

## **Firearms in Minnesota: Prohibited Locations**

State and federal firearms laws govern where and how firearms can be carried, transported, and used in Minnesota. This information brief describes those laws.

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Various state and federal firearms laws prohibit or otherwise restrict people from possessing, carrying, transporting, and using firearms at certain locations in Minnesota.

Most of these laws provide exceptions for law enforcement officers and other specifically authorized employees (such as prison guards working within correctional institutions and military personnel on official duty). Some also provide an exception for persons holding a valid state-issued permit to carry a pistol. These and other authorized exceptions are noted below.

### **State Preemption**

Minnesota law preempts all local governmental authority to regulate firearms and ammunition, except that local governments: (1) may regulate the discharge of firearms within their jurisdiction; and (2) may have ordinances identical to state law. [Minn. Stat. §§ 471.633; 624.717.](#)

### **Prohibited Locations**

Federal and Minnesota laws generally prohibit the possession of firearms in the following locations:

- Federal buildings and security areas
- National parks and refuges
- Courthouse complexes and state buildings in the Capitol area

- State correctional facilities
- State hospitals
- Schools and school zones
- Licensed child care centers

The laws also prohibit transporting firearms in a motor vehicle unless certain conditions are met.

## **Federal Buildings and Security Areas**

Federal law prohibits the knowing possession and carrying of firearms within any federal facility that is conspicuously posted as prohibiting firearms (e.g., federal courthouses, federal prisons, federal hospitals, federal administrative buildings, national park buildings including visitor centers, and virtually all other federal buildings). The law also prohibits firearms possession within most designated security areas (e.g., the security areas of airports, many military bases, certain sensitive governmental industrial sites, and other governmental security areas).

The term “federal facility” means a building or part thereof that is owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties.

There are exceptions for qualified federal, state, and local law enforcement officers, authorized members of the armed forces and, in some cases, members of the public carrying a firearm incidental to hunting or other lawful purposes. [18 U.S.C. § 930](#).

## **National Parks and Refuges**

Notwithstanding the firearms ban in most federal facilities, beginning in 2010, federal law specifically authorizes the carrying of personal firearms into all but a few national parks and wildlife refuges, provided it complies with the laws of the state(s) in which the park or refuge is located. However, firearms may not be carried into any posted federal buildings within the park or refuge. Credit Card Accountability Responsibility and Disclosure Act of 2009, § 512, Pub. L. No. 111-24.

## **Courthouse Complexes; State Buildings in the Capitol Area**

Minnesota law generally prohibits the possession of firearms within any courthouse complex and within any state building in the Capitol area, other than the National Guard Armory. Exceptions include peace officers and military personnel performing official duties. Also exempted are persons carrying firearms according to the terms of a valid permit to carry, who have notified the county sheriff prior to entering a courthouse complex, or the commissioner of public safety prior to entering any state building in the State Capitol area. [Minn. Stat. § 609.66](#), subd. 1g.

## **State Correctional Facilities; State Hospitals**

Minnesota law prohibits bringing, without the consent of the facility’s chief executive officer, a firearm into or onto the grounds of a state correctional facility or state hospital. There is an

exception for law enforcement officers carrying a firearm in the line of duty, but there is no exception for a person carrying under the authority of a state-issued permit to carry. This prohibition also applies to the transporting of firearms. [Minn. Stat. § 243.55](#).

## **Schools Zones, Schools, and Licensed Child Care Centers**

**School Zones:** Federal law prohibits knowingly possessing a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone. The law defines “school zone” as an area that is : “in or on . . . or within 1,000 feet of . . . the grounds of a public, parochial or private school.” Exceptions include possession on private property that is not part of the school grounds; possession for use in an approved school program; possession of a firearm that is unloaded and in a locked firearms rack in a motor vehicle; and possession by a law enforcement officer and an authorized school contractor (e.g., a security guard). [18 U.S.C. §§ 922\(q\); 921\(a\)\(25\)](#).

**Schools: Buildings, Busses, Improved Property, and Licensed Child Care Centers:** Minnesota law generally prohibits any person from knowingly possessing, storing, or keeping a firearm on school property, including in any school building, bus, or facility temporarily under the exclusive control of a school, where signs give actual notice. This law defines school to mean any public or private elementary, middle, or secondary school building or its improved grounds, whether owned or leased by the school. The law also prohibits firearms possessions in a licensed child care center during the time that children are present. A violation of any of these prohibitions is a felony.

The law also prohibits a person who is knowingly on school property from: (1) using or brandishing a replica firearm or BB gun; and (2) possessing, storing, or keeping a replica firearm or BB gun. A violation of the first is a gross misdemeanor, and a violation of the second is a misdemeanor.

Prohibitions involving schools do not apply to:

- active licensed peace officers;
- military personnel or students participating in military training, who are on duty, performing official duties;
- persons authorized to carry a pistol under [Minnesota Statutes, section 624.714](#), while in a motor vehicle or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or rear area of the vehicle;
- persons who keep or store in a motor vehicle pistols in accordance with [Minnesota Statutes, section 624.714](#) or [624.715](#), or other firearms in accordance with section [97B.045](#);
- firearm safety or marksmanship courses or activities conducted on school property;
- possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
- a gun or knife show held on school property;

- possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; and
- persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.

[Minn. Stat. § 609.66](#), subd. 1d.

## Transportation in a Motor Vehicle

Minnesota law prohibits transporting a firearm in a motor vehicle unless the firearm is:

- unloaded and fully enclosed in a gun case expressly made for transporting;
- unloaded and in the closed trunk of the motor vehicle; or
- a handgun carried in compliance with Minnesota's permit-to-carry law.

There are certain exceptions to the prohibition against transporting firearms on shooting ranges and while lawfully hunting, including an exception for disabled persons while lawfully hunting by special permit. [Minn. Stat. § 97B.045](#).

**Interstate Transportation of Firearms:** Under federal law, an individual who is not otherwise prohibited from possessing a firearm is allowed to transport firearms for lawful purposes through jurisdictions whose local firearms ordinances would otherwise restrict their transport. In such situations, firearms and ammunition being transported must be carried so that they are not readily accessible to the driver and passengers and the firearm must be either:

- unloaded and within the trunk or rearmost compartment of the vehicle; or
- if the vehicle has no trunk, unloaded and within a locked container other than the glove compartment or console, not readily accessible from the driver's seat.

This federal law appears to allow for necessary travel stops, such as gasoline and rest stops. [18 U.S.C. § 926A](#).

## Locations Allowed or Restricted under the Permit-to-Carry Law

Minnesota law generally prohibits people from carrying firearms in public places, unless the person possesses a valid permit to carry issued or otherwise recognized by the state. Minnesota's permit-to-carry law prohibits any person, other than a peace officer, from carrying, holding, or possessing a pistol in a motor vehicle, snowmobile, or boat, or on or about the person's clothes or the person, or otherwise from being in possession or control of a pistol in a public place, without first having obtained a state permit to carry the pistol. [Minn. Stat. §§ 624.714; 624.7181; 97B.045](#).

Minnesota does not generally prohibit persons, who are not otherwise prohibited by law from possessing firearms, from possessing or carrying a firearm within the person's own dwelling and its immediate surrounding property.

Minnesota's permit-to-carry law does not authorize state or local public officials and governing bodies to post or otherwise regulate or prohibit the general possession or carrying of firearms by permit holders within or upon public properties (e.g., buildings, facilities, nature areas, parks, etc.). [Minn. Stat. § 471.633](#).

## **Locations Where Permit Is Not Required**

A permit to carry is not required:

- to keep or carry a pistol about a person's place of business, dwelling, or on the premises or land possessed by the person;
- to carry a pistol from a place of purchase to the person's dwelling or place of business, or from the person's dwelling or place of business to or from a place where a pistol is repaired;
- to carry a pistol between the person's dwelling and place of business;
- to carry a pistol in the woods or fields or on Minnesota waters for the purpose of hunting or target shooting in a safe area; or
- to transport a pistol in a motor vehicle, snowmobile, or boat if the pistol is unloaded, contained in a closed and fastened case, gunbox, or securely tied package.

[Minn. Stat. § 624.714](#), subd. 9.

## **Rifles and Shotguns in Public Places**

Minnesota law also prohibits carrying a BB gun, rifle, or shotgun on or about the person in a public place. However, this law too exempts certain persons and behaviors from this prohibition. Under the law, "carry" does not include:

- carrying a BB gun, rifle, or shotgun to, from, or at a place where firearms are repaired, bought, sold, traded, or displayed, or where hunting, target shooting, or other lawful activity involving firearms occurs, or at funerals, parades, or other lawful ceremonies;
- carrying a BB gun, rifle, or shotgun that is unloaded and in a gun case expressly made to contain a firearm, if the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and no portion of the firearm is exposed;
- carrying a BB gun, rifle, or shotgun by a person who has a permit under the permit-to-carry law;
- carrying an antique firearm as a curiosity or for its historical significance or value; or
- transporting a BB gun, rifle, or shotgun in compliance with [Minnesota Statutes, section 97B.045](#).

[Minn. Stat. § 624.7181](#).

## **Private Homes and Dwellings**

Minnesota's permit-to-carry law allows any homeowner or renter to prohibit firearms from being brought into the person's residence at any time and allows the resident to provide notice in any manner. A landlord may not restrict the lawful carry or possession of firearms by tenants or their guests. [Minn. Stat. § 624.714](#), subd. 17(d) and (e).

## **Private Establishments**

Minnesota's permit-to-carry law authorizes the owners and managers of private establishments that are generally open to the public, to post or otherwise inform members of the public that firearms are banned from the property. A person is in violation of this law, if he or she carries a firearm and stays in the private establishment after being notified and asked to leave. This law applies to private establishments on public or private property, including publicly owned sports facilities leased by private teams.

This law also specifically prohibits the owner or operator of a private establishment from prohibiting the lawful carrying or possession of firearms in a parking facility or parking area of the establishment, whether by their own employees or by members of the public. [Minn. Stat. § 624.714](#), subd. 17.

## **Places of Employment**

The law authorizes public and private employers to establish policies that restrict the carrying or possession of firearms by its own employees while they are acting in the course and scope of employment. [Minn. Stat. § 624.714](#), subd. 18(a).

## **Public Postsecondary Educational Institutions**

Any public postsecondary educational institution may establish policies restricting the carrying or possession of firearms by its students while on the institution's property. Public postsecondary educational institutions are not authorized to generally prohibit the lawful carrying or possession of firearms by members of the public who are neither their students nor their employees. [Minn. Stat. § 624.714](#), subd. 18(b).

Higher educational institutions cannot prohibit the lawful carry or possession of firearms by anyone in or on a parking facility or parking area. [Minn. Stat. § 624.714](#), subd. 18(c).

## **Churches**

Minnesota courts have ruled that a church may prohibit firearms from its property, including parking facilities and parking areas owned or operated by the church, and may notify its employees and the public in any manner it chooses. [Edina Cmty. Lutheran Church v. State of Minnesota](#), (A07-0131), 745 N.W.2d 194 (Minn. App. 2008).

*For more information about firearms, visit the criminal justice area of our website, [www.house.mn/hrd/hrd.htm](http://www.house.mn/hrd/hrd.htm).*