

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 953

February 19, 2009

Authored by Paymar, Johnson, Rosenthal, Hayden, Lesch and others

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to public safety; modifying provisions related to the transfer of pistols
1.3 or semiautomatic military-style assault weapons; amending Minnesota Statutes
1.4 2008, sections 624.7131, subdivisions 1, 4, 5, 7; 624.7132, subdivisions 1, 3,
1.5 4, 5, 6, 8, 12, 13, by adding subdivisions; repealing Minnesota Statutes 2008,
1.6 sections 624.7131, subdivisions 9, 10; 624.7132, subdivisions 10, 14.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2008, section 624.7131, subdivision 1, is amended to
1.9 read:

1.10 Subdivision 1. **Information.** Any person may apply for a transferee permit by
1.11 providing the following information in writing to the chief of police of an organized full
1.12 time police department of the municipality in which the person resides or to the county
1.13 sheriff if there is no such local chief of police:

1.14 (1) the name, residence, telephone number, and driver's license number or
1.15 nonqualification certificate number, if any, of the proposed transferee;

1.16 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing
1.17 physical characteristics, if any, of the proposed transferee;

1.18 (3) a statement that the proposed transferee authorizes the release to the local police
1.19 authority of commitment information about the proposed transferee maintained by the
1.20 commissioner of human services, to the extent that the information relates to the proposed
1.21 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
1.22 under section 624.713, subdivision 1; and

1.23 (4) a statement by the proposed transferee that the proposed transferee is not
1.24 prohibited by ~~section 624.713~~ any state or federal law from possessing a pistol or
1.25 semiautomatic military-style assault weapon.

2.1 The statements shall be signed and dated by the person applying for a permit. At
2.2 the time of application, the local police authority shall provide the applicant with a
2.3 dated receipt for the application. The statement under clause (3) must comply with any
2.4 applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35,
2.5 with respect to consent to disclosure of alcohol or drug abuse patient records.

2.6 Sec. 2. Minnesota Statutes 2008, section 624.7131, subdivision 4, is amended to read:

2.7 Subd. 4. **Grounds for disqualification.** A determination by the chief of police or
2.8 sheriff that the applicant is prohibited by ~~section 624.713~~ any state or federal law from
2.9 possessing a pistol or semiautomatic military-style assault weapon shall be the only basis
2.10 for refusal to grant a transferee permit.

2.11 Sec. 3. Minnesota Statutes 2008, section 624.7131, subdivision 5, is amended to read:

2.12 Subd. 5. **Granting of permits.** The chief of police or sheriff shall issue a transferee
2.13 permit or deny the application within seven days of application for the permit. The chief
2.14 of police or sheriff shall provide an applicant with written notification of a denial and the
2.15 specific reason for the denial. The permits and their renewal shall be granted ~~free of~~
2.16 ~~charge~~ for a fee not to exceed \$5 above the expenses incurred by the chief of police or
2.17 sheriff for processing the transferee permit application.

2.18 Sec. 4. Minnesota Statutes 2008, section 624.7131, subdivision 7, is amended to read:

2.19 Subd. 7. **Permit voided.** The transferee permit shall be void at the time that the
2.20 holder becomes prohibited from possessing a pistol under ~~section 624.713~~ any state or
2.21 federal law, in which event the holder shall return the permit within five days to the issuing
2.22 authority. Failure of the holder to return the permit within the five days is a misdemeanor
2.23 unless the court finds that the circumstances or the physical or mental condition of the
2.24 permit holder prevented the holder from complying with the return requirement.

2.25 Sec. 5. Minnesota Statutes 2008, section 624.7132, subdivision 1, is amended to read:

2.26 Subdivision 1. **Required information.** ~~Except as provided in this section and~~
2.27 ~~section 624.7131~~, Every person who agrees to transfer a pistol or semiautomatic
2.28 military-style assault weapon shall report the following information in writing to the
2.29 chief of police of the organized full-time police department of the municipality where the
2.30 proposed transferee resides or to the appropriate county sheriff if there is no such local
2.31 chief of police:

3.1 (1) the name, residence, telephone number, and driver's license number or
3.2 nonqualification certificate number, if any, of the proposed transferee;

3.3 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing
3.4 physical characteristics, if any, of the proposed transferee;

3.5 (3) a statement that the proposed transferee authorizes the release to the local police
3.6 authority of commitment information about the proposed transferee maintained by the
3.7 commissioner of human services, to the extent that the information relates to the proposed
3.8 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
3.9 under section 624.713, subdivision 1;

3.10 (4) a statement by the proposed transferee that the transferee is not prohibited
3.11 by ~~section 624.713~~ any state or federal law from possessing a pistol or semiautomatic
3.12 military-style assault weapon; and

3.13 (5) the address of the place of business of the transferor.

3.14 The report shall be signed and dated by the transferor and the proposed transferee.
3.15 The report shall be delivered by the transferor to the chief of police or sheriff no later
3.16 than three days after the date of the agreement to transfer, excluding weekends and legal
3.17 holidays. The statement under clause (3) must comply with any applicable requirements
3.18 of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to
3.19 disclosure of alcohol or drug abuse patient records.

3.20 Sec. 6. Minnesota Statutes 2008, section 624.7132, subdivision 3, is amended to read:

3.21 Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and
3.22 proposed transferee in writing as soon as possible if the chief or sheriff determines that
3.23 the proposed transferee is prohibited by ~~section 624.713~~ any state or federal law from
3.24 possessing a pistol or semiautomatic military-style assault weapon. The notification to the
3.25 transferee shall specify the grounds for the disqualification of the proposed transferee and
3.26 shall set forth in detail the transferee's right of appeal under subdivision 13.

3.27 Sec. 7. Minnesota Statutes 2008, section 624.7132, subdivision 4, is amended to read:

3.28 Subd. 4. **Delivery.** Except as otherwise provided in subdivision ~~7~~ or 8, no person
3.29 shall deliver a pistol or semiautomatic military-style assault weapon to a proposed
3.30 transferee until ~~five~~ seven business days after the date the agreement to transfer is
3.31 delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief
3.32 of police or sheriff waives all or a portion of the seven day waiting period. The chief of
3.33 police or sheriff may waive all or a portion of the ~~five~~ seven business day waiting period
3.34 in writing if the chief of police or sheriff finds that the transferee requires access to a

4.1 pistol or semiautomatic military-style assault weapon because of a threat to the life of the
4.2 transferee or of any member of the household of the transferee.

4.3 No person shall deliver a pistol or semiautomatic military-style assault weapon to a
4.4 proposed transferee after receiving a written notification that the chief of police or sheriff
4.5 has determined that the proposed transferee is prohibited by ~~section 624.713~~ any state or
4.6 federal law from possessing a pistol or semiautomatic military-style assault weapon.

4.7 If the transferor makes a report of transfer and receives no written notification of
4.8 disqualification of the proposed transferee within ~~five~~ seven business days after delivery
4.9 of the agreement to transfer, the pistol or semiautomatic military-style assault weapon
4.10 may be delivered to the transferee.

4.11 Sec. 8. Minnesota Statutes 2008, section 624.7132, subdivision 5, is amended to read:

4.12 Subd. 5. **Grounds for disqualification.** A determination by the chief of police or
4.13 sheriff that the proposed transferee is prohibited by ~~section 624.713~~ any state or federal
4.14 law from possessing a pistol or semiautomatic military-style assault weapon shall be the
4.15 sole basis for a notification of disqualification under this section.

4.16 Sec. 9. Minnesota Statutes 2008, section 624.7132, subdivision 6, is amended to read:

4.17 Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a
4.18 transferee is not a person prohibited by ~~section 624.713~~ any state or federal law from
4.19 possessing a pistol or semiautomatic military-style assault weapon, the transferee may,
4.20 within 30 days after the determination, apply to that chief of police or sheriff for a
4.21 transferee permit, and the permit shall be issued.

4.22 Sec. 10. Minnesota Statutes 2008, section 624.7132, is amended by adding a
4.23 subdivision to read:

4.24 Subd. 7a. **Transfer by or to licensed dealers only.** (a) No person shall transfer
4.25 a pistol or semiautomatic military-style assault weapon unless the transferor or the
4.26 transferee is a federally licensed firearms dealer. Where neither party to a prospective
4.27 pistol or semiautomatic military-style assault weapon transfer is a federally licensed
4.28 firearms dealer, the parties shall complete the transfer through a federally licensed firearms
4.29 dealer as follows:

4.30 (1) the transferor shall deliver the pistol or semiautomatic military-style assault
4.31 weapon and a valid transferee permit or report of transfer to a federally licensed firearms
4.32 dealer, who shall retain possession of that pistol or semiautomatic military-style assault
4.33 weapon until the transaction is completed or as provided in clause (3);

5.1 (2) the federally licensed dealer shall comply with this section and federal law as
5.2 if the dealer had agreed to directly transfer the pistol or semiautomatic military-style
5.3 assault weapon to the proposed transferee;

5.4 (3) if the dealer cannot legally deliver the pistol or semiautomatic military-style
5.5 assault weapon to the proposed transferee or otherwise chooses not to complete the
5.6 transaction, the dealer shall conduct a background check in accordance with federal law
5.7 and file a report of transfer to transfer the pistol or semiautomatic military-style assault
5.8 weapon back to the original transferor. If the original transferor is prohibited by any state
5.9 or federal law from possessing a pistol or semiautomatic military-style assault weapon, the
5.10 dealer shall transfer the firearm to the chief of police or sheriff within 24 hours;

5.11 (4) a dealer who denies transfer of a pistol or semiautomatic military-style assault
5.12 weapon shall immediately report the identity of the proposed transferee, and the date,
5.13 time, and place of the attempted transfer to the local law enforcement agency where
5.14 the dealer is located; and

5.15 (5) the dealer may require the proposed transferee to pay a fee not to exceed \$5
5.16 above the expenses incurred by the dealer.

5.17 (b) No person may transfer a firearm at a firearms collectors' exhibition unless
5.18 the person is a federally licensed firearms dealer or the transfer is conducted through a
5.19 federally licensed firearms dealer and a National Instant Criminal Background Check is
5.20 conducted on the transferee. A federally licensed firearms dealer may charge a fee not
5.21 to exceed \$5 above the expenses incurred by the dealer when assisting with a transfer
5.22 under this paragraph.

5.23 (c) All transfers of a pistol or semiautomatic military-style assault weapon at a
5.24 firearms collectors' exhibition must comply with this section.

5.25 (d) As used in paragraphs (b) and (c), a "firearms collectors' exhibition" means
5.26 any event at which:

5.27 (1) 50 or more firearms are offered or exhibited for transfer; and

5.28 (2) two or more persons are offering or exhibiting one or more firearms for transfer.

5.29 Sec. 11. Minnesota Statutes 2008, section 624.7132, subdivision 8, is amended to read:

5.30 Subd. 8. **Report not required.** If the proposed transferee presents a valid transferee
5.31 permit issued under section 624.7131 ~~or a valid permit to carry issued under section~~
5.32 ~~624.714~~, the transferor need not file a transfer report.

5.33 Sec. 12. Minnesota Statutes 2008, section 624.7132, is amended by adding a
5.34 subdivision to read:

6.1 Subd. 10a. **Record keeping.** All reports of transfer shall be maintained in a manner,
6.2 as determined by the Department of Public Safety, that facilitates efficient crime gun
6.3 tracing and ensures that the records are available for all lawful purposes, including being
6.4 available to federal, state, and local law enforcement agencies for purposes of civil or
6.5 criminal law enforcement investigations.

6.6 Sec. 13. Minnesota Statutes 2008, section 624.7132, subdivision 12, is amended to
6.7 read:

6.8 Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision
6.9 1f, this section shall not apply to ~~transfers of antique firearms as curiosities or for their~~
6.10 ~~historical significance or value~~, transfers to or between federally licensed firearms dealers,
6.11 transfers by order of court, involuntary transfers, transfers at death or the following
6.12 transfers:

6.13 (1) ~~a transfer by a person other than a federally licensed firearms dealer~~ a relative.
6.14 For the purposes of this clause, "relative" means a parent, step parent, child, step child,
6.15 brother, sister, grandparent, or grandchild, by blood or marriage. The transferee may not
6.16 be an ineligible person as defined by any state or federal law;

6.17 (2) a loan to a prospective transferee if the loan is intended for a period of no more
6.18 than ~~one day~~ 24 hours;

6.19 (3) the delivery of a pistol or semiautomatic military-style assault weapon to a
6.20 person for the purpose of repair, reconditioning or remodeling;

6.21 (4) a loan by a teacher to a student in a course designed to teach marksmanship or
6.22 safety with a pistol and approved by the commissioner of natural resources;

6.23 (5) a loan between persons at a firearms collectors exhibition if the loan is intended
6.24 for a period of no more than 24 hours;

6.25 (6) a loan between persons lawfully engaged in hunting or target shooting if the loan
6.26 is intended for a period of no more than 12 hours;

6.27 (7) a loan between law enforcement officers who have the power to make arrests
6.28 other than citizen arrests; and

6.29 (8) a loan between employees or between the employer and an employee in a
6.30 business if the employee is required to carry a pistol or semiautomatic military-style assault
6.31 weapon by reason of employment and is the holder of a valid permit to carry a pistol.

6.32 Sec. 14. Minnesota Statutes 2008, section 624.7132, subdivision 13, is amended to
6.33 read:

7.1 Subd. 13. **Appeal.** A person aggrieved by the determination of a chief of police
7.2 or sheriff that the person is prohibited by ~~section 624.713~~ any state or federal law from
7.3 possessing a pistol or semiautomatic military-style assault weapon may appeal the
7.4 determination as provided in this subdivision. The district court shall have jurisdiction of
7.5 proceedings under this subdivision.

7.6 On review pursuant to this subdivision, the court shall be limited to a determination
7.7 of whether the proposed transferee is a person prohibited from possessing a pistol or
7.8 semiautomatic military-style assault weapon by ~~section 624.713~~ any state or federal law.

7.9 Sec. 15. **REPEALER.**

7.10 Minnesota Statutes 2008, sections 624.7131, subdivisions 9 and 10; and 624.7132,
7.11 subdivisions 10 and 14, are repealed.

624.7131 TRANSFEREE PERMIT; PENALTY.

Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714 constitutes a transferee permit for the purposes of this section and section 624.7132.

Subd. 10. **Transfer report not required.** A person who transfers a pistol or semiautomatic military-style assault weapon to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

624.7132 REPORT OF TRANSFER.

Subd. 10. **Restriction on records.** If, after a determination that the transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon, a transferee requests that no record be maintained of the fact of who is the transferee of a pistol or semiautomatic military-style assault weapon, the chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

Subd. 14. **Transfer to unknown party.** (a) No person shall transfer a pistol or semiautomatic military-style assault weapon to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor.

(b) No person who is not personally known to the transferor shall become a transferee of a pistol or semiautomatic military-style assault weapon unless the person presents evidence of identity to the transferor.

(c) The evidence of identity shall contain the name, residence address, date of birth, and photograph of the proposed transferee; must be made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization; and must be of a type commonly accepted for the purpose of identification of individuals.

(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault weapon in violation of this subdivision is guilty of a misdemeanor.