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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. **3954**

03/19/2018 Authored by Dehn, R.; Becker-Finn; Lee; Moran; Clark and others
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; prohibiting the transfer of semiautomatic military-style
1.3 assault weapons; establishing a semiautomatic military-style assault weapon
1.4 buyback program; providing criminal penalties; appropriating money; amending
1.5 Minnesota Statutes 2016, section 624.712, subdivision 7; proposing coding for
1.6 new law in Minnesota Statutes, chapter 624.

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

1.8 Section 1. Minnesota Statutes 2016, section 624.712, subdivision 7, is amended to read:

1.9 Subd. 7. **Semiautomatic military-style assault weapon.** (a) "Semiautomatic
1.10 military-style assault weapon" means any:

1.11 ~~(1) any of the following firearms:~~

1.12 ~~(i) Avtomat Kalashnikov (AK-47) semiautomatic rifle type;~~

1.13 ~~(ii) Beretta AR-70 and BM-59 semiautomatic rifle types;~~

1.14 ~~(iii) Colt AR-15 semiautomatic rifle type;~~

1.15 ~~(iv) Daewoo Max-1 and Max-2 semiautomatic rifle types;~~

1.16 ~~(v) Famas MAS semiautomatic rifle type;~~

1.17 ~~(vi) Fabrique Nationale FN-LAR and FN-FNC semiautomatic rifle types;~~

1.18 ~~(vii) Galil semiautomatic rifle type;~~

1.19 ~~(viii) Heckler & Koch HK-91, HK-93, and HK-94 semiautomatic rifle types;~~

1.20 ~~(ix) Ingram MAC-10 and MAC-11 semiautomatic pistol and carbine types;~~

1.21 ~~(x) Intratec TEC-9 semiautomatic pistol type;~~

- 2.1 ~~(xi) Sigarms SIG 550SP and SIG 551SP semiautomatic rifle types;~~
- 2.2 ~~(xii) SKS with detachable magazine semiautomatic rifle type;~~
- 2.3 ~~(xiii) Steyr AUG semiautomatic rifle type;~~
- 2.4 ~~(xiv) Street Sweeper and Striker 12 revolving cylinder shotgun types;~~
- 2.5 ~~(xv) USAS-12 semiautomatic shotgun type;~~
- 2.6 ~~(xvi) Uzi semiautomatic pistol and carbine types; or~~
- 2.7 ~~(xvii) Valmet M76 and M78 semiautomatic rifle types;~~
- 2.8 ~~(2) any firearm that is another model made by the same manufacturer as one of the~~
- 2.9 ~~firearms listed in clause (1), and has the same action design as one of the listed firearms,~~
- 2.10 ~~and is a redesigned, renamed, or renumbered version of one of the firearms listed in clause~~
- 2.11 ~~(1), or has a slight modification or enhancement, including but not limited to a folding or~~
- 2.12 ~~retractable stock; adjustable sight; case deflector for left-handed shooters; shorter barrel;~~
- 2.13 ~~wooden, plastic, or metal stock; larger clip size; different caliber; or a bayonet mount; and~~
- 2.14 ~~(3) any firearm that has been manufactured or sold by another company under a licensing~~
- 2.15 ~~agreement with a manufacturer of one of the firearms listed in clause (1) entered into after~~
- 2.16 ~~the effective date of Laws 1993, chapter 326, to manufacture or sell firearms that are identical~~
- 2.17 ~~or nearly identical to those listed in clause (1), or described in clause (2), regardless of the~~
- 2.18 ~~company of production or country of origin.~~
- 2.19 ~~The weapons listed in clause (1), except those listed in items (iii), (ix), (x), (xiv), and~~
- 2.20 ~~(xv), are the weapons the importation of which was barred by the Bureau of Alcohol,~~
- 2.21 ~~Tobacco, and Firearms of the United States Department of the Treasury in July 1989.~~
- 2.22 ~~Except as otherwise specifically provided in paragraph (d), a firearm is not a~~
- 2.23 ~~"semiautomatic military-style assault weapon" if it is generally recognized as particularly~~
- 2.24 ~~suitable for or readily adaptable to sporting purposes under United States Code, title 18,~~
- 2.25 ~~section 925, paragraph (d)(3), or any regulations adopted pursuant to that law.~~
- 2.26 (1) semiautomatic rifle that has the capacity to accept a detachable magazine and has at
- 2.27 least two of the following:
- 2.28 (i) a pistol grip;
- 2.29 (ii) any feature capable of functioning as a protruding grip that can be held by the
- 2.30 nontrigger hand;
- 2.31 (iii) a folding or telescoping stock;

3.1 (iv) a shroud attached to the barrel or that partially or completely encircles the barrel
3.2 allowing the bearer to hold the firearm with the nontrigger hand without being burned, but
3.3 excluding a slide that encloses the barrel;

3.4 (v) a bayonet mount;

3.5 (vi) a flash suppressor or threaded barrel designed to accommodate a flash suppressor;
3.6 or

3.7 (vii) a grenade launcher;

3.8 (2) semiautomatic pistol that has the capacity to accept a detachable magazine and has
3.9 two or more of the following:

3.10 (i) any feature capable of functioning as a protruding grip that can be held by the
3.11 nontrigger hand;

3.12 (ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward
3.13 handgrip, or silencer;

3.14 (iii) a shroud attached to the barrel or that partially or completely encircles the barrel
3.15 allowing the bearer to hold the firearm with the nontrigger hand without being burned, but
3.16 excluding a slide that encloses the barrel;

3.17 (iv) the capacity to accept a detachable magazine at any location outside of the pistol
3.18 grip;

3.19 (v) a manufactured weight of 50 ounces or more when the pistol is unloaded; or

3.20 (vi) a semiautomatic version of an automatic firearm;

3.21 (3) semiautomatic shotgun that has two or more of the following:

3.22 (i) a pistol grip;

3.23 (ii) any feature capable of functioning as a protruding grip that can be held by the
3.24 nontrigger hand;

3.25 (iii) a folding or telescoping stock;

3.26 (iv) a fixed magazine capacity in excess of seven rounds; or

3.27 (v) an ability to accept a detachable magazine; or

3.28 (4) conversion kit, part, or combination of parts from which a semiautomatic military-style
3.29 assault weapon can be assembled if those parts are in the possession or under the control
3.30 of the same person.

4.1 (b) Semiautomatic military-style assault weapon does not include any firearm that has
4.2 been made permanently inoperable.

4.3 **EFFECTIVE DATE.** This section is effective September 1, 2018, and applies to crimes
4.4 committed on or after that date.

4.5 Sec. 2. **[624.7134] TRANSFER OF SEMIAUTOMATIC MILITARY-STYLE**
4.6 **ASSAULT WEAPONS PROHIBITED.**

4.7 Subdivision 1. **Prohibition.** It is unlawful to transfer a semiautomatic military-style
4.8 assault weapon.

4.9 Subd. 2. **Exceptions.** Subdivision 1 does not apply to:

4.10 (1) a transfer by or to any law enforcement agency or, to the extent an employee of the
4.11 agency is acting within the course and scope of employment and official duties, a peace
4.12 officer; law enforcement officer; corrections officer; member of the armed forces of the
4.13 United States, the National Guard, or the Reserves of the United States armed forces; federal
4.14 law enforcement officer; or security guard employed by a protective agent licensed pursuant
4.15 to chapter 326;

4.16 (2) a transfer between immediate family members, which for the purposes of this section
4.17 means spouses, domestic partners, parents, step-parents, children, step-children, siblings,
4.18 step-siblings, grandparents, step-grandparents, grandchildren, and step-grandchildren;

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

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

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

4.27 (6) a temporary transfer to a transferee who is not prohibited by federal law from
4.28 purchasing or possessing firearms, and is entitled under state law to possess firearms, if the
4.29 transfer:

4.30 (i) is necessary to prevent imminent death or great bodily harm; and

4.31 (ii) lasts only as long as immediately necessary to prevent imminent death or great bodily
4.32 harm; and

5.1 (7) a temporary transfer if the transferor has no reason to believe that the transferee will
 5.2 use or intends to use the firearm in the commission of a crime and the transfer occurs and
 5.3 the transferee's possession of the firearm following the transfer is only:

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

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

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

5.14 (iv) while in the actual presence of the transferor provided that any transfer under this
 5.15 clause is permitted only if the transferor has no reason to believe that the transferee is
 5.16 prohibited by federal law from buying or possessing firearms or not entitled under state law
 5.17 to possess firearms.

5.18 Subd. 3. **Penalty.** A person who violates subdivision 1 is guilty of a gross misdemeanor.

5.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 5.20 committed on or after that date.

5.21 Sec. 3. **VOLUNTARY SEMIAUTOMATIC MILITARY-STYLE ASSAULT**
 5.22 **WEAPON BUYBACK PROGRAM.**

5.23 The commissioner of public safety shall create a voluntary semiautomatic military-style
 5.24 assault weapon buyback program. Reimbursements shall be issued to local law enforcement
 5.25 agencies or licensed firearms dealers that elect to voluntarily buy back semiautomatic
 5.26 military-style assault weapons from the public. The commissioner shall reimburse entities
 5.27 that operate a voluntary buyback program only for functioning semiautomatic military-style
 5.28 assault weapons. The rate of reimbursement shall be the amount the entity paid for the
 5.29 weapon or the fair market value of the firearm on the effective date of section 2, whichever
 5.30 is less. Nothing in this section compels the owner of a semiautomatic military-style assault
 5.31 weapon to sell the owner's semiautomatic military-style assault weapon to law enforcement
 5.32 or a firearms dealer.

5.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.1 Sec. 4. **APPROPRIATION; VOLUNTARY SEMIAUTOMATIC MILITARY-STYLE**
6.2 **ASSAULT WEAPON REIMBURSEMENT PROGRAM.**

6.3 \$500,000 in fiscal year 2019 is appropriated from the general fund to the commissioner
6.4 of public safety for the implementation of the voluntary semiautomatic military-style assault
6.5 weapon buyback program under section 3.