

Subject Firearm Background Checks

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Overview

This bill requires that private transfers of pistols and semiautomatic military-style assault weapons be preceded by a firearms eligibility background check of the person receiving the firearm.

Summary

Section Description

- 1 **Transferee permit; penalty.**
 - Subd. 1. Information.** No changes.
 - Subd. 2. Investigation.** No changes.
 - Subd. 3. Forms.** No changes.
 - Subd. 4. Grounds for disqualification.** Grants a chief law enforcement officer the authority to deny an application for a transferee permit if the person is a danger to self or others.
 - Subd. 5. Granting of permits.** Clarifying, non-substantive changes.
 - Subd. 6. Permits valid state wide.** No changes.
 - Subd. 7. Permit voided; revocation.** Establishes a protocol for when a permit holder becomes ineligible and must surrender the permit. Increases the penalty for failure to return a revoked permit from a misdemeanor to a gross misdemeanor. Also contains a clarifying change.
 - Subd. 8. Hearing upon denial.** No changes.
 - Subd. 9. Permit to carry.** Declares that a permit to carry is the equivalent of a transferee permit for purposes of this section and the transfer report section (624.7132).

Section	Description
	<p>Subd. 10. Transfer report not required. Eliminates the exception to completing a transfer report under section 2 for firearms transfers where a transferee permit is proffered as proof of firearms eligibility.</p> <p>Subd. 11. Penalty. Increases the criminal penalty for making a false statement to obtain a transferee permit from a gross misdemeanor to a felony.</p> <p>Subd. 12. Local regulation. No changes.</p>
2	<p>Report of transfer.</p> <p>Subd. 1. Required information. No changes.</p> <p>Subd. 2. Investigation. No changes.</p> <p>Subd. 3. Notification. No changes.</p> <p>Subd. 4. Delivery. Clarifies that the waiting period for a record of transfer is five business days. Also contains technical changes.</p> <p>Subd. 5. Grounds for disqualification. Grants a chief law enforcement officer the authority to deny a transfer application if the person is a danger to self or others.</p> <p>Subd. 6. Transferee permit. Eliminates the option for a person who is approved to receive a firearm through the report of transfer process to automatically receive a transferee permit.</p> <p>Subd. 8. Report not required. Eliminates the exception to the transfer report requirement for those who possess a transferee permit. A person who possesses a valid permit to carry is exempt from the report of transfer process.</p> <p>Subd. 9. Number of firearms. No changes.</p> <p>Subd. 10. Restriction on records. No changes.</p> <p>Subd. 11. Forms; cost. No changes.</p> <p>Subd. 12. Exclusions. No changes.</p> <p>Subd. 13. Appeal. No changes.</p> <p>Subd. 14. Transfer to unknown party. Repeals language penalizing the transfer of firearms to unknown parties. This conduct is penalized elsewhere in statute and the bill.</p> <p>Subd. 15. Penalties. No changes.</p>

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Subd. 16. Local regulation. No changes.

3 Private party transfers; background check required.

Subd. 1. Definitions. Defines “firearms dealer” and “state or federally issued identification.”

Subd. 2. Background check and evidence of identity. Requires that a private party who wishes to receive a pistol or semiautomatic military-style assault weapon from another private party present a valid transferee permit and government issued identification.

Subd. 3. Record of transfer; required information. Requires that private parties who transfer a pistol or semiautomatic military-style assault weapon under subdivision 2 complete a record of transfer. Specifies the information that must be included in the record of transfer including the firearm’s serial number, type, manufacturer, and model. The report must also contain a copy of the transferee’s permit and ID. Both parties must retain a copy of the record of transfer and attachments for 20 years. The copy may be in digital format.

Subd. 4. Compulsory production of a record of transfer; gross misdemeanor penalty. Requires both parties to a private pistol or semiautomatic military-style assault weapon transfer to produce the record of transfer upon the request of a law enforcement officer who is investigating a crime. A person who refuses or is unable to produce a record of transfer upon request is guilty of a gross misdemeanor.

Subd. 5. Immunity. Grants immunity from prosecution under this section to persons who present a valid record of transfer.

Subd. 6. Exclusions. Establishes exceptions to the background check requirements of this section for certain pistol and semiautomatic military-style assault weapon transfers. Transfers involving a firearms dealer or a law enforcement agency and transfers between immediate family members, among various other transfers, are excluded.



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