

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 240
Version: As introduced

DATE: February 1, 2013

Authors: Schoen

Subject: Firearms Access for Mentally Ill

Analyst: Jeffrey Diebel, 651-296-5041

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill seeks to further limit the mentally ill from accessing firearms by modifying mental health screening requirements for persons applying for firearms permits.

Section

- 1** **Investigation.** Authorizes a sheriff or police chief to require a person who applies for a transferee permit to produce a statement of fitness from the applicant's primary care physician or a state certified mental health professional if the sheriff or chief believes the applicant's past police contacts suggest a mental health or chemical dependency problem.
- 2** **Grounds for disqualification.** Authorizes a sheriff or chief to deny an application based on a letter from a healthcare professional required by the sheriff or chief under section 1.
- 3** **Investigation.** Authorizes a sheriff or police chief to require a transferee identified in a firearm transfer report to produce a statement of fitness from the transferee's primary care physician or a state certified mental health professional if the sheriff or chief believes the transferee's past police contacts suggest a mental health or chemical dependency problem.
- 4** **Notification.** Requires the sheriff or chief to notify parties when the decision-maker blocks a firearm transfer based on a letter from a transferee's healthcare professional as required by the sheriff or chief under section 3.
- 5** **Grounds for disqualification.** Authorizes a sheriff or chief to deny a firearm transfer application based on a letter from a healthcare professional required by the sheriff or chief under section 3.

Section

- 6** **Appeal.** Clarifies that a person aggrieved by a denial of a transferee permit may appeal to the district court. Removes limitations on what a reviewing court may consider when an appeal is filed.
- 7** **Where application made; authority to issue permit; criteria; scope.** Eliminates the authority to grant permits to carry to non-residents. Modifies the requirements to obtain a permit to carry by amending the language governing those who are ineligible to carry under any state or federal law.
- 8** **Granting and denial of permits.** Lowers the standard by which a sheriff may deny an application for a permit to carry. Strikes the word “substantial” from the requirement that a person must have a likelihood of being a danger to self or the public before a sheriff can deny an application. Authorizes a sheriff or police chief to require a person who applies for a permit to carry to produce a statement of fitness from the applicant’s primary care physician or a state certified mental health professional if the sheriff or chief believes the applicant’s past police contacts suggest a mental health or chemical dependency problem.
- 9** **Hearing upon denial or revocation.** Lowers the standard that a sheriff must satisfy to secure judicial approval of the sheriff’s denial of a permit to carry on grounds that the applicant is a likely danger to self or the public. Authorizes a sheriff to rely on past incidents that were documented, but not investigated, in denying a permit to carry.
- 10** **Recognition of permits from other states.** Clarifies that a person with reciprocal authority to carry a firearm in Minnesota forfeits that right if the person becomes ineligible to possess a firearm under any state or federal law.
- 11** **Effective date.** Establishes August 1, 2013, as the effective date for all sections.