

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2305

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DATE	D-PG	OFFICIAL STATUS
03/08/2012	4239	Introduction and first reading Referred to Health and Human Services

A bill for an act
relating to human services; requiring the commissioner of human services to
establish a voluntary registry; requiring the commissioner of human services
to release information for purposes of firearms background checks; amending
Minnesota Statutes 2010, sections 245.041; 624.7131, subdivisions 1, 2; 624.714,
subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapters
214; 245.

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

Section 1. **[214.165] FIREARMS REGISTRY; INFORMATION.**
Mental health professionals, as defined in section 245.462, subdivision 18,
physicians licensed under chapter 147, and nurses licensed under section 148.171 to
148.285, who are issued a credential by one of the health-related licensing boards shall
provide to each patient or client the information sheet established by the commissioner of
human services under section 245.0412 that describes the process by which the client or
patient's name may voluntarily be placed on the registry to be denied a firearms permit.

Sec. 2. Minnesota Statutes 2010, section 245.041, is amended to read:

**245.041 PROVISION OF FIREARMS BACKGROUND CHECK
INFORMATION.**

(a) Notwithstanding section 253B.23, subdivision 9, the commissioner of human
services shall provide commitment information to local law enforcement agencies on an
individual request basis by means of electronic data transfer from the Department of
Human Services through the Minnesota Crime Information System for the sole purpose of
facilitating a firearms background check under section 624.7131, 624.7132, or 624.714.

The information to be provided is limited to whether the person has been committed under chapter 253B and, if so, the type of commitment.

(b) The commissioner of human services shall provide the names of adult individuals who have voluntarily placed their names on the commissioner's registry of individuals who wish to be denied a firearms permit to local law enforcement agencies on an individual request basis by means of electronic data transfer from the Department of Human Services through the Minnesota Crime Information System for the sole purpose of facilitating a firearms background check under section 624.7131, 624.7132, or 624.714.

Sec. 3. **[245.0411] REGISTRY.**

The commission of human services shall establish and maintain a central registry of the names of adult persons who voluntarily submit a request to be denied a firearms permit. The commissioner shall establish a process for individuals to submit the request and to affirm their identity.

Sec. 4. **[245.0412] DUTIES OF COMMISSIONER.**

(a) The commissioner shall establish forms to be submitted by individuals who wish to be denied a firearms permit. The commissioner shall make the forms available to health care providers, mental health providers, and to the public.

(b) The commissioner shall develop an information sheet to be distributed to patients by health care and mental health professionals that describes how the patient can have the patient's name placed on the commissioner's registry.

(c) The commissioner shall establish a retention schedule and a process by which individuals can have their name removed from the registry.

(d) The commissioner shall provide access to the names reported under section 245.0411, through electronic data transfer from the Department of Human Services to the Minnesota Crime Information System for the sole purpose of firearms background checks under section 624.7131, 624.7132, or 624.714. Data shall not be released for any other purpose.

(e) The commissioner shall adopt rules to administer the registry and make information available through electronic data transfer to the Minnesota Crime Information System.

Sec. 5. **[245.0413] DATA.**

Data on individuals collected by the commissioner under sections 245.0411 and 245.0412 are private data on individuals as defined in section 13.02, subdivision 12, and

may be used only for the purposes specified in sections 245.0411 and 245.0412 according to rules adopted by the commissioner.

Sec. 6. Minnesota Statutes 2010, section 624.7131, subdivision 1, is amended to read:

Subdivision 1. **Information.** Any person may apply for a transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information and information contained in the voluntary registry established by section 245.0411 about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1; and

(4) a statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

The statements shall be signed and dated by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Sec. 7. Minnesota Statutes 2010, section 624.7131, subdivision 2, is amended to read:

Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information and information contained in the voluntary registry established by section 245.0411 from the commissioner of human services as provided in section 245.041.

Sec. 8. Minnesota Statutes 2010, section 624.714, subdivision 3, is amended to read:

Subd. 3. **Form and contents of application.** (a) Applications for permits to carry must be an official, standardized application form, adopted under section 624.7151, and must set forth in writing only the following information:

(1) the applicant's name, residence, telephone number, if any, and driver's license number or state identification card number;

(2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and distinguishing physical characteristics, if any;

(3) the township or statutory city or home rule charter city, and county, of all Minnesota residences of the applicant in the last five years, though not including specific addresses;

(4) the township or city, county, and state of all non-Minnesota residences of the applicant in the last five years, though not including specific addresses;

(5) a statement that the applicant authorizes the release to the sheriff of commitment information and information contained in the voluntary registry established by section 245.0411 about the applicant maintained by the commissioner of human services or any similar agency or department of another state where the applicant has resided, to the extent that the information relates to the applicant's eligibility to possess a firearm; and

(6) a statement by the applicant that, to the best of the applicant's knowledge and belief, the applicant is not prohibited by law from possessing a firearm.

(b) The statement under paragraph (a), clause (5), must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

(c) An applicant must submit to the sheriff an application packet consisting only of the following items:

(1) a completed application form, signed and dated by the applicant;

(2) an accurate photocopy of the certificate described in subdivision 2a, paragraph (c), that is submitted as the applicant's evidence of training in the safe use of a pistol; and

(3) an accurate photocopy of the applicant's current driver's license, state identification card, or the photo page of the applicant's passport.

(d) In addition to the other application materials, a person who is otherwise ineligible for a permit due to a criminal conviction but who has obtained a pardon or expungement setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights, must submit a copy of the relevant order.

(e) Applications must be submitted in person.

(f) The sheriff may charge a new application processing fee in an amount not to exceed the actual and reasonable direct cost of processing the application or \$100, whichever is less. Of this amount, \$10 must be submitted to the commissioner and deposited into the general fund.

(g) This subdivision prescribes the complete and exclusive set of items an applicant is required to submit in order to apply for a new or renewal permit to carry. The applicant must not be asked or required to submit, voluntarily or involuntarily, any information, fees, or documentation beyond that specifically required by this subdivision. This paragraph does not apply to alternate training evidence accepted by the sheriff under subdivision 2a, paragraph (d).

(h) Forms for new and renewal applications must be available at all sheriffs' offices and the commissioner must make the forms available on the Internet.

(i) Application forms must clearly display a notice that a permit, if granted, is void and must be immediately returned to the sheriff if the permit holder is or becomes prohibited by law from possessing a firearm. The notice must list the applicable state criminal offenses and civil categories that prohibit a person from possessing a firearm.

(j) Upon receipt of an application packet and any required fee, the sheriff must provide a signed receipt indicating the date of submission.

Sec. 9. Minnesota Statutes 2010, section 624.714, subdivision 4, is amended to read:

Subd. 4. **Investigation.** (a) The sheriff must check, by means of electronic data transfer, criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System and the National Instant Criminal Background Check System. The sheriff shall also make a reasonable effort to check other available and relevant federal, state, or local record-keeping systems. The sheriff must obtain ~~commitment~~ information from the commissioner of human services as provided in section 245.041 or, if the information is reasonably available, as provided by a similar statute from another state.

(b) When an application for a permit is filed under this section, the sheriff must notify the chief of police, if any, of the municipality where the applicant resides. The police chief may provide the sheriff with any information relevant to the issuance of the permit.

(c) The sheriff must conduct a background check by means of electronic data transfer on a permit holder through the Minnesota Crime Information System and the National Instant Criminal Background Check System at least yearly to ensure continuing eligibility. The sheriff may also conduct additional background checks by means of electronic data transfer on a permit holder at any time during the period that a permit is in effect.