

HOUSE RESEARCH

Bill Summary

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Authors: Paymar

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Analyst: Jeff Diebel and Jim Cleary

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Section

Article 1: Firearm Background Checks and Transfers

Overview

This article modifies a variety of provisions of firearms law relating to the transfer and purchase of pistols and semiautomatic military-style assault weapons and to eligibility criteria for possessing a firearm.

- 1 Information.** Requires that an applicant for a permit to purchase must submit a government-issued photo ID. Also changes the current reference to the firearms eligibility statute (Minn. Stat. § 624.713) to *state or federal law*.
- 2 Grounds for disqualification.** Requires a chief of police or sheriff to deny a permit to purchase application if the applicant is either ineligible to possess firearms or is determined to be a danger to self or others. Changes the current reference to the firearms eligibility statute (Minn. Stat. § 624.713) to *state or federal law*
- 3 Granting of permits.** Authorizes a new \$25 fee for a permit to purchase. Changes the current reference to the firearms eligibility statute (Minn. Stat. § 624.713) to *state or federal law*. Also provides that if a chief or sheriff is unable to verify the identification of any applicant, they may require the applicant to appear in-person to present a government-issued photo ID, in which case the seven-day waiting period is extended to 30 days.

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- 4** **Permit void.** Changes the current reference to the firearms eligibility statute (Minn. Stat. § 624.713) to *state or federal law*.
- 5** **Required information.** Requires a transferee applicant: (1) to submit a photocopy of a government-issued photo ID and (2) to disclose if he has had a permit to purchase or transfer application denied in the past six months. Changes the current reference to the firearms eligibility statute (Minn. Stat. § 624.713) to *state or federal law*.
- 6** **Notification.** Recognizes that a transfer permit can be denied if the proposed transferee is a danger to self or others. Changes the current reference to the firearms eligibility statute (Minn. Stat. § 624.713) to *state or federal law*.
- 7** **Delivery.** Lengthens the five business day waiting period for issuance of a permit to transfer to a seven business day period. Changes the current reference to the firearms eligibility statute (Minn. Stat. § 624.713) to *state or federal law*. Also provides that if a chief or sheriff is unable to verify the identification of any applicant, they may require the applicant to appear in-person to present a government-issued photo ID, in which case the seven-day waiting period is extended to 30 days.
- 8** **Grounds for disqualification.** Requires a chief of police or sheriff to deny a transferee permit application if the proposed transferee is either ineligible to possess firearms or is determined to be a danger to self or others. Changes the current reference to the firearms eligibility statute (Minn. Stat. § 624.713) to *state or federal law*.
- 9** **Transferee permit.** Requires a chief of police or sheriff to issue a permit to purchase to a person who was approved for a transferee permit within the preceding 30 days. Changes the current reference to the firearms eligibility statute (Minn. Stat. § 624.713) to *state or federal law*.
- 10** **Transfers by or through licensed dealers only.** Mandates that any transfer of a pistol or semi-automatic assault weapon between two private citizens, neither of whom is a federally licensed firearms dealer, must be routed through a dealer. The dealer may charge a fee of up to \$25. The dealer must take the pistol or weapon into possession, and then follow federal requirements for transferring it to the intended buyer, including performance of an FBI background check through the NICS.
- If unable to deliver it to the buyer, the dealer must run a background check on the seller, before returning it to the seller. If neither person is eligible to possess the pistol or weapon, the dealer must not transfer it to either the buyer or seller, and instead must transfer the firearm to the chief of police or sheriff within 24 hours, and report identifying information on the buyer and seller as directed.
- Exempts auctioneers from the requirements of this section.
- 11** **Report not required.** A permit to carry a pistol may be substituted for a transferee permit to purchase a pistol, since they involve essentially identical background checks. The former permit is valid for a period of five years, while the latter is valid for a period of one year.

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The bill would continue to allow such substitution, but only if the permit to carry a pistol has been issued to the holder during the immediately preceding 12-month period.

- 12 Exclusions.** Current law provides a number of exceptions to the requirements of the permit to transfer law. The bill tightens some of those exceptions. Most notably, the exception for transfers without a permit to purchase between *private parties* would be restricted to those between *relatives*, as defined in the bill.
- 13 Appeal.** Recognizes that a transfer permit can be denied if the proposed transferee is a danger to self or others.

Article 2: Persons Ineligible to Possess Firearms

Overview

This article contains a variety of provisions intended to keep ineligible persons from possessing firearms and ammunition and increases and creates new criminal penalties for ineligible persons who seek to acquire firearms and those who would aid ineligible offenders in obtaining firearms.

- 1 Lifetime ban on possession of firearms.** Bars an offender who is convicted of either the crime of falsely reporting a lost or stolen firearm or the crime of transferring a firearm to an ineligible person from possessing firearms for the remainder of the offender's life.
- 2 Lost or stolen firearms; false reporting.** Establishes the offense of falsely reporting the loss or theft of a firearm as a gross misdemeanor. Establishes a felony level offense for a subsequent violation or if the offender knows that the firearm that is falsely reported as missing will be used in a felony crime of violence.
- 3 Crime of violence.** Amends the definition of crime of violence to include violations of felony fifth degree assault, domestic assault by strangulation, and repeat unlawful possession of firearms by juveniles. A person convicted of a crime of violence is ineligible to possess firearms for the remainder of his life.
- 4 Ammunition.** Defines "ammunition" for purposes of the gun control chapter (624).
- 5 Ineligible person.** Clarifies that a person who has been committed by a court because the person is mentally ill, developmentally disabled, or mentally ill and dangerous to the public is ineligible to possess firearms even if the court stayed the commitment order. Bars those who are ineligible to possess firearms from possessing ammunition. Bars offenders who are convicted of either the crime of falsely reporting a lost or stolen firearm or the crime of transferring a firearm to an ineligible person from possessing firearms for the remainder of the offenders' lives.
- 6 Aiding and abetting.** Clarifies that a person who aids or abets an ineligible person in violating the ban on possession of firearms or ammunition is also criminally liable for the violation.

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- 7** **Report of the permit to purchase: penalties.** Current law provides that a number of possible violations of the permit to purchase laws are gross misdemeanor crimes, and that a few are felony crimes.
- The bill would add two new felony penalties for:
- (1) knowingly transferring a pistol or semi-automatic military-style assault weapon in violation of this section to a prohibited person who uses the firearm in a crime of violence within one year; and
- (2) for a repeat violation.
- 8** **Transfer prohibited.** Expands the gross misdemeanor offense of transferring a firearm to an ineligible person by making the offense apply where the person transferring the weapon “has reason to believe” that the transferee is ineligible to possess firearms. Also changes the current reference to the firearms eligibility statute (Minn. Stat. § 624.713) to *state or federal law*.
- 9** **Felony.** Expands the circumstances that warrant a felony conviction for transferring a firearm to an ineligible person to cases where the “transferor knows, or has reason to believe, the transferee intends to use the weapon in the furtherance of a felony crime of violence.”
- 10** **Subsequent eligibility.** Conforming changes needed to reflect amendments proposed in section 9.
- 11** **Repealer.** Repeals section 609.66, subdivision 1f, which provides penalties for non-FLLs who knowingly transfer firearms to ineligible persons or persons who intend to use the firearms in a felony. This crime has been amended and recodified in section 7. Also repeals section 614.7132, subdivision 14, which allows firearm transfers between private citizens, neither of whom are federally licensed firearms dealers.