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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1438

02/21/2019 Authored by Dehn, Freiberg and Moller
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to elections; establishing a prohibition on the presence of certain weapons
1.3 at a polling place; providing criminal penalties; amending Minnesota Statutes
1.4 2018, sections 203B.03, by adding a subdivision; 204C.06, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2018, section 203B.03, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 1a. Weapons at absentee balloting locations. Section 204C.06, subdivision 9,
1.9 applies to the possession of certain weapons in polling places where absentee ballots are
1.10 cast.

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

1.13 Sec. 2. Minnesota Statutes 2018, section 204C.06, is amended by adding a subdivision to
1.14 read:

1.15 Subd. 9. Prohibition on certain weapons at a polling place; penalty. (a) Whoever
1.16 possesses, stores, or keeps a firearm in a location the person knows is a polling place is
1.17 guilty of a felony and may be sentenced to imprisonment for not more than five years or to
1.18 payment of a fine of not more than \$10,000, or both.

1.19 (b) Whoever uses or brandishes a replica firearm or a BB gun in a location the person
1.20 knows is a polling place is guilty of a gross misdemeanor.

1.21 (c) Whoever possesses, stores, or keeps a replica firearm or a BB gun in a location the
1.22 person knows is a polling place is guilty of a misdemeanor.

2.1 (d) Notwithstanding paragraph (a), (b), or (c), it is a misdemeanor for a person authorized
2.2 to carry a firearm under the provisions of a permit or otherwise to carry a firearm on or
2.3 about the person's clothes or person in a location the person knows is a polling place.
2.4 Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not
2.5 subject to forfeiture.

2.6 (e) As used in this subdivision:

2.7 (1) "BB gun" means a device that fires or ejects a shot measuring 0.18 inches or less in
2.8 diameter;

2.9 (2) "polling place" means the room in which voting occurs;

2.10 (3) "replica firearm" has the meaning given in section 609.713; and

2.11 (4) "voting" includes absentee voting under chapter 203B.

2.12 (f) This subdivision does not apply to:

2.13 (1) active licensed peace officers; and

2.14 (2) military personnel or students participating in military training who are on-duty and
2.15 performing official duties.

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