

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2269

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| DATE | D-PG | OFFICIAL STATUS |
|------------|------|---|
| 03/08/2016 | | Introduction and first reading Referred to Judiciary |

A bill for an act

1.1 relating to public safety; mandating firearms training prior to taking permanent
 1.2 possession of a firearm; extending the waiting period to receive a permit to
 1.3 purchase a firearm; modifying provisions related to the transfer of pistols and
 1.4 semiautomatic military-style assault weapons, and to eligibility to possess
 1.5 a firearm; requiring the safe storage of firearms and ammunition; placing
 1.6 requirements on the transfer of firearms; imposing criminal penalties; amending
 1.7 Minnesota Statutes 2014, sections 97B.015, subdivision 1; 624.7131, subdivision
 1.8 5; 624.7132, subdivisions 12, 15, by adding a subdivision; 624.714, subdivision
 1.9 2a; proposing coding for new law in Minnesota Statutes, chapter 624; repealing
 1.10 Minnesota Statutes 2014, sections 609.66, subdivision 1f; 624.7132, subdivision
 1.11 14.
 1.12

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

1.14 Section 1. Minnesota Statutes 2014, section 97B.015, subdivision 1, is amended to read:

1.15 Subdivision 1. **Establishment.** The commissioner shall establish a statewide
 1.16 course in the safe use and storage of firearms and identification of wild mammals and
 1.17 birds. A course may be held in a school district. The courses must be conducted by the
 1.18 commissioner in cooperation with other organizations. The courses must instruct ~~youths~~
 1.19 students in commonly accepted principles of safety in hunting ~~and, the proper handling~~
 1.20 of common hunting firearms, fundamental legal aspects of firearms ownership and use,
 1.21 and identification of various species of wild mammals and birds by sight and other unique
 1.22 characteristics.

1.23 Sec. 2. Minnesota Statutes 2014, section 624.7131, subdivision 5, is amended to read:

1.24 Subd. 5. **Granting of permits.** The chief of police or sheriff shall issue a transferee
 1.25 permit or deny the application within ~~seven~~ 28 days of application for the permit. The chief

2.1 of police or sheriff shall provide an applicant with written notification of a denial and the
2.2 specific reason for the denial. The permits and their renewal shall be granted free of charge.

2.3 Sec. 3. Minnesota Statutes 2014, section 624.7132, is amended by adding a subdivision
2.4 to read:

2.5 Subd. 7a. **Transfer by or to licensed dealers only.** No person shall transfer a pistol
2.6 or semiautomatic military-style assault weapon unless the transferor or the transferee
2.7 is a federally licensed firearms dealer. Where neither party to a prospective pistol or
2.8 semiautomatic military-style assault weapon transfer is a federally licensed firearms
2.9 dealer, the parties shall complete the transfer through a federally licensed firearms dealer
2.10 as follows:

2.11 (1) the transferor shall deliver the pistol or semiautomatic military-style assault
2.12 weapon and a valid transferee permit or report of transfer to a federally licensed firearms
2.13 dealer, who shall retain possession of that pistol or semiautomatic military-style assault
2.14 weapon until the transaction is completed or transferred as provided in clause (3);

2.15 (2) the federally licensed dealer shall comply with this section and federal law as
2.16 if the dealer had agreed to directly transfer the pistol or semiautomatic military-style
2.17 assault weapon to the proposed transferee;

2.18 (3) if the dealer cannot legally deliver the pistol or semiautomatic military-style
2.19 assault weapon to the proposed transferee or otherwise chooses not to complete the
2.20 transaction, the dealer shall conduct a background check in accordance with federal law
2.21 and file a report of transfer to transfer the pistol or semiautomatic military-style assault
2.22 weapon back to the original transferor. If the original transferor is prohibited by any state
2.23 or federal law from possessing a pistol or semiautomatic military-style assault weapon, the
2.24 dealer shall transfer the firearm to the chief of police or sheriff within 24 hours;

2.25 (4) a dealer who denies transfer of a pistol or semiautomatic military-style assault
2.26 weapon shall immediately report the identity of the proposed transferee, and the date,
2.27 time, and place of the attempted transfer to the local law enforcement agency where
2.28 the dealer is located; and

2.29 (5) the dealer may require the proposed transferee to pay a fee of no more than \$25
2.30 when assisting with a transfer under this subdivision.

2.31 Sec. 4. Minnesota Statutes 2014, section 624.7132, subdivision 12, is amended to read:

2.32 Subd. 12. **Exclusions.** ~~Except as otherwise provided in section 609.66, subdivision~~
2.33 ~~1f, This section shall not apply to transfers of antique firearms as curiosities or for their~~
2.34 ~~historical significance or value, transfers to or between federally licensed firearms dealers,~~

3.1 transfers by order of court, involuntary transfers, ~~transfers at death~~ or the following
 3.2 transfers:

3.3 ~~(1) a transfer by a person other than a federally licensed firearms dealer;~~

3.4 ~~(2) a loan to a prospective transferee if the loan is intended for a period of no more
 3.5 than one day;~~

3.6 ~~(3)~~ (1) the delivery of a pistol or semiautomatic military-style assault weapon to a
 3.7 person for the purpose of repair, reconditioning or remodeling;

3.8 ~~(4)~~ (2) a loan by a teacher to a student in a course designed to teach marksmanship
 3.9 or safety with a pistol and approved by the commissioner of natural resources;

3.10 ~~(5) a loan between persons at a firearms collectors exhibition;~~

3.11 ~~(6)~~ (3) a loan between persons lawfully engaged in hunting or target shooting if the
 3.12 loan is intended for a period of no more than 12 hours;

3.13 ~~(7)~~ (4) a loan between law enforcement officers who have the power to make arrests
 3.14 other than citizen arrests; and

3.15 ~~(8)~~ (5) a loan between employees or between the employer and an employee in a
 3.16 business if the employee is required to carry a pistol or semiautomatic military-style assault
 3.17 weapon by reason of employment and is the holder of a valid permit to carry a pistol.

3.18 Sec. 5. Minnesota Statutes 2014, section 624.7132, subdivision 15, is amended to read:

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

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

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

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

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

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

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

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

4.1 (3) transfers a pistol or a semiautomatic military-style assault weapon to another in
 4.2 violation of this section if:

4.3 (i) the person knows or has reason to know that the transferee is prohibited under
 4.4 state or federal law from possessing a firearm; and

4.5 (ii) the transferee uses the weapon within one year after the transfer in furtherance
 4.6 of a felony crime of violence; or

4.7 (4) violates paragraph (a), clause (1) or (3), after having been previously convicted
 4.8 or adjudicated delinquent for a violation of this section or section 624.7131.

4.9 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to crimes
 4.10 committed on or after that date.

4.11 **Sec. 6. [624.7134] FIREARMS TRAINING REQUIRED.**

4.12 (a) Prior to transferring a firearm, the transferee must provide the transferor with
 4.13 proof of firearms training completed within five years of the date of transfer. A certificate
 4.14 issued under section 97B.015, a valid permit to carry a handgun issued under section
 4.15 624.714, or another document that establishes that the transferee has timely satisfied the
 4.16 training requirements of section 624.714, subdivision 2a, paragraph (b), is acceptable
 4.17 proof of firearms training for purposes of this section.

4.18 (b) It is a misdemeanor for a person to transfer or receive a firearm without
 4.19 complying with paragraph (a).

4.20 (c) It is a felony for a transferee to receive a firearm from a transferor after providing
 4.21 a false certificate of training to the transferor.

4.22 **Sec. 7. Minnesota Statutes 2014, section 624.714, subdivision 2a, is amended to read:**

4.23 **Subd. 2a. Training in safe use and storage of a pistol.** (a) An applicant must
 4.24 present evidence that the applicant received training in the safe use and safe storage of
 4.25 a pistol within one year of the date of an original or renewal application. Training may
 4.26 be demonstrated by:

4.27 (1) employment as a peace officer in the state of Minnesota within the past year; or

4.28 (2) completion of a firearms safety or training course providing basic training in the
 4.29 safe use of a pistol and conducted by a certified instructor.

4.30 (b) Basic training must include:

4.31 (1) instruction in the fundamentals of pistol use and safe storage;

4.32 (2) successful completion of an actual shooting qualification exercise; and

4.33 (3) instruction in the fundamental legal aspects of pistol possession, carry, and use,
 4.34 including self-defense and the restrictions on the use of deadly force.

5.1 (c) The certified instructor must issue a certificate to a person who has completed
5.2 a firearms safety or training course described in paragraph (b). The certificate must be
5.3 signed by the instructor and attest that the person attended and completed the course.

5.4 (d) A person qualifies as a certified instructor if the person is certified as a firearms
5.5 instructor within the past five years by an organization or government entity that has been
5.6 approved by the Department of Public Safety in accordance with the department's standards.

5.7 (e) A sheriff must accept the training described in this subdivision as meeting the
5.8 requirement in subdivision 2, paragraph (b), for training in the safe use of a pistol. A
5.9 sheriff may also accept other satisfactory evidence of training in the safe use of a pistol.

5.10 Sec. 8. **[624.7163] FIREARM AND AMMUNITION STORAGE**
5.11 **REQUIREMENTS.**

5.12 Subdivision 1. **Storage.** The owner of a firearm must take reasonable action to
5.13 secure the firearm when it is not in use. For this purpose, reasonable action requires storage
5.14 of a firearm, unloaded, with a locking device, and stored separately from its ammunition.

5.15 Subd. 2. **Transfer.** No person shall transfer a firearm to another without an
5.16 appropriate locking device, unless the transferee provides proof of ownership of a locking
5.17 device capable of storing the firearm in compliance with subdivision 1. The transferee must
5.18 own a sufficient number of locking devices to secure each firearm the transferee owns.

5.19 Subd. 3. **Penalty.** A person who violates this section is guilty of a misdemeanor.

5.20 Subd. 4. **Definitions.** For purposes of this section, "locking device" means a device
5.21 that renders the firearm inaccessible, and includes without limitation the following: a
5.22 trigger lock; a barrel lock; a cylinder lock; a gun vault; a locked cabinet; a locked box;
5.23 or any other appropriate locked container.

5.24 Sec. 9. **REPEALER.**

5.25 Minnesota Statutes 2014, sections 609.66, subdivision 1f; and 624.7132, subdivision
5.26 14, are repealed.

609.66 DANGEROUS WEAPONS.

Subd. 1f. **Gross misdemeanor; transferring firearm without background check.** A person, other than a federally licensed firearms dealer, who transfers a pistol or semiautomatic military-style assault weapon to another without complying with the transfer requirements of section 624.7132, is guilty of a gross misdemeanor if the transferee possesses or uses the weapon within one year after the transfer in furtherance of a felony crime of violence, and if:

(1) the transferee was prohibited from possessing the weapon under section 624.713 at the time of the transfer; or

(2) it was reasonably foreseeable at the time of the transfer that the transferee was likely to use or possess the weapon in furtherance of a felony crime of violence.

624.7132 REPORT OF TRANSFER.

Subd. 14. **Transfer to unknown party.** (a) No person shall transfer a pistol or semiautomatic military-style assault weapon to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor.

(b) No person who is not personally known to the transferor shall become a transferee of a pistol or semiautomatic military-style assault weapon unless the person presents evidence of identity to the transferor.

(c) The evidence of identity shall contain the name, residence address, date of birth, and photograph of the proposed transferee; must be made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization; and must be of a type commonly accepted for the purpose of identification of individuals.

(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault weapon in violation of this subdivision is guilty of a misdemeanor.