

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 3438

03/08/2018 Authored by Loeffler, Hornstein, Mahoney and Bly
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; enabling law enforcement and family members to petition
1.3 a court to prohibit people from possessing firearms if they pose a significant danger
1.4 to themselves or others by possessing a firearm; amending Minnesota Statutes
1.5 2016, section 624.713, subdivision 1; proposing coding for new law in Minnesota
1.6 Statutes, chapter 245.

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

1.8 Section 1. [245.9901] GUN VIOLENCE PROTECTIVE ORDERS.

1.9 Subdivision 1. **Definitions.** As used in sections 245.9901 to 245.9908, the term "family
1.10 or household members" has the meaning given in section 518B.01, subdivision 2.

1.11 Subd. 2. **Court jurisdiction.** An application for relief under this section may be filed
1.12 in the county of residence of either party. There are no residency requirements that apply
1.13 to a petition for a gun violence protective order. Actions under this section shall be given
1.14 docket priorities by the court.

1.15 Subd. 3. **Information on petitioner's location or residence.** Upon the petitioner's
1.16 request, information maintained by the court regarding the petitioner's location or residence
1.17 is not accessible to the public and may be disclosed only to court personnel or law
1.18 enforcement for purposes of service of process, conducting an investigation, or enforcing
1.19 an order.

1.20 Subd. 4. **Generally.** (a) There shall exist an action known as a petition for a gun violence
1.21 protective order for protection from gun violence, which order shall enjoin and prohibit the
1.22 respondent from possessing firearms for a fixed period.

2.1 (b) A petition for relief under sections 245.9901 to 245.9908 may be made by any family
2.2 or household members, by the chief law enforcement officer or a designee, a city or county
2.3 attorney, or by a guardian as defined in section 524.1-201, clause (27).

2.4 (c) A petition for relief shall allege that the respondent poses a significant danger of
2.5 bodily injury to self or to other persons by possessing a firearm, and shall allege that less
2.6 restrictive alternatives are inadequate or inappropriate to the circumstances. The petition
2.7 shall be accompanied by an affidavit made under oath stating specific facts and circumstances
2.8 forming a basis to allege that a gun violence protective order should be granted. The affidavit
2.9 may include, but is not limited to, evidence showing any of the factors described in
2.10 subdivision 3.

2.11 (d) A petition for emergency relief under section 245.9904 shall additionally allege that
2.12 the respondent presents an immediate and present danger of bodily injury.

2.13 (e) A petition for relief must state whether there is an existing order in effect under
2.14 sections 245.9901 to 245.9908, or chapter 260C or 518B governing the respondent and
2.15 whether there is a pending lawsuit, complaint, petition, or other action between the parties
2.16 under sections 245.9901 to 245.9908, or chapter 257, 518, 518A, 518B, or 518C. The court
2.17 administrator shall verify the terms of any existing order governing the parties. The court
2.18 may not delay granting relief because of the existence of a pending action between the
2.19 parties or the necessity of verifying the terms of an existing order. A petition for relief may
2.20 be granted whether or not there is a pending action between the parties.

2.21 (f) Where the sole evidence to support the issuance of a gun violence protective order
2.22 would also allow for the issuance of an order under chapter 518B, the petitioner must either
2.23 be the victim of domestic abuse or obtain the consent of the victim of domestic abuse to
2.24 petition.

2.25 (g) A petition for relief must describe, to the best of the petitioner's knowledge, the types
2.26 and location of any firearms believed by the petitioner to be possessed by the respondent.

2.27 (h) The court shall provide simplified forms and clerical assistance to help with the
2.28 writing and filing of a petition under this section.

2.29 (i) The state court administrator shall create all forms necessary under sections 245.9901
2.30 to 245.9908.

2.31 (j) The court shall advise a petitioner of the right to file a motion and affidavit and to
2.32 sue in forma pauperis, pursuant to section 563.01, and shall assist with the writing and filing
2.33 of the motion and affidavit.

3.1 (k) The court shall advise the petitioner of the right to serve the respondent by published
3.2 notice under section 245.9902, subdivision 1, paragraph (e), if the respondent is avoiding
3.3 personal service by concealment or otherwise, and shall assist in the writing and filing of
3.4 the affidavit.

3.5 (l) The court shall advise the petitioner of the right to request a hearing under section
3.6 245.9904, paragraph (b). If the petitioner does not request a hearing, the court shall advise
3.7 the petitioner that the respondent may request a hearing and that notice of the hearing date
3.8 and time will be provided to the petitioner by mail at least five days before the hearing.

3.9 (m) A gun violence protective order issued under sections 245.9901 to 245.9908 applies
3.10 throughout the state.

3.11 (n) Any proceeding under sections 245.9901 to 245.9908 shall be in addition to other
3.12 civil or criminal remedies.

3.13 (o) All health records and other health information provided in a petition or considered
3.14 as evidence in a proceeding under sections 245.9901 to 245.9908 shall be protected from
3.15 public disclosure but may be provided to law enforcement agencies as described in this
3.16 section.

3.17 (p) Any gun violence protective order or subsequent extension issued under sections
3.18 245.9901 to 245.9908 shall be forwarded by the court administrator within 24 hours to the
3.19 local law enforcement agency with jurisdiction over the residence of the respondent. Each
3.20 appropriate law enforcement agency shall make available to other law enforcement officers,
3.21 through a system for verification, information as to the existence and status of any gun
3.22 violence protective order issued under sections 245.9901 to 245.9908.

3.23 **Sec. 2. [245.9902] GUN VIOLENCE PROTECTIVE ORDERS ISSUED AFTER**
3.24 **HEARING.**

3.25 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the
3.26 court shall order a hearing which shall be held not later than 14 days from the date of the
3.27 order for hearing.

3.28 (b) The court shall advise the petitioner of the right to request an emergency gun violence
3.29 protective order under section 245.9904 separately from or simultaneously with the petition
3.30 under this subdivision.

3.31 (c) The petitioning law enforcement agency shall be responsible for service of a gun
3.32 violence protective order issued by the court and shall further be the agency responsible for
3.33 the execution of any legal process required for the seizure and storage of guns subject to

4.1 the order. Nothing in this provision limits the ability of the law enforcement agency of
4.2 record cooperating with other law enforcement entities. When the petitioner is a family
4.3 member, the primary law enforcement agency serving the jurisdiction of residency of the
4.4 respondent shall be responsible for the execution of any legal process required for the seizure
4.5 and storage of guns subject to the order.

4.6 (d) Personal service of notice for the hearing may be made upon the respondent at any
4.7 time up to 12 hours prior to the time set for the hearing, provided that the respondent at the
4.8 hearing may request a continuance of up to five days if the respondent is served less than
4.9 five days prior to the hearing, which continuance shall be granted unless there are compelling
4.10 reasons not to do so. If the court grants the requested continuance, and an existing emergency
4.11 order under section 245.9904 will expire due to the continuance, the court shall also issue
4.12 a written order continuing the emergency order pending the new time set for the hearing.

4.13 (e) Service on the respondent may be made by one-week published notice, as provided
4.14 under section 645.11, provided the petitioner files with the court an affidavit stating that an
4.15 attempt at personal service made by a law enforcement officer was unsuccessful because
4.16 the respondent is avoiding service by concealment or otherwise, and that a copy of the
4.17 petition and notice of hearing has been mailed to the respondent at the respondent's residence
4.18 or that the residence is not known to the petitioner. Service under this paragraph is complete
4.19 seven days after publication. The court shall set a new hearing date if necessary to allow
4.20 the respondent the 12-hour minimum notice period required under paragraph (c) or if the
4.21 respondent is not served within five days before the hearing and requests a continuance
4.22 under paragraph (c).

4.23 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by a preponderance
4.24 of the evidence that:

4.25 (1) the respondent poses a significant danger of bodily injury to self or other persons by
4.26 possessing a firearm; and

4.27 (2) less restrictive alternatives are inadequate or inappropriate to the circumstances.

4.28 (b) In determining whether to grant the order after a hearing, the court shall consider
4.29 evidence of the following, whether or not the petitioner has provided evidence of the same:

4.30 (1) a history of threats or acts of violence by the respondent directed toward the
4.31 respondent's self or another person;

4.32 (2) the history of use, attempted use, or threatened use of physical force by the respondent
4.33 against another person;

5.1 (3) a violation of any court order including, but not limited to, orders issued under
5.2 sections 245.9901 to 245.9908, or chapter 260C or 518B;

5.3 (4) a prior arrest for a felony offense;

5.4 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense
5.5 under section 609.749, or for domestic assault under section 609.2242;

5.6 (6) a conviction for an offense of cruelty to animals under chapter 343;

5.7 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;
5.8 and

5.9 (8) evidence of controlled substances or alcohol abuse factored against countervailing
5.10 evidence of recovery from abuse of controlled substances or alcohol.

5.11 (c) In determining whether to grant the order after a hearing, the court may consider any
5.12 other evidence that bears on whether the respondent poses a danger to the respondent's self
5.13 or others.

5.14 (d) If the court finds there is a preponderance of the evidence to issue a gun violence
5.15 protective order, the court shall issue the order prohibiting the person from possessing a
5.16 firearm for the duration of the order. The court shall inform the respondent that the respondent
5.17 is prohibited from possessing firearms and shall issue a transfer order under section 245.9905.
5.18 The court shall also give notice to the civil attorney's office, which may take action as it
5.19 deems appropriate.

5.20 (e) The order shall have a fixed period, to be determined by the court, of not less than
5.21 six months and not more than two years, subject to renewal or extension under section
5.22 245.9903.

5.23 (f) If there is no existing emergency order under section 245.9904 at the time an order
5.24 is granted under this section, the court shall determine by a preponderance of the evidence
5.25 whether the respondent presents an immediate and present danger of bodily injury. If the
5.26 court so determines, the transfer order shall include the provisions described in section
5.27 245.9905, paragraph (c).

5.28 (g) If, after a hearing, the court does not issue an order of protection, the court shall
5.29 vacate any emergency gun violence protective order currently in effect.

5.30 **Sec. 3. [245.9903] SUBSEQUENT EXTENSIONS AND TERMINATION.**

5.31 (a) Upon application by any party entitled to petition for an order under section 245.9902,
5.32 and after notice to the respondent and a hearing, the court may extend the relief granted in

6.1 an existing order granted after a hearing under section 245.9902. Application for an extension
6.2 may be made any time within the three months before the expiration of the existing order.
6.3 The order may be extended for a fixed period of at least six months and not to exceed two
6.4 years, if the court makes the same findings by a preponderance of the evidence as required
6.5 for granting of an initial order under section 245.9902, subdivision 2, paragraph (d). The
6.6 court shall consider the same types of evidence as required for the initial order under section
6.7 245.9902, subdivision 2, paragraphs (b) and (c).

6.8 (b) Upon application by the respondent to an order issued under section 245.9902, the
6.9 court may terminate an order after a hearing at which the respondent shall bear the burden
6.10 of proving by clear and convincing evidence that the respondent does not pose a significant
6.11 danger of bodily injury to the respondent's self or to other persons by possessing a firearm,
6.12 or that less restrictive alternatives are appropriate and adequate to the circumstances.
6.13 Application may be made for termination one time for each year an order is in effect. If an
6.14 order has been issued for a period of six months, the respondent may apply for termination
6.15 one time.

6.16 **Sec. 4. [245.9904] EMERGENCY ISSUANCE OF GUN VIOLENCE PROTECTIVE**
6.17 **ORDER.**

6.18 (a) In determining whether to grant an emergency gun violence protective order, the
6.19 court shall consider evidence of all facts identified in section 245.9902, subdivision 2,
6.20 paragraphs (b) and (c).

6.21 (b) The court shall advise the petitioner of the right to request an order after a hearing
6.22 under section 245.9902 separately from or simultaneously with the petition.

6.23 (c) If the court finds there is reasonable grounds that (1) the respondent poses a significant
6.24 danger of bodily injury to the respondent's self or to other persons by possessing a firearm,
6.25 (2) less restrictive alternatives are inappropriate or inadequate to the circumstances, and (3)
6.26 the respondent presents an immediate and present danger of bodily injury, the court shall
6.27 issue an ex parte emergency order prohibiting the respondent from possessing a firearm for
6.28 the duration of the order. The order shall inform the respondent that the respondent is
6.29 prohibited from possessing firearms and shall issue a transfer order under section 245.9905,
6.30 paragraph (c).

6.31 (d) A finding by the court that there is a basis for issuing an emergency gun violence
6.32 protective order constitutes a finding that sufficient reasons exist not to require notice under
6.33 applicable court rules governing applications for ex parte relief.

7.1 (e) The emergency order shall have a fixed period of 14 days, unless a hearing is set
7.2 under section 245.9902 on an earlier date, in which case the order shall expire upon a judge's
7.3 finding that no order is issued under section 245.9902.

7.4 (f) Except as provided in paragraph (g), the respondent shall be personally served
7.5 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
7.6 is requested by the petitioner under section 245.9902, notice of the date set for the hearing.
7.7 If the petitioner does not request a hearing under section 245.9902, an order served on a
7.8 respondent under this subdivision must include a notice advising the respondent of the right
7.9 to request a hearing challenging the issuance of the emergency order, and must be
7.10 accompanied by a form that can be used by the respondent to request a hearing.

7.11 (g) Service of the emergency order may be made by published notice, as provided under
7.12 section 245.9902, subdivision 1, paragraph (e), provided that the petitioner files the affidavit
7.13 required under that subdivision. If the petitioner does not request a hearing under section
7.14 245.9902, the petition mailed to the respondent's residence, if known, must be accompanied
7.15 by the form for requesting a hearing described in paragraph (f).

7.16 **Sec. 5. [245.9905] TRANSFER OF FIREARMS.**

7.17 (a) Upon issuance of a gun violence protective order, the court shall direct the respondent
7.18 to transfer any firearms the person possesses, within 24 hours, to a federally licensed firearms
7.19 dealer, a law enforcement agency, or third party. The transfer may be permanent or
7.20 temporary. A temporary firearm transfer only entitles the receiving party to possess the
7.21 firearm and does not transfer ownership or title. If the respondent makes a temporary transfer,
7.22 a federally licensed firearms dealer or law enforcement agency may charge the respondent
7.23 a reasonable fee to store the firearms and may establish policies for disposal of abandoned
7.24 firearms, provided these policies require that the respondent be notified prior to disposal of
7.25 abandoned firearms. If a respondent permanently transfers the respondent's firearms to a
7.26 law enforcement agency, the agency is not required to compensate the respondent and may
7.27 charge the respondent a reasonable processing fee. A law enforcement agency is not required
7.28 to accept a respondent's firearm under this section.

7.29 (b) The respondent must file proof of transfer as provided in this paragraph.

7.30 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
7.31 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
7.32 proof of transfer must specify whether the firearms were permanently or temporarily
7.33 transferred and must include the name of the respondent, date of transfer, and the serial
7.34 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally

8.1 licensed firearms dealer, the respondent shall, within two business days after being served
8.2 with the order, file a copy of proof of transfer with the law enforcement agency, and attest
8.3 that all firearms owned or possessed at the time of the order have been transferred in
8.4 accordance with this section and that the person currently does not possess any firearms. If
8.5 the respondent claims not to own or possess firearms, the respondent shall file a declaration
8.6 of nonpossession with the law enforcement agency attesting that, at the time of the order,
8.7 the respondent neither owned nor possessed any firearms, and that the respondent currently
8.8 neither owns nor possesses any firearms.

8.9 (2) If the transfer is made to a third party, the third party must sign an affidavit under
8.10 oath before a notary public either acknowledging that the respondent permanently transferred
8.11 the abusing party's firearms to the third party or agreeing to temporarily store the abusing
8.12 party's firearms until such time as the respondent is legally permitted to possess firearms.
8.13 The affidavit shall indicate the serial number, make, and model of all firearms transferred
8.14 by the abusing party to the third party. The third party shall acknowledge in the affidavit
8.15 that the third party may be held criminally and civilly responsible under section 624.7144
8.16 if the respondent gains access to a transferred firearm while the firearm is in the custody of
8.17 the third party. The respondent shall provide the law enforcement agency with a signed and
8.18 notarized affidavit as described in this section within two business days of the firearms
8.19 transfer.

8.20 (3) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
8.21 filed pursuant to this paragraph.

8.22 (c) If a court issues an emergency order under section 245.9904, or makes a finding of
8.23 immediate and present danger under section 245.9902, subdivision 2, paragraph (e), the
8.24 court shall issue a search warrant to the local law enforcement agency to take immediate
8.25 possession of all firearms in the respondent's possession if there is probable cause to show
8.26 the types and location of firearms in the respondent's possession. The local law enforcement
8.27 agency shall, upon written notice from the respondent, transfer the firearms to a federally
8.28 licensed firearms dealer. Before a local law enforcement agency transfers a firearm under
8.29 this paragraph, the agency shall require the federally licensed firearms dealer receiving the
8.30 firearm to submit a proof of transfer that complies with the requirements for proofs of
8.31 transfer established in paragraph (b). The agency shall file all proofs of transfer received
8.32 by the court within two business days of the transfer. A federally licensed firearms dealer
8.33 who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (a)
8.34 and (b) as if accepting transfer directly from the respondent. If the law enforcement agency
8.35 does not receive written notice from the respondent within three business days, the agency

9.1 may charge a reasonable fee to store the respondent's firearms. A law enforcement agency
9.2 may establish policies for disposal of abandoned firearms, provided these policies require
9.3 that the respondent be notified prior to disposal of abandoned firearms.

9.4 (d) After a nonemergency gun violence protective order is issued, the court may, upon
9.5 request of the respondent and consent of the petitioner or other person duly authorized by
9.6 the court, grant the respondent limited access to firearms for the purpose of participation in
9.7 a sporting or recreational activity only. In the circumstances under this paragraph, an
9.8 authorized family member or person authorized in the order may temporarily grant access
9.9 to a firearm for purposes of engagement in the recreational activity. Access to the firearm
9.10 shall be with the written consent of the respondent's treating physician and only for the time
9.11 period in which the sporting or recreational activity is being undertaken.

9.12 **Sec. 6. [245.9906] RETURN OF FIREARMS.**

9.13 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
9.14 temporary transfer of firearms under section 245.9905 shall return the firearms to the
9.15 respondent upon request after the expiration of the order, provided the respondent is not
9.16 otherwise prohibited from possessing firearms under state or federal law.

9.17 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
9.18 transfer of firearms under section 245.9905 shall return the transferring firearms to the
9.19 respondent upon request after the expiration of the order, provided the respondent is not
9.20 otherwise prohibited from possessing firearms under state or federal law. A federally licensed
9.21 firearms dealer returning firearms shall comply with state and federal law as though
9.22 transferring a firearm from the dealer's own inventory.

9.23 Subd. 3. **Third party.** A local law enforcement agency shall inform the third party that
9.24 accepted transfer under section 245.9905 that the third party may return firearms to the
9.25 respondent upon request after the expiration of the order, provided the respondent is not
9.26 otherwise prohibited from possessing firearms under state or federal law.

9.27 **Sec. 7. [245.9907] OFFENSES.**

9.28 Subdivision 1. **False information or harassment.** A person who petitions for a gun
9.29 violence protective order under section 245.9902 or 245.9904, knowing any information in
9.30 the petition to be materially false or with the intent to harass, abuse, or threaten, is guilty
9.31 of a misdemeanor.

10.1 Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should
 10.2 have known that the person is prohibited from doing so by a gun violence protective order
 10.3 under section 245.9902 or 245.9904, or by an order of protection granted by a judge or
 10.4 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor
 10.5 and shall be prohibited from possessing firearms for a period of five years. Each gun violence
 10.6 protective order granted under this chapter must contain a conspicuous notice to the
 10.7 respondent regarding the penalty for violation of the order.

10.8 Sec. 8. **[245.9908] LIABILITY PROTECTION.**

10.9 Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, or a
 10.10 designee who, in good faith, decides not to petition for a gun violence protective order or
 10.11 emergency gun violence protective order shall be immune from criminal or civil liability.

10.12 Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall
 10.13 be immune from civil or criminal liability for any damage or deterioration of firearms,
 10.14 ammunition, or weapons stored or transported pursuant to section 245.9905. This subdivision
 10.15 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
 10.16 negligence, or intentional misconduct by the law enforcement agency.

10.17 Sec. 9. Minnesota Statutes 2016, section 624.713, subdivision 1, is amended to read:

10.18 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
 10.19 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
 10.20 (1), any other firearm:

10.21 (1) a person under the age of 18 years except that a person under 18 may possess
 10.22 ammunition designed for use in a firearm that the person may lawfully possess and may
 10.23 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
 10.24 presence or under the direct supervision of the person's parent or guardian, (ii) for the
 10.25 purpose of military drill under the auspices of a legally recognized military organization
 10.26 and under competent supervision, (iii) for the purpose of instruction, competition, or target
 10.27 practice on a firing range approved by the chief of police or county sheriff in whose
 10.28 jurisdiction the range is located and under direct supervision; or (iv) if the person has
 10.29 successfully completed a course designed to teach marksmanship and safety with a pistol
 10.30 or semiautomatic military-style assault weapon and approved by the commissioner of natural
 10.31 resources;

10.32 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
 10.33 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in

11.1 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
11.2 includes crimes in other states or jurisdictions which would have been crimes of violence
11.3 as herein defined if they had been committed in this state;

11.4 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
11.5 determination that the person is mentally ill, developmentally disabled, or mentally ill and
11.6 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
11.7 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
11.8 the person's ability to possess a firearm and ammunition has been restored under subdivision
11.9 4;

11.10 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
11.11 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
11.12 of conviction and, during that time, the person has not been convicted of any other such
11.13 violation of chapter 152 or a similar law of another state; or a person who is or has ever
11.14 been committed by a judicial determination for treatment for the habitual use of a controlled
11.15 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
11.16 to possess a firearm and ammunition has been restored under subdivision 4;

11.17 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
11.18 by a judicial determination that the person is chemically dependent as defined in section
11.19 253B.02, unless the person has completed treatment or the person's ability to possess a
11.20 firearm and ammunition has been restored under subdivision 4. Property rights may not be
11.21 abated but access may be restricted by the courts;

11.22 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
11.23 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
11.24 of the treatment facility discharging or provisionally discharging the officer from the
11.25 treatment facility. Property rights may not be abated but access may be restricted by the
11.26 courts;

11.27 (7) a person, including a person under the jurisdiction of the juvenile court, who has
11.28 been charged with committing a crime of violence and has been placed in a pretrial diversion
11.29 program by the court before disposition, until the person has completed the diversion program
11.30 and the charge of committing the crime of violence has been dismissed;

11.31 (8) except as otherwise provided in clause (9), a person who has been convicted in
11.32 another state of committing an offense similar to the offense described in section 609.224,
11.33 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
11.34 unless three years have elapsed since the date of conviction and, during that time, the person

12.1 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
12.2 subdivision 3, or a similar law of another state;

12.3 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
12.4 household member and who was found by the court to have used a firearm in any way
12.5 during commission of the assault is prohibited from possessing any type of firearm or
12.6 ammunition for the period determined by the sentencing court;

12.7 (10) a person who:

12.8 (i) has been convicted in any court of a crime punishable by imprisonment for a term
12.9 exceeding one year;

12.10 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
12.11 for a crime or to avoid giving testimony in any criminal proceeding;

12.12 (iii) is an unlawful user of any controlled substance as defined in chapter 152;

12.13 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
12.14 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
12.15 public, as defined in section 253B.02;

12.16 (v) is an alien who is illegally or unlawfully in the United States;

12.17 (vi) has been discharged from the armed forces of the United States under dishonorable
12.18 conditions;

12.19 (vii) has renounced the person's citizenship having been a citizen of the United States;

12.20 or

12.21 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
12.22 922(g)(8) or (9), as amended through March 1, 2014;

12.23 (11) a person who has been convicted of the following offenses at the gross misdemeanor
12.24 level, unless three years have elapsed since the date of conviction and, during that time, the
12.25 person has not been convicted of any other violation of these sections: section 609.229
12.26 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
12.27 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
12.28 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
12.29 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified gross misdemeanor
12.30 convictions include crimes committed in other states or jurisdictions which would have
12.31 been gross misdemeanors if conviction occurred in this state;

13.1 (12) a person who has been convicted of a violation of section 609.224 if the court
 13.2 determined that the assault was against a family or household member in accordance with
 13.3 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
 13.4 the date of conviction and, during that time, the person has not been convicted of another
 13.5 violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

13.6 (13) a person who is subject to an order for protection as described in section 260C.201,
 13.7 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

13.8 (14) a person who is subject to a gun violence protective order as described in section
 13.9 245.9902 or 245.9904.

13.10 A person who issues a certificate pursuant to this section in good faith is not liable for
 13.11 damages resulting or arising from the actions or misconduct with a firearm or ammunition
 13.12 committed by the individual who is the subject of the certificate.

13.13 The prohibition in this subdivision relating to the possession of firearms other than
 13.14 pistols and semiautomatic military-style assault weapons does not apply retroactively to
 13.15 persons who are prohibited from possessing a pistol or semiautomatic military-style assault
 13.16 weapon under this subdivision before August 1, 1994.

13.17 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
 13.18 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
 13.19 (2), applies only to offenders who are discharged from sentence or court supervision for a
 13.20 crime of violence on or after August 1, 1993.

13.21 For purposes of this section, "judicial determination" means a court proceeding pursuant
 13.22 to sections 253B.07 to 253B.09 or a comparable law from another state.

13.23 Sec. 10. **EFFECTIVE DATE.**

13.24 Sections 1 to 9 are effective January 1, 2019, and apply to firearm permit background
 13.25 checks made on or after that date.