SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 4703

(SENATE AUTHORS: LATZ, Mohamed, Oumou Verbeten, Gustafson and Champion)

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03/23/2026	6907	Introduction and first reading Referred to Judiciary and Public Safety
03/26/2026	7103	Author added Champion
04/07/2026		Comm report: To pass as amended Second reading

A bill for an act

relating to public safety; modifying the processes for applying for, securing, and enforcing extreme risk protection orders; amending Minnesota Statutes 2024, sections 624.7171, subdivisions 1, 4, 5; 624.7172; 624.7173; 624.7174; 624.7175; 624.7176, subdivision 1; 624.7177, subdivision 2; 624.7178, subdivisions 1, 4.

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

Section 1. Minnesota Statutes 2024, section 624.7171, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in sections 624.7171 to 624.7178, the following terms have the meanings given.

(b) "Family or household members" ~~means:~~ has the meaning given in section 518B.01, subdivision 2, paragraph (b).

~~(1) spouses and former spouses of the respondent;~~

~~(2) parents and children of the respondent;~~

~~(3) persons who are presently residing with the respondent; or~~

~~(4) a person involved in a significant romantic or sexual relationship with the respondent.~~

~~In determining whether persons are in a significant romantic or sexual relationship under clause (4), the court shall consider the length of time of the relationship; type of relationship; and frequency of interaction between the parties.~~

(c) "Firearm" has the meaning given in section 609.666, subdivision 1, paragraph (a).

(d) "Mental health professional" has the meaning given in section 245I.02, subdivision 27.

Sec. 2. Minnesota Statutes 2024, section 624.7171, subdivision 4, is amended to read:

Subd. 4. **Generally.** (a) There shall exist an action known as a petition for an extreme risk protection order, which order shall enjoin and prohibit the respondent from possessing or purchasing firearms for as long as the order remains in effect.

(b) A petition for relief under sections 624.7171 to 624.7178 may be made by ~~the chief~~ a law enforcement ~~officer, the chief law enforcement officer's designee~~ agency, a city or county ~~attorney~~ attorney's office, any family or household members of the respondent, or a guardian, as defined in section 524.1-201, clause ~~(27)~~ (28), of the respondent. The respondent may also petition on their own behalf.

(c) A petition for relief shall allege that the respondent poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm. The petition shall be accompanied by an affidavit made under oath stating specific facts and circumstances forming a basis to allege that an extreme risk protection order should be granted. The affidavit may include but is not limited to evidence showing any of the factors described in section 624.7172, subdivision 2.

(d) A petition for emergency relief under section 624.7174 shall additionally allege that the respondent presents an immediate and present danger of either bodily harm to others or of taking their life.

(e) A petition for relief must describe, to the best of the petitioner's knowledge, the types and location of any firearms believed by the petitioner to be possessed by the respondent.

(f) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

(g) The state court administrator shall create all forms necessary under sections 624.7171 to 624.7178.

(h) The filing fees for an extreme risk protection order under this section are waived for the petitioner and respondent. The court administrator, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when the sheriff or other law enforcement or corrections officer is unavailable or if service is made by publication, without requiring the petitioner to make application under section 563.01.

(i) The court shall advise the petitioner of the right to serve the respondent by alternate notice under section 624.7172, subdivision 1, paragraph (e), if the respondent is avoiding

personal service by concealment or otherwise, and shall assist in the writing and filing of the affidavit.

(j) The court shall advise the petitioner of the right to request a hearing under section 624.7174. If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.

(k) Any proceeding under sections 624.7171 to 624.7178 shall be in addition to other civil or criminal remedies and does not restrict or limit a law enforcement agency's legal authority to respond to exigent circumstances.

(l) All health records and other health information provided in a petition or considered as evidence in a proceeding under sections 624.7171 to 624.7178 shall be protected from public disclosure but may be provided to law enforcement agencies as described in this section.

(m) Any extreme risk protection order or subsequent extension issued under sections 624.7171 to 624.7178 shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the respondent and electronically transmitted within three business days to the National Instant Criminal Background Check System. When an order expires or is terminated by the court, the court must submit a request that the order be removed from the National Instant Background Check System. Each appropriate law enforcement agency shall make available to other law enforcement officers, through a system for verification, information as to the existence and status of any extreme risk protection order issued under sections 624.7171 to 624.7178.

(n) A judge shall consider a petition for emergency relief under section 624.7174 when presented to the judge by a chief law enforcement officer or the chief's designee.

Sec. 3. Minnesota Statutes 2024, section 624.7171, subdivision 5, is amended to read:

Subd. 5. **Mental health professionals.** When a mental health professional has a statutory duty to warn another of a client's serious threat of physically violent behavior or determines that a client presents a significant risk of suicide by possessing a firearm, the mental health professional must communicate the threat or risk to the ~~sheriff of the county~~ law enforcement agency with primary jurisdiction over where the client resides and make a recommendation ~~to the sheriff~~ regarding the client's fitness to possess firearms.

Sec. 4. Minnesota Statutes 2024, section 624.7172, is amended to read:

624.7172 EXTREME RISK PROTECTION ORDERS ISSUED AFTER HEARING.

Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the court must schedule and hold a hearing within 14 days from the date the petition was received.

(b) The court shall advise the petitioner of the right to request an emergency extreme risk protection order under section 624.7174 separately from or simultaneously with the petition under this subdivision.

(c) ~~The~~ A petitioning law enforcement agency shall be responsible for the service of an extreme risk protection order issued by the court and shall further be the agency responsible for the execution of any legal process required for the seizure and storage of firearms subject to the order. ~~Nothing in this provision limits the ability of the law enforcement agency of record from cooperating with other law enforcement entities. When a court issues an extreme risk protection order for a person who resides on Tribal territory, the chief law enforcement officer of the law enforcement agency responsible for serving the order must request the assistance and counsel of the appropriate Tribal police department prior to serving the respondent. When the petitioner is a family or household member of the respondent, the primary law enforcement agency serving the jurisdiction of residency of the respondent shall be responsible for the execution of any legal process required for the seizure and storage of firearms subject to the order.~~ When the petitioner is a city or county attorney's office or a family or household member of the respondent, the primary law enforcement agency with jurisdiction of residency of the respondent shall be responsible for the service of an extreme risk protection order issued by the court and shall further be the agency responsible for the execution of any legal process required for the seizure and storage of firearms subject to the order. Nothing in this provision limits the ability of the law enforcement agency of record from cooperating with other law enforcement entities. When a court issues an extreme risk protection order for a person who resides on Tribal territory, the chief law enforcement officer of the law enforcement agency responsible for serving the order must request the assistance and counsel of the appropriate Tribal police department prior to serving the respondent.

(d) ~~Personal service of notice for the hearing may be made upon the respondent at any time up to 48 hours prior to the time set for the hearing, provided that~~ The respondent ~~at the hearing~~ may request a continuance of up to 14 days if the respondent is served less than five days prior to the hearing~~, which~~. The continuance shall be granted unless there are

compelling reasons not to do so. If the court grants the requested continuance, and an existing emergency order under section 624.7174 will expire due to the continuance, the court shall also issue a written order continuing the emergency order pending the new time set for the hearing.

(e) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons. The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent. The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

(f) ~~When a petitioner who is not the sheriff of the county where the respondent resides, the sheriff's designee, or a family or household member files a petition, the petitioner must provide notice of the action to the sheriff of the county where the respondent resides. When a family or household member is the petitioner,~~ The court must provide notice of the action to the sheriff of the county where the respondent resides.

(g) Except as provided for in paragraph (h), an order issued pursuant to this section must be served on the respondent personally.

(h) An extreme risk protection order issued after the respondent received notice from the court at a hearing that the order will be issued and orders for continuance or dismissal may be served on the respondent electronically or by first class mail.

Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by clear and convincing evidence that the respondent poses a significant danger to other persons or is at significant risk of suicide by possessing a firearm.

(b) In determining whether to grant the order after a hearing, the court shall consider evidence of the following, whether or not the petitioner has provided evidence of the same:

(1) a history of threats or acts of violence by the respondent directed toward another person;

(2) the history of use, attempted use, or threatened use of physical force by the respondent against another person;

(3) a violation of any court order, including but not limited to orders issued under sections 609.748 or 624.7171 to 624.7178 or chapter 260C or 518B;

(4) a prior arrest for a violent felony offense;

(5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense under section 609.749, or for domestic assault under section 609.2242;

(6) a ~~conviction for an offense~~ history of cruelty to animals ~~under chapter 343~~;

(7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;

(8) suicide attempts by the respondent or a serious mental illness; and

(9) whether the respondent is named in an existing order in effect under sections 609.748 or 624.7171 to 624.7178 or chapter 260C or 518B~~, or party to a pending lawsuit, complaint, petition, or other action under sections 624.7171 to 624.7178 or chapter 518B~~.

(c) In determining whether to grant the order after a hearing, the court may:

(1) subpoena peace officers who have had contact with the respondent to provide written or sworn testimony regarding the officer's contacts with the respondent; and

(2) consider any other evidence that bears on whether the respondent poses a danger to others or is at risk of suicide.

(d) If the court finds there is clear and convincing evidence to issue an extreme risk protection order, the court shall issue the order prohibiting the person from possessing or purchasing a firearm for the duration of the order. The court shall inform the respondent that the respondent is prohibited from possessing or purchasing firearms and shall ~~issue a~~ order the respondent to transfer ~~order under~~ their firearms pursuant to section 624.7175. The court shall also give notice to the county attorney's office, which may take action as it deems appropriate.

(e) The court shall determine the length of time the order is in effect, but may not set the length of time for less than six months or more than one year. Unless a period longer than one year is agreed upon by the respondent, orders are subject to renewal or extension under section 624.7173.

(f) If there is no existing emergency order under section 624.7174 at the time an order is granted under this section, the court shall determine by clear and convincing evidence whether the respondent presents an immediate and present danger of bodily harm. If the court so determines, the court shall order the respondent to transfer ~~order shall include the provisions~~ their firearms as described in section 624.7175, paragraph (d).

(g) If, after a hearing, the court does not issue an ~~order of protection~~ extreme risk protection order, the court shall vacate any emergency extreme risk protection order currently in effect.

(h) A respondent may waive the respondent's right to contest the hearing and consent to the court's imposition of an extreme risk protection order. ~~The court shall seal the petition filed under this section and section 624.7174 if a respondent who consents to imposition of an extreme risk protection order requests that the petition be sealed, unless the court finds that there is clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk protection orders based on the respondent being a danger to others shall remain public. Extreme risk protection orders issued for respondents who are solely at risk of suicide shall not be public.~~

(i) If a party requests, the court shall consider whether a guardian ad litem should be appointed pursuant to rule 17.02 of the Rules of Civil Procedure for the respondent.

Sec. 5. Minnesota Statutes 2024, section 624.7173, is amended to read:

624.7173 SUBSEQUENT EXTENSIONS AND TERMINATION.

(a) Upon application by any party entitled to petition for an order under section 624.7172, and after notice to the respondent and a hearing, the court may extend the relief granted in ~~an~~ the existing order ~~granted after a hearing under section 624.7172~~. Application for an extension may be made any time within the three months before the expiration of the existing order. The court may extend the order if the court ~~makes the same findings~~ finds by clear and convincing evidence ~~as required for granting of an initial order under section 624.7172, subdivision 2, paragraph (d)~~ the respondent still poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm. The minimum length ~~of time~~ of an extension is six months and the maximum length of time of an extension is one year. The court shall consider the same types of evidence as required for the initial order under section 624.7172, subdivision 2, paragraphs (b) and (c).

(b) An extreme risk protection order may be extended for a period of up to five years, if the court finds by clear and convincing evidence the respondent still poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm and:

(1) the respondent has violated a prior or existing extreme risk protection order on two or more occasions; or

(2) the respondent is or has been subject to two or more extreme risk protection orders.

~~(b)~~ (c) Upon application by the respondent to an order issued under section 624.7172, the court may ~~terminate~~ vacate an order after a hearing at which the respondent shall bear the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger to other persons or is at significant risk of suicide by possessing a firearm. Application ~~for termination~~ to vacate may be made one time ~~for~~ every six months an order is in effect. If an order has been issued for a period of six months, the respondent may apply ~~for termination~~ to vacate one time. If the court finds that the respondent has not met the burden of proof, the court shall deny the request and no request may be made to vacate the extreme risk protection order until six months have elapsed from the date of denial.

Sec. 6. Minnesota Statutes 2024, section 624.7174, is amended to read:

624.7174 EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION ORDER.

(a) In determining whether to grant an emergency extreme risk protection order, the court shall consider evidence of all facts identified in section 624.7172, subdivision 2, paragraphs (b) and (c).

(b) The court shall advise the petitioner of the right to request an order after a hearing under section 624.7172 separately from or simultaneously with the petition.

(c) If the court finds there is probable cause that (1) the respondent poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm, and (2) the respondent presents an immediate and present danger of either bodily harm to others or of taking their life, the court shall issue an ex parte emergency order prohibiting the respondent from possessing or purchasing a firearm for the duration of the order. The order shall inform the respondent that the respondent is prohibited from possessing or purchasing firearms and shall ~~issue a~~ order the respondent to transfer ~~order under~~ their firearms pursuant to section 624.7175, paragraph (d).

(d) A finding by the court that there is a basis for issuing an emergency extreme risk protection order constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte relief.

(e) The emergency order shall have a fixed period of 14 days unless a hearing is set under section 624.7172 on an earlier date, in which case the order shall expire upon a judge's finding that no order is issued under section 624.7172.

(f) Except as provided in paragraph (g), the respondent shall be personally served immediately with a copy of the emergency order and a copy of the petition and, if a hearing is requested by the petitioner under section 624.7172, notice of the date set for the hearing. If the petitioner does not request a hearing under section 624.7172, the respondent has a right to request a hearing within five days of service of the order. An order served on a respondent under this section must include a notice advising the respondent of the right to request a hearing challenging the issuance of the emergency order, ~~and~~ must be accompanied by a form that can be used by the respondent to request a hearing, and must include a conspicuous notice that a hearing will not be held unless requested by the respondent within five days of service of the order.

(g) Service of the emergency order may be made by alternate service as provided under section 624.7172, subdivision 1, paragraph (e), provided that the petitioner files the affidavit required under that subdivision. If the petitioner does not request a hearing under section 624.7172, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing described in paragraph (f).

Sec. 7. Minnesota Statutes 2024, section 624.7175, is amended to read:

624.7175 TRANSFER OF FIREARMS.

(a) Except as provided in paragraph (b), upon issuance of an extreme risk protection order, the court shall direct the respondent to transfer any firearms the person possesses as soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed firearms dealer or a law enforcement agency. If the respondent elects to transfer the respondent's firearms to a law enforcement agency, the agency must accept the transfer. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm and does not transfer ownership or title. If the respondent makes a temporary transfer to a federally licensed firearms dealer, the dealer may charge the respondent a reasonable fee to store the firearms. If the temporary transfer is made to a law enforcement agency, the agency may not charge the respondent any storage or other associated fee. A dealer or agency ~~may~~ shall establish policies for disposal of

abandoned firearms~~, provided~~. These policies ~~require~~ must provide that the respondent be notified prior to disposal of abandoned firearms. ~~If a respondent permanently transfers the respondent's firearms to a law enforcement agency, the agency must compensate the respondent at fair market value and may not charge the respondent any processing or other fees.~~

(b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a), clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title 27, section 478.11, as amended, to a relative who does not live with the respondent after confirming that the relative may lawfully own ~~or~~ and possess a firearm.

(c) The respondent must file proof of transfer with the court as provided in this paragraph.

(1) A law enforcement agency or federally licensed firearms dealer accepting transfer of a firearm pursuant to this section shall provide proof of transfer to the respondent. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and must include the name of the respondent, date of transfer, and the serial number, manufacturer, and model of all transferred firearms. ~~If transfer is made to a federally licensed firearms dealer,~~ The respondent shall, within two business days after being served with the order, file a copy of proof of transfer with the ~~law enforcement agency~~ court and attest that all firearms owned or possessed at the time of the order have been transferred in accordance with this section and that the person currently does not possess any firearms. If the respondent claims not to own or possess firearms, the respondent shall file a declaration of nonpossession with the ~~law enforcement agency~~ court attesting that, at the time of the order, the respondent neither owned nor possessed any firearms, and that the respondent currently neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to paragraph (b), the relative must sign an affidavit under oath before a notary public either acknowledging that the respondent permanently transferred the respondent's antique firearms, curios, or relics to the relative or agreeing to temporarily store the respondent's antique firearms, curios, or relics until such time as the respondent is legally permitted to possess firearms. To the extent possible, the affidavit shall indicate the serial number, make, and model of all antique firearms, curios, or relics transferred by the respondent to the relative.

(2) The court shall ~~seal~~ make confidential affidavits, proofs of transfer, and declarations of nonpossession filed pursuant to this paragraph.

(d) If a court issues an emergency order under section 624.7174, or makes a finding of immediate and present danger under section 624.7172, subdivision 2, paragraph (f), and there is probable cause to believe the respondent possesses firearms, the court shall issue a search warrant ~~to the local law enforcement agency~~ to take possession of all firearms ~~in~~ the ~~respondent's possession~~ respondent possesses or owns as soon as practicable. The ~~chief law enforcement officer, or the chief's designee,~~ officer or officers tasked with serving the search warrant shall notify the respondent of the option to voluntarily comply with the order by surrendering the respondent's firearms to law enforcement prior to execution of the search warrant. Only if the respondent refuses to voluntarily comply with the order to surrender the respondent's firearms shall the officer or officers tasked with serving the search warrant execute the warrant.

(e) If the respondent voluntarily agrees to comply with the order by surrendering the respondent's firearms to law enforcement prior to execution of the search warrant, the respondent is immune from any criminal charges that could stem from the unlawful possession of those firearms.

(f) The local law enforcement agency shall, upon written notice from the respondent, transfer the firearms to a federally licensed firearms dealer. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the federally licensed firearms dealer receiving the firearm to submit a proof of transfer that complies with the requirements for proofs of transfer established in paragraph (c). The ~~agency shall file~~ respondent is responsible for filing all proofs of transfer received ~~by~~ with the court within two business days of the transfer. A federally licensed firearms dealer who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting transfer directly from the respondent. ~~A law enforcement agency may establish policies for disposal of abandoned firearms, provided these policies require that the respondent be notified prior to disposal of abandoned firearms.~~

Sec. 8. Minnesota Statutes 2024, section 624.7176, subdivision 1, is amended to read:

Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted temporary transfer of firearms under section 624.7175 shall return the firearms to the respondent after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law and the respondent lawfully possessed the firearms prior to surrendering the firearms.

Sec. 9. Minnesota Statutes 2024, section 624.7177, subdivision 2, is amended to read:

Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should have known that the person is prohibited from doing so by an extreme risk protection order under section 624.7172 or 624.7174, or by an ~~order of protection~~ extreme risk protection order granted by a judge or referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor and shall be prohibited from possessing firearms for a period of five years. Each extreme risk protection order granted under this chapter must contain a conspicuous notice to the respondent regarding the penalty for violation of the order.

Sec. 10. Minnesota Statutes 2024, section 624.7178, subdivision 1, is amended to read:

Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, the chief law enforcement officer's designee, ~~or~~ a law enforcement agency, a city or county attorney, or a city or county attorney's office who, in good faith, decides not to petition for an extreme risk protection order or emergency extreme risk protection order shall be immune from criminal or civil liability.

Sec. 11. Minnesota Statutes 2024, section 624.7178, subdivision 4, is amended to read:

Subd. 4. **Liability protection for mental health professionals.** A mental health professional who provides notice to the ~~sheriff~~ law enforcement agency under section 624.7171, subdivision 5, is immune from monetary liability and no cause of action, or disciplinary action by the person's licensing board may arise against the mental health professional for disclosure of confidences to the ~~sheriff~~ law enforcement agency, for failure to disclose confidences to the ~~sheriff~~ law enforcement agency, or for erroneous disclosure of confidences to the ~~sheriff~~ law enforcement agency in a good faith effort to warn against or take precautions against a client's violent behavior or threat of suicide.