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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2441

03/13/2019 Authored by Franson, Nash, Poston, Lucero, Theis and others
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; modifying firearm transferee permit hearing; amending
1.3 Minnesota Statutes 2018, section 624.7131, subdivision 8.

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

1.5 Section 1. Minnesota Statutes 2018, section 624.7131, subdivision 8, is amended to read:

1.6 Subd. 8. **Hearing upon denial.** ~~Any person aggrieved by denial of a transferee permit~~
1.7 ~~may appeal the denial to the district court having jurisdiction over the county or municipality~~
1.8 ~~in which the denial occurred.~~ (a) Any person aggrieved by denial, revocation, or failure to
1.9 timely issue a transferee permit may appeal by petition to the district court with jurisdiction
1.10 over the county or municipality where the application was submitted. The petition must list
1.11 the chief of police or sheriff, as appropriate, as the respondent.

1.12 (b) The district court must hold a hearing at the earliest practicable date and in any event
1.13 no later than 14 days following the filing of the petition for review. The court may not grant
1.14 or deny relief before completion of the hearing. The record of the hearing must be sealed.
1.15 The matter must be heard de novo without a jury.

1.16 (c) The court must issue written findings of fact and conclusions of law regarding the
1.17 issues submitted by the parties. The court must issue its writ of mandamus directing that
1.18 the permit be issued and order other appropriate relief unless the chief of police or sheriff
1.19 establishes by clear and convincing evidence that the applicant is disqualified under the
1.20 criteria described in subdivision 4.

1.21 (d) If the court grants a petition under paragraph (b), the court must award the applicant
1.22 reasonable costs and expenses including attorney fees.