

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 1468

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**Version:** First engrossment

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**Subject:** Public Safety; Disposal of Forfeited Weapons, including Firearms

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### Overview

This bill authorizes law enforcement agencies to sell forfeited weapons, including forfeited firearms, to federally licensed firearms dealers.

**Contraband Weapons: Sale Authorized.** Current law requires that, upon summary forfeiture, any contraband weapons must be destroyed, unless they are used by the appropriate agency for law enforcement purposes.

This bill would add one additional permissible disposition for the weapons, by authorizing the agency to sell the forfeited contraband weapons to federally licensed firearms dealers (FFLs), as defined by and regulated under both federal firearms law and Minnesota Statutes.

**Note A.** Both federal firearms law and Minnesota Statutes require that, before an FFL can sell any firearm to any *person who is not an FFL (i.e., who is not a Federal firearms licensee -i.e., a firearms dealer)*, the buyer must submit to a background check of his or her criminal history and mental health commitment record, using the National Criminal History Check System (NICS) maintained by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE).

#### **Background: Firearm Sales by A Federally Licensed Dealer (an FFL)**

For a retail store to sell firearms, at least one staff member must be federally licensed as a firearms dealer - i.e., must be a *federal firearms licensee, or FFL*, to personally handle and be legally responsible for the transfer by:

- determining the identity of the buyer;
- requiring the buyer to complete federal form 4473, an affidavit stating that the purchaser is eligible to purchase firearms under federal and Minnesota law;
- contacting the FBI's National Instant Check System (NICS) by phone, to quickly determine whether the buyer is listed as a firearms-prohibited person; and if not
- to take payment and transfer the firearm to the applicant; and
- keeping the record of the sale for the prescribed period of time.

The Federal Form 4473 contains name, address, date of birth, government-issued photo ID, National Instant Criminal Background Check System (NICS) background check transaction number, make/model/serial number of the firearm, and a short federal affidavit stating that the purchaser is eligible to purchase firearms under federal law. Lying on this form is a felony and can be punished by up to five years in prison in addition to fines, even if the transaction is simply denied by the NICS.