

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2779

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DATE
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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
 1.2 relating to public safety; requiring the Bureau of Criminal Apprehension to create
 1.3 and maintain a centralized register of individuals who voluntarily choose to be
 1.4 ineligible to purchase firearms for a self-determined period of time; amending
 1.5 Minnesota Statutes 2016, sections 624.7131, subdivisions 1, 2, 4, 9; 624.7132,
 1.6 subdivisions 1, 2, 5, 6, 10, 13; proposing coding for new law in Minnesota Statutes,
 1.7 chapter 624.

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

1.9 Section 1. Minnesota Statutes 2016, section 624.7131, subdivision 1, is amended to read:

1.10 Subdivision 1. **Information.** Any person may apply for a transferee permit by providing
 1.11 the following information in writing to the chief of police of an organized full time police
 1.12 department of the municipality in which the person resides or to the county sheriff if there
 1.13 is no such local chief of police:

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

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

1.18 (3) a statement that the proposed transferee authorizes the release to the local police
 1.19 authority of: (i) commitment information about the proposed transferee maintained by the
 1.20 commissioner of human services, to the extent that the information relates to the proposed
 1.21 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
 1.22 under section 624.713, subdivision 1, and (ii) information contained in the voluntary database
 1.23 established under section 624.7163; and

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

2.3 The statements shall be signed and dated by the person applying for a permit. At the
2.4 time of application, the local police authority shall provide the applicant with a dated receipt
2.5 for the application. The statement under clause (3) must comply with any applicable
2.6 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
2.7 to consent to disclosure of alcohol or drug abuse patient records.

2.8 Sec. 2. Minnesota Statutes 2016, section 624.7131, subdivision 2, is amended to read:

2.9 Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories,
2.10 records and warrant information relating to the applicant through the Minnesota Crime
2.11 Information System, the national criminal record repository, and the National Instant Criminal
2.12 Background Check System. The chief of police or sheriff shall also make a reasonable effort
2.13 to check other available state and local record-keeping systems. The chief of police or sheriff
2.14 shall obtain commitment information from the commissioner of human services as provided
2.15 in section 245.041 and information contained in the voluntary database established under
2.16 section 624.7163 from the superintendent of the Bureau of Criminal Apprehension.

2.17 Sec. 3. Minnesota Statutes 2016, section 624.7131, subdivision 4, is amended to read:

2.18 Subd. 4. **Grounds for disqualification.** ~~A determination by the chief of police or sheriff~~
2.19 ~~that shall refuse to grant a transferee permit if the applicant is: (1) prohibited by section~~
2.20 ~~624.713 from possessing a pistol or semiautomatic military-style assault weapon shall be~~
2.21 ~~the only basis for refusal to grant a transferee permit; or (2) listed in the voluntary database~~
2.22 under section 624.7163.

2.23 Sec. 4. Minnesota Statutes 2016, section 624.7131, subdivision 9, is amended to read:

2.24 Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714
2.25 constitutes a transferee permit for the purposes of this section and section 624.7132 except
2.26 if the person is listed in the voluntary database under section 624.7163.

2.27 Sec. 5. Minnesota Statutes 2016, section 624.7132, subdivision 1, is amended to read:

2.28 Subdivision 1. **Required information.** Except as provided in this section and section
2.29 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style
2.30 assault weapon shall report the following information in writing to the chief of police of

3.1 the organized full-time police department of the municipality where the proposed transferee
3.2 resides or to the appropriate county sheriff if there is no such local chief of police:

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

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

3.7 (3) a statement that the proposed transferee authorizes the release to the local police
3.8 authority of: (i) commitment information about the proposed transferee maintained by the
3.9 commissioner of human services, to the extent that the information relates to the proposed
3.10 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
3.11 under section 624.713, subdivision 1, and (ii) information contained in the voluntary database
3.12 established under section 624.7163 from the superintendent of the Bureau of Criminal
3.13 Apprehension;

3.14 (4) a statement by the proposed transferee that the transferee is not prohibited by section
3.15 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

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

3.17 The report shall be signed and dated by the transferor and the proposed transferee. The
3.18 report shall be delivered by the transferor to the chief of police or sheriff no later than three
3.19 days after the date of the agreement to transfer, excluding weekends and legal holidays.

3.20 The statement under clause (3) must comply with any applicable requirements of Code of
3.21 Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of
3.22 alcohol or drug abuse patient records.

3.23 Sec. 6. Minnesota Statutes 2016, section 624.7132, subdivision 2, is amended to read:

3.24 Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff
3.25 shall check criminal histories, records and warrant information relating to the proposed
3.26 transferee through the Minnesota Crime Information System, the national criminal record
3.27 repository, and the National Instant Criminal Background Check System. The chief of police
3.28 or sheriff shall also make a reasonable effort to check other available state and local
3.29 record-keeping systems. The chief of police or sheriff shall obtain commitment information
3.30 from the commissioner of human services as provided in section 245.041 and information
3.31 contained in the voluntary database established under section 624.7163 from the
3.32 superintendent of the Bureau of Criminal Apprehension.

4.1 Sec. 7. Minnesota Statutes 2016, section 624.7132, subdivision 5, is amended to read:

4.2 Subd. 5. **Grounds for disqualification.** ~~A determination by the chief of police or sheriff~~
4.3 ~~that shall notify the proposed transferee of disqualification under this section if the proposed~~
4.4 transferee is: (1) prohibited by section 624.713 from possessing a pistol or semiautomatic
4.5 military-style assault weapon shall be the sole basis for a notification of disqualification
4.6 under this section; or (2) listed in the voluntary database under section 624.7163.

4.7 Sec. 8. Minnesota Statutes 2016, section 624.7132, subdivision 6, is amended to read:

4.8 Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a transferee
4.9 is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic
4.10 military-style assault weapon or section 624.7163 from purchasing a pistol or semiautomatic
4.11 military-style assault weapon, the transferee may, within 30 days after the determination,
4.12 apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.

4.13 Sec. 9. Minnesota Statutes 2016, section 624.7132, subdivision 10, is amended to read:

4.14 Subd. 10. **Restriction on records.** If, after a determination that the transferee is not a
4.15 person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style
4.16 assault weapon or section 624.7163 from purchasing a pistol or semiautomatic military-style
4.17 assault weapon, a transferee requests that no record be maintained of the fact of who is the
4.18 transferee of a pistol or semiautomatic military-style assault weapon, the chief of police or
4.19 sheriff shall sign the transfer report and return it to the transferee as soon as possible.
4.20 Thereafter, no government employee or agency shall maintain a record of the transfer that
4.21 identifies the transferee, and the transferee shall retain the report of transfer.

4.22 Sec. 10. Minnesota Statutes 2016, section 624.7132, subdivision 13, is amended to read:

4.23 Subd. 13. **Appeal.** A person aggrieved by the determination of a chief of police or sheriff
4.24 that the person is prohibited by section 624.713 from possessing a pistol or semiautomatic
4.25 military-style assault weapon or section 624.7163 from purchasing a pistol or semiautomatic
4.26 military-style assault weapon may appeal the determination as provided in this subdivision.
4.27 The district court shall have jurisdiction of proceedings under this subdivision.

4.28 On review pursuant to this subdivision, the court shall be limited to a determination of
4.29 whether the proposed transferee is a person prohibited from possessing a pistol or
4.30 semiautomatic military-style assault weapon by section 624.713 or purchasing a pistol or
4.31 semiautomatic military-style assault weapon by section 624.7163.

5.1 Sec. 11. **[624.7163] VOLUNTARY PROHIBITION ON HANDGUN PURCHASES.**

5.2 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this
5.3 subdivision have the meanings given them.

5.4 (b) "Bureau" means the Bureau of Criminal Apprehension.

5.5 (c) "Pistol" has the meaning given in section 624.712, subdivision 2.

5.6 (d) "Semiautomatic military-style assault weapon" has the meaning given in section
5.7 624.712, subdivision 7.

5.8 Subd. 2. **Prohibition.** (a) The bureau shall develop a form for an individual to submit
5.9 to the bureau to request, or to renew a request, that the individual be prohibited from
5.10 purchasing a pistol, semiautomatic military-style assault weapon, or any other firearm. The
5.11 form must provide the individual the choice of term of prohibition as follows:

5.12 (1) a one-year, irrevocable term;

5.13 (2) a five-year term, the first year irrevocable; or

5.14 (3) a 20-year term, the first year irrevocable.

5.15 (b) If an individual submits a form requesting that the individual be prohibited from
5.16 purchasing a pistol, semiautomatic military-style assault weapon, or any other firearm, the
5.17 bureau shall enter the individual's identifying information into a database maintained by
5.18 the bureau.

5.19 (c) The bureau shall remove the individual's identifying information from the database
5.20 under paragraph (b) if any of the following occurs:

5.21 (1) after the term under paragraph (a) expires, the individual submits a form developed
5.22 by the bureau requesting that the individual's identifying information be removed. A term
5.23 that has expired and has not been renewed continues until revoked under this paragraph; or

5.24 (2) before the term under paragraph (a), clause (2) or (3), expires but after it becomes
5.25 revocable, the individual submits a form developed by the bureau requesting that the
5.26 individual's identifying information be removed. The individual shall submit an affidavit
5.27 from a psychiatrist licensed under chapter 147 or a psychologist licensed under chapter 148
5.28 stating that, to the best of the psychiatrist's or psychologist's knowledge, the individual may
5.29 possess a firearm without posing a danger to the individual's self or to another.

5.30 (d) The bureau may disclose an individual's identifying information included in the
5.31 database under paragraph (b) only as part of an investigation under section 624.7132,
5.32 subdivision 2, or to the individual who is the subject of the information.