

A bill for an act

relating to game and fish; removing bow and gun case requirements; amending Minnesota Statutes 2008, sections 97B.035, subdivision 2; 97B.041; 97B.045, subdivision 1; 97B.051; 609.66, subdivision 1d.

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

Section 1. Minnesota Statutes 2008, section 97B.035, subdivision 2, is amended to read:

Subd. 2. **Possession of crossbows.** A person may not possess a crossbow outdoors or in a motor vehicle during the open season for any game, unless the crossbow is unstrung, and in a case or in a closed trunk of a motor vehicle and the bow is not armed with a bolt or arrow.

Sec. 2. Minnesota Statutes 2008, section 97B.041, is amended to read:

**97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED
IN DEER ZONES.**

A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm ~~that is in a case or in a closed trunk of a motor vehicle;~~

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle capable of firing only rimfire cartridges of .17 and .22 caliber, including .22 magnum caliber cartridges;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during that season.

Sec. 3. Minnesota Statutes 2008, section 97B.045, subdivision 1, is amended to read:

Subdivision 1. **Restrictions.** ~~(a) A person may not transport a~~ an uncased, unloaded firearm in a motor vehicle unless ~~the firearm is:~~

~~(1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;~~ restricted under section 97A.091, 97B.081, or 97B.086; or

~~(2) unloaded and in the closed trunk of a motor vehicle; or~~

~~(3) a handgun carried in compliance with sections 624.714 and 624.715.~~ (2) within the boundaries of a home rule charter or statutory city, including a city of the first class, county, town, municipal corporation, or other government subdivision that has prohibited the discharge of a firearm under section 471.633, in which case a firearm must be unloaded and in a gun case expressly made to contain a firearm, and the case must fully enclose the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed.

(b) For the purposes of this section, "firearm" does not include a pistol as defined in section 624.712, subdivision 2.

Sec. 4. Minnesota Statutes 2008, section 97B.051, is amended to read:

97B.051 TRANSPORTATION OF ARCHERY BOWS.

Except as specified under section 97B.055, subdivision 2, a person may not transport an archery bow in a motor vehicle unless the bow is: not armed with a bolt or arrow.

~~(1) unstrung;~~

~~(2) completely contained in a case; or~~

~~(3) in the closed trunk or rear-most enclosed portion of a motor vehicle that is not accessible from the passenger compartment.~~

Sec. 5. 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 (c) and (e), 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 years or to payment of a fine of not more than \$5,000, or both.

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

(c) Notwithstanding paragraph (a) or (b), 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) 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) 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 624.715₂, or other firearms ~~in accordance with section 97B.045~~ provided:

(i) the firearm is unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed; or

(ii) the firearm is unloaded and in the closed trunk of a motor vehicle;

(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) 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.