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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **239**

01/31/2013 Authored by Davnie; Dehn, R.; Simonson; Schoen and Hornstein

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; establishing equal penalties for persons who possess  
1.3 guns on private property after being ordered to leave the premises; amending  
1.4 Minnesota Statutes 2012, section 624.714, subdivision 17.

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

1.6 Section 1. Minnesota Statutes 2012, section 624.714, subdivision 17, is amended to read:

1.7 Subd. 17. **Posting; trespass.** (a) A person carrying a firearm on or about his or her  
1.8 person or clothes under a permit or otherwise who remains at a private establishment  
1.9 knowing that the operator of the establishment or its agent has made a reasonable  
1.10 request that firearms not be brought into the establishment may be ordered to leave the  
1.11 premises. A person who fails to leave when so ~~requested~~ ordered is guilty of a petty gross  
1.12 misdemeanor. ~~The fine for a first offense must not exceed \$25. Notwithstanding section~~  
1.13 ~~609.531, a firearm carried in violation of this subdivision is not subject to forfeiture~~ A  
1.14 person who is convicted a second or subsequent time is guilty of a felony.

1.15 (b) As used in this subdivision, the terms in this paragraph have the meanings given.

1.16 (1) "Reasonable request" means a request made under the following circumstances:

1.17 (i) the requester has prominently posted a conspicuous sign at every entrance to  
1.18 the establishment containing the following language: "(INDICATE IDENTITY OF  
1.19 OPERATOR) BANS GUNS IN THESE PREMISES."; or

1.20 (ii) the requester or the requester's agent personally informs the person that guns  
1.21 are prohibited in the premises and demands compliance.

1.22 (2) "Prominently" means readily visible and within four feet laterally of the entrance  
1.23 with the bottom of the sign at a height of four to six feet above the floor.

2.1 (3) "Conspicuous" means lettering in black arial typeface at least 1-1/2 inches in  
2.2 height against a bright contrasting background that is at least 187 square inches in area.

2.3 (4) "Private establishment" means a building, structure, or portion thereof that is  
2.4 owned, leased, controlled, or operated by a nongovernmental entity for a nongovernmental  
2.5 purpose.

2.6 (c) The owner or operator of a private establishment may not prohibit the lawful  
2.7 carry or possession of firearms in a parking facility or parking area.

2.8 (d) This subdivision does not apply to private residences. The lawful possessor of a  
2.9 private residence may prohibit firearms, and provide notice thereof, in any lawful manner.

2.10 (e) A landlord may not restrict the lawful carry or possession of firearms by tenants  
2.11 or their guests.

2.12 (f) Notwithstanding any inconsistent provisions in section 609.605, this subdivision  
2.13 sets forth the exclusive criteria to notify a permit holder when otherwise lawful firearm  
2.14 possession is not allowed in a private establishment and sets forth the exclusive penalty  
2.15 for such activity.

2.16 (g) This subdivision does not apply to:

2.17 (1) an active licensed peace officer; or

2.18 (2) a security guard acting in the course and scope of employment.