presents a valid transferee permit issued under section 624.7131 or a valid permit to carry issued under section 624.714, the transferor need not file a transfer report.

**Subd. 9. Number of pistols or semiautomatic military-style assault weapons.** Any number of pistols or semiautomatic military-style assault weapons may be the subject of a single transfer agreement and report

to the chief of police or sheriff. Nothing in this section or section 624.7131 shall be construed to limit or restrict the number of pistols or semiautomatic military-style assault weapons a person may acquire.

**Subd. 10. Restriction on records.** Except as provided for in section 624.7134, subdivision 3, paragraph (e), if, after a determination that the transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon, a transferee requests that no record be maintained of the fact of who is the transferee of a pistol or semiautomatic military-style assault weapon, the chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

**Subd. 11. Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a transfer.

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

- (1) a transfer by a person other than a federally licensed firearms dealer;
- (2) a loan to a prospective transferee if the loan is intended for a period of no more than one day;
- (3) the delivery of a pistol or semiautomatic military-style assault weapon to a person for the purpose of repair, reconditioning or remodeling;
- (4) a loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;
- (5) a loan between persons at a firearms collectors exhibition;
- (6) a loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;
- (7) a loan between law enforcement officers who have the power to make arrests other than citizen arrests; and
- (8) a loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol or semiautomatic military-style assault weapon by reason of employment and is the holder of a valid permit to carry a pistol.

**Subd. 13. Appeal.** (a) A person aggrieved by the determination of a chief of police or sheriff under subdivision 5 may appeal by petition to the district court having jurisdiction over the county or municipality where the application was submitted. The petition must list the applicable chief of police or sheriff as the respondent. The district court must hold a hearing at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review. The court may not grant or deny any relief before the completion of the hearing. The record of the hearing must be sealed. The matter must be heard de novo without a jury.

(b) The court must issue written findings of fact and conclusions of law regarding the issues submitted by the parties. The court must issue its writ of mandamus directing that the permit be issued and order other appropriate relief unless the chief of police or sheriff establishes by clear and convincing evidence that:

(1) the applicant is disqualified under state or federal law from possession of firearms;

(2) there exists a substantial likelihood that the applicant is a danger to self or the public when in possession of a firearm. Incidents of alleged criminal misconduct that are not investigated and documented may not be considered; or

(3) the applicant is listed in the criminal gang investigative data system under section 299C.091.

(c) If an application is denied because the proposed transferee is listed in the criminal gang investigative data system under section 299C.091, the proposed transferee may challenge the denial, after disclosure under court supervision of the reason for that listing, based on grounds that the person:

(1) was erroneously identified as a person in the data system;

(2) was improperly included in the data system according to the criteria outlined in section 299C.091, subdivision 2, paragraph (b); or

(3) has demonstrably withdrawn from the activities and associations that led to inclusion in the data system.

Subd. 14. MS 2022 [Repealed by amendment, 2023 c 52 art 13 s 2]

Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who does any of the following is guilty of a gross misdemeanor:

(1) transfers a pistol or semiautomatic military-style assault weapon in violation of subdivisions 1 to 13;

(2) transfers a pistol or semiautomatic military-style assault weapon to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

(4) makes a false statement in order to become a transferee of a pistol or semiautomatic military-style assault weapon knowing or having reason to know the statement is false.

(b) A person who does either of the following is guilty of a felony:

(1) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 in violation of subdivisions 1 to 13; or

(2) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement.

Subd. 16. **Local regulation.** This section shall be construed to supersede municipal or county regulation of the transfer of pistols.

**History:** 1977 c 349 s 5; 1985 c 144 s 2; 1986 c 444; 1992 c 571 art 15 s 7; 1993 c 326 art 1 s 31; 1994 c 576 s 57; 1994 c 618 art 1 s 43,44; 1994 c 636 art 3 s 32-37; 1996 c 305 art 1 s 122; 1998 c 254 art 2 s 68; 2009 c 139 s 5; 2023 c 52 art 13 s 2