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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **459**

01/28/2021

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

1.1 A bill for an act
1.2 relating to public safety; allowing permitted and trained school staff to carry
1.3 firearms; amending Minnesota Statutes 2020, sections 609.66, subdivision 1d;
1.4 624.714, subdivision 18, by adding a subdivision; proposing coding for new law
1.5 in Minnesota Statutes, chapter 299C.

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

1.7 Section 1. **[299C.26] ACTIVE SHOOTER FIREARM TRAINING; SCHOOL**
1.8 **TEACHERS AND EMPLOYEES.**

1.9 (a) The superintendent of the Bureau of Criminal Apprehension, in consultation with
1.10 security and law enforcement experts with appropriate qualifications and experience in
1.11 responding to active shooter situations, must establish a school and postsecondary institution
1.12 teacher and employee firearm training program that includes at a minimum training in active
1.13 shooter situations. The bureau must offer the training to teachers and other school and
1.14 postsecondary institution employees at least once a year. The bureau may contract with a
1.15 private organization to provide the training under this paragraph.

1.16 (b) The training must be provided at no cost to teachers and other employees of public
1.17 elementary, middle, and secondary schools; charter schools under chapter 124E; and
1.18 postsecondary institutions under chapter 136F or 137. The training program must admit
1.19 only school and postsecondary institution teachers and employees who have completed
1.20 training for a permit to carry under section 624.714 within one year of the date of attending
1.21 the training under this section or have a permit to carry under section 624.714.

1.22 (c) For the purposes of this section:

1.23 (1) "teacher" has the meaning given in section 122A.06, subdivision 2; and

2.1 (2) "employee" has the meaning given in section 181.931, subdivision 2.

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

2.3 Sec. 2. Minnesota Statutes 2020, section 609.66, subdivision 1d, is amended to read:

2.4 Subd. 1d. **Possession on school property; penalty.** (a) Except as provided under
2.5 paragraphs (d) and (f), whoever possesses, stores, or keeps a dangerous weapon while
2.6 knowingly on school property is guilty of a felony and may be sentenced to imprisonment
2.7 for not more than five years or to payment of a fine of not more than \$10,000, or both.

2.8 (b) Whoever uses or brandishes a replica firearm or a BB gun while knowingly on school
2.9 property is guilty of a gross misdemeanor.

2.10 (c) Whoever possesses, stores, or keeps a replica firearm or a BB gun while knowingly
2.11 on school property is guilty of a misdemeanor.

2.12 (d) Notwithstanding paragraph (a), (b), or (c), it is a misdemeanor for a person authorized
2.13 to carry a firearm under the provisions of a permit or otherwise to carry a firearm on or
2.14 about the person's clothes or person in a location the person knows is school property.
2.15 Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not
2.16 subject to forfeiture.

2.17 (e) As used in this subdivision:

2.18 (1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less
2.19 in diameter;

2.20 (2) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;

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

2.22 (4) "school property" means:

2.23 (i) a public or private elementary, middle, or secondary school building and its improved
2.24 grounds, whether leased or owned by the school;

2.25 (ii) a child care center licensed under chapter 245A during the period children are present
2.26 and participating in a child care program;

2.27 (iii) the area within a school bus when that bus is being used by a school to transport
2.28 one or more elementary, middle, or secondary school students to and from school-related
2.29 activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary
2.30 activities; and

(iv) that portion of a building or facility under the temporary, exclusive control of a public or private school, a school district, or an association of such entities where conspicuous signs are prominently posted at each entrance that give actual notice to persons of the school-related use.

(f) This subdivision does not apply to:

(1) active licensed peace officers;

(2) military personnel or students participating in military training, who are on-duty, performing official duties;

(3) persons authorized to carry a pistol under section 624.714 while in a motor vehicle or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or rear area of the vehicle;

(4) persons who keep or store in a motor vehicle pistols in accordance with section 624.714 or 624.715 or other firearms in accordance with section 97B.045;

(5) firearm safety or marksmanship courses or activities conducted on school property;

(6) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;

(7) a gun or knife show held on school property;

(8) possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; ~~or~~

(9) persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity; or

(10) teachers and employees of public elementary, middle, and secondary schools; charter schools under chapter 124E; and postsecondary institutions under chapter 136F or 137 who have a school permit to carry under section 624.714, subdivision 8b.

(g) Notwithstanding section 471.634, a school district or other entity composed exclusively of school districts may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with this subdivision.

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

4.1 Sec. 3. Minnesota Statutes 2020, section 624.714, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 8b. **School permit to carry.** (a) A teacher or other employee of a public
4.4 elementary, middle, or secondary school; charter school under chapter 124E; or postsecondary
4.5 institution under chapter 136F or 137 may apply to the sheriff of the county where the
4.6 teacher or employee resides for a school permit to carry. A nonresident as defined in section
4.7 171.01, subdivision 42, who is a teacher or other employee of a public elementary, middle,
4.8 or secondary school; charter school under chapter 124E; or postsecondary institution under
4.9 chapter 136F or 137, may apply to any sheriff.

4.10 (b) Unless a sheriff denies a permit under the exception in subdivision 6, paragraph (a),
4.11 clause (3), a sheriff must issue a school permit to carry to an applicant if, at the time of
4.12 submitting an application to the sheriff, the applicant:

4.13 (1) is employed as a teacher or other employee of a public elementary, middle, or
4.14 secondary school; charter school under chapter 124E; or postsecondary institution under
4.15 chapter 136F or 137;

4.16 (2) either has a permit to carry or is applying for the permit to carry simultaneously with
4.17 the school permit to carry;

4.18 (3) has successfully completed the training program under section 299C.26 within one
4.19 year of the date of the application for the school permit to carry;

4.20 (4) completes an application for a school permit to carry; and

4.21 (5) is not prohibited from carrying under subdivision 2, paragraph (b), clauses (4) and
4.22 (5).

4.23 (c) The commissioner shall adopt statewide standards governing the form and contents
4.24 of the application for a school permit to carry. The requirements, form, and contents of the
4.25 application and application process must include, at a minimum, the requirements, form,
4.26 and contents of the application and application process required under subdivision 3 for a
4.27 permit to carry.

4.28 (d) The sheriff may charge a processing fee for a permit application under this subdivision
4.29 in an amount not to exceed the actual and reasonable direct cost of processing the application
4.30 or \$100, whichever is less. Of this amount, \$10 must be submitted to the commissioner and
4.31 deposited into the general fund.

5.1 (e) The application content and process for a school permit to carry may be combined
5.2 with the content and process for an applicant applying for a permit to carry under subdivision
5.3 3.

5.4 (f) An investigation and background check of the applicant must be conducted according
5.5 to subdivision 4.

5.6 (g) A school permit to carry must be on an official, standardized permit card adopted
5.7 by the commissioner, containing only the name, residence, and driver's license number or
5.8 state identification card number of the permit holder, if any, and that the card is a school
5.9 permit to carry. The permit card must also identify the issuing sheriff and state the expiration
5.10 date of the permit. The permit card must clearly display a notice that a permit, if granted,
5.11 is void and must be immediately returned to the sheriff if the permit holder becomes
5.12 prohibited by law from possessing a firearm.

5.13 (h) A school permit to carry issued under this subdivision expires one year after the date
5.14 of issue. It may be renewed in the same manner and under the same criteria which the
5.15 original permit was obtained.

5.16 (i) Unless stated otherwise in this subdivision, the other provisions in this section that
5.17 apply to an applicant for a permit to carry also apply to an applicant for a school permit to
5.18 carry.

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

5.20 Sec. 4. Minnesota Statutes 2020, section 624.714, subdivision 18, is amended to read:

5.21 Subd. 18. **Employers; public colleges and universities.** (a) An employer, whether
5.22 public or private, may establish policies that restrict the carry or possession of firearms by
5.23 its employees while acting in the course and scope of employment. Employment related
5.24 civil sanctions may be invoked for a violation.

5.25 (b) A public postsecondary institution regulated under chapter 136F or 137 may establish
5.26 policies that restrict the carry or possession of firearms by its students while on the
5.27 institution's property. Academic sanctions may be invoked for a violation.

5.28 (c) Notwithstanding paragraphs (a) and (b), an employer or a postsecondary institution
5.29 may not prohibit the lawful carry or possession of firearms in a parking facility or parking
5.30 area.

5.31 (d) This subdivision does not apply to teachers and employees authorized to carry firearms
5.32 under section 609.66, subdivision 1d, paragraph (f).

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