

A bill for an act
relating to public safety; increasing criminal penalty for possessing dangerous
weapons on school property while lowering criminal penalty for brandishing,
using, or possessing replica firearms and BB guns on school property; amending
Minnesota Statutes 2008, section 609.66, subdivision 1d.

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

Section 1. Minnesota Statutes 2008, section 609.66, subdivision 1d, is amended to read:

Subd. 1d. **Possession on school property; penalty.** (a) Except as provided under
paragraphs ~~(e)~~ (d) and ~~(e)~~ (f), whoever possesses, stores, or keeps a dangerous weapon
~~or uses or brandishes a replica firearm or a BB gun~~ while knowingly on school property is
guilty of a felony and may be sentenced to imprisonment for not more than ~~two~~ five years
or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.

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

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

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

~~(d)~~ (e) As used in this subdivision:

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

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

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

(4) "school property" means:

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

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

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

~~(e)~~ (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.

~~(f)~~ (g) Notwithstanding section 471.634, a school district or other entity composed exclusively of school districts may not regulate firearms, ammunition, or their respective

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3.1 components, when possessed or carried by nonstudents or nonemployees, in a manner
3.2 that is inconsistent with this subdivision.

3.3 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes
3.4 committed on or after that date.