

1.1 moves to amend H.F. No. 237 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 FIREARM BACKGROUND CHECKS AND TRANSFERS

1.5 Section 1. Minnesota Statutes 2012, section 624.7131, subdivision 1, is amended to read:

1.6 Subdivision 1. **Information.** (a) Any person may apply for a transferee permit by
1.7 providing the following information in writing to the chief of police of an organized full
1.8 time police department of the municipality in which the person resides or to the county
1.9 sheriff if there is no such local chief of police:

1.10 (1) the name, residence, telephone number, and driver's license number or
1.11 nonqualification certificate number, if any, of the proposed transferee;

1.12 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing
1.13 physical characteristics, if any, of the proposed transferee;

1.14 (3) a statement that the proposed transferee authorizes the release to the local police
1.15 authority of commitment information about the proposed transferee maintained by the
1.16 commissioner of human services, to the extent that the information relates to the proposed
1.17 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
1.18 under section 624.713, subdivision 1; and

1.19 (4) a statement by the proposed transferee that the proposed transferee is not
1.20 prohibited by ~~section 624.713~~ state or federal law from possessing a pistol or semiautomatic
1.21 military-style assault weapon and has not been denied a permit under subdivision 5,
1.22 paragraph (b), or section 624.7132, subdivision 5, paragraph (b), within the past six months.

1.23 (b) In addition to the requirements described in paragraph (a), the proposed
1.24 transferee shall submit an accurate photocopy of the person's current driver's license, state
1.25 identification card, or the photo page of the person's passport.

2.1 (c) The statements shall be signed and dated by the person applying for a permit. At
2.2 the time of application, the local police authority shall provide the applicant with a dated
2.3 receipt for the application. The statement under paragraph (a), clause (3), must comply
2.4 with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to
2.5 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

2.6 Sec. 2. Minnesota Statutes 2012, section 624.7131, subdivision 4, is amended to read:

2.7 Subd. 4. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of
2.8 police or sheriff ~~that shall refuse to grant a transferee permit if the applicant is prohibited~~
2.9 ~~by section 624.713 state or federal law from possessing a pistol or semiautomatic~~
2.10 ~~military-style assault weapon shall be the only basis for refusal to grant a transferee permit~~
2.11 ~~or is determined to be a danger to self or others under paragraph (b).~~

2.12 (b) A chief or sheriff shall refuse to grant a permit to a person who is a danger to self
2.13 or others. The decision of the chief or sheriff must be based on documented past contact
2.14 with law enforcement. A notice of disqualification issued pursuant to this paragraph must
2.15 describe and document the specific police contact or contacts relied upon to deny the permit.

2.16 (c) A person is not eligible to submit a permit application under this section if the
2.17 person has had an application denied pursuant to paragraph (b) and less than six months
2.18 have elapsed since the denial was issued or the person's appeal under subdivision 8 was
2.19 denied, whichever is later.

2.20 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph
2.21 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff
2.22 with joint-jurisdiction over the proposed transferee's residence.

2.23 Sec. 3. Minnesota Statutes 2012, section 624.7131, subdivision 5, is amended to read:

2.24 Subd. 5. **Granting of permits.** (a) Except as provided in paragraph (b), the chief
2.25 of police or sheriff shall issue a transferee permit or deny the application within seven
2.26 days of application for the permit. The chief of police or sheriff shall provide an applicant
2.27 with written notification of a denial and the specific reason for the denial. The permits and
2.28 their renewal shall be granted free of charge for a fee set by the chief of police or sheriff
2.29 in an amount not to exceed \$25.

2.30 (b) If a chief of police or sheriff is unable to verify a proposed transferee's identity or
2.31 criminal record within the seven-business-day requirement described in paragraph (a),
2.32 the chief of police or sheriff may require the transferee to appear in person to present a
2.33 current driver's license, state identification card, or passport, and, if deemed necessary, to

3.1 be fingerprinted. If this occurs, the chief of police or sheriff shall notify the transferor of
3.2 this in writing, and the seven-business-day requirement is extended to 30 days.

3.3 Sec. 4. Minnesota Statutes 2012, section 624.7131, subdivision 7, is amended to read:

3.4 Subd. 7. **Permit voided.** The transferee permit shall be void at the time that the
3.5 holder becomes prohibited from possessing a pistol under ~~section 624.713~~ state or federal
3.6 law, in which event the holder shall return the permit within five days to the issuing
3.7 authority. Failure of the holder to return the permit within the five days is a misdemeanor
3.8 unless the court finds that the circumstances or the physical or mental condition of the
3.9 permit holder prevented the holder from complying with the return requirement.

3.10 Sec. 5. Minnesota Statutes 2012, section 624.7132, subdivision 1, is amended to read:

3.11 Subdivision 1. **Required information.** (a) Except as provided in this section
3.12 and section 624.7131, every person who agrees to transfer a pistol or semiautomatic
3.13 military-style assault weapon shall report the following information in writing to the
3.14 chief of police of the organized full-time police department of the municipality where the
3.15 proposed transferee resides or to the appropriate county sheriff if there is no such local
3.16 chief of police:

3.17 (1) the name, residence, telephone number, and driver's license number or
3.18 nonqualification certificate number, if any, of the proposed transferee;

3.19 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing
3.20 physical characteristics, if any, of the proposed transferee;

3.21 (3) a statement that the proposed transferee authorizes the release to the local police
3.22 authority of commitment information about the proposed transferee maintained by the
3.23 commissioner of human services, to the extent that the information relates to the proposed
3.24 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
3.25 under section 624.713, subdivision 1;

3.26 (4) a statement by the proposed transferee that the transferee is not prohibited by
3.27 ~~section 624.713~~ state or federal law from possessing a pistol or semiautomatic military-style
3.28 assault weapon and that the person has not had a permit denied under subdivision 5,
3.29 paragraph (b), or section 624.7131, subdivision 4, paragraph (b), in the past six months; and

3.30 (5) the address of the place of business of the transferor.

3.31 (b) In addition to the requirements described in paragraph (a), the proposed
3.32 transferee shall submit an accurate photocopy of the person's current driver's license, state
3.33 identification card, or the photo page of the person's passport.

4.1 (c) The report shall be signed and dated by the transferor and the proposed transferee.
4.2 The report shall be delivered by the transferor to the chief of police or sheriff no later
4.3 than three days after the date of the agreement to transfer, excluding weekends and legal
4.4 holidays. The statement under paragraph (a), clause (3), must comply with any applicable
4.5 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
4.6 to consent to disclosure of alcohol or drug abuse patient records.

4.7 Sec. 6. Minnesota Statutes 2012, section 624.7132, subdivision 3, is amended to read:

4.8 Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and
4.9 proposed transferee in writing as soon as possible if the chief or sheriff determines that the
4.10 proposed transferee is prohibited by ~~section 624.713~~ state or federal law from possessing a
4.11 pistol or semiautomatic military-style assault weapon or is determined to be a danger to
4.12 self or others under subdivision 5, paragraph (b). The notification to the transferee shall
4.13 specify the grounds for the disqualification of the proposed transferee and shall set forth in
4.14 detail the transferee's right of appeal under subdivision 13.

4.15 Sec. 7. Minnesota Statutes 2012, section 624.7132, subdivision 4, is amended to read:

4.16 Subd. 4. **Delivery.** (a) Except as otherwise provided in this subdivision 7 or
4.17 subdivision 8, no person shall deliver a pistol or semiautomatic military-style assault
4.18 weapon to a proposed transferee until ~~five~~ seven business days after the date the
4.19 agreement to transfer is delivered to a chief of police or sheriff in accordance with
4.20 subdivision 1 unless the chief of police or sheriff waives all or a portion of the ~~seven-day~~
4.21 seven-business-day waiting period. The chief of police or sheriff may waive all or a
4.22 portion of the ~~five-business-day~~ seven-business-day waiting period in writing if the chief
4.23 of police or sheriff finds that the transferee requires access to a pistol or semiautomatic
4.24 military-style assault weapon because of a threat to the life of the transferee or of any
4.25 member of the household of the transferee.

4.26 (b) If a chief of police or sheriff is unable to verify a proposed transferee's identity or
4.27 criminal record within the seven-business-day requirement described in paragraph (a),
4.28 the chief of police or sheriff may require the transferee to appear in person to present a
4.29 current driver's license, state identification card, or passport, and, if deemed necessary, to
4.30 be fingerprinted. If this occurs, the chief of police or sheriff shall notify the transferor of
4.31 this in writing, and the seven-business-day requirement is extended to 30 days.

4.32 (c) No person shall deliver a pistol or semiautomatic military-style assault weapon
4.33 to a proposed transferee after receiving a written notification that the chief of police or

5.1 sheriff has determined that the proposed transferee is prohibited by ~~section 624.713~~ state
5.2 or federal law from possessing a pistol or semiautomatic military-style assault weapon.

5.3 (d) If the transferor makes a report of transfer and receives no written notification
5.4 of disqualification of the proposed transferee and no written notification as described
5.5 in paragraph (b) within ~~five~~ seven business days after delivery of the agreement to
5.6 transfer, the pistol or semiautomatic military-style assault weapon may be delivered to
5.7 the transferee. If the transferor receives the written notification described in paragraph
5.8 (b), the seven-business-day period is extended to 30 days.

5.9 Sec. 8. Minnesota Statutes 2012, section 624.7132, subdivision 5, is amended to read:

5.10 Subd. 5. **Grounds for disqualification.** ~~A determination by (a)~~ The chief of police
5.11 or sheriff ~~that shall deny an application if the proposed transferee is prohibited by section~~
5.12 ~~624.713~~ state or federal law from possessing a pistol or semiautomatic military-style
5.13 assault weapon ~~shall be the sole basis for a notification of disqualification under this~~
5.14 ~~section~~ or is determined to be a danger to self or others under paragraph (b).

5.15 (b) A chief or sheriff shall deny a permit to a person who is a danger to self or others.
5.16 The decision of the chief or sheriff must be based on documented past contact with law
5.17 enforcement. A notice of disqualification issued pursuant to this paragraph must describe
5.18 and document the specific police contact or contacts relied upon to deny the permit.

5.19 (c) A person is not eligible to submit a permit application under this section if the
5.20 person has had an application denied pursuant to paragraph (b) and less than six months
5.21 have elapsed since the denial was issued or the person's appeal under subdivision 13
5.22 was denied, whichever is later.

5.23 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph
5.24 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff
5.25 with joint-jurisdiction over the applicant's residence.

5.26 Sec. 9. Minnesota Statutes 2012, section 624.7132, subdivision 6, is amended to read:

5.27 Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a
5.28 transferee is not a person prohibited by ~~section 624.713~~ state or federal law from
5.29 possessing a pistol or semiautomatic military-style assault weapon and is not a danger to
5.30 self or others, the transferee may, within 30 days after the determination, apply to that
5.31 chief of police or sheriff for a transferee permit, and the permit shall be issued.

5.32 Sec. 10. Minnesota Statutes 2012, section 624.7132, is amended by adding a
5.33 subdivision to read:

6.1 Subd. 7a. **Transfer by or to licensed dealers only.** (a) No person shall transfer
6.2 a pistol or semiautomatic military-style assault weapon unless the transferor or the
6.3 transferee is a federally licensed firearms dealer. Where neither party to a prospective
6.4 pistol or semiautomatic military-style assault weapon transfer is a federally licensed
6.5 firearms dealer, the parties shall complete the transfer through a federally licensed firearms
6.6 dealer as follows:

6.7 (1) the transferor shall deliver the pistol or semiautomatic military-style assault
6.8 weapon and a valid transferee permit or report of transfer to a federally licensed firearms
6.9 dealer, who shall retain possession of that pistol or semiautomatic military-style assault
6.10 weapon until the transaction is completed or as provided in clause (3);

6.11 (2) the federally licensed dealer shall comply with this section and federal law as
6.12 if the dealer had agreed to directly transfer the pistol or semiautomatic military-style
6.13 assault weapon to the proposed transferee;

6.14 (3) if the dealer cannot legally deliver the pistol or semiautomatic military-style
6.15 assault weapon to the proposed transferee or otherwise chooses not to complete the
6.16 transaction, the dealer shall conduct a background check in accordance with federal law
6.17 and file a report of transfer to transfer the pistol or semiautomatic military-style assault
6.18 weapon back to the original transferor. If the original transferor is prohibited by any state
6.19 or federal law from possessing a pistol or semiautomatic military-style assault weapon, the
6.20 dealer shall transfer the firearm to the chief of police or sheriff within 24 hours;

6.21 (4) a dealer who denies transfer of a pistol or semiautomatic military-style assault
6.22 weapon shall immediately report the identity of the proposed transferee, and the date,
6.23 time, and place of the attempted transfer to the local law enforcement agency where
6.24 the dealer is located; and

6.25 (5) the dealer may require the proposed transferee to pay a fee of no more than \$25
6.26 when assisting with a transfer under this subdivision.

6.27 (b) For purposes of this section and section 624.7131, an auctioneer who is licensed
6.28 and bonded in accordance with section 330.01 who, while acting in the person's role as
6.29 an auctioneer, facilitates the sale of a pistol or a semiautomatic military-style assault
6.30 weapon, is neither the transferor nor transferee in the sale of the firearm, provided that the
6.31 auctioneer does not transfer physical possession of the firearm to the buyer or buyer's agent
6.32 or assignee at any time preceding, during, or following the auction other than temporarily
6.33 prior to the auctioning of the firearm for the purpose of enabling the prospective buyer to
6.34 inspect the characteristics and quality of the firearm. Upon completion of the auctioning
6.35 of the firearm, the auctioneer or the auctioneer's agent must physically return the firearm
6.36 to the possession of the person who owns the firearm and who is the prospective transferor

7.1 of the firearm, or to that person's agent in the auction. The owner who is the prospective
7.2 transferor, and the prospective transferee who has agreed in the auction to purchase the
7.3 firearm, must then comply in full with the terms of paragraph (a), if applicable, and with
7.4 the provisions of this chapter, chapter 609, and any other state or federal law, to complete
7.5 the transfer of the firearm.

7.6 Sec. 11. Minnesota Statutes 2012, section 624.7132, subdivision 8, is amended to read:

7.7 Subd. 8. **Report not required.** If the proposed transferee presents a valid transferee
7.8 permit issued under section 624.7131 or a valid permit to carry issued within the 12
7.9 months immediately preceding the transfer under section 624.714, the transferor need
7.10 not file a transfer report.

7.11 Sec. 12. Minnesota Statutes 2012, section 624.7132, subdivision 12, is amended to read:

7.12 Subd. 12. **Exclusions.** (a) For purposes of this subdivision, "relative" means a
7.13 spouse, parent, stepparent, child, stepchild, brother, sister, aunt, uncle, grandparent, or
7.14 grandchild by blood or marriage.

7.15 ~~Except as otherwise provided in section 609.66, subdivision 1f,~~ (b) This section shall
7.16 not apply to ~~transfers of antique firearms as curiosities or for their historical significance~~
7.17 ~~or value,~~ transfers to or between federally licensed firearms dealers, transfers by order of
7.18 court, involuntary transfers, transfers at death or the following transfers:

7.19 (1) a transfer by a person ~~other than a federally licensed firearms dealer~~ to a relative
7.20 who is not ineligible to possess a firearm under state or federal law;

7.21 (2) a loan to a prospective transferee if the loan is intended for a period of no more
7.22 than one day;

7.23 (3) the delivery of a pistol or semiautomatic military-style assault weapon to a
7.24 person for the purpose of repair, reconditioning or remodeling;

7.25 (4) a loan by a teacher to a student in a course designed to teach marksmanship or
7.26 safety with a pistol and approved by the commissioner of natural resources;

7.27 (5) a loan between persons at a firearms collectors exhibition;

7.28 (6) a loan between persons lawfully engaged in hunting or target shooting if the loan
7.29 is intended for a period of no more than 12 hours;

7.30 (7) a loan between law enforcement officers who have the power to make arrests
7.31 other than citizen arrests; and

7.32 (8) a loan between employees or between the employer and an employee in a
7.33 business if the employee is required to carry a pistol or semiautomatic military-style assault
7.34 weapon by reason of employment and is the holder of a valid permit to carry a pistol.

8.1 Sec. 13. Minnesota Statutes 2012, section 624.7132, subdivision 13, is amended to read:

8.2 Subd. 13. **Appeal.** A person aggrieved by the determination of a chief of police
8.3 or sheriff ~~that the person is prohibited by section 624.713 from possessing a pistol~~
8.4 ~~or semiautomatic military-style assault weapon~~ under subdivision 5 may appeal the
8.5 determination as provided in this subdivision. The district court shall have jurisdiction of
8.6 proceedings under this subdivision.

8.7 ~~On review pursuant to this subdivision, the court shall be limited to a determination~~
8.8 ~~of whether the proposed transferee is a person prohibited from possessing a pistol or~~
8.9 ~~semiautomatic military-style assault weapon by section 624.713.~~

8.10 ARTICLE 2

8.11 PERSONS INELIGIBLE TO POSSESS FIREARMS

8.12 Section 1. Minnesota Statutes 2012, section 609.165, subdivision 1a, is amended to read:

8.13 Subd. 1a. **Certain convicted felons ineligible to possess firearms.** The order of
8.14 discharge must provide that a person who has been convicted of a crime of violence, as
8.15 defined in section 624.712, subdivision 5, or a violation of section 609.505, subdivision
8.16 3, or 624.7141, is not entitled to ship, transport, possess, or receive a firearm for the
8.17 remainder of the person's lifetime. Any person who has received such a discharge and
8.18 who thereafter has received a relief of disability under United States Code, title 18, section
8.19 925, or whose ability to possess firearms has been restored under subdivision 1d, shall not
8.20 be subject to the restrictions of this subdivision.

8.21 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
8.22 committed on or after that date.

8.23 Sec. 2. Minnesota Statutes 2012, section 609.505, is amended by adding a subdivision
8.24 to read:

8.25 Subd. 3. **Lost or stolen firearms; false reporting.** (a) As used in this section,
8.26 "crime of violence" has the meaning given in section 624.712, subdivision 5.

8.27 (b) Whoever informs a law enforcement officer that a firearm has been lost or stolen,
8.28 knowing that the report is false, is guilty of a gross misdemeanor.

8.29 (c) A person is guilty of a felony and may be sentenced to imprisonment for not more
8.30 than five years, or to payment of a fine of not more than \$10,000, or both, if the person:

8.31 (1) is convicted a second or subsequent time of violating this subdivision; or

8.32 (2) violates paragraph (b) while knowing, or having reason to believe, that the
8.33 firearm has been transferred to someone who intends to use it in furtherance of a felony
8.34 crime of violence.

9.1 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
9.2 committed on or after that date.

9.3 Sec. 3. Minnesota Statutes 2012, section 624.712, subdivision 5, is amended to read:

9.4 Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of
9.5 the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder
9.6 in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in
9.7 the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide
9.8 and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault
9.9 in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the
9.10 fourth degree); 609.224, subdivision 4 (felony assault in the fifth degree); 609.2242,
9.11 subdivision 4 (felony domestic assault); 609.2247 (domestic assault by strangulation);
9.12 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to injure
9.13 or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25
9.14 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, and
9.15 promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first
9.16 degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual
9.17 conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
9.18 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);
9.19 609.486 (commission of crime while wearing or possessing a bullet-resistant vest);
9.20 609.52 (involving theft of a firearm, theft involving the intentional taking or driving of a
9.21 motor vehicle without the consent of the owner or authorized agent of the owner, theft
9.22 involving the taking of property from a burning, abandoned, or vacant building, or from
9.23 an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle,
9.24 and theft involving the theft of a controlled substance, an explosive, or an incendiary
9.25 device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582,
9.26 subdivision 1, 2, or 3 (burglary in the first through third degrees); 609.66, subdivision 1e
9.27 (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or
9.28 short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (stalking);
9.29 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and a second
9.30 or subsequent conviction, adjudication of delinquency, or conviction as an extended
9.31 jurisdiction juvenile for violating section 624.713, subdivision 1, clause (1) (certain
9.32 persons not to possess firearms, ineligible persons, juveniles); and chapter 152 (drugs,
9.33 controlled substances); and an attempt to commit any of these offenses.

10.1 Sec. 4. Minnesota Statutes 2012, section 624.712, is amended by adding a subdivision
10.2 to read:

10.3 Subd. 12. **Ammunition.** "Ammunition" means ammunition or cartridge cases,
10.4 primers, bullets, or propellant powder designed for use in any firearm.

10.5 Sec. 5. Minnesota Statutes 2012, section 624.713, subdivision 1, is amended to read:

10.6 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to
10.7 possess ammunition or a pistol or semiautomatic military-style assault weapon or, except
10.8 for clause (1), any other firearm:

10.9 (1) a person under the age of 18 years except that a person under 18 may possess
10.10 ammunition designed for use in a firearm that the person may lawfully possess and may
10.11 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
10.12 presence or under the direct supervision of the person's parent or guardian, (ii) for the
10.13 purpose of military drill under the auspices of a legally recognized military organization
10.14 and under competent supervision, (iii) for the purpose of instruction, competition, or target
10.15 practice on a firing range approved by the chief of police or county sheriff in whose
10.16 jurisdiction the range is located and under direct supervision; or (iv) if the person has
10.17 successfully completed a course designed to teach marksmanship and safety with a pistol
10.18 or semiautomatic military-style assault weapon and approved by the commissioner of
10.19 natural resources;

10.20 (2) except as otherwise provided in clause (9), a person who has been convicted of,
10.21 or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing,
10.22 in this state or elsewhere, a crime of violence. For purposes of this section, crime of
10.23 violence includes crimes in other states or jurisdictions which would have been crimes of
10.24 violence as herein defined if they had been committed in this state;

10.25 (3) a person who is or has ever been ordered committed in Minnesota or elsewhere
10.26 by a judicial determination that the person is mentally ill, developmentally disabled, or
10.27 mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment
10.28 facility, whether or not the order was stayed, or who has ever been found incompetent to
10.29 stand trial or not guilty by reason of mental illness, unless the person's ability to possess a
10.30 firearm has been restored under subdivision 4;

10.31 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
10.32 gross misdemeanor violation of chapter 152, unless three years have elapsed since the
10.33 date of conviction and, during that time, the person has not been convicted of any other
10.34 such violation of chapter 152 or a similar law of another state; or a person who is or has
10.35 ever been committed by a judicial determination for treatment for the habitual use of a

11.1 controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the
11.2 person's ability to possess a firearm has been restored under subdivision 4;

11.3 (5) a person who is or has ever been committed to a treatment facility in Minnesota
11.4 or elsewhere by a judicial determination that the person is chemically dependent as defined
11.5 in section 253B.02, unless the person has completed treatment or the person's ability to
11.6 possess a firearm has been restored under subdivision 4. Property rights may not be abated
11.7 but access may be restricted by the courts;

11.8 (6) a peace officer who is informally admitted to a treatment facility pursuant to
11.9 section 253B.04 for chemical dependency, unless the officer possesses a certificate from
11.10 the head of the treatment facility discharging or provisionally discharging the officer from
11.11 the treatment facility. Property rights may not be abated but access may be restricted
11.12 by the courts;

11.13 (7) a person, including a person under the jurisdiction of the juvenile court, who
11.14 has been charged with committing a crime of violence and has been placed in a pretrial
11.15 diversion program by the court before disposition, until the person has completed the
11.16 diversion program and the charge of committing the crime of violence has been dismissed;

11.17 (8) except as otherwise provided in clause (9), a person who has been convicted in
11.18 another state of committing an offense similar to the offense described in section 609.224,
11.19 subdivision 3, against a family or household member or section 609.2242, subdivision
11.20 3, unless three years have elapsed since the date of conviction and, during that time, the
11.21 person has not been convicted of any other violation of section 609.224, subdivision 3, or
11.22 609.2242, subdivision 3, or a similar law of another state;

11.23 (9) a person who has been convicted in this state or elsewhere of assaulting a family
11.24 or household member and who was found by the court to have used a firearm in any way
11.25 during commission of the assault is prohibited from possessing any type of firearm for the
11.26 period determined by the sentencing court;

11.27 (10) a person who:

11.28 (i) has been convicted in any court of a crime punishable by imprisonment for a
11.29 term exceeding one year;

11.30 (ii) is a fugitive from justice as a result of having fled from any state to avoid
11.31 prosecution for a crime or to avoid giving testimony in any criminal proceeding;

11.32 (iii) is an unlawful user of any controlled substance as defined in chapter 152;

11.33 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere
11.34 as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to
11.35 the public, as defined in section 253B.02;

11.36 (v) is an alien who is illegally or unlawfully in the United States;

12.1 (vi) has been discharged from the armed forces of the United States under
12.2 dishonorable conditions; or

12.3 (vii) has renounced the person's citizenship having been a citizen of the United States;

12.4 (11) a person who has been convicted of violating section 609.505, subdivision 3
12.5 (lost or stolen firearms; false reporting), or 624.7141 (transfer of firearm to an ineligible
12.6 person); or

12.7 ~~(11)~~ (12) a person who has been convicted of the following offenses at the gross
12.8 misdemeanor level, unless three years have elapsed since the date of conviction and, during
12.9 that time, the person has not been convicted of any other violation of these sections: section
12.10 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults
12.11 motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a
12.12 child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring
12.13 gun); 609.71 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified
12.14 gross misdemeanor convictions include crimes committed in other states or jurisdictions
12.15 which would have been gross misdemeanors if conviction occurred in this state.

12.16 A person who issues a certificate pursuant to this section in good faith is not liable
12.17 for damages resulting or arising from the actions or misconduct with a firearm committed
12.18 by the individual who is the subject of the certificate.

12.19 The prohibition in this subdivision relating to the possession of firearms other than
12.20 pistols and semiautomatic military-style assault weapons does not apply retroactively
12.21 to persons who are prohibited from possessing a pistol or semiautomatic military-style
12.22 assault weapon under this subdivision before August 1, 1994.

12.23 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms
12.24 for persons convicted or adjudicated delinquent of a crime of violence in clause (2),
12.25 applies only to offenders who are discharged from sentence or court supervision for a
12.26 crime of violence on or after August 1, 1993.

12.27 For purposes of this section, "judicial determination" means a court proceeding
12.28 pursuant to sections 253B.07 to 253B.09 or a comparable law from another state.

12.29 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
12.30 committed on or after that date.

12.31 Sec. 6. Minnesota Statutes 2012, section 624.713, is amended by adding a subdivision
12.32 to read:

12.33 **Subd. 5. Aiding and abetting.** A person is criminally liable for a violation
12.34 committed by another under this section if the person aids or abets the violation within
12.35 the meaning of section 609.05.

13.1 Sec. 7. Minnesota Statutes 2012, section 624.7132, subdivision 15, is amended to read:

13.2 Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person
13.3 who does any of the following is guilty of a gross misdemeanor:

13.4 (1) transfers a pistol or semiautomatic military-style assault weapon in violation
13.5 of subdivisions 1 to 13;

13.6 (2) transfers a pistol or semiautomatic military-style assault weapon to a person who
13.7 has made a false statement in order to become a transferee, if the transferor knows or has
13.8 reason to know the transferee has made the false statement;

13.9 (3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

13.10 (4) makes a false statement in order to become a transferee of a pistol or
13.11 semiautomatic military-style assault weapon knowing or having reason to know the
13.12 statement is false.

13.13 (b) A person who does ~~either~~ any of the following is guilty of a felony:

13.14 (1) transfers a pistol or semiautomatic military-style assault weapon to a person
13.15 under the age of 18 in violation of subdivisions 1 to 13; ~~or~~

13.16 (2) transfers a pistol or semiautomatic military-style assault weapon to a person
13.17 under the age of 18 who has made a false statement in order to become a transferee, if the
13.18 transferor knows or has reason to know the transferee has made the false statement;

13.19 (3) transfers a pistol or a semiautomatic military-style assault weapon to another in
13.20 violation of this section if: (i) the person knows or has reason to know that the transferee is
13.21 prohibited under state or federal law from possessing a firearm; and (ii) the transferee uses
13.22 the weapon within one year after the transfer in furtherance of a felony crime of violence; or

13.23 (4) violates paragraph (a), clause (1) or (3), after having been previously convicted
13.24 or adjudicated delinquent for a violation of this section or section 624.7131.

13.25 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
13.26 committed on or after that date.

13.27 Sec. 8. Minnesota Statutes 2012, section 624.7141, subdivision 1, is amended to read:

13.28 Subdivision 1. **Transfer prohibited.** A person is guilty of a gross misdemeanor who
13.29 intentionally transfers a pistol or semiautomatic military-style assault weapon to another if
13.30 the person knows, or has reason to believe, that the transferee:

13.31 (1) has been denied a permit to carry under section 624.714 because the transferee
13.32 is not eligible under section 624.713 to possess a pistol or semiautomatic military-style
13.33 assault weapon;

14.1 (2) has been found ineligible to possess a pistol or semiautomatic military-style
 14.2 assault weapon by a chief of police or sheriff as a result of an application for a transferee
 14.3 permit or a transfer report; or

14.4 (3) is disqualified under ~~section 624.713~~ state or federal law from possessing a pistol
 14.5 or semiautomatic military-style assault weapon.

14.6 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
 14.7 committed on or after that date.

14.8 Sec. 9. Minnesota Statutes 2012, section 624.7141, subdivision 2, is amended to read:

14.9 Subd. 2. **Felony.** A violation of this section is a felony:

14.10 (1) if the transferee possesses or uses the weapon within one year after the transfer in
 14.11 furtherance of a felony crime of violence; or

14.12 (2) if the transferor knows, or has reason to believe, the transferee intends to use the
 14.13 weapon in the furtherance of a felony crime of violence.

14.14 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
 14.15 committed on or after that date.

14.16 Sec. 10. Minnesota Statutes 2012, section 624.7141, subdivision 3, is amended to read:

14.17 Subd. 3. **Subsequent eligibility.** ~~This section~~ Subdivision 2, clause (1), is not
 14.18 applicable to a transfer to a person who became eligible to possess a pistol or semiautomatic
 14.19 military-style assault weapon ~~under section 624.713~~ after the transfer occurred but before
 14.20 the transferee used or possessed the weapon in furtherance of any crime.

14.21 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
 14.22 committed on or after that date.

14.23 Sec. 11. **REPEALER.**

14.24 Minnesota Statutes 2012, sections 609.66, subdivision 1f; and 624.7132, subdivision
 14.25 14, are repealed."

14.26 Delete the title and insert:

14.27 "A bill for an act
 14.28 relating to public safety; modifying provisions related to the transfer of pistols
 14.29 and semiautomatic military-style assault weapons, and to eligibility to possess
 14.30 a firearm; providing criminal penalties; making it a crime to falsely report the
 14.31 loss or theft of a firearm; expanding the crime of transferring certain firearms
 14.32 to an ineligible person; amending Minnesota Statutes 2012, sections 609.165,
 14.33 subdivision 1a; 609.505, by adding a subdivision; 624.712, subdivision 5, by
 14.34 adding a subdivision; 624.713, subdivision 1, by adding a subdivision; 624.7131,
 14.35 subdivisions 1, 4, 5, 7; 624.7132, subdivisions 1, 3, 4, 5, 6, 8, 12, 13, 15, by

- 15.1 adding a subdivision; 624.7141, subdivisions 1, 2, 3; repealing Minnesota
- 15.2 Statutes 2012, sections 609.66, subdivision 1f; 624.7132, subdivision 14."