

HOUSE RESEARCH

Bill Summary

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Overview

This bill bans the manufacture, transfer and possession of assault weapons. The bill provides procedures for registering or disposing of assault weapons that citizens lawfully possess prior to the effective date of the ban.

Section

- 1** **Firearms data.** Classifies all assault weapons data collected by any agency as private data on individuals. Under this classification, the data is available to the subject, those whose work requires access, entities authorized by law, and parties authorized by the subject.
- 2** **Assault weapon.** Defines the term “assault weapon” and substitutes it for the current term “semiautomatic military style assault weapon.” An assault weapon is a:
 - (1) semi-automatic rifle that has the capacity to accept a detachable magazine and has one or more of the following:
 - (i) a pistol grip or thumbhole stock;
 - (ii) any feature capable of functioning as a protruding grip that can be held by the nontrigger hand;
 - (iii) a folding or telescoping stock; or
 - (iv) a shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel;

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(2) semi-automatic pistol or rifle with a fixed magazine that has the capacity to accept more than seven rounds of ammunition;

(3) semi-automatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

(i) any feature capable of functioning as a protruding grip that can be held by the nontrigger hand;

(ii) a folding, telescoping, or thumbhole stock;

(iii) a shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel; or

(iv) the capacity to accept a detachable magazine at any location outside of the pistol grip;

(4) semi-automatic shotgun that has one or more of the following:

(i) a pistol grip or thumbhole stock;

(ii) any feature capable of functioning as a protruding grip that can be held by the nontrigger hand;

(iii) a folding or telescoping stock;

(iv) a fixed magazine capacity in excess of seven rounds; or

(v) an ability to accept a detachable magazine;

(5) shotgun with a revolving cylinder; or

(6) conversion kit, part, or combination of parts, from which an assault weapon can be assembled if those parts are in the possession or under the control of the same person.

The term does not include any firearm that has been made permanently inoperable.

3 Detachable magazine. Defines the term “detachable magazine” as an ammunition feeding device that can be loaded while detached from a firearm and readily inserted into a firearm.

4 Fixed magazine. Defines the term “fixed magazine” as an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

5 Certain persons not to possess firearms. Makes conforming changes to the statute that establishes classes of citizens who are ineligible to possess firearms. The changes reflect the uniform assault weapon ban proposed in section 6.

Section

6 Assault weapons prohibited.

Subd. 1. Definition. Defines the term “transfer.”

Subd. 2. Prohibition. Prohibits the manufacture, import, transfer, or possession of assault weapons.

Subd. 3. Exceptions. Establishes the following exceptions to the assault weapons ban:

- weapons lawfully possessed prior to February 1, 2013;
- weapons used by authorized government officials;
- manufacture of assault weapons for military or law enforcement purposes; or
- transfer of assault weapons to the military or law enforcement entities.

Subd. 4. Penalty.

Para. (a). Establishes a five-year felony for violations of subdivision 2.

Para. (b). Establishes a ten-year felony for violators of subdivision 2 who are barred from possessing firearms because of mental illness or a past gross misdemeanor conviction for a crime of violence.

Para. (c). Establishes a 20-year felony for violators of subdivision 2 who are barred from possessing firearms because of a past felony conviction for a crime of violence.

Para. (d). Exempts citizens who lawfully possessed an assault weapon prior to February 1, 2013, and who are in full compliance with the registration requirements established in subdivision 5.

Subd. 5. Registration of assault weapons.

Para. (a). A person who lawfully possessed an assault weapon prior to February 1, 2013, must submit to a background check and register the weapon if he or she desires to keep the weapon.

Para. (b). A person who registers his weapon under paragraph (a) must comply with the following:

- (1) safely and securely store the weapon;
- (2) agree to allow law enforcement to inspect how the weapon is stored;
- (3) annually renew the registration including a background check;
- (4) possess the weapon only on property owned or controlled by the owner or at a firing range, or in transport to and from one of these locations under federal law (locked case);
- (5) report the theft or loss of the weapon within 48 hours.

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Para. (c). Prohibits the transfer of a registered assault weapon.

Para. (d). Prohibits a registered owner from purchasing additional assault weapons.

Para. (e). Authorizes a law enforcement agency to impose a registration and renewal fee.

Para. (f). Requires persons who inherit possession of an assault weapon to either surrender the weapon or permanently modify the weapon to render it inoperable, within 100 days.

Para. (g). Directs chiefs and sheriffs to: adopt regulations directing how to safely and securely store registered assault weapons; adopt policies for inspecting how assault weapons are stored; conduct background checks and implement an assault weapons registration system.

- 7** **Persons possessing assault weapons on effective date of act; required actions.** Grants those who possess assault weapons on February 1, 2013, until September 1, 2013, to: remove the weapon from the state; surrender the weapon to law enforcement; permanently modify the weapon to render it inoperable; or register the weapon pursuant to section 6.
- 8** **Revisor's Instruction.** Directs the Revisor to strike references to "semiautomatic military style assault weapons" or replace the references with "assault weapon."