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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2705

01/24/2022

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The bill was referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act

1.2 relating to firearm safety; exempting secure firearm storage units from sales tax;

1.3 establishing criminal penalties for owners of firearms illegally used or possessed

1.4 by another; establishing a crime for manufacturing, transferring, or possessing

1.5 large-capacity magazines; limiting firearm ownership to individuals over 21 years

1.6 of age or are 18 years of age and meet certain requirements; providing for the

1.7 registration of semiautomatic military-style assault weapons; requiring the reporting

1.8 of stolen or lost firearms; classifying data; amending Minnesota Statutes 2020,

1.9 sections 297A.67, by adding a subdivision; 609.666, subdivision 1, by adding a

1.10 subdivision; 624.712, by adding a subdivision; 624.713, subdivision 1; proposing

1.11 coding for new law in Minnesota Statutes, chapter 624.

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

1.13 Section 1. TITLE.

1.14 This act may be referred to as the "Firearm Safety Act."

1.15 Sec. 2. Minnesota Statutes 2020, section 297A.67, is amended by adding a subdivision to

1.16 read:

1.17 Subd. 39. Firearm storage units. Secure firearm storage units are exempt. For the

1.18 purposes of this subdivision, "secure firearm storage units" means a container that is fully

1.19 enclosed and locked by a padlock, keylock, combination lock, or similar locking device

1.20 and is either specifically designed for the safe storage of firearms or sold for that purpose

1.21 by a federally licensed firearms dealer.

1.22 EFFECTIVE DATE. This section is effective for sales and purchases made after June

1.23 30, 2022.

2.1 Sec. 3. Minnesota Statutes 2020, section 609.666, subdivision 1, is amended to read:

2.2 Subdivision 1. **Definitions.** For purposes of this section, the following words have the
2.3 meanings given.

2.4 (a) "Firearm" means a device designed to be used as a weapon, from which is expelled
2.5 a projectile by the force of any explosion or force of combustion.

2.6 (b) "Child" means a person under the age of 18 years.

2.7 (c) "Loaded" means the firearm has ammunition in the chamber or magazine, if the
2.8 magazine is in the firearm, unless the firearm is incapable of being fired by a child who is
2.9 likely to gain access to the firearm.

2.10 (d) "Authorized user" means a person who is eligible to possess or purchase a firearm
2.11 pursuant to federal or state law and has permission to possess a firearm from the owner of
2.12 the firearm.

2.13 EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes
2.14 committed on or after that date.

2.15 Sec. 4. Minnesota Statutes 2020, section 609.666, is amended by adding a subdivision to
2.16 read:

2.17 Subd. 2a. **Owner; liability for unlawful use or possession.** (a) The owner of a firearm,
2.18 other than an antique firearm as defined in section 624.712, subdivision 3, is guilty of a
2.19 gross misdemeanor if, regardless of the knowledge of the owner:

2.20 (1) the firearm is used in the commission of a crime by a person other than the owner;

2.21 (2) the firearm is found in the possession of a person who is ineligible to possess a
2.22 firearm under state or federal law; or

2.23 (3) the firearm is found in the possession of a person other than the owner in a place
2.24 where possession of a firearm is prohibited.

2.25 (b) Paragraph (a) does not apply if:

2.26 (1) the owner reported that the firearm was lost or stolen to the chief of police of an
2.27 organized full-time police department of the municipality where the person resides or the
2.28 firearm was lost or stolen or to the county sheriff if there is no local chief of police where
2.29 the person resides or the firearm was lost or stolen;

2.30 (2) the owner was not reasonably able to report that the firearm was stolen because the
2.31 owner was a victim of a crime in which the firearm was used; or

3.1 (3) the firearm was stolen from the owner's person and the owner was not reasonably
 3.2 able to report the theft before the violation occurred.

3.3 (c) If proven by a preponderance of the evidence, it is an affirmative defense to a violation
 3.4 of paragraph (a) that the firearm was secured in a locked container accessible only by the
 3.5 owner or other authorized user.

3.6 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 3.7 committed on or after that date.

3.8 Sec. 5. Minnesota Statutes 2020, section 624.712, is amended by adding a subdivision to
 3.9 read:

3.10 Subd. 13. **Large-capacity magazine.** "Large-capacity magazine" means any ammunition
 3.11 feeding device with the capacity to accept more than ten rounds, or any conversion kit, part,
 3.12 or combination of parts, from which this type of device can be assembled if those parts are
 3.13 in the possession or under the control of the same person. The term does not include any of
 3.14 the following:

3.15 (1) a feeding device that has been permanently altered so that it cannot accommodate
 3.16 more than ten rounds;

3.17 (2) a .22 caliber tube ammunition feeding device; or

3.18 (3) a tubular magazine that is contained in a lever-action firearm.

3.19 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 3.20 committed on or after that date.

3.21 Sec. 6. Minnesota Statutes 2020, section 624.713, subdivision 1, is amended to read:

3.22 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
 3.23 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
 3.24 (1), any other firearm:

3.25 (1) a person under the age of ~~18~~ 21 years except that a person under ~~18~~ 21 may possess
 3.26 ammunition designed for use in a firearm that the person may lawfully possess and may
 3.27 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
 3.28 presence or under the direct supervision of the person's parent or guardian, (ii) for the
 3.29 purpose of military drill under the auspices of a legally recognized military organization
 3.30 and under competent supervision, (iii) for the purpose of instruction, competition, or target
 3.31 practice on a firing range approved by the chief of police or county sheriff in whose

4.1 jurisdiction the range is located and under direct supervision; or (iv) if the person is at least
4.2 18 years of age and has either successfully completed a course designed to teach
4.3 marksmanship and safety with a pistol or semiautomatic military-style assault weapon and
4.4 approved by the commissioner of natural resources or earned a varsity letter in a shooting
4.5 sport controlled by the Minnesota State High School League, including but not limited to
4.6 the Minnesota State High School Clay Target League;

4.7 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
4.8 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
4.9 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
4.10 includes crimes in other states or jurisdictions which would have been crimes of violence
4.11 as herein defined if they had been committed in this state;

4.12 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
4.13 determination that the person is mentally ill, developmentally disabled, or mentally ill and
4.14 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
4.15 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
4.16 the person's ability to possess a firearm and ammunition has been restored under subdivision
4.17 4;

4.18 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
4.19 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
4.20 of conviction and, during that time, the person has not been convicted of any other such
4.21 violation of chapter 152 or a similar law of another state; or a person who is or has ever
4.22 been committed by a judicial determination for treatment for the habitual use of a controlled
4.23 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
4.24 to possess a firearm and ammunition has been restored under subdivision 4;

4.25 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
4.26 by a judicial determination that the person is chemically dependent as defined in section
4.27 253B.02, unless the person has completed treatment or the person's ability to possess a
4.28 firearm and ammunition has been restored under subdivision 4. Property rights may not be
4.29 abated but access may be restricted by the courts;

4.30 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
4.31 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
4.32 of the treatment facility discharging or provisionally discharging the officer from the
4.33 treatment facility. Property rights may not be abated but access may be restricted by the
4.34 courts;

5.1 (7) a person, including a person under the jurisdiction of the juvenile court, who has
5.2 been charged with committing a crime of violence and has been placed in a pretrial diversion
5.3 program by the court before disposition, until the person has completed the diversion program
5.4 and the charge of committing the crime of violence has been dismissed;

5.5 (8) except as otherwise provided in clause (9), a person who has been convicted in
5.6 another state of committing an offense similar to the offense described in section 609.224,
5.7 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
5.8 unless three years have elapsed since the date of conviction and, during that time, the person
5.9 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
5.10 subdivision 3, or a similar law of another state;

5.11 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
5.12 household member and who was found by the court to have used a firearm in any way
5.13 during commission of the assault is prohibited from possessing any type of firearm or
5.14 ammunition for the period determined by the sentencing court;

5.15 (10) a person who:

5.16 (i) has been convicted in any court of a crime punishable by imprisonment for a term
5.17 exceeding one year;

5.18 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
5.19 for a crime or to avoid giving testimony in any criminal proceeding;

5.20 (iii) is an unlawful user of any controlled substance as defined in chapter 152;

5.21 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
5.22 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
5.23 public, as defined in section 253B.02;

5.24 (v) is an alien who is illegally or unlawfully in the United States;

5.25 (vi) has been discharged from the armed forces of the United States under dishonorable
5.26 conditions;

5.27 (vii) has renounced the person's citizenship having been a citizen of the United States;

5.28 or

5.29 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
5.30 922(g)(8) or (9), as amended through March 1, 2014;

5.31 (11) a person who has been convicted of the following offenses at the gross misdemeanor
5.32 level, unless three years have elapsed since the date of conviction and, during that time, the

6.1 person has not been convicted of any other violation of these sections: section 609.229
 6.2 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
 6.3 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
 6.4 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
 6.5 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified
 6.6 gross misdemeanor convictions include crimes committed in other states or jurisdictions
 6.7 which would have been gross misdemeanors if conviction occurred in this state;

6.8 (12) a person who has been convicted of a violation of section 609.224 if the court
 6.9 determined that the assault was against a family or household member in accordance with
 6.10 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
 6.11 the date of conviction and, during that time, the person has not been convicted of another
 6.12 violation of section 609.224 or a violation of a section listed in clause (11); or

6.13 (13) a person who is subject to an order for protection as described in section 260C.201,
 6.14 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).

6.15 A person who issues a certificate pursuant to this section in good faith is not liable for
 6.16 damages resulting or arising from the actions or misconduct with a firearm or ammunition
 6.17 committed by the individual who is the subject of the certificate.

6.18 The prohibition in this subdivision relating to the possession of firearms other than
 6.19 pistols and semiautomatic military-style assault weapons does not apply retroactively to
 6.20 persons who are prohibited from possessing a pistol or semiautomatic military-style assault
 6.21 weapon under this subdivision before August 1, 1994.

6.22 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
 6.23 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
 6.24 (2), applies only to offenders who are discharged from sentence or court supervision for a
 6.25 crime of violence on or after August 1, 1993.

6.26 For purposes of this section, "judicial determination" means a court proceeding pursuant
 6.27 to sections 253B.07 to 253B.09 or a comparable law from another state.

6.28 **Sec. 7. [624.7134] SEMIAUTOMATIC MILITARY-STYLE ASSAULT WEAPON**
 6.29 **REGISTRATION.**

6.30 **Subdivision 1. Registration required.** (a) **Every transferee of a semiautomatic**
 6.31 **military-style assault weapon shall register the weapon at the time of transfer with the chief**
 6.32 **of police of the organized full-time law enforcement agency of the municipality where the**
 6.33 **transferee resides or with the appropriate county sheriff if there is no local chief of police.**

7.1 The chiefs of police and sheriffs shall make registration forms available throughout the
 7.2 community. The registration of the military-style assault weapon must be in writing and
 7.3 include at a minimum:

7.4 (1) the name, address, and telephone number of the transferee;

7.5 (2) the number of the transferee's permit to carry as required under section 624.714;

7.6 (3) the manufacturer, model, and type of weapon; and

7.7 (4) the serial number of the weapon.

7.8 (b) The chief of police or sheriff shall maintain a record of all registrations under
 7.9 paragraph (a).

7.10 Subd. 2. **Penalty.** A person who violates subdivision 1 is guilty of a gross misdemeanor.

7.11 Subd. 3. **Private data.** All data pertaining to registrations under this section are classified
 7.12 as private data as provided in section 13.87, subdivision 2.

7.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.14 **Sec. 8. [624.7135] LARGE-CAPACITY MAGAZINES PROHIBITED.**

7.15 Subdivision 1. **Definition.** As used in this section, "transfer" means a sale, gift, loan,
 7.16 assignment, or other delivery to another, whether or not for consideration, of a large-capacity
 7.17 magazine.

7.18 Subd. 2. **Prohibition.** It is unlawful for a person to manufacture, import, transfer, or
 7.19 possess a large-capacity magazine.

7.20 Subd. 3. **Exceptions.** Subdivision 2 does not apply to:

7.21 (1) any government officer, agent, or employee; member of the armed forces of the
 7.22 United States; or peace officer, to the extent that the person is otherwise authorized to acquire
 7.23 or possess a large-capacity magazine and does so while acting within the scope of the
 7.24 person's duties;

7.25 (2) the manufacture of a large-capacity magazine by a firearms manufacturer for the
 7.26 purpose of sale to any branch of the armed forces of the United States, or to a law
 7.27 enforcement agency within Minnesota for use by that agency or its employees, provided
 7.28 the manufacturer is properly licensed under applicable laws; or

7.29 (3) the transfer of a large-capacity magazine by a dealer that is properly licensed under
 7.30 applicable laws to any branch of the armed forces of the United States, or to a law

8.1 enforcement agency within Minnesota for use by that agency or its employees for law
8.2 enforcement purposes.

8.3 Subd. 4. **Penalty.** (a) A person who violates subdivision 2 is guilty of a misdemeanor.
8.4 The fine imposed for a violation of this paragraph may not exceed \$250.

8.5 (b) A person who was previously convicted of a crime of violence, as that term is defined
8.6 in section 624.712, subdivision 5, who violates subdivision 2, is guilty of a felony.

8.7 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
8.8 committed on or after that date.

8.9 Sec. 9. **[624.7139] STOLEN OR LOST FIREARMS.**

8.10 Subdivision 1. **Failure to report; gross misdemeanor.** A person who fails to report a
8.11 stolen or lost firearm within 48 hours of discovery of the theft or loss may be punished as
8.12 provided in subdivision 2.

8.13 Subd. 2. **Penalty.** (a) A person who violates this section is guilty of a petty misdemeanor.

8.14 (b) A person who violates this section a second time is guilty of a misdemeanor.

8.15 (c) A person who violates this section a third or subsequent time is guilty of a gross
8.16 misdemeanor.

8.17 Subd. 3. **Duty to report.** A person shall report a stolen or lost firearm to the chief of
8.18 police of an organized full-time police department of the municipality where the person
8.19 resides or to the county sheriff if there is no local chief of police where the person resides.

8.20 Subd. 4. **Report to commissioner of public safety.** A chief of police or sheriff shall
8.21 report a stolen or lost firearm to the commissioner of public safety within seven days of
8.22 receiving notification of the theft or loss under this section.

8.23 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
8.24 committed on or after that date.

8.25 Sec. 10. **PERSONS POSSESSING LARGE-CAPACITY MAGAZINES ON**
8.26 **EFFECTIVE DATE OF ACT; REQUIRED ACTIONS.**

8.27 Any person who, on August 1, 2022, is in possession of a large-capacity magazine has
8.28 120 days to do either of the following without being subject to prosecution under Minnesota
8.29 Statutes, section 624.7133:

8.30 (1) permanently alter the magazine so it cannot accommodate more than ten rounds;

9.1 (2) remove the large-capacity magazine from the state; or

9.2 (3) surrender the large-capacity magazine to a law enforcement agency for destruction.

9.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.4 Sec. 11. **PERSONS POSSESSING SEMIAUTOMATIC MILITARY-STYLE**
9.5 **ASSAULT WEAPONS.**

9.6 By September 1, 2022, any person who owns or is in possession of a military-style
9.7 assault weapon must register the weapon as provided in Minnesota Statutes, section 624.7134.

9.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.