

- 1.1 moves to amend H.F. No. 3423 as follows:
- 1.2 Delete everything after the enacting clause and insert:
- 1.3 "Section 1. Minnesota Statutes 2008, section 609.66, subdivision 1d, is amended to
- 1.4 read:
- 1.5 Subd. 1d. **Possession on school property; penalty.** (a) Except as provided under
- 1.6 paragraphs ~~(e)~~ (d) and ~~(e)~~ (f), whoever possesses, stores, or keeps a dangerous weapon
- 1.7 ~~or uses or brandishes a replica firearm or a BB gun~~ while knowingly on school property is
- 1.8 guilty of a felony and may be sentenced to imprisonment for not more than ~~two~~ five years
- 1.9 or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.
- 1.10 ~~(b) Whoever uses or brandishes a replica firearm or a BB gun while knowingly on~~
- 1.11 ~~school property is guilty of a gross misdemeanor.~~
- 1.12 ~~(b)~~ (c) Whoever possesses, stores, or keeps a replica firearm or a BB gun while
- 1.13 knowingly on school property is guilty of a ~~gross~~ misdemeanor.
- 1.14 ~~(e)~~ (d) Notwithstanding paragraph (a) ~~or~~, (b), (c), it is a misdemeanor for a person
- 1.15 authorized to carry a firearm under the provisions of a permit or otherwise to carry a
- 1.16 firearm on or about the person's clothes or person in a location the person knows is school
- 1.17 property. Notwithstanding section 609.531, a firearm carried in violation of this paragraph
- 1.18 is not subject to forfeiture.
- 1.19 ~~(d)~~ (e) As used in this subdivision:
- 1.20 (1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch
- 1.21 or less in diameter;
- 1.22 (2) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;
- 1.23 (3) "replica firearm" has the meaning given it in section 609.713; and
- 1.24 (4) "school property" means:
- 1.25 (i) a public or private elementary, middle, or secondary school building and its
- 1.26 improved grounds, whether leased or owned by the school;

- 2.1 (ii) a child care center licensed under chapter 245A during the period children are
- 2.2 present and participating in a child care program;
- 2.3 (iii) the area within a school bus when that bus is being used by a school to
- 2.4 transport one or more elementary, middle, or secondary school students to and from
- 2.5 school-related activities, including curricular, cocurricular, noncurricular, extracurricular,
- 2.6 and supplementary activities; and
- 2.7 (iv) that portion of a building or facility under the temporary, exclusive control
- 2.8 of a public or private school, a school district, or an association of such entities where
- 2.9 conspicuous signs are prominently posted at each entrance that give actual notice to
- 2.10 persons of the school-related use.
- 2.11 ~~(e)~~ (f) This subdivision does not apply to:
- 2.12 (1) active licensed peace officers;
- 2.13 (2) military personnel or students participating in military training, who are on-duty,
- 2.14 performing official duties;
- 2.15 (3) persons authorized to carry a pistol under section 624.714 while in a motor
- 2.16 vehicle or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the
- 2.17 trunk or rear area of the vehicle;
- 2.18 (4) persons who keep or store in a motor vehicle pistols in accordance with section
- 2.19 624.714 or 624.715 or other firearms in accordance with section 97B.045;
- 2.20 (5) firearm safety or marksmanship courses or activities conducted on school
- 2.21 property;
- 2.22 (6) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial
- 2.23 color guard;
- 2.24 (7) a gun or knife show held on school property;
- 2.25 (8) possession of dangerous weapons, BB guns, or replica firearms with written
- 2.26 permission of the principal or other person having general control and supervision of the
- 2.27 school or the director of a child care center; or
- 2.28 (9) persons who are on unimproved property owned or leased by a child care center,
- 2.29 school, or school district unless the person knows that a student is currently present on the
- 2.30 land for a school-related activity.
- 2.31 ~~(f)~~ (g) Notwithstanding section 471.634, a school district or other entity composed
- 2.32 exclusively of school districts may not regulate firearms, ammunition, or their respective
- 2.33 components, when possessed or carried by nonstudents or nonemployees, in a manner
- 2.34 that is inconsistent with this subdivision.

2.35 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes

2.36 committed on or after that date."

- 3.1 Delete the title and insert:
- 3.2 "A bill for an act
- 3.3 relating to public safety; increasing criminal penalty for possessing dangerous
- 3.4 weapons on school property while lowering criminal penalty for brandishing,
- 3.5 using, or possessing replica firearms and BB guns on school property; amending
- 3.6 Minnesota Statutes 2008, section 609.66, subdivision 1d."