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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 1272

March 2, 2009

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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; providing that interference with an emergency call
1.3 disqualifies an offender from possessing a firearm; amending Minnesota Statutes
1.4 2008, section 609.78, subdivisions 2, 3.

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

1.6 Section 1. Minnesota Statutes 2008, section 609.78, subdivision 2, is amended to read:

1.7 Subd. 2. **Interference with an emergency call; gross misdemeanor offense.** (a) A
1.8 person who intentionally interrupts, disrupts, impedes, or interferes with an emergency
1.9 call or who intentionally prevents or hinders another from placing an emergency call,
1.10 and whose conduct does not result in a violation of section 609.498, is guilty of a gross
1.11 misdemeanor and may be sentenced to imprisonment for not more than one year or to
1.12 payment of a fine of not more than \$3,000, or both.

1.13 (b) When a person is convicted of a violation of this subdivision against a family
1.14 or household member and is determined by the court to have used a firearm in any way
1.15 during the commission of the offense, the court may order that the person is prohibited
1.16 from possessing any type of firearm for any period longer than three years or for the
1.17 remainder of the person's life. A person who violates this paragraph is guilty of a gross
1.18 misdemeanor. At the time of the conviction, the court shall inform the defendant whether
1.19 and for how long the defendant is prohibited from possessing a firearm and that it is
1.20 a gross misdemeanor to violate this paragraph. The failure of the court to provide this
1.21 information to a defendant does not affect the applicability of the firearm possession
1.22 prohibition or the gross misdemeanor penalty to that defendant.

1.23 (c) Except as otherwise provided in paragraph (b), when a person is convicted of
1.24 a violation of this subdivision and the court determines that the victim was a family or

2.1 household member, the court shall inform the defendant that the defendant is prohibited
2.2 from possessing a pistol for three years from the date of conviction and that it is a gross
2.3 misdemeanor offense to violate this prohibition. The failure of the court to provide
2.4 this information to a defendant does not affect the applicability of the pistol possession
2.5 prohibition or the gross misdemeanor penalty to that defendant.

2.6 (d) Except as otherwise provided in paragraph (b), a person is not entitled to
2.7 possess a pistol if the person has been convicted of a violation of this subdivision and the
2.8 court determines that the victim was a family or household member unless three years
2.9 have elapsed from the date of conviction and, during that time, the person has not been
2.10 convicted of any other violation of this section. Property rights may not be abated but
2.11 access may be restricted by the courts. A person who possesses a pistol in violation of this
2.12 paragraph is guilty of a gross misdemeanor.

2.13 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
2.14 committed on or after that date.

2.15 Sec. 2. Minnesota Statutes 2008, section 609.78, subdivision 3, is amended to read:

2.16 Subd. 3. **Definition.** For purposes of this section, the following terms have the
2.17 meanings given them.

2.18 (a) "Emergency call" means:

2.19 (1) a 911 call;

2.20 (2) any call for emergency medical or ambulance service; or

2.21 (3) any call for assistance from a police or fire department or for other assistance
2.22 needed in an emergency to avoid serious harm to person or property, and an emergency
2.23 exists.

2.24 (b) "Family or household member" has the meaning given in section 518B.01,
2.25 subdivision 2.

2.26 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
2.27 committed on or after that date.