

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Firearm Possession Restrictions for Certain Offenders

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### Overview

This bill expands firearm possession restrictions for certain offenders. Under current law, a person convicted of a crime of violence is not entitled to possess a firearm until ten years after being discharged from sentence. Under this bill, the restriction is extended to a lifetime for felony-level violent offenders. Nonfelony-level violent offenders remain subject to the ten year restriction. The bill also incorporates a procedure to petition the court to rescind or modify the firearm possession restriction after ten years.

### Section

1 **Crimes of violence; ineligibility to possess firearms; discharge orders.** Minn. Stat.

§ 242.31, subd. 2a. Provides that when a juvenile who committed a crime of violence and was certified as an adult under section 260B.125 is discharged from corrections supervision, the discharge order must state the firearm possession restrictions that apply to the offender. Specifically, a lifetime ban for felony-level offenders and a 10 year ban for lower-level offenders.

2 **Effect; juvenile offenders.** Minn. Stat. § 260B.245, subd. 1. Provides an identical policy to section 1 for juvenile offenders who were not certified as adults.

3 **Certain convicted felons ineligible to possess firearms.** Minn. Stat. § 609.165, subd. 1a. Provides that the discharge order of an offender who committed a crime of violence must state the applicable firearm possession restrictions.

4 **Violation and penalty.** Minn. Stat. § 609.165, subd. 1b. Modifies the substantive offense for illegal firearm possession. Provides that it is a felony (15 year max. prison sentence) for a person who committed a crime of violence to possess a firearm. The applicable period is for life if the underlying crime is a felony crime of violence and ten years if it is a nonfelony crime of violence. Felony offenders may obtain a court order rescinding or modifying the restriction after ten years under section 5 of the bill.

- 5 **Court order permitting possession of firearms.** Minn. Stat. § 609.165, subd. 4. Permits an offender who committed a crime of violence to petition the court for relief from the firearm possession restrictions after ten years from restoration of other civil rights. Requires the court to hear the matter. Requires the offender to notify the prosecuting authorities in the person's county of current residence and in the jurisdictions where a crime of violence was committed. The notice must be 30 days prior to the hearing. Lists factors the court must consider in evaluating the petition. Permits the court to order a full or partial restoration of rights.
- 6 **Expungement; orders concerning crimes of violence.** Minn. Stat. § 609A.03, subd. 5a. Provides that an expungement order does not rescind the restrictions relating to firearm possession. Follows current law in that regard.
- 7 **Ineligible persons; firearm possession.** Minn. Stat. § 624.713, subd. 1. Similar to section 4 of the bill, modifies a substantive offense relating to firearm possession by persons convicted of crimes of violence. Follows the same distinction as elsewhere in the bill relating to felony-level and nonfelony-level offenders. (There is a 15 year maximum prison sentence for violations of the modified paragraph. The sentence is outlined in a subdivision that is not reproduced in the bill.)
- 8 **Notice; firearm possession restrictions.** Minn. Stat. § 624.713, subd. 3. Upon conviction of a crime of violence, the court must notify the offender of the applicable firearm possession restrictions. This section modifies that provision to correspond with the overall policy change in the bill.
- 9 **Pardons.** Minn. Stat. § 638.02, subd. 2. Provides that a pardon does not rescind the firearm possession restrictions, as modified by this bill, unless, as in current law, the pardons board votes unanimously to do so.
- 10 **Effective date.** Provides that the bill is effective August 1, 2002. Provides that if application to offenders whose crimes of violence were committed before August 1, 2002 is held unconstitutional under the ex post facto provisions of the state or federal constitution, the bill has prospective application only.