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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 954

February 19, 2009

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

March 30, 2009

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

A bill for an act

relating to public safety; requiring that information on persons civilly committed, found not guilty by reason of mental illness, or incompetent to stand trial be transmitted to the federal National Instant Criminal Background Check System; authorizing certain persons prohibited under state law from possessing a firearm to petition a court for restoration of this right; amending Minnesota Statutes 2008, section 624.713, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 253B.

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

Section 1. [253B.24] TRANSMITTAL OF DATA TO NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

When a court:

(1) commits a person under this chapter as being mentally ill, developmentally disabled, mentally ill and dangerous, or chemically dependent; or

(2) determines in a criminal case that a person is incompetent to stand trial or not guilty by reason of mental illness,

the court shall ensure that this information is transmitted to the National Instant Criminal Background Check System.

Sec. 2. Minnesota Statutes 2008, section 624.713, is amended by adding a subdivision to read:

Subd. 4. **Petition authorized to restore ability of committed persons to possess firearm.** A person prohibited from possessing a firearm under subdivision 1, clause (3), (5), or (10), item (iv), due to confinement or commitment resulting from a judicial determination that the person was mentally ill, developmentally disabled, mentally ill and dangerous, or chemically dependent may petition a court to restore the person's ability to

2.1 possess a firearm. The court may grant the relief sought if the person shows good cause to
2.2 do so, that the person no longer suffers from the condition that led to the confinement or
2.3 commitment, that the person is not likely to act in a manner that is dangerous to public
2.4 safety, and that the granting of the relief sought is not contrary to the public interest.