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Overview

This bill authorizes County Attorneys, and Assistant County Attorneys, to carry firearms *while on-duty*, under the terms of a valid state-issued permit-to-carry-a-pistol. *The bill will not affect the inherent authority of the Courts to regulate, including to ban entirely or in a targeted manner, firearms from courtrooms and other spaces under their control. The bill would also allow County Attorneys to restrict, including to ban, firearms carrying by Assistant County Attorneys while the latter are on duty. The bill does not affect the carrying of a firearm by County Attorneys and Assistant County Attorneys while off-duty under the terms of a permit.*

Background

Minnesota Statutes, section 626.84, subdivision 2, currently prohibits any individual employed or acting as an agent of any political subdivision, other than a licensed peace officer, from carrying a firearm *when on duty*. This bill would withstand that prohibition, by authorizing County Attorneys and Assistant County Attorneys, to possess and carry firearms while on-duty under the terms of a state-issued permit-to-carry, unless restricted by the County Attorney (and subject to the same background checks as for any other applicant).

This latter provision authorizing a County Attorney to restrict firearms carrying on duty by their Assistant County Attorneys could be viewed as somewhat redundant, in that Minnesota's carry law already authorizes any public or private employer to *establish policies that restrict the carry or possession of firearms by its employees while acting in the course and scope of employment, where employment related civil sanctions may be invoked for a violation.* (Minn. Stat. § 624.714, subd. 18)

Assistant County Attorneys in any given county are, of course, the employees of the County Attorney of that political subdivision. County Attorneys themselves are elected *public officials*, and are not defined by law as *employees*.

Under case law, the term *on duty* means *at work while working directly in the course and scope of employment*. To House Research's knowledge, the inherent authority of Courts to regulate, prohibit or ban firearms from Courtrooms and other public space controlled by the Courts, is not codified in Minnesota Statutes, but rather is embedded in its Constitutional recognition.