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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2711

03/25/2019 Authored by Mariani
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; modifying certain provisions relating to public safety,
1.3 corrections, crime, and firearms; requiring reports; providing for penalties;
1.4 appropriating money for public safety, corrections, Sentencing Guidelines, Peace
1.5 Officer Standards and Training (POST) Board, and Private Detective Board;
1.6 amending Minnesota Statutes 2018, sections 299A.55, subdivisions 2, 4; 299A.707,
1.7 by adding a subdivision; 299C.46, subdivision 3; 299F.857; 340A.22, subdivision
1.8 4; 357.021, subdivision 7; 624.713, subdivision 1; 624.7131; 624.7132; proposing
1.9 coding for new law in Minnesota Statutes, chapter 624.

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

1.11 ARTICLE 1
1.12 APPROPRIATIONS

1.13 Section 1. APPROPRIATIONS.

1.14 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
1.15 and for the purposes specified in this article. The appropriations are from the general fund,
1.16 or another named fund, and are available for the fiscal years indicated for each purpose.
1.17 The figures "2020" and "2021" used in this article mean that the appropriations listed under
1.18 them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively.
1.19 "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium"
1.20 is fiscal years 2020 and 2021. Appropriations for the fiscal year ending June 30, 2019, are
1.21 effective the day following final enactment.

Table with 4 columns: Section, 2019, 2020, 2021. Row 1: Sec. 2. SENTENCING GUIDELINES, \$, 679,000, \$, 687,000

3.1 contingency account in the special revenue
3.2 fund under Minnesota Statutes, section 12.221,
3.3 subdivision 6. These are onetime
3.4 appropriations and transfers.

3.5 **(c) Supplemental Nonprofit Security Grants**

3.6 \$150,000 the first year is for supplemental
3.7 nonprofit security grants under this paragraph.

3.8 Nonprofit organizations whose applications
3.9 for funding through the Federal Emergency
3.10 Management Agency's nonprofit security grant
3.11 program have been approved by the Division
3.12 of Homeland Security and Emergency
3.13 Management are eligible for grants under this
3.14 paragraph. No additional application shall be
3.15 required for grants under this paragraph, and
3.16 an application for a grant from the federal
3.17 program is also an application for funding
3.18 from the state supplemental program.

3.19 Eligible organizations may receive grants of
3.20 up to \$75,000, except that the total received
3.21 by any individual from both the federal
3.22 nonprofit security grant program and the state
3.23 supplemental nonprofit security grant program
3.24 shall not exceed \$75,000. Grants shall be
3.25 awarded in an order consistent with the
3.26 ranking given to applicants for the federal
3.27 nonprofit security grant program. No grants
3.28 under the state supplemental nonprofit security
3.29 grant program shall be awarded until the
3.30 announcement of the recipients and the
3.31 amount of the grants awarded under the federal
3.32 nonprofit security grant program.

3.33 The commissioner may use up to one percent
3.34 of the appropriation received under this

4.1 paragraph to pay costs incurred by the
 4.2 department in administering the supplemental
 4.3 nonprofit security grant program.

4.4 **(d) Bomb Squad Reimbursements**

4.5 \$50,000 each year is for reimbursements to
 4.6 local governments for bomb squad services.

4.7 **Subd. 3. Criminal Apprehension** 65,572,000 64,961,000

	<u>Appropriations by Fund</u>	
4.8 <u>General</u>	<u>61,488,000</u>	<u>61,283,000</u>
4.9 <u>State Government</u>		
4.10 <u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
4.11 <u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>
4.12 <u>Opioid Stewardship</u>	<u>1,648,000</u>	<u>1,242,000</u>

4.14 **(a) DWI Lab Analysis; Trunk Highway**

4.15 **Fund**

4.16 Notwithstanding Minnesota Statutes, section
 4.17 161.20, subdivision 3, \$2,429,000 the first
 4.18 year and \$2,429,000 the second year are from
 4.19 the trunk highway fund for laboratory analysis
 4.20 related to driving-while-impaired cases.

4.21 **(b) FBI Cybersecurity Compliance**

4.22 \$1,501,000 the first year and \$1,325,000 the
 4.23 second year are for staff and technology costs
 4.24 to meet FBI cybersecurity requirements. The
 4.25 base for fiscal year 2022 and thereafter is
 4.26 \$1,175,000.

4.27 **(c) Automated Fingerprint Identification**

4.28 **System**

4.29 \$1,500,000 each year is to replace the current
 4.30 automated fingerprint identification system
 4.31 with a new leased technology system.

4.32 **(d) Base Adjustment**

5.1 To account for the base adjustments provided
 5.2 in Laws of Minnesota 2018, chapter 211,
 5.3 article 21, section 1, paragraph (a), the general
 5.4 fund base is increased by \$131,000 in fiscal
 5.5 years 2022 and 2023.

5.6 **(e) Opioid Stewardship**

5.7 \$1,648,000 the first year and \$1,242,000 the
 5.8 second year are from the opioid stewardship
 5.9 fund to investigate opioid cases, provide
 5.10 statewide training, and reduce the backlog of
 5.11 evidence to be tested.

5.12 **Subd. 4. Fire Marshal** 6,622,000 6,622,000

	<u>Appropriations by Fund</u>	
<u>Special Revenue</u>	<u>6,622,000</u>	<u>6,622,000</u>

5.15 The special revenue fund appropriation is from
 5.16 the fire safety account in the special revenue
 5.17 fund and is for activities under Minnesota
 5.18 Statutes, section 299F.012.

5.19 **Inspections.** \$300,000 each year is for
 5.20 inspection of nursing homes and boarding care
 5.21 facilities.

5.22 **Subd. 5. Firefighter Training and Education**
 5.23 **Board** 5,015,000 5,015,000

	<u>Appropriations by Fund</u>	
<u>Special Revenue</u>	<u>5,015,000</u>	<u>5,015,000</u>

5.26 The special revenue fund appropriation is from
 5.27 the fire safety account in the special revenue
 5.28 fund and is for activities under Minnesota
 5.29 Statutes, section 299F.012.

5.30 **(a) Firefighter Training and Education**

5.31 \$4,265,000 each year is for firefighter training
 5.32 and education.

5.33 **(b) Task Force 1**

6.1 \$500,000 each year is for the Minnesota Task
6.2 Force 1.

6.3 **(c) Air Rescue**

6.4 \$250,000 each year is for the Minnesota Air
6.5 Rescue Team.

6.6 **(d) Unappropriated Revenue**

6.7 Any additional unappropriated money
6.8 collected in fiscal year 2019 is appropriated
6.9 to the commissioner of public safety for the
6.10 purposes of Minnesota Statutes, section
6.11 299F.012. The commissioner may transfer
6.12 appropriations and base amounts between
6.13 activities in this subdivision.

6.14 **Subd. 6. Alcohol and Gambling Enforcement** 2,754,000 2,762,000

6.15 Appropriations by Fund

6.16 <u>General</u>	<u>1,990,000</u>	<u>1,998,000</u>
6.17 <u>Special Revenue</u>	<u>764,000</u>	<u>764,000</u>

6.18 \$694,000 the first year and \$694,000 the
6.19 second year are from the alcohol enforcement
6.20 account in the special revenue fund. Of this
6.21 appropriation, \$500,000 each year shall be
6.22 transferred to the general fund.

6.23 \$70,000 each year is from the lawful gambling
6.24 regulation account in the special revenue fund.

6.25 To account for the base adjustments provided
6.26 in Laws of Minnesota 2018, chapter 211,
6.27 article 21, section 1, paragraph (a), the general
6.28 fund base is increased by \$8,000 in fiscal years
6.29 2022 and 2023.

6.30 **Subd. 7. Office of Justice Programs** 39,947,000 39,888,000

7.1	<u>Appropriations by Fund</u>		
7.2	<u>General</u>	<u>39,851,000</u>	<u>39,792,000</u>
7.3	<u>State Government</u>		
7.4	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>
7.5	<u>To account for the base adjustments provided</u>		
7.6	<u>in Laws of Minnesota 2018, chapter 211,</u>		
7.7	<u>article 21, section 1, paragraph (a), the general</u>		
7.8	<u>fund base is increased by \$2,000 in fiscal years</u>		
7.9	<u>2022 and 2023.</u>		
7.10	<u>(a) Administration Costs</u>		
7.11	<u>Up to 2.5 percent of the grant funds</u>		
7.12	<u>appropriated in this subdivision may be used</u>		
7.13	<u>by the commissioner to administer the grant</u>		
7.14	<u>program.</u>		
7.15	<u>(b) Indigenous Women Task Force</u>		
7.16	<u>\$105,000 the first year and \$45,000 the second</u>		
7.17	<u>year are to convene a task force on the causes</u>		
7.18	<u>and extent of victimization of indigenous</u>		
7.19	<u>women and girls and strategies to reduce</u>		
7.20	<u>violence. A report on policies and</u>		
7.21	<u>recommendations to reduce and end violence</u>		
7.22	<u>against indigenous women and girls is due to</u>		
7.23	<u>the legislature on December 15, 2020. These</u>		
7.24	<u>are onetime appropriations.</u>		
7.25	<u>Subd. 8. Emergency Communication Networks</u>	<u>77,650,000</u>	<u>77,650,000</u>
7.26	<u>This appropriation is from the state</u>		
7.27	<u>government special revenue fund for 911</u>		
7.28	<u>emergency telecommunications services.</u>		
7.29	<u>This appropriation includes funds for</u>		
7.30	<u>information technology project services and</u>		
7.31	<u>support subject to the provisions of Minnesota</u>		
7.32	<u>Statutes, section 16E.0466. Any ongoing</u>		
7.33	<u>information technology costs will be</u>		
7.34	<u>incorporated into the service level agreement</u>		

8.1 and will be paid to the Office of MN.IT
8.2 Services by the Department of Public Safety
8.3 under the rates and mechanism specified in
8.4 that agreement.

8.5 **(a) Public Safety Answering Points**

8.6 \$13,664,000 each year is to be distributed as
8.7 provided in Minnesota Statutes, section
8.8 403.113, subdivision 2.

8.9 **(b) Medical Resource Communication Centers**

8.10 \$683,000 each year is for grants to the
8.11 Minnesota Emergency Medical Services
8.12 Regulatory Board for the Metro East and
8.13 Metro West Medical Resource
8.14 Communication Centers that were in operation
8.15 before January 1, 2000.

8.16 **(c) ARMER Debt Service**

8.17 \$23,261,000 each year is transferred to the
8.18 commissioner of management and budget to
8.19 pay debt service on revenue bonds issued
8.20 under Minnesota Statutes, section 403.275.

8.21 Any portion of this appropriation not needed
8.22 to pay debt service in a fiscal year may be used
8.23 by the commissioner of public safety to pay
8.24 cash for any of the capital improvements for
8.25 which bond proceeds were appropriated by
8.26 Laws 2005, chapter 136, article 1, section 9,
8.27 subdivision 8; or Laws 2007, chapter 54,
8.28 article 1, section 10, subdivision 8.

8.29 **(d) ARMER State Backbone Operating**

8.30 **Costs**

8.31 \$9,675,000 each year is transferred to the
8.32 commissioner of transportation for costs of

9.1 maintaining and operating the statewide radio
9.2 system backbone.

9.3 **(e) ARMER Improvements**

9.4 \$1,000,000 each year is to the Statewide
9.5 Emergency Communications Board for
9.6 improvements to those elements of the
9.7 statewide public safety radio and
9.8 communication system that support mutual
9.9 aid communications and emergency medical
9.10 services or provide interim enhancement of
9.11 public safety communication interoperability
9.12 in those areas of the state where the statewide
9.13 public safety radio and communication system
9.14 is not yet implemented, and grants to local
9.15 units of government to further the strategic
9.16 goals set forth by the Statewide Emergency
9.17 Communications Board strategic plan.

9.18 **Sec. 4. PEACE OFFICER STANDARDS AND**
9.19 **TRAINING (POST) BOARD**

9.20 Subdivision 1. Total
9.21 **Appropriation** **\$ 500,000** **\$ 10,311,000** **\$ 10,311,000**

9.22		<u>Appropriations by Fund</u>		
9.23		<u>2019</u>	<u>2020</u>	<u>2021</u>
9.24	<u>General</u>	<u>500,000</u>	<u>6,000,000</u>	<u>6,000,000</u>
9.25	<u>Special Revenue</u>	<u>-0-</u>	<u>4,311,000</u>	<u>4,311,000</u>

9.26 The amounts that may be spent for each
9.27 purpose are specified in the following
9.28 subdivisions.

9.29 **Subd. 2. Deficiency.**

9.30 \$500,000 in fiscal year 2019 is transferred
9.31 from the general fund to the peace officer
9.32 training account in the special revenue fund
9.33 to pay for a projected deficiency in the peace
9.34 officer training account.

10.1 **Subd. 3. Excess Amounts Transferred**

10.2 The special revenue fund appropriation is from
10.3 the peace officer training account. Any new
10.4 receipts credited to that account in the first
10.5 year in excess of \$4,311,000 must be
10.6 transferred and credited to the general fund.
10.7 Any new receipts credited to that account in
10.8 the second year in excess of \$4,311,000 must
10.9 be transferred and credited to the general fund.

10.10 **Subd. 4. Peace Officer Training Reimbursements**

10.11 \$2,859,000 each year is from the peace officer
10.12 training account in the special revenue fund
10.13 for reimbursements to local governments for
10.14 peace officer training costs.

10.15 **Subd. 5. Peace Officer Training Assistance**

10.16 \$6,000,000 each year is from the general fund
10.17 to support and strengthen law enforcement
10.18 training and implement best practices. The
10.19 base for this activity is \$0 in fiscal year 2022
10.20 and thereafter.

10.21 **Subd. 6. De-escalation Training**

10.22 \$100,000 each year is from the peace officer
10.23 training account in the special revenue fund
10.24 for training state and local community safety
10.25 personnel in the use of crisis de-escalation
10.26 techniques. When selecting a service provider
10.27 for this training, the board may consult with
10.28 any postsecondary institution, any state or
10.29 local government official, or any
10.30 nongovernment authority the board determines
10.31 to be relevant. Among any other criteria the
10.32 board may establish, the training provider must
10.33 have a demonstrated understanding of the
10.34 transitions and challenges that veterans may

12.1 **(c) Staffing Recruitment and Retention**

12.2 \$4,000,000 each year is for staffing
12.3 recruitment and retention.

12.4 **(d) Offender Health Care**

12.5 \$2,072,000 in fiscal year 2020 and \$3,272,000
12.6 in fiscal year 2021 are to maintain full funding
12.7 of the offender health care contract.

12.8 **(e) Security**

12.9 \$8,500,000 in fiscal year 2020 and \$5,600,000
12.10 in fiscal year 2021 are to upgrade critical
12.11 security infrastructure and modernize critical
12.12 security systems. Of the fiscal year 2021
12.13 amount, \$3,600,000 is onetime funding that
12.14 does not remain in the base for each of fiscal
12.15 years 2022 and 2023.

12.16 **(f) Safety and Security Staff**

12.17 \$891,000 in fiscal year 2020 and \$1,426,000
12.18 in fiscal year 2021 are to add full-time
12.19 equivalent positions deemed critical to facility
12.20 safety and security.

12.21 **(g) Restrictive Housing Reform**

12.22 \$844,000 in fiscal year 2020 and \$1,688,000
12.23 in fiscal year 2021 are to implement restrictive
12.24 housing reforms that will reduce the risk of
12.25 future misconduct and comply with federal
12.26 guidelines and accreditation standards.

12.27 **(h) Offender Medical Services**

12.28 \$879,000 in fiscal year 2020 and \$2,160,000
12.29 in fiscal year 2021 are to expand and improve
12.30 offender medical services.

12.31 **(i) Juvenile Correction Management**

13.1 \$1,088,000 in fiscal year 2020 and \$412,000
 13.2 in fiscal year 2021 are to replace the Juvenile
 13.3 Correctional Management System. These are
 13.4 onetime appropriations.

13.5 **(j) Opioid Treatment**

13.6 \$965,000 each year are from the opioid
 13.7 stewardship fund to expand access to opioid
 13.8 treatment and services for offenders, including
 13.9 those who are being released to the
 13.10 community.

13.11 <u>Subd. 3. Community Services</u>	<u>142,126,000</u>	<u>149,450,000</u>
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13.12 **(a) Base Adjustment**

13.13 To account for the base adjustments provided
 13.14 in Laws 2018, chapter 211, article 21, section
 13.15 1, paragraph (a), the base is increased by
 13.16 \$168,000 in fiscal year 2022 and \$168,000 in
 13.17 fiscal year 2023.

13.18 **(b) Pretrial Services and Supervision**

13.19 \$975,000 in fiscal year 2020 and \$1,950,000
 13.20 in fiscal year 2021 are to provide pretrial
 13.21 services and pretrial supervision to offenders.

13.22 **(c) Community Corrections Act Subsidy**

13.23 \$1,650,000 in fiscal year 2020 and \$3,300,000
 13.24 in fiscal year 2021 are added to the
 13.25 Community Corrections Act subsidy, as
 13.26 described in Minnesota Statutes, section
 13.27 401.14, to provide pretrial services and pretrial
 13.28 supervision to offenders.

13.29 \$2,033,000 in fiscal year 2020 and \$4,067,000
 13.30 in fiscal year 2021 are added to the
 13.31 Community Corrections Act subsidy, as
 13.32 described in Minnesota Statutes, section

- 14.1 401.14, to provide intensive supervised to
14.2 offenders in the community.
- 14.3 **(d) County Probation Officers**
- 14.4 \$100,000 in fiscal year 2020 and \$200,000 in
14.5 fiscal year 2021 are for county probation
14.6 officers reimbursement as described in
14.7 Minnesota Statutes, section 244.19,
14.8 subdivision 6, to provide pretrial services and
14.9 pretrial supervision to offenders.
- 14.10 **(e) Intensive Supervision Agents**
- 14.11 \$1,167,000 in fiscal year 2020 and \$2,333,000
14.12 in fiscal year 2021 are to increase the number
14.13 of supervision agents for offenders on
14.14 intensive supervised release through the
14.15 Department of Corrections.
- 14.16 **(f) Integrated Offender Case Management**
14.17 **Services**
- 14.18 \$642,000 in fiscal year 2020 and \$1,662,000
14.19 in fiscal year 2021 are to expand and improve
14.20 integrated offender case management services.
14.21 \$386,000 is added to the base in each of fiscal
14.22 years 2022 and 2023.
- 14.23 **(g) Victim Notification System Replacement**
- 14.24 \$600,000 in fiscal year 2020 and \$200,000 in
14.25 fiscal year 2021 are to complete the
14.26 replacement of the Department of Corrections'
14.27 Victim Notification System. This is onetime
14.28 funding for the fiscal year 2020-2021
14.29 biennium.
- 14.30 **(h) High-Risk Offenders**
- 14.31 \$1,500,000 each year is to provide electronic
14.32 monitoring services and transitional housing

15.1 for high-risk offenders under supervision by
 15.2 the Department of Corrections.

15.3 **(i) Transportation Services to Children of**
 15.4 **Incarcerated Parents**

15.5 \$150,000 each year is for grants to nonprofit
 15.6 organizations to provide transportation
 15.7 services to children of incarcerated parents at
 15.8 up to three correctional facilities.

15.9 **(j) Culturally Specific Reintegration**
 15.10 **Services for Adult American Indian**
 15.11 **Offenders**

15.12 \$425,000 each year is for grants to
 15.13 community-based providers to deliver
 15.14 culturally specific reintegration services for
 15.15 adult American Indian offenders.

15.16 **(k) Parenting Skills**

15.17 \$425,000 each year is to improve parenting
 15.18 skills at four correctional facilities.

15.19 **Subd. 4. Operations Support**

31,958,000

33,459,000

15.20 **(a) Base Adjustment**

15.21 To account for the base adjustments provided
 15.22 in Laws 2018, chapter 211, article 21, section
 15.23 1, paragraph (a), the base is increased by
 15.24 \$64,000 in fiscal year 2022 and \$64,000 in
 15.25 fiscal year 2023.

15.26 **(b) Critical Technology Needs**

15.27 \$3,100,000 in fiscal year 2020 and \$4,300,000
 15.28 in fiscal year 2021 are to support critical
 15.29 technology needs.

15.30 **(c) Staff Recruiting**

16.1 \$160,000 each year is to fund positions
 16.2 responsible for recruiting staff to work for the
 16.3 Department of Corrections.

16.4 **ARTICLE 2**

16.5 **PUBLIC SAFETY**

16.6 Section 1. Minnesota Statutes 2018, section 299A.55, subdivision 2, is amended to read:

16.7 Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety
 16.8 account is created in the special revenue fund. The account consists of funds collected under
 16.9 subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

16.10 (b) ~~\$104,000~~ \$250,000 is annually appropriated from the railroad and pipeline safety
 16.11 account to the commissioner of the Pollution Control Agency for environmental protection
 16.12 activities related to railroad discharge preparedness under chapter 115E.

16.13 ~~(e) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from~~
 16.14 ~~the railroad and pipeline safety account to the commissioner of transportation for improving~~
 16.15 ~~safety at railroad grade crossings.~~

16.16 ~~(d)~~ (c) Following the appropriation in paragraphs (b) and (c), the remaining money in
 16.17 the account is annually appropriated to the commissioner of public safety for the purposes
 16.18 specified in subdivision 3.

16.19 Sec. 2. Minnesota Statutes 2018, section 299A.55, subdivision 4, is amended to read:

16.20 Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess
 16.21 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph
 16.22 (b). The commissioner shall deposit funds collected under this subdivision in the railroad
 16.23 and pipeline safety account under subdivision 2.

16.24 (b) The assessment for each railroad is 50 percent of the total annual assessment amount,
 16.25 divided in equal proportion between applicable rail carriers based on route miles operated
 16.26 in Minnesota. The assessment for each pipeline company is 50 percent of the total annual
 16.27 assessment amount, divided in equal proportion between companies based on the yearly
 16.28 aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

16.29 ~~(e) The assessments under this subdivision expire July 1, 2017.~~

17.1 Sec. 3. Minnesota Statutes 2018, section 299A.707, is amended by adding a subdivision
17.2 to read:

17.3 Subd. 6. **Annual transfer.** In fiscal year 2019 and each year thereafter, the commissioner
17.4 of management and budget shall transfer \$461,000 from the general fund to the community
17.5 justice reinvestment account.

17.6 Sec. 4. Minnesota Statutes 2018, section 299C.46, subdivision 3, is amended to read:

17.7 Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network
17.8 shall be used exclusively by:

17.9 (1) criminal justice agencies in connection with the performance of duties required by
17.10 law;

17.11 (2) agencies investigating federal security clearances of individuals for assignment or
17.12 retention in federal employment with duties related to national security, as required by
17.13 United States Code, title 5, section 9101;

17.14 (3) other agencies to the extent necessary to provide for protection of the public or
17.15 property in a declared emergency or disaster situation;

17.16 (4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct
17.17 checks into state databases prior to disbursing licenses or providing benefits;

17.18 (5) the public authority responsible for child support enforcement in connection with
17.19 the performance of its duties;

17.20 (6) the public defender, as provided in section 611.272;

17.21 (7) a county attorney or the attorney general, as the county attorney's designee, for the
17.22 purpose of determining whether a petition for the civil commitment of a proposed patient
17.23 as a sexual psychopathic personality or as a sexually dangerous person should be filed, and
17.24 during the pendency of the commitment proceedings;

17.25 (8) an agency of the state or a political subdivision whose access to systems or services
17.26 provided from or through the bureau is specifically authorized by federal law or regulation
17.27 or state statute; and

17.28 (9) a court for access to data as authorized by federal law or regulation or state statute
17.29 and related to the disposition of a pending case.

17.30 (b) The commissioner of public safety shall establish a monthly network access charge
17.31 to be paid by each participating criminal justice agency. The network access charge shall

18.1 be a standard fee established for each terminal, computer, or other equipment directly
18.2 addressable by the data communications network, as follows: January 1, 1984 to December
18.3 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per
18.4 month.

18.5 (c) The commissioner of public safety is authorized to arrange for the connection of the
18.6 data communications network with the criminal justice information system of the federal
18.7 government, any state, or country for the secure exchange of information for any of the
18.8 purposes authorized in paragraph (a), clauses (1), (2), (3), (8) and (9).

18.9 (d) Prior to establishing a secure connection, a criminal justice agency that is not part
18.10 of the Minnesota judicial branch must:

18.11 (1) agree to comply with all applicable policies governing access to, submission of or
18.12 use of the data and Minnesota law governing the classification of the data;

18.13 (2) meet the bureau's security requirements;

18.14 (3) agree to pay any required fees; and

18.15 (4) conduct fingerprint-based state and national background checks on its employees
18.16 and contractors as required by the Federal Bureau of Investigation.

18.17 (e) Prior to establishing a secure connection, a criminal justice agency that is part of the
18.18 Minnesota judicial branch must:

18.19 (1) agree to comply with all applicable policies governing access to, submission of or
18.20 use of the data and Minnesota law governing the classification of the data to the extent
18.21 applicable and with the Rules of Public Access to Records of the Judicial Branch promulgated
18.22 by the Minnesota Supreme Court;

18.23 (2) meet the bureau's security requirements;

18.24 (3) agree to pay any required fees; and

18.25 (4) conduct fingerprint-based state and national background checks on its employees
18.26 and contractors as required by the Federal Bureau of Investigation.

18.27 (f) Prior to establishing a secure connection, a noncriminal justice agency must:

18.28 (1) agree to comply with all applicable policies governing access to, submission of or
18.29 use of the data and Minnesota law governing the classification of the data;

18.30 (2) meet the bureau's security requirements;

18.31 (3) agree to pay any required fees; and

19.1 (4) conduct fingerprint-based state and national background checks on its employees
19.2 and contractors.

19.3 (g) Those noncriminal justice agencies that do not have a secure network connection
19.4 yet receive data either retrieved over the secure network by an authorized criminal justice
19.5 agency or as a result of a state or federal criminal history records check shall conduct a
19.6 background check as provided in paragraph (h) of those individuals who receive and review
19.7 the data to determine another individual's eligibility for employment, housing, a license, or
19.8 another legal right dependent on a statutorily mandated background check and on any
19.9 contractor with access to the results of a federal criminal history records check.

19.10 (h) The background check required by paragraph (f) or (g) is accomplished by submitting
19.11 a request to the superintendent of the Bureau of Criminal Apprehension that includes a
19.12 signed, written consent for the Minnesota and national criminal history records check,
19.13 fingerprints, and the required fee. The superintendent may exchange the fingerprints with
19.14 the Federal Bureau of Investigation for purposes of obtaining the individual's national
19.15 criminal history record information.

19.16 The superintendent shall return the results of the national criminal history records check to
19.17 the noncriminal justice agency to determine if the individual is qualified to have access to
19.18 state and federal criminal history record information or the secure network. An individual
19.19 is disqualified when the state and federal criminal history record information show any of
19.20 the disqualifiers that the individual will apply to the records of others.

19.21 When the individual is to have access to the secure network, the noncriminal justice agency
19.22 shall review the criminal history of each employee or contractor with the Criminal Justice
19.23 Information Services systems officer at the bureau, or the officer's designee, to determine
19.24 if the employee or contractor qualifies for access to the secure network. The Criminal Justice
19.25 Information Services systems officer or the designee shall make the access determination
19.26 based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension
19.27 policy.

19.28 Sec. 5. Minnesota Statutes 2018, section 299F.857, is amended to read:

19.29 **299F.857 REDUCED CIGARETTE IGNITION PROPENSITY ACCOUNT.**

19.30 The reduced cigarette ignition propensity account is established in the state treasury.
19.31 The account consists of all money recovered as penalties under section 299F.854 and fees
19.32 collected under section 299F.852, subdivision 5. The money must be deposited to the credit
19.33 of the account and, in addition to any other money made available for such purpose, is

20.1 appropriated to the state fire marshal for costs associated with the development and
20.2 presentation of fire and life safety education programs throughout Minnesota, and all costs
20.3 associated with sections 299F.850 to 299F.859.

20.4 Sec. 6. Minnesota Statutes 2018, section 340A.22, subdivision 4, is amended to read:

20.5 Subd. 4. **Off-sale license.** A microdistillery may be issued a license by the local licensing
20.6 authority for off-sale of distilled spirits, with the approval of the commissioner. The license
20.7 may allow the sale of one 375 milliliter bottle per customer per day of product manufactured
20.8 on site, subject to the following requirements:

20.9 (1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in
20.10 the licensing municipality; and

20.11 (2) no brand may be sold at the microdistillery unless it is also available for distribution
20.12 by wholesalers.

20.13 Sec. 7. Minnesota Statutes 2018, section 357.021, subdivision 7, is amended to read:

20.14 Subd. 7. **Disbursement of surcharges by commissioner of management and**
20.15 **budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of
20.16 management and budget shall disburse surcharges received under subdivision 6 and section
20.17 97A.065, subdivision 2, as follows:

20.18 (1) one percent shall be credited to the peace officer training account in the game and
20.19 fish fund to provide peace officer training for employees of the Department of Natural
20.20 Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer
20.21 authority for the purpose of enforcing game and fish laws;

20.22 (2) ~~39~~ 62 percent shall be credited to the peace officers training account in the special
20.23 revenue fund; and

20.24 (3) ~~60~~ 37 percent shall be credited to the general fund.

20.25 (b) The commissioner of management and budget shall credit \$3 of each surcharge
20.26 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

20.27 (c) In addition to any amounts credited under paragraph (a), the commissioner of
20.28 management and budget shall credit \$47 of each surcharge received under subdivision 6
20.29 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

20.30 (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional
20.31 \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the

21.1 Second Judicial District shall transmit the surcharge to the commissioner of management
 21.2 and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account
 21.3 in the special revenue fund and amounts in the account are appropriated to the trial courts
 21.4 for the administration of the petty misdemeanor diversion program operated by the Second
 21.5 Judicial District Ramsey County Violations Bureau.

21.6 ARTICLE 3

21.7 FIREARM TRANSFERS

21.8 Section 1. Minnesota Statutes 2018, section 624.7131, is amended to read:

21.9 **624.7131 TRANSFEE PERMIT; PENALTY.**

21.10 Subdivision 1. **Information.** Any person 21 years of age or older may apply for a
 21.11 transferee permit by providing the following information in writing to the chief of police
 21.12 of an organized full time police department of the municipality in which the person resides
 21.13 or to the county sheriff if there is no such local chief of police:

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

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

21.18 (3) a statement that the proposed transferee authorizes the release to the local police
 21.19 authority of commitment information about the proposed transferee maintained by the
 21.20 commissioner of human services, to the extent that the information relates to the proposed
 21.21 transferee's eligibility to possess a ~~pistol or semiautomatic military-style assault weapon~~
 21.22 firearm under section 624.713, subdivision 1; and

21.23 (4) a statement by the proposed transferee that the proposed transferee is 21 years of
 21.24 age or older and is not prohibited by section 624.713 from possessing a ~~pistol or~~
 21.25 ~~semiautomatic military-style assault weapon~~ firearm.

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

21.31 Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories,
 21.32 records and warrant information relating to the applicant through the Minnesota Crime

22.1 Information System, the national criminal record repository, and the National Instant Criminal
 22.2 Background Check System. The chief of police or sheriff shall also make a reasonable effort
 22.3 to check other available state and local record-keeping systems. The chief of police or sheriff
 22.4 shall obtain commitment information from the commissioner of human services as provided
 22.5 in section 245.041.

22.6 Subd. 3. **Forms.** Chiefs of police and sheriffs shall make transferee permit application
 22.7 forms available throughout the community. There shall be no charge for forms, reports,
 22.8 investigations, notifications, waivers or any other act performed or materials provided by
 22.9 a government employee or agency in connection with application for or issuance of a
 22.10 transferee permit.

22.11 Subd. 4. **Grounds for disqualification.** A determination by the chief of police or sheriff
 22.12 that the applicant is either: (1) prohibited by section 624.713 from possessing a pistol or
 22.13 semiautomatic military-style assault weapon or receiving a firearm; or (2) under 21 years
 22.14 of age shall be the only basis for refusal to grant a transferee permit.

22.15 Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee
 22.16 permit or deny the application within seven days of application for the permit.

22.17 (b) In the case of a denial, the chief of police or sheriff shall provide an applicant with
 22.18 written notification of a denial and the specific reason for the denial.

22.19 (c) The permits and their renewal shall be granted free of charge.

22.20 Subd. 6. **Permits valid statewide.** (a) A transferee permits permit issued pursuant to
 22.21 this section are is valid statewide for the transfer of a single firearm and shall expire
 22.22 immediately after one year. A transferee permit may be renewed in the same manner and
 22.23 subject to the same provisions by which the original permit was obtained, except that all
 22.24 renewed permits must comply with the standards adopted by the commissioner under section
 22.25 624.7151. either:

22.26 (1) the holder receives a firearm from a transferor, unless the transfer is excluded under
 22.27 section 624.7134, subdivision 6; or

22.28 (2) 30 days have elapsed from the date the transferee permit was issued to the holder.

22.29 (b) Permits issued pursuant to this section are not transferable. A person who transfers
 22.30 a permit in violation of this subdivision is guilty of a misdemeanor.

22.31 Subd. 7. **Permit voided.** The transferee permit shall be void at the time that the holder
 22.32 becomes prohibited from possessing or receiving a pistol firearm under section 624.713, in
 22.33 which event the holder shall return the permit within five days to the issuing authority.

23.1 Failure of the holder to return the permit within the five days is a misdemeanor unless the
 23.2 court finds that the circumstances or the physical or mental condition of the permit holder
 23.3 prevented the holder from complying with the return requirement.

23.4 Subd. 8. **Hearing upon denial.** Any person aggrieved by denial of a transferee permit
 23.5 may appeal the denial to the district court having jurisdiction over the county or municipality
 23.6 in which the denial occurred.

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

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

23.13 Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee
 23.14 permit knowing or having reason to know the statement is false is guilty of a ~~gross~~
 23.15 ~~misdemeanor~~ felony.

23.16 Subd. 12. **Local regulation.** This section shall be construed to supersede municipal or
 23.17 county regulation of the issuance of transferee permits.

23.18 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 23.19 committed on or after that date.

23.20 Sec. 2. Minnesota Statutes 2018, section 624.7132, is amended to read:

23.21 **624.7132 REPORT OF TRANSFER.**

23.22 Subdivision 1. **Required information.** Except as provided in this section and section
 23.23 624.7131, every person who agrees to transfer a ~~pistol or semiautomatic military-style~~
 23.24 ~~assault weapon~~ firearm shall report the following information in writing to the chief of
 23.25 police of the organized full-time police department of the municipality where the proposed
 23.26 transferee resides or to the appropriate county sheriff if there is no such local chief of police:

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

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

23.31 (3) a statement that the proposed transferee authorizes the release to the local police
 23.32 authority of commitment information about the proposed transferee maintained by the

24.1 commissioner of human services, to the extent that the information relates to the proposed
24.2 transferee's eligibility to possess a ~~pistol or semiautomatic military-style assault weapon~~
24.3 firearm under section 624.713, subdivision 1;

24.4 (4) a statement by the proposed transferee that the transferee is not prohibited by section
24.5 624.713 from possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm;
24.6 and

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

24.8 The report shall be signed and dated by the transferor and the proposed transferee. The
24.9 report shall be delivered by the transferor to the chief of police or sheriff no later than three
24.10 days after the date of the agreement to transfer, excluding weekends and legal holidays.

24.11 The statement under clause (3) must comply with any applicable requirements of Code of
24.12 Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of
24.13 alcohol or drug abuse patient records.

24.14 Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff
24.15 shall check criminal histories, records and warrant information relating to the proposed
24.16 transferee through the Minnesota Crime Information System, the national criminal record
24.17 repository, and the National Instant Criminal Background Check System. The chief of police
24.18 or sheriff shall also make a reasonable effort to check other available state and local
24.19 record-keeping systems. The chief of police or sheriff shall obtain commitment information
24.20 from the commissioner of human services as provided in section 245.041.

24.21 Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and
24.22 proposed transferee in writing as soon as possible if the chief or sheriff determines that the
24.23 proposed transferee is prohibited by section 624.713 from possessing a ~~pistol or~~
24.24 ~~semiautomatic military-style assault weapon~~ firearm. The notification to the transferee shall
24.25 specify the grounds for the disqualification of the proposed transferee and shall set forth in
24.26 detail the transferee's right of appeal under subdivision 13.

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

25.1 ~~assault weapon~~ firearm because of a threat to the life of the transferee or of any member of
25.2 the household of the transferee.

25.3 No person shall deliver a ~~pistol or semiautomatic military-style assault weapon~~ firearm
25.4 to a proposed transferee after receiving a written notification that the chief of police or
25.5 sheriff has determined that the proposed transferee is prohibited by section 624.713 from
25.6 possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm.

25.7 If the transferor makes a report of transfer and receives no written notification of
25.8 disqualification of the proposed transferee within five business days after delivery of the
25.9 agreement to transfer, the ~~pistol or semiautomatic military-style assault weapon~~ firearm
25.10 may be delivered to the transferee.

25.11 Subd. 5. **Grounds for disqualification.** A determination by the chief of police or sheriff
25.12 that the proposed transferee is prohibited by section 624.713 from possessing a ~~pistol or~~
25.13 ~~semiautomatic military-style assault weapon~~ firearm shall be the sole basis for a notification
25.14 of disqualification under this section.

25.15 ~~Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a transferee~~
25.16 ~~is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic~~
25.17 ~~military-style assault weapon, the transferee may, within 30 days after the determination,~~
25.18 ~~apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.~~

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

25.22 Subd. 9. **Number of ~~pistols or semiautomatic military-style assault weapons~~**
25.23 **firearms.** Any number of ~~pistols or semiautomatic military-style assault weapons~~ firearms
25.24 may be the subject of a single transfer agreement and report to the chief of police or sheriff.
25.25 Nothing in this section or section 624.7131 shall be construed to limit or restrict the number
25.26 of ~~pistols or semiautomatic military-style assault weapons~~ firearms a person may acquire.

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

26.1 Subd. 11. **Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms
 26.2 available throughout the community. There shall be no charge for forms, reports,
 26.3 investigations, notifications, waivers or any other act performed or materials provided by
 26.4 a government employee or agency in connection with a transfer.

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

26.9 (1) a transfer by a person other than a federally licensed firearms dealer;

26.10 (2) a loan to a prospective transferee if the loan is intended for a period of no more than
 26.11 one day;

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

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

26.16 (5) a loan between persons at a firearms collectors exhibition;

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

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

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

26.24 Subd. 13. **Appeal.** A person aggrieved by the determination of a chief of police or sheriff
 26.25 that the person is prohibited by section 624.713 from possessing a ~~pistol or semiautomatic~~
 26.26 ~~military-style assault weapon~~ firearm may appeal the determination as provided in this
 26.27 subdivision. The district court shall have jurisdiction of proceedings under this subdivision.

26.28 On review pursuant to this subdivision, the court shall be limited to a determination of
 26.29 whether the proposed transferee is a person prohibited from possessing a ~~pistol or~~
 26.30 ~~semiautomatic military-style assault weapon~~ firearm by section 624.713.

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

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

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

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

27.15 Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who
 27.16 does any of the following is guilty of a gross misdemeanor:

27.17 (1) transfers a ~~pistol or semiautomatic military-style assault weapon~~ firearm in violation
 27.18 of subdivisions 1 to 13;

27.19 (2) transfers a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a person
 27.20 who has made a false statement in order to become a transferee, if the transferor knows or
 27.21 has reason to know the transferee has made the false statement;

27.22 (3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

27.23 (4) makes a false statement in order to become a transferee of a ~~pistol or semiautomatic~~
 27.24 ~~military-style assault weapon~~ firearm knowing or having reason to know the statement is
 27.25 false.

27.26 (b) A person who does either of the following is guilty of a felony:

27.27 (1) transfers a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a person
 27.28 under the age of 18 in violation of subdivisions 1 to 13; or

27.29 (2) transfers a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a person
 27.30 under the age of 18 who has made a false statement in order to become a transferee, if the
 27.31 transferor knows or has reason to know the transferee has made the false statement.

28.1 Subd. 16. **Local regulation.** This section shall be construed to supersede municipal or
 28.2 county regulation of the transfer of ~~pistols~~ firearms.

28.3 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 28.4 committed on or after that date.

28.5 Sec. 3. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK**
 28.6 **REQUIRED.**

28.7 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
 28.8 meanings provided in this subdivision.

28.9 (b) "Firearms dealer" means a person who is licensed by the United States Department
 28.10 of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code,
 28.11 title 18, section 923(a).

28.12 (c) "State or federally issued identification" means a document or card made or issued
 28.13 by or under the authority of the United States government or the state that contains the
 28.14 person's name, residence address, date of birth, and photograph and is of a type commonly
 28.15 accepted for the purpose of identification of individuals.

28.16 (d) "Relative" means a spouse, parent, stepparent, child, stepchild, brother, sister, aunt,
 28.17 uncle, grandparent, or grandchild by blood or marriage.

28.18 Subd. 2. **Background check and evidence of identity.** A person who is not a firearms
 28.19 dealer is prohibited from transferring possession or ownership of a firearm to any other
 28.20 person who is not a firearms dealer, unless the transferee presents a valid transferee permit
 28.21 issued under section 624.7131 and a current state or federally issued identification.

28.22 Subd. 3. **Record of transfer; required information.** (a) When two parties complete
 28.23 the transfer of a firearm under subdivision 2, the transferor and transferee must complete a
 28.24 record of transfer on a form designed and made publicly available without fee for this
 28.25 purpose by the superintendent of the Bureau of Criminal Apprehension. Each page of the
 28.26 record of transfer must be signed and dated by the transferor and the transferee and contain
 28.27 the serial number of the firearm.

28.28 (b) The record of transfer must contain the following information:

28.29 (1) a clear photocopy of each person's current state or federally issued identification;

28.30 (2) a clear photocopy of the transferee permit presented by the transferee; and

28.31 (3) a signed statement by the transferee swearing that the transferee is not currently
 28.32 prohibited by state or federal law from possessing a firearm.

29.1 (c) The record of transfer must also contain the following information regarding the
29.2 transferred firearm:

29.3 (1) the type of firearm;

29.4 (2) the manufacturer, make, and model of the firearm; and

29.5 (3) the firearm's manufacturer-assigned serial number.

29.6 (d) Both the transferor and the transferee must retain a copy of the record of transfer
29.7 and any attachments to the record of transfer.

29.8 **Subd. 4. Compulsory production of a record of transfer; gross misdemeanor**

29.9 **penalty. (a) The transferor and transferee of a firearm transferred under this section must**
29.10 **produce the record of transfer when a peace officer requests the record as part of a criminal**
29.11 **investigation.**

29.12 (b) A person who refuses or is unable to produce a record of transfer for a firearm
29.13 transferred under this section in response to a request for production made by a peace officer
29.14 pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for
29.15 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime
29.16 committed involving the transferred firearm.

29.17 **Subd. 5. Immunity. A person is immune to a charge of violating this section if the person**
29.18 **presents a record of transfer that satisfies the requirements of subdivision 3.**

29.19 **Subd. 6. Exclusions. (a) This section shall not apply to the following transfers:**

29.20 (1) a transfer by or to a federally licensed firearms dealer;

29.21 (2) a transfer by or to any law enforcement agency;

29.22 (3) to the extent the transferee is acting within the course and scope of employment and
29.23 official duties, a transfer to:

29.24 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

29.25 (ii) a member of the armed forces of the United States, the National Guard, or the
29.26 Reserves of the United States armed forces;

29.27 (iii) a federal law enforcement officer; or

29.28 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;

29.29 (4) a transfer between immediate family members, which for the purposes of this section
29.30 means spouses, domestic partners, parents, children, siblings, grandparents, and
29.31 grandchildren;

30.1 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
30.2 or a trust that occurs by operation of law upon the death of the former owner of the firearm;

30.3 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;

30.4 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
30.5 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
30.6 by United States Code, title 18, section 921(a)(13), who each have in their possession a
30.7 valid collector of curio and relics license issued by the United States Department of Justice,
30.8 Bureau of Alcohol, Tobacco, Firearms and Explosives;

30.9 (8) the temporary transfer of a firearm if:

30.10 (i) the transfer is necessary to prevent imminent death or great bodily harm; and

30.11 (ii) the person's possession lasts only as long as immediately necessary to prevent such
30.12 imminent death or great bodily harm; and

30.13 (9) a temporary transfer if the transferee's possession of the firearm following the transfer
30.14 is only:

30.15 (i) at a shooting range that operates in compliance with the performance standards under
30.16 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance
30.17 is not required by the governing body of the jurisdiction, at an established shooting range
30.18 operated consistently with local law in the jurisdiction;

30.19 (ii) at a lawfully organized competition involving the use of a firearm, or while
30.20 participating in or practicing for a performance by an organized group that uses firearms as
30.21 part of the performance;

30.22 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
30.23 transferee possesses the firearm and the transferee holds all licenses or permits required for
30.24 hunting or trapping; or

30.25 (iv) while in the actual presence of the transferor.

30.26 (b) A transfer under this subdivision is permitted only if the transferor has no reason to
30.27 believe:

30.28 (1) that the transferee is prohibited by federal law from buying or possessing firearms
30.29 or not entitled under state law to possess firearms;

30.30 (2) if the transferee is under 21 years of age and is receiving the firearm under direct
30.31 supervision and control of an adult, that the adult is prohibited by federal law from buying
30.32 or possessing firearms or not entitled under state law to possess firearms; or

31.1 (3) that the transferee will use or intends to use the firearm in the commission of a crime.

31.2 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
31.3 committed on or after that date.

31.4 **ARTICLE 4**

31.5 **FIREARM POSSESSION**

31.6 Section 1. Minnesota Statutes 2018, section 624.713, subdivision 1, is amended to read:

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

31.10 (1) a person under the age of 18 years except that a person under 18 may possess
31.11 ammunition designed for use in a firearm that the person may lawfully possess and may
31.12 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
31.13 presence or under the direct supervision of the person's parent or guardian, (ii) for the
31.14 purpose of military drill under the auspices of a legally recognized military organization
31.15 and under competent supervision, (iii) for the purpose of instruction, competition, or target
31.16 practice on a firing range approved by the chief of police or county sheriff in whose
31.17 jurisdiction the range is located and under direct supervision; or (iv) if the person has
31.18 successfully completed a course designed to teach marksmanship and safety with a pistol
31.19 or semiautomatic military-style assault weapon and approved by the commissioner of natural
31.20 resources;

31.21 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
31.22 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
31.23 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
31.24 includes crimes in other states or jurisdictions which would have been crimes of violence
31.25 as herein defined if they had been committed in this state;

31.26 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
31.27 determination that the person is mentally ill, developmentally disabled, or mentally ill and
31.28 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
31.29 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
31.30 the person's ability to possess a firearm and ammunition has been restored under subdivision
31.31 4;

31.32 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
31.33 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date

32.1 of conviction and, during that time, the person has not been convicted of any other such
32.2 violation of chapter 152 or a similar law of another state; or a person who is or has ever
32.3 been committed by a judicial determination for treatment for the habitual use of a controlled
32.4 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
32.5 to possess a firearm and ammunition has been restored under subdivision 4;

32.6 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
32.7 by a judicial determination that the person is chemically dependent as defined in section
32.8 253B.02, unless the person has completed treatment or the person's ability to possess a
32.9 firearm and ammunition has been restored under subdivision 4. Property rights may not be
32.10 abated but access may be restricted by the courts;

32.11 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
32.12 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
32.13 of the treatment facility discharging or provisionally discharging the officer from the
32.14 treatment facility. Property rights may not be abated but access may be restricted by the
32.15 courts;

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

32.20 (8) except as otherwise provided in clause (9), a person who has been convicted in
32.21 another state of committing an offense similar to the offense described in section 609.224,
32.22 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
32.23 unless three years have elapsed since the date of conviction and, during that time, the person
32.24 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
32.25 subdivision 3, or a similar law of another state;

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

32.30 (10) a person who:

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

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

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

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

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

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

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

33.11 or

33.12 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
33.13 922(g)(8) or (9), as amended through March 1, 2014;

33.14 (11) a person who has been convicted of the following offenses at the gross misdemeanor
33.15 level, unless three years have elapsed since the date of conviction and, during that time, the
33.16 person has not been convicted of any other violation of these sections: section 609.229
33.17 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
33.18 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
33.19 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
33.20 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified gross misdemeanor
33.21 convictions include crimes committed in other states or jurisdictions which would have
33.22 been gross misdemeanors if conviction occurred in this state;

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

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

33.30 (14) a person who is subject to an extreme risk protection order as described in section
33.31 624.7162 or 624.7164.

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

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

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

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

34.14 Sec. 2. **[624.7171] EXTREME RISK PROTECTION ORDERS.**

34.15 **Subdivision 1. Definitions.** As used in sections 624.7171 to 624.7178, the term "family
34.16 or household members" has the meaning given in section 518B.01, subdivision 2.

34.17 **Subd. 2. Court jurisdiction.** An application for relief under this section may be filed
34.18 in the county of residence of either party. There are no residency requirements that apply
34.19 to a petition for an extreme risk protection order. Actions under this section shall be given
34.20 docket priorities by the court.

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

34.26 **Subd. 4. Generally.** (a) There shall exist an action known as a petition for an extreme
34.27 risk protection order for protection from firearm violence, which order shall enjoin and
34.28 prohibit the respondent from possessing firearms for a fixed period.

34.29 (b) A petition for relief under sections 624.7171 to 624.7178 may be made by any family
34.30 or household members, the chief law enforcement officer or a designee, a city or county
34.31 attorney, or a guardian as defined in section 524.1-201, clause (26).

35.1 (c) A petition for relief shall allege that the respondent poses a significant danger of
35.2 bodily harm to self or to other persons by possessing a firearm. The petition shall be
35.3 accompanied by an affidavit made under oath stating specific facts and circumstances
35.4 forming a basis to allege that an extreme risk protection order should be granted. The affidavit
35.5 may include, but is not limited to, evidence showing any of the factors described in
35.6 subdivision 3.

35.7 (d) A petition for emergency relief under section 624.7174 shall additionally allege that
35.8 the respondent presents an immediate and present danger of bodily injury.

35.9 (e) A petition for relief must state whether there is an existing order in effect under
35.10 sections 624.7171 to 624.7178, or chapter 260C or 518B governing the respondent and
35.11 whether there is a pending lawsuit, complaint, petition, or other action between the parties
35.12 under sections 624.7171 to 624.7178, or chapter 257, 518, 518A, 518B, or 518C. The court
35.13 administrator shall verify the terms of any existing order governing the parties. The court
35.14 may not delay granting relief because of the existence of a pending action between the
35.15 parties or the necessity of verifying the terms of an existing order. A petition for relief may
35.16 be granted whether or not there is a pending action between the parties.

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

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

35.21 (h) The state court administrator shall create all forms necessary under sections 624.7171
35.22 to 624.7178.

35.23 (i) The filing fees for an extreme risk protection order under this section are waived for
35.24 the petitioner and respondent. The court administrator, the sheriff of any county in this state,
35.25 and other law enforcement and corrections officers shall perform their duties relating to
35.26 service of process without charge to the petitioner. The court shall direct payment of the
35.27 reasonable costs of service of process if served by a private process server when the sheriff
35.28 or other law enforcement or corrections officer is unavailable or if service is made by
35.29 publication, without requiring the petitioner to make application under section 563.01.

35.30 (j) The court shall advise the petitioner of the right to serve the respondent by alternate
35.31 notice under section 624.7172, subdivision 1, paragraph (e), if the respondent is avoiding
35.32 personal service by concealment or otherwise, and shall assist in the writing and filing of
35.33 the affidavit.

36.1 (k) The court shall advise the petitioner of the right to request a hearing under section
36.2 624.7174, paragraph (b). If the petitioner does not request a hearing, the court shall advise
36.3 the petitioner that the respondent may request a hearing and that notice of the hearing date
36.4 and time will be provided to the petitioner by mail at least five days before the hearing.

36.5 (l) An extreme risk protection order issued under sections 624.7171 to 624.7178 applies
36.6 throughout the state.

36.7 (m) Any proceeding under sections 624.7171 to 624.7178 shall be in addition to other
36.8 civil or criminal remedies.

36.9 (n) All health records and other health information provided in a petition or considered
36.10 as evidence in a proceeding under sections 624.7171 to 624.7178 shall be protected from
36.11 public disclosure but may be provided to law enforcement agencies as described in this
36.12 section.

36.13 (o) Any extreme risk protection order or subsequent extension issued under sections
36.14 624.7171 to 624.7178 shall be forwarded by the court administrator within 24 hours to the
36.15 local law enforcement agency with jurisdiction over the residence of the respondent. Each
36.16 appropriate law enforcement agency shall make available to other law enforcement officers,
36.17 through a system for verification, information as to the existence and status of any extreme
36.18 risk protection order issued under sections 624.7171 to 624.7178.

36.19 **Sec. 3. [624.7172] EXTREME RISK PROTECTION ORDERS ISSUED AFTER**
36.20 **HEARING.**

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

36.24 (b) The court shall advise the petitioner of the right to request an emergency extreme
36.25 risk protection order under section 624.7174 separately from or simultaneously with the
36.26 petition under this subdivision.

36.27 (c) The petitioning law enforcement agency shall be responsible for service of an extreme
36.28 risk protection order issued by the court and shall further be the agency responsible for the
36.29 execution of any legal process required for the seizure and storage of firearms subject to
36.30 the order. Nothing in this provision limits the ability of the law enforcement agency of
36.31 record cooperating with other law enforcement entities. When the petitioner is a family
36.32 member, the primary law enforcement agency serving the jurisdiction of residency of the

37.1 respondent shall be responsible for the execution of any legal process required for the seizure
37.2 and storage of firearms subject to the order.

37.3 (d) Personal service of notice for the hearing may be made upon the respondent at any
37.4 time up to 12 hours prior to the time set for the hearing, provided that the respondent at the
37.5 hearing may request a continuance of up to five days if the respondent is served less than
37.6 five days prior to the hearing, which continuance shall be granted unless there are compelling
37.7 reasons not to do so. If the court grants the requested continuance, and an existing emergency
37.8 order under section 624.7174 will expire due to the continuance, the court shall also issue
37.9 a written order continuing the emergency order pending the new time set for the hearing.

37.10 (e) If personal service cannot be made, the court may order service of the petition and
37.11 any order issued under this section by alternate means. The application for alternate service
37.12 must include the last known location of the respondent; the petitioner's most recent contacts
37.13 with the respondent; the last known location of the respondent's employment; the names
37.14 and locations of the respondent's parents, siblings, children, and other close relatives; the
37.15 names and locations of other persons who are likely to know the respondent's whereabouts;
37.16 and a description of efforts to locate those persons. The court shall consider the length of
37.17 time the respondent's location has been unknown, the likelihood that the respondent's location
37.18 will become known, the nature of the relief sought, and the nature of efforts made to locate
37.19 the respondent. The court shall order service by first class mail, forwarding address requested,
37.20 to any addresses where there is a reasonable possibility that mail or information will be
37.21 forwarded or communicated to the respondent. The court may also order publication, within
37.22 or without the state, but only if it might reasonably succeed in notifying the respondent of
37.23 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
37.24 court-ordered publication.

37.25 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by a preponderance
37.26 of the evidence that the respondent poses a significant danger of bodily injury to self or
37.27 other persons by possessing a firearm.

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

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

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

38.1 (3) a violation of any court order including, but not limited to, orders issued under
38.2 sections 624.7171 to 624.7178, or chapter 260C or 518B;

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

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

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

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

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

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

38.14 (d) If the court finds there is a preponderance of the evidence to issue an extreme risk
38.15 protection order, the court shall issue the order prohibiting the person from possessing a
38.16 firearm for the duration of the order. The court shall inform the respondent that the respondent
38.17 is prohibited from possessing firearms and shall issue a transfer order under section 624.7175.
38.18 The court shall also give notice to the county attorney's office, which may take action as it
38.19 deems appropriate.

38.20 (e) The order shall have a fixed period, to be determined by the court, of not less than
38.21 six months and not more than two years, subject to renewal or extension under section
38.22 624.7173.

38.23 (f) If there is no existing emergency order under section 624.7174 at the time an order
38.24 is granted under this section, the court shall determine by a preponderance of the evidence
38.25 whether the respondent presents an immediate and present danger of bodily injury. If the
38.26 court so determines, the transfer order shall include the provisions described in section
38.27 624.7175, paragraph (c).

38.28 (g) If, after a hearing, the court does not issue an order of protection, the court shall
38.29 vacate any emergency extreme risk protection order currently in effect.

38.30 (h) A respondent may waive the respondent's right to contest the hearing and consent
38.31 to the court's imposition of an extreme risk protection order. The court shall seal the petition
38.32 filed under this section and section 624.7176, if a respondent who consents to imposition

39.1 of an extreme risk protection order requests that the petition be sealed, unless the court finds
39.2 that there is clear and convincing evidence that the interests of the public and public safety
39.3 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk
39.4 protection orders shall remain public.

39.5 Sec. 4. **[624.7173] SUBSEQUENT EXTENSIONS AND TERMINATION.**

39.6 (a) Upon application by any party entitled to petition for an order under section 624.7172,
39.7 and after notice to the respondent and a hearing, the court may extend the relief granted in
39.8 an existing order granted after a hearing under section 624.7172. Application for an extension
39.9 may be made any time within the three months before the expiration of the existing order.
39.10 The order may be extended for a fixed period of at least six months and not to exceed two
39.11 years, if the court makes the same findings by a preponderance of the evidence as required
39.12 for granting of an initial order under section 624.7172, subdivision 2, paragraph (d). The
39.13 court shall consider the same types of evidence as required for the initial order under section
39.14 624.7172, subdivision 2, paragraphs (b) and (c).

39.15 (b) Upon application by the respondent to an order issued under section 624.7172, the
39.16 court may terminate an order after a hearing at which the respondent shall bear the burden
39.17 of proving by a preponderance of the evidence that the respondent does not pose a significant
39.18 danger of bodily injury to the respondent's self or to other persons by possessing a firearm.
39.19 Application may be made for termination one time for each year an order is in effect. If an
39.20 order has been issued for a period of six months, the respondent may apply for termination
39.21 one time.

39.22 Sec. 5. **[624.7174] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION**
39.23 **ORDER.**

39.24 (a) In determining whether to grant an emergency extreme risk protection order, the
39.25 court shall consider evidence of all facts identified in section 624.7172, subdivision 2,
39.26 paragraphs (b) and (c).

39.27 (b) The court shall advise the petitioner of the right to request an order after a hearing
39.28 under section 624.7172 separately from or simultaneously with the petition.

39.29 (c) If the court finds there is reasonable grounds that (1) the respondent poses a significant
39.30 danger of bodily injury to the respondent's self or to other persons by possessing a firearm,
39.31 and (2) the respondent presents an immediate and present danger of bodily injury, the court
39.32 shall issue an ex parte emergency order prohibiting the respondent from possessing a firearm
39.33 for the duration of the order. The order shall inform the respondent that the respondent is

40.1 prohibited from possessing firearms and shall issue a transfer order under section 624.7175,
40.2 paragraph (c).

40.3 (d) A finding by the court that there is a basis for issuing an emergency extreme risk
40.4 protection order constitutes a finding that sufficient reasons exist not to require notice under
40.5 applicable court rules governing applications for ex parte relief.

40.6 (e) The emergency order shall have a fixed period of 14 days, unless a hearing is set
40.7 under section 624.7172 on an earlier date, in which case the order shall expire upon a judge's
40.8 finding that no order is issued under section 624.7172.

40.9 (f) Except as provided in paragraph (g), the respondent shall be personally served
40.10 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
40.11 is requested by the petitioner under section 624.7172, notice of the date set for the hearing.
40.12 If the petitioner does not request a hearing under section 624.7172, an order served on a
40.13 respondent under this subdivision must include a notice advising the respondent of the right
40.14 to request a hearing challenging the issuance of the emergency order, and must be
40.15 accompanied by a form that can be used by the respondent to request a hearing.

40.16 (g) Service of the emergency order may be made by alternate service as provided under
40.17 section 624.7172, subdivision 1, paragraph (e), provided that the petitioner files the affidavit
40.18 required under that subdivision. If the petitioner does not request a hearing under section
40.19 624.7172, the petition mailed to the respondent's residence, if known, must be accompanied
40.20 by the form for requesting a hearing described in paragraph (f).

40.21 **Sec. 6. [624.7175] TRANSFER OF FIREARMS.**

40.22 (a) Upon issuance of an extreme risk protection order, the court shall direct the respondent
40.23 to transfer any firearms the person possesses as soon as reasonably practicable, but in no
40.24 case later than 24 hours, to a federally licensed firearms dealer or a law enforcement agency.
40.25 If the respondent elects to transfer the respondent's firearms to a law enforcement agency,
40.26 the agency must accept the transfer. The transfer may be permanent or temporary. A
40.27 temporary firearm transfer only entitles the receiving party to possess the firearm and does
40.28 not transfer ownership or title. If the respondent makes a temporary transfer, a federally
40.29 licensed firearms dealer or law enforcement agency may charge the respondent a reasonable
40.30 fee to store the firearms and may establish policies for disposal of abandoned firearms,
40.31 provided these policies require that the respondent be notified prior to disposal of abandoned
40.32 firearms. If a respondent permanently transfers the respondent's firearms to a law enforcement
40.33 agency, the agency is not required to compensate the respondent and may charge the
40.34 respondent a reasonable processing fee.

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

41.2 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
41.3 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
41.4 proof of transfer must specify whether the firearms were permanently or temporarily
41.5 transferred and must include the name of the respondent, date of transfer, and the serial
41.6 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally
41.7 licensed firearms dealer, the respondent shall, within two business days after being served
41.8 with the order, file a copy of proof of transfer with the law enforcement agency, and attest
41.9 that all firearms owned or possessed at the time of the order have been transferred in
41.10 accordance with this section and that the person currently does not possess any firearms. If
41.11 the respondent claims not to own or possess firearms, the respondent shall file a declaration
41.12 of nonpossession with the law enforcement agency attesting that, at the time of the order,
41.13 the respondent neither owned nor possessed any firearms, and that the respondent currently
41.14 neither owns nor possesses any firearms.

41.15 (2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
41.16 filed pursuant to this paragraph.

41.17 (c) If a court issues an emergency order under section 624.7174, or makes a finding of
41.18 immediate and present danger under section 624.7172, subdivision 2, paragraph (e), and
41.19 there is probable cause to believe the respondent possesses firearms, the court shall issue a
41.20 search warrant to the local law enforcement agency to take possession of all firearms in the
41.21 respondent's possession as soon as practicable. The local law enforcement agency shall,
41.22 upon written notice from the respondent, transfer the firearms to a federally licensed firearms
41.23 dealer. Before a local law enforcement agency transfers a firearm under this paragraph, the
41.24 agency shall require the federally licensed firearms dealer receiving the firearm to submit
41.25 a proof of transfer that complies with the requirements for proofs of transfer established in
41.26 paragraph (b). The agency shall file all proofs of transfer received by the court within two
41.27 business days of the transfer. A federally licensed firearms dealer who accepts a firearm
41.28 transfer pursuant to this paragraph shall comply with paragraphs (a) and (b) as if accepting
41.29 transfer directly from the respondent. If the law enforcement agency does not receive written
41.30 notice from the respondent within three business days, the agency may charge a reasonable
41.31 fee to store the respondent's firearms. A law enforcement agency may establish policies for
41.32 disposal of abandoned firearms, provided these policies require that the respondent be
41.33 notified prior to disposal of abandoned firearms.

42.1 Sec. 7. **[624.7176] RETURN OF FIREARMS.**

42.2 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
42.3 temporary transfer of firearms under section 624.7175 shall return the firearms to the
42.4 respondent upon request after the expiration of the order, provided the respondent is not
42.5 otherwise prohibited from possessing firearms under state or federal law.

42.6 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
42.7 transfer of firearms under section 624.7175 shall return the transferring firearms to the
42.8 respondent upon request after the expiration of the order, provided the respondent is not
42.9 otherwise prohibited from possessing firearms under state or federal law. A federally licensed
42.10 firearms dealer returning firearms shall comply with state and federal law as though
42.11 transferring a firearm from the dealer's own inventory.

42.12 Sec. 8. **[624.7177] OFFENSES.**

42.13 Subdivision 1. **False information or harassment.** A person who petitions for an extreme
42.14 risk protection order under section 624.7172 or 624.7174, knowing any information in the
42.15 petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a
42.16 misdemeanor.

42.17 Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should
42.18 have known that the person is prohibited from doing so by an extreme risk protection order
42.19 under section 624.7172 or 624.7174, or by an order of protection granted by a judge or
42.20 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor
42.21 and shall be prohibited from possessing firearms for a period of five years. Each extreme
42.22 risk protection order granted under this chapter must contain a conspicuous notice to the
42.23 respondent regarding the penalty for violation of the order.

42.24 Sec. 9. **[624.7178] LIABILITY PROTECTION.**

42.25 Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, or a
42.26 designee who, in good faith, decides not to petition for an extreme risk protection order or
42.27 emergency extreme risk protection order shall be immune from criminal or civil liability.

42.28 Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall
42.29 be immune from civil or criminal liability for any damage or deterioration of firearms,
42.30 ammunition, or weapons stored or transported pursuant to section 624.7175. This subdivision
42.31 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
42.32 negligence, or intentional misconduct by the law enforcement agency.

43.1 Sec. 10. **EFFECTIVE DATE.**

43.2 Sections 1 to 9 are effective January 1, 2020, and apply to firearm permit background
43.3 checks made on or after that date.