

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 235

(SENATE AUTHORS: LATZ, Dibble and Champion)

DATE	D-PG	OFFICIAL STATUS
02/04/2013	140	Introduction and first reading Referred to Judiciary
02/18/2013	285	Author stricken Ortman
03/18/2013		Comm report: To pass as amended and re-refer to Finance Rule 12.10: report of votes in committee

1.1 A bill for an act
 1.2 relating to public safety; modifying the lawful possession of firearms; amending
 1.3 Minnesota Statutes 2012, sections 624.712, subdivision 5, by adding a
 1.4 subdivision; 624.713, subdivision 1, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2012, section 624.712, subdivision 5, is amended to read:

1.7 Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the
 1.8 following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in
 1.9 the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the
 1.10 first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and
 1.11 aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the
 1.12 second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth
 1.13 degree); 609.224, subdivision 4 (felony assault in the fifth degree); 609.2242, subdivision
 1.14 4 (felony domestic assault); 609.2247 (domestic assault by strangulation); 609.229 (crimes
 1.15 committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime);
 1.16 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255
 1.17 (false imprisonment); 609.322 (solicitation, inducement, and promotion of prostitution; sex
 1.18 trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual
 1.19 conduct in the second degree); 609.344 (criminal sexual conduct in the third degree);
 1.20 609.345 (criminal sexual conduct in the fourth degree); 609.377 (malicious punishment of
 1.21 a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime
 1.22 while wearing or possessing a bullet-resistant vest); 609.52 (involving theft of a firearm,
 1.23 theft involving the intentional taking or driving of a motor vehicle without the consent
 1.24 of the owner or authorized agent of the owner, theft involving the taking of property

2.1 from a burning, abandoned, or vacant building, or from an area of destruction caused by
2.2 civil disaster, riot, bombing, or the proximity of battle, and theft involving the theft of a
2.3 controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first
2.4 degree); 609.562 (arson in the second degree); 609.582, subdivision 1, 2, or 3 (burglary
2.5 in the first through third degrees); 609.66, subdivision 1e (drive-by shooting); 609.67
2.6 (unlawfully owning, possessing, operating a machine gun or short-barreled shotgun);
2.7 609.71 (riot); 609.713 (terroristic threats); 609.749 (stalking); 609.855, subdivision 5
2.8 (shooting at a public transit vehicle or facility); 624.713, subdivision 1, clause (1) (certain
2.9 persons not to possess firearms, ineligible persons, juveniles); and chapter 152 (drugs,
2.10 controlled substances); and an attempt to commit any of these offenses.

2.11 Sec. 2. Minnesota Statutes 2012, section 624.712, is amended by adding a subdivision
2.12 to read:

2.13 Subd. 12. **Ammunition.** "Ammunition" means ammunition or cartridge cases,
2.14 primers, bullets, or propellant powder designed for use in any firearm.

2.15 Sec. 3. Minnesota Statutes 2012, section 624.713, subdivision 1, is amended to read:

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

2.19 (1) a person under the age of 18 years except that a person under 18 may possess
2.20 ammunition designed for use in a firearm that the person may lawfully possess and may
2.21 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
2.22 presence or under the direct supervision of the person's parent or guardian, (ii) for the
2.23 purpose of military drill under the auspices of a legally recognized military organization
2.24 and under competent supervision, (iii) for the purpose of instruction, competition, or target
2.25 practice on a firing range approved by the chief of police or county sheriff in whose
2.26 jurisdiction the range is located and under direct supervision; or (iv) if the person has
2.27 successfully completed a course designed to teach marksmanship and safety with a pistol
2.28 or semiautomatic military-style assault weapon and approved by the commissioner of
2.29 natural resources;

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

3.1 (3) a person who is or has ever been ordered committed in Minnesota or elsewhere
3.2 by a judicial determination that the person is mentally ill, developmentally disabled, or
3.3 mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment
3.4 facility, whether or not the order was stayed, or who has ever been found incompetent to
3.5 stand trial or not guilty by reason of mental illness, unless the person's ability to possess a
3.6 firearm has been restored under subdivision 4;

3.7 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
3.8 gross misdemeanor violation of chapter 152, unless three years have elapsed since the
3.9 date of conviction and, during that time, the person has not been convicted of any other
3.10 such violation of chapter 152 or a similar law of another state; or a person who is or has
3.11 ever been committed by a judicial determination for treatment for the habitual use of a
3.12 controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the
3.13 person's ability to possess a firearm has been restored under subdivision 4;

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

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

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

3.28 (8) except as otherwise provided in clause (9), a person who has been convicted in
3.29 another state of committing an offense similar to the offense described in section 609.224,
3.30 subdivision 3, against a family or household member or section 609.2242, subdivision
3.31 3, unless three years have elapsed since the date of conviction and, during that time, the
3.32 person has not been convicted of any other violation of section 609.224, subdivision 3, or
3.33 609.2242, subdivision 3, or a similar law of another state;

3.34 (9) a person who has been convicted in this state or elsewhere of assaulting a family
3.35 or household member and who was found by the court to have used a firearm in any way

4.1 during commission of the assault is prohibited from possessing any type of firearm for the
4.2 period determined by the sentencing court;

4.3 (10) a person who:

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

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

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

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

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

4.13 (vi) has been discharged from the armed forces of the United States under
4.14 dishonorable conditions; or

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

4.17 (11) a person who has been convicted of the following offenses at the gross
4.18 misdemeanor level, unless three years have elapsed since the date of conviction and, during
4.19 that time, the person has not been convicted of any other violation of these sections: section
4.20 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults
4.21 motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a
4.22 child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring
4.23 gun); 609.71 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified
4.24 gross misdemeanor convictions include crimes committed in other states or jurisdictions
4.25 which would have been gross misdemeanors if conviction occurred in this state.

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

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

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

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

5.3 Sec. 4. Minnesota Statutes 2012, section 624.713, is amended by adding a subdivision
5.4 to read:

5.5 Subd. 5. **Aiding and abetting.** A person is criminally liable for a violation
5.6 committed by another under this section if the person aids or abets the violation within
5.7 the meaning of section 609.05.