

239.18

ARTICLE 15

239.19

EXTREME RISK PROTECTION ORDERS

239.20 Section 1. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

239.21 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess

239.22 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause

239.23 (1), any other firearm:

239.24 (1) a person under the age of 18 years except that a person under 18 may possess

239.25 ammunition designed for use in a firearm that the person may lawfully possess and may

239.26 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual

239.27 presence or under the direct supervision of the person's parent or guardian, (ii) for the

239.28 purpose of military drill under the auspices of a legally recognized military organization

239.29 and under competent supervision, (iii) for the purpose of instruction, competition, or target

239.30 practice on a firing range approved by the chief of police or county sheriff in whose

239.31 jurisdiction the range is located and under direct supervision; or (iv) if the person has

240.1 successfully completed a course designed to teach marksmanship and safety with a pistol

240.2 or semiautomatic military-style assault weapon and approved by the commissioner of natural

240.3 resources;

240.4 (2) except as otherwise provided in clause (9), a person who has been convicted of, or

240.5 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in

240.6 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence

240.7 includes crimes in other states or jurisdictions which would have been crimes of violence

240.8 as herein defined if they had been committed in this state;

240.9 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial

240.10 determination that the person is mentally ill, developmentally disabled, or mentally ill and

240.11 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has

240.12 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless

240.13 the person's ability to possess a firearm and ammunition has been restored under subdivision

240.14 4;

240.15 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or

240.16 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date

240.17 of conviction and, during that time, the person has not been convicted of any other such

240.18 violation of chapter 152 or a similar law of another state; or a person who is or has ever

240.19 been committed by a judicial determination for treatment for the habitual use of a controlled

240.20 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability

240.21 to possess a firearm and ammunition has been restored under subdivision 4;

240.22 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere

240.23 by a judicial determination that the person is chemically dependent as defined in section

240.24 253B.02, unless the person has completed treatment or the person's ability to possess a

240.25 firearm and ammunition has been restored under subdivision 4. Property rights may not be
240.26 abated but access may be restricted by the courts;

240.27 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
240.28 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
240.29 of the treatment facility discharging or provisionally discharging the officer from the
240.30 treatment facility. Property rights may not be abated but access may be restricted by the
240.31 courts;

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

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

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

241.13 (10) a person who:

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

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

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

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

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

241.23 (vi) has been discharged from the armed forces of the United States under dishonorable
241.24 conditions;

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

241.27 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
241.28 922(g)(8) or (9), as amended through March 1, 2014;

241.29 (11) a person who has been convicted of the following offenses at the gross misdemeanor
241.30 level, unless three years have elapsed since the date of conviction and, during that time, the
241.31 person has not been convicted of any other violation of these sections: section 609.229
241.32 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
242.1 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
242.2 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
242.3 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified
242.4 gross misdemeanor convictions include crimes committed in other states or jurisdictions
242.5 which would have been gross misdemeanors if conviction occurred in this state;

242.6 (12) a person who has been convicted of a violation of section 609.224 if the court
242.7 determined that the assault was against a family or household member in accordance with
242.8 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
242.9 the date of conviction and, during that time, the person has not been convicted of another
242.10 violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

242.11 (13) a person who is subject to an order for protection as described in section 260C.201,
242.12 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

242.13 (14) a person who is subject to an extreme risk protection order as described in section
242.14 624.7172 or 624.7174.

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

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

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

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

242.28 Sec. 2. **[624.7171] EXTREME RISK PROTECTION ORDERS.**

242.29 Subdivision 1. Definitions. (a) As used in sections 624.7171 to 624.7178, the following
242.30 terms have the meanings given.

- 242.31 (b) "Family or household members" means:
- 242.32 (1) spouses and former spouses of the respondent;
- 243.1 (2) parents and children of the respondent;
- 243.2 (3) persons who are presently residing with the respondent; or
- 243.3 (4) a person involved in a significant romantic or sexual relationship with the respondent.
- 243.4 In determining whether persons are in a significant romantic or sexual relationship under
- 243.5 clause (4), the court shall consider the length of time of the relationship; type of relationship;
- 243.6 and frequency of interaction between the parties.
- 243.7 (c) "Firearm" has the meaning given in section 609.666, subdivision 1, paragraph (a).
- 243.8 (d) "Mental health professional" has the meaning given in section 245I.02, subdivision
- 243.9 27.
- 243.10 **Subd. 2. Court jurisdiction.** (a) An application for relief under sections 624.7172 and
- 243.11 624.7174 may be filed in the county of residence of the respondent except as provided for
- 243.12 in paragraph (b). Actions under sections 624.7172 and 624.7174 shall be given docket
- 243.13 priorities by the court.
- 243.14 (b) At the time of filing, a petitioner may request that the court allow the petitioner to
- 243.15 appear virtually at all proceedings. If the court denies the petitioner's request for virtual
- 243.16 participation, the petitioner may refile the petition in the county where the petitioner resides
- 243.17 or is officed.
- 243.18 **Subd. 3. Information on petitioner's location or residence.** Upon the petitioner's
- 243.19 request, information maintained by the court regarding the petitioner's location or residence
- 243.20 is not accessible to the public and may be disclosed only to court personnel or law
- 243.21 enforcement for purposes of service of process, conducting an investigation, or enforcing
- 243.22 an order.
- 243.23 **Subd. 4. Generally.** (a) There shall exist an action known as a petition for an extreme
- 243.24 risk protection order, which order shall enjoin and prohibit the respondent from possessing
- 243.25 or purchasing firearms for as long as the order remains in effect.
- 243.26 (b) A petition for relief under sections 624.7171 to 624.7178 may be made by the chief
- 243.27 law enforcement officer, the chief law enforcement officer's designee, a city or county
- 243.28 attorney, any family or household members of the respondent, or a guardian, as defined in
- 243.29 section 524.1-201, clause (27), of the respondent.
- 243.30 (c) A petition for relief shall allege that the respondent poses a significant danger of
- 243.31 bodily harm to other persons or is at significant risk of suicide by possessing a firearm. The
- 243.32 petition shall be accompanied by an affidavit made under oath stating specific facts and
- 244.1 circumstances forming a basis to allege that an extreme risk protection order should be

- 244.2 granted. The affidavit may include but is not limited to evidence showing any of the factors
244.3 described in section 624.7172, subdivision 2.
- 244.4 (d) A petition for emergency relief under section 624.7174 shall additionally allege that
244.5 the respondent presents an immediate and present danger of either bodily harm to others or
244.6 of taking their life.
- 244.7 (e) A petition for relief must describe, to the best of the petitioner's knowledge, the types
244.8 and location of any firearms believed by the petitioner to be possessed by the respondent.
- 244.9 (f) The court shall provide simplified forms and clerical assistance to help with the
244.10 writing and filing of a petition under this section.
- 244.11 (g) The state court administrator shall create all forms necessary under sections 624.7171
244.12 to 624.7178.
- 244.13 (h) The filing fees for an extreme risk protection order under this section are waived for
244.14 the petitioner and respondent. The court administrator, the sheriff of any county in this state,
244.15 and other law enforcement and corrections officers shall perform their duties relating to
244.16 service of process without charge to the petitioner. The court shall direct payment of the
244.17 reasonable costs of service of process if served by a private process server when the sheriff
244.18 or other law enforcement or corrections officer is unavailable or if service is made by
244.19 publication, without requiring the petitioner to make application under section 563.01.
- 244.20 (i) The court shall advise the petitioner of the right to serve the respondent by alternate
244.21 notice under section 624.7172, subdivision 1, paragraph (e), if the respondent is avoiding
244.22 personal service by concealment or otherwise, and shall assist in the writing and filing of
244.23 the affidavit.
- 244.24 (j) The court shall advise the petitioner of the right to request a hearing under section
244.25 624.7174. If the petitioner does not request a hearing, the court shall advise the petitioner
244.26 that the respondent may request a hearing and that notice of the hearing date and time will
244.27 be provided to the petitioner by mail at least five days before the hearing.
- 244.28 (k) Any proceeding under sections 624.7171 to 624.7178 shall be in addition to other
244.29 civil or criminal remedies.
- 244.30 (l) All health records and other health information provided in a petition or considered
244.31 as evidence in a proceeding under sections 624.7171 to 624.7178 shall be protected from
244.32 public disclosure but may be provided to law enforcement agencies as described in this
244.33 section.
- 245.1 (m) Any extreme risk protection order or subsequent extension issued under sections
245.2 624.7171 to 624.7178 shall be forwarded by the court administrator within 24 hours to the
245.3 local law enforcement agency with jurisdiction over the residence of the respondent and
245.4 electronically transmitted within three business days to the National Instant Criminal
245.5 Background Check System. When an order expires or is terminated by the court, the court
245.6 must submit a request that the order be removed from the National Instant Background

245.7 Check System. Each appropriate law enforcement agency shall make available to other law
245.8 enforcement officers, through a system for verification, information as to the existence and
245.9 status of any extreme risk protection order issued under sections 624.7171 to 624.7178.

245.10 Subd. 5. **Mental health professionals.** When a mental health professional has a statutory
245.11 duty to warn another of a client's serious threat of physically violent behavior or determines
245.12 that a client presents a significant risk of suicide by possessing a firearm, the mental health
245.13 professional must communicate the threat or risk to the sheriff of the county where the client
245.14 resides and make a recommendation to the sheriff regarding the client's fitness to possess
245.15 firearms.

245.16 Sec. 3. **[624.7172] EXTREME RISK PROTECTION ORDERS ISSUED AFTER**
245.17 **HEARING.**

245.18 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the
245.19 court must schedule and hold a hearing within 14 days from the date the petition was
245.20 received.

245.21 (b) The court shall advise the petitioner of the right to request an emergency extreme
245.22 risk protection order under section 624.7174 separately from or simultaneously with the
245.23 petition under this subdivision.

245.24 (c) The petitioning agency shall be responsible for service of an extreme risk protection
245.25 order issued by the court and shall further be the agency responsible for the execution of
245.26 any legal process required for the seizure and storage of firearms subject to the order. Nothing
245.27 in this provision limits the ability of the law enforcement agency of record from cooperating
245.28 with other law enforcement entities. When a court issues an extreme risk protection order
245.29 for a person who resides on Tribal territory, the chief law enforcement officer of the law
245.30 enforcement agency responsible for serving the order must request the assistance and counsel
245.31 of the appropriate Tribal police department prior to serving the respondent. When the
245.32 petitioner is a family or household member of the respondent, the primary law enforcement
245.33 agency serving the jurisdiction of residency of the respondent shall be responsible for the
246.1 execution of any legal process required for the seizure and storage of firearms subject to
246.2 the order.

246.3 (d) Personal service of notice for the hearing may be made upon the respondent at any
246.4 time up to 48 hours prior to the time set for the hearing, provided that the respondent at the
246.5 hearing may request a continuance of up to 14 days if the respondent is served less than
246.6 five days prior to the hearing, which continuance shall be granted unless there are compelling
246.7 reasons not to do so. If the court grants the requested continuance, and an existing emergency
246.8 order under section 624.7174 will expire due to the continuance, the court shall also issue
246.9 a written order continuing the emergency order pending the new time set for the hearing.

246.10 (e) If personal service cannot be made, the court may order service of the petition and
246.11 any order issued under this section by alternate means. The application for alternate service
246.12 must include the last known location of the respondent; the petitioner's most recent contacts

246.13 with the respondent; the last known location of the respondent's employment; the names
246.14 and locations of the respondent's parents, siblings, children, and other close relatives; the
246.15 names and locations of other persons who are likely to know the respondent's whereabouts;
246.16 and a description of efforts to locate those persons. The court shall consider the length of
246.17 time the respondent's location has been unknown, the likelihood that the respondent's location
246.18 will become known, the nature of the relief sought, and the nature of efforts made to locate
246.19 the respondent. The court shall order service by first class mail, forwarding address requested,
246.20 to any addresses where there is a reasonable possibility that mail or information will be
246.21 forwarded or communicated to the respondent. The court may also order publication, within
246.22 or without the state, but only if it might reasonably succeed in notifying the respondent of
246.23 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
246.24 court-ordered publication.

246.25 (f) When a petitioner who is not the sheriff of the county where the respondent resides,
246.26 the sheriff's designee, or a family or household member files a petition, the petitioner must
246.27 provide notice of the action to the sheriff of the county where the respondent resides. When
246.28 a family or household member is the petitioner, the court must provide notice of the action
246.29 to the sheriff of the county where the respondent resides.

246.30 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by clear and
246.31 convincing evidence that the respondent poses a significant danger to other persons or is at
246.32 significant risk of suicide by possessing a firearm.

246.33 (b) In determining whether to grant the order after a hearing, the court shall consider
246.34 evidence of the following, whether or not the petitioner has provided evidence of the same:

247.1 (1) a history of threats or acts of violence by the respondent directed toward another
247.2 person;

247.3 (2) the history of use, attempted use, or threatened use of physical force by the respondent
247.4 against another person;

247.5 (3) a violation of any court order, including but not limited to orders issued under sections
247.6 624.7171 to 624.7178 or chapter 260C or 518B;

247.7 (4) a prior arrest for a felony offense;

247.8 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense
247.9 under section 609.749, or for domestic assault under section 609.2242;

247.10 (6) a conviction for an offense of cruelty to animals under chapter 343;

247.11 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;

247.12 (8) suicide attempts by the respondent or a serious mental illness; and

247.13 (9) whether the respondent is named in an existing order in effect under sections 624.7171
247.14 to 624.7178 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or
247.15 other action under sections 624.7171 to 624.7178 or chapter 518B.

247.16 (c) In determining whether to grant the order after a hearing, the court may:

247.17 (1) subpoena peace officers who have had contact with the respondent to provide written
247.18 or sworn testimony regarding the officer's contacts with the respondent; and

247.19 (2) consider any other evidence that bears on whether the respondent poses a danger to
247.20 others or is at risk of suicide.

247.21 (d) If the court finds there is clear and convincing evidence to issue an extreme risk
247.22 protection order, the court shall issue the order prohibiting the person from possessing or
247.23 purchasing a firearm for the duration of the order. The court shall inform the respondent
247.24 that the respondent is prohibited from possessing or purchasing firearms and shall issue a
247.25 transfer order under section 624.7175. The court shall also give notice to the county attorney's
247.26 office, which may take action as it deems appropriate.

247.27 (e) The court shall determine the length of time the order is in effect, but may not set
247.28 the length of time for less than six months or more than one year, subject to renewal or
247.29 extension under section 624.7173.

247.30 (f) If there is no existing emergency order under section 624.7174 at the time an order
247.31 is granted under this section, the court shall determine by clear and convincing evidence
248.1 whether the respondent presents an immediate and present danger of bodily harm. If the
248.2 court so determines, the transfer order shall include the provisions described in section
248.3 624.7175, paragraph (d).

248.4 (g) If, after a hearing, the court does not issue an order of protection, the court shall
248.5 vacate any emergency extreme risk protection order currently in effect.

248.6 (h) A respondent may waive the respondent's right to contest the hearing and consent
248.7 to the court's imposition of an extreme risk protection order. The court shall seal the petition
248.8 filed under this section and section 624.7144 if a respondent who consents to imposition of
248.9 an extreme risk protection order requests that the petition be sealed, unless the court finds
248.10 that there is clear and convincing evidence that the interests of the public and public safety
248.11 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk
248.12 protection orders based on the respondent being a danger to others shall remain public.
248.13 Extreme risk protection orders issued for respondents who are solely at risk of suicide shall
248.14 not be public.

248.15 **Sec. 4. [624.7173] SUBSEQUENT EXTENSIONS AND TERMINATION.**

248.16 (a) Upon application by any party entitled to petition for an order under section 624.7172,
248.17 and after notice to the respondent and a hearing, the court may extend the relief granted in
248.18 an existing order granted after a hearing under section 624.7172. Application for an extension
248.19 may be made any time within the three months before the expiration of the existing order.

248.20 The court may extend the order if the court makes the same findings by clear and convincing
248.21 evidence as required for granting of an initial order under section 624.7172, subdivision 2,
248.22 paragraph (d). The minimum length of time of an extension is six months and the maximum
248.23 length of time of an extension is one year. The court shall consider the same types of evidence
248.24 as required for the initial order under section 624.7172, subdivision 2, paragraphs (b) and
248.25 (c).

248.26 (b) Upon application by the respondent to an order issued under section 624.7172, the
248.27 court may terminate an order after a hearing at which the respondent shall bear the burden
248.28 of proving by clear and convincing evidence that the respondent does not pose a significant
248.29 danger to other persons or is at significant risk of suicide by possessing a firearm. Application
248.30 for termination may be made one time for each year an order is in effect. If an order has
248.31 been issued for a period of six months, the respondent may apply for termination one time.

249.1 Sec. 5. ~~624.7174~~ **EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION**
249.2 **ORDER.**

249.3 (a) In determining whether to grant an emergency extreme risk protection order, the
249.4 court shall consider evidence of all facts identified in section 624.7172, subdivision 2,
249.5 paragraphs (b) and (c).

249.6 (b) The court shall advise the petitioner of the right to request an order after a hearing
249.7 under section 624.7172 separately from or simultaneously with the petition.

249.8 (c) If the court finds there is probable cause that (1) the respondent poses a significant
249.9 danger of bodily harm to other persons or is at significant risk of suicide by possessing a
249.10 firearm, and (2) the respondent presents an immediate and present danger of either bodily
249.11 harm to others or of taking their life, the court shall issue an ex parte emergency order
249.12 prohibiting the respondent from possessing or purchasing a firearm for the duration of the
249.13 order. The order shall inform the respondent that the respondent is prohibited from possessing
249.14 or purchasing a firearm and shall issue a transfer order under section 624.7175, paragraph
249.15 (d).

249.16 (d) A finding by the court that there is a basis for issuing an emergency extreme risk
249.17 protection order constitutes a finding that sufficient reasons exist not to require notice under
249.18 applicable court rules governing applications for ex parte relief.

249.19 (e) The emergency order shall have a fixed period of 14 days unless a hearing is set
249.20 under section 624.7172 on an earlier date, in which case the order shall expire upon a judge's
249.21 finding that no order is issued under section 624.7172.

249.22 (f) Except as provided in paragraph (g), the respondent shall be personally served
249.23 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
249.24 is requested by the petitioner under section 624.7172, notice of the date set for the hearing.
249.25 If the petitioner does not request a hearing under section 624.7172, an order served on a
249.26 respondent under this section must include a notice advising the respondent of the right to

249.27 request a hearing challenging the issuance of the emergency order, and must be accompanied
249.28 by a form that can be used by the respondent to request a hearing.

249.29 (g) Service of the emergency order may be made by alternate service as provided under
249.30 section 624.7172, subdivision 1, paragraph (e), provided that the petitioner files the affidavit
249.31 required under that subdivision. If the petitioner does not request a hearing under section
249.32 624.7172, the petition mailed to the respondent's residence, if known, must be accompanied
249.33 by the form for requesting a hearing described in paragraph (f).

250.1 **Sec. 6. [624.7175] TRANSFER OF FIREARMS.**

250.2 (a) Except as provided in paragraph (b), upon issuance of an extreme risk protection
250.3 order, the court shall direct the respondent to transfer any firearms the person possesses as
250.4 soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed
250.5 firearms dealer or a law enforcement agency. If the respondent elects to transfer the
250.6 respondent's firearms to a law enforcement agency, the agency must accept the transfer.
250.7 The transfer may be permanent or temporary. A temporary firearm transfer only entitles
250.8 the receiving party to possess the firearm and does not transfer ownership or title. If the
250.9 respondent makes a temporary transfer, a federally licensed firearms dealer or law
250.10 enforcement agency may charge the respondent a reasonable fee to store the firearms and
250.11 may establish policies for disposal of abandoned firearms, provided these policies require
250.12 that the respondent be notified prior to disposal of abandoned firearms. If a respondent
250.13 permanently transfers the respondent's firearms to a law enforcement agency, the agency
250.14 is not required to compensate the respondent and may charge the respondent a reasonable
250.15 processing fee.

250.16 (b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer
250.17 any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a),
250.18 clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title
250.19 27, section 478.11, as amended, to a relative who does not live with the respondent after
250.20 confirming that the relative may lawfully own or possess a firearm.

250.21 (c) The respondent must file proof of transfer as provided in this paragraph.

250.22 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
250.23 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
250.24 proof of transfer must specify whether the firearms were permanently or temporarily
250.25 transferred and must include the name of the respondent, date of transfer, and the serial
250.26 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally
250.27 licensed firearms dealer, the respondent shall, within two business days after being served
250.28 with the order, file a copy of proof of transfer with the law enforcement agency and attest
250.29 that all firearms owned or possessed at the time of the order have been transferred in
250.30 accordance with this section and that the person currently does not possess any firearms. If
250.31 the respondent claims not to own or possess firearms, the respondent shall file a declaration
250.32 of nonpossession with the law enforcement agency attesting that, at the time of the order,
250.33 the respondent neither owned nor possessed any firearms, and that the respondent currently

250.34 neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to
250.35 paragraph (b), the relative must sign an affidavit under oath before a notary public either
251.1 acknowledging that the respondent permanently transferred the respondent's antique firearms,
251.2 curios, or relics to the relative or agreeing to temporarily store the respondent's antique
251.3 firearms, curios, or relics until such time as the respondent is legally permitted to possess
251.4 firearms. To the extent possible, the affidavit shall indicate the serial number, make, and
251.5 model of all antique firearms, curios, or relics transferred by the respondent to the relative.

251.6 (2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
251.7 filed pursuant to this paragraph.

251.8 (d) If a court issues an emergency order under section 624.7174, or makes a finding of
251.9 immediate and present danger under section 624.7172, subdivision 2, paragraph (f), and
251.10 there is probable cause to believe the respondent possesses firearms, the court shall issue a
251.11 search warrant to the local law enforcement agency to take possession of all firearms in the
251.12 respondent's possession as soon as practicable. The chief law enforcement officer or the
251.13 chief's designee shall notify the respondent of the option to voluntarily comply with the
251.14 order by surrendering the respondent's firearms to law enforcement prior to execution of
251.15 the search warrant. Only if the respondent refuses to voluntarily comply with the order to
251.16 surrender the respondent's firearms shall the officer or officers tasked with serving the search
251.17 warrant execute the warrant. The local law enforcement agency shall, upon written notice
251.18 from the respondent, transfer the firearms to a federally licensed firearms dealer. Before a
251.19 local law enforcement agency transfers a firearm under this paragraph, the agency shall
251.20 require the federally licensed firearms dealer receiving the firearm to submit a proof of
251.21 transfer that complies with the requirements for proofs of transfer established in paragraph
251.22 (c). The agency shall file all proofs of transfer received by the court within two business
251.23 days of the transfer. A federally licensed firearms dealer who accepts a firearm transfer
251.24 pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting transfer
251.25 directly from the respondent. If the law enforcement agency does not receive written notice
251.26 from the respondent within three business days, the agency may charge a reasonable fee to
251.27 store the respondent's firearms. A law enforcement agency may establish policies for disposal
251.28 of abandoned firearms, provided these policies require that the respondent be notified prior
251.29 to disposal of abandoned firearms.

251.30 Sec. 7. **[624.7176] RETURN OF FIREARMS.**

251.31 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
251.32 temporary transfer of firearms under section 624.7175 shall return the firearms to the
251.33 respondent after the expiration of the order, provided the respondent is not otherwise
251.34 prohibited from possessing firearms under state or federal law.

252.1 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
252.2 transfer of firearms under section 624.7175 shall return the transferred firearms to the
252.3 respondent upon request after the expiration of the order, provided the respondent is not
252.4 otherwise prohibited from possessing firearms under state or federal law. A federally licensed

252.5 firearms dealer returning firearms shall comply with state and federal law as though
252.6 transferring a firearm from the dealer's own inventory.

252.7 **Sec. 8. [624.7177] OFFENSES.**

252.8 **Subdivision 1. False information or harassment.** A person who petitions for an extreme
252.9 risk protection order under section 624.7172 or 624.7174, knowing any information in the
252.10 petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a
252.11 gross misdemeanor. A person who violates this subdivision a second or subsequent time is
252.12 guilty of a felony.

252.13 **Subd. 2. Violation of order.** A person who possesses a firearm and knows or should
252.14 have known that the person is prohibited from doing so by an extreme risk protection order
252.15 under section 624.7172 or 624.7174, or by an order of protection granted by a judge or
252.16 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor
252.17 and shall be prohibited from possessing firearms for a period of five years. Each extreme
252.18 risk protection order granted under this chapter must contain a conspicuous notice to the
252.19 respondent regarding the penalty for violation of the order.

252.20 **Sec. 9. [624.7178] LIABILITY PROTECTION.**

252.21 **Subdivision 1. Liability protection for petition.** A chief law enforcement officer, the
252.22 chief law enforcement officer's designee, or a city or county attorney who, in good faith,
252.23 decides not to petition for an extreme risk protection order or emergency extreme risk
252.24 protection order shall be immune from criminal or civil liability.

252.25 **Subd. 2. Liability protection for storage of firearms.** A law enforcement agency shall
252.26 be immune from civil or criminal liability for any damage or deterioration of firearms,
252.27 ammunition, or weapons stored or transported pursuant to section 624.7175. This subdivision
252.28 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
252.29 negligence, or intentional misconduct by the law enforcement agency.

252.30 **Subd. 3. Liability protection for harm following service of an order or execution of**
252.31 **a search warrant.** A peace officer, law enforcement agency, and the state or a political
252.32 subdivision by which a peace officer is employed has immunity from any liability, civil or
252.33 criminal, for harm caused by a person who is the subject of an extreme risk protection order,
253.1 a search warrant issued pursuant to section 624.7175, paragraph (d), or both, after service
253.2 of the order or execution of the warrant, whichever comes first, if the peace officer acts in
253.3 good faith in serving the order or executing the warrant.

253.4 **Subd. 4. Liability protection for mental health professionals.** A mental health
253.5 professional who provides notice to the sheriff under section 624.7171, subdivision 5, is
253.6 immune from monetary liability and no cause of action, or disciplinary action by the person's
253.7 licensing board, may arise against the mental health professional for disclosure of confidences
253.8 to the sheriff, for failure to disclose confidences to the sheriff, or for erroneous disclosure

253.9 of confidences to the sheriff in a good faith effort to warn against or take precautions against
253.10 a client's violent behavior or threat of suicide.

253.11 Sec. 10. **[626.8481] EXTREME RISK PROTECTION ORDER; DEVELOPMENT**
253.12 **OF MODEL PROCEDURES.**

253.13 By December 1, 2023, the Peace Officer Standards and Training Board, after consulting
253.14 with the National Alliance on Mental Illness Minnesota, the Minnesota County Attorneys
253.15 Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association,
253.16 and the Minnesota Police and Peace Officers Association, shall develop model procedures
253.17 and standards for the storage of firearms transferred to law enforcement under section
253.18 624.7175.

253.19 Sec. 11. **FEDERAL BYRNE STATE CRISIS INTERVENTION PROGRAM.**

253.20 The Department of Public Safety is designated the state agency with the exclusive
253.21 authority to apply for federal Byrne State Crisis Intervention Program grants.

253.22 Sec. 12. **EFFECTIVE DATE.**

253.23 Sections 1 to 9 are effective January 1, 2024, and apply to firearm permit background
253.24 checks made on or after that date.