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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4766

03/11/2024

Authored by Scott

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; requiring offenders convicted of crimes of violence to
1.3 provide proof of transfer of firearms; providing for compliance hearings; proposing
1.4 coding for new law in Minnesota Statutes, chapter 609.

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

1.6 Section 1. [609.161] CRIMES OF VIOLENCE; SURRENDER OF FIREARMS;
1.7 COMPLIANCE HEARING.

1.8 (a) When a person is convicted of, or adjudicated delinquent or convicted as an extended
1.9 jurisdiction juvenile for committing, a crime of violence as defined in section 624.712,
1.10 subdivision 5, and released from custody without being committed to the custody of the
1.11 commissioner of corrections, the court shall order the offender transfer any firearms that
1.12 the person possesses to a federally licensed firearms dealer, a law enforcement agency, or
1.13 a third party who may lawfully receive them.

1.14 (b) A transfer ordered under this section must take place within three days.

1.15 (c) If the transfer is made to a third party, the third party must sign an affidavit under
1.16 oath before a notary public acknowledging that the offender permanently transferred the
1.17 offender's firearms to the third party. The third party shall acknowledge in the affidavit that
1.18 the third party may be held criminally and civilly responsible under section 624.7144 if the
1.19 offender gains access to a transferred firearm while the firearm is in the custody of the third
1.20 party. An offender must not transfer firearms to a third party who resides with the offender.

1.21 (d) If the transfer is to a law enforcement agency or federally licensed firearms dealer,
1.22 the law enforcement agency or federally licensed firearms dealer shall provide proof of

2.1 transfer to the offender. The proof of transfer must include the name of the offender and  
2.2 date of transfer.

2.3 (e) If the court issues an order under paragraph (a), the court must hold a compliance  
2.4 hearing within seven days of the date the offender is released from custody. At the compliance  
2.5 hearing, the offender must provide the court with a signed and notarized affidavit or proof  
2.6 of transfer as described in this section. The court shall seal affidavits and proofs of transfer  
2.7 filed pursuant to this paragraph.

2.8 (f) An order issued under paragraph (a) shall be deemed to be a condition of probation  
2.9 or release from custody. A person who fails to obey an order is subject to probation  
2.10 revocation, contempt of court, or any other appropriate remedy.

2.11 (g) This section does not apply if the offender makes a statement to the court under oath  
2.12 or affirmation that the offender does not own or possess any firearms. The court shall instruct  
2.13 the offender that a false statement under oath constitutes perjury and may be prosecuted  
2.14 under section 609.748.

2.15 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to convictions  
2.16 and adjudications that take place on or after that date.