

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2847

03/14/2012 Authored by Johnson and Slocum

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

1.1 A bill for an act
1.2 relating to public safety; making it a crime to falsely report the loss or theft of
1.3 a firearm; expanding the crime of transferring certain firearms to an ineligible
1.4 person; making a person convicted of these crimes ineligible to possess a firearm;
1.5 amending Minnesota Statutes 2010, sections 609.165, subdivision 1a; 609.505,
1.6 by adding a subdivision; 624.713, subdivision 1; 624.7141, subdivisions 1, 2, 3.

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

1.8 Section 1. Minnesota Statutes 2010, section 609.165, subdivision 1a, is amended to
1.9 read:

1.10 Subd. 1a. **Certain convicted felons ineligible to possess firearms.** The order of
1.11 discharge must provide that a person who has been convicted of a crime of violence, as
1.12 defined in section 624.712, subdivision 5, or a violation of section 609.505, subdivision
1.13 3, or 624.7141, is not entitled to ship, transport, possess, or receive a firearm for the
1.14 remainder of the person's lifetime. Any person who has received such a discharge and
1.15 who thereafter has received a relief of disability under United States Code, title 18, section
1.16 925, or whose ability to possess firearms has been restored under subdivision 1d, shall not
1.17 be subject to the restrictions of this subdivision.

1.18 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes
1.19 committed on or after that date.

1.20 Sec. 2. Minnesota Statutes 2010, section 609.505, is amended by adding a subdivision
1.21 to read:

1.22 Subd. 3. **Lost or stolen firearms; false reporting.** (a) As used in this section,
1.23 "crime of violence" has the meaning given in section 624.712, subdivision 5.

2.1 (b) Whoever informs a law enforcement officer that a firearm has been lost or stolen,
2.2 knowing that the report is false, is guilty of a gross misdemeanor.

2.3 (c) A person is guilty of a felony and may be sentenced to imprisonment for not more
2.4 than five years, or to payment of a fine of not more than \$10,000, or both, if the person:

2.5 (1) is convicted a second or subsequent time of violating this subdivision; or
2.6 (2) violates paragraph (b) while knowing, or having reason to believe, that the
2.7 firearm has been transferred to someone who intends to use it in furtherance of a felony
2.8 crime of violence.

2.9 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes
2.10 committed on or after that date.

2.11 Sec. 3. Minnesota Statutes 2010, section 624.713, subdivision 1, is amended to read:

2.12 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to
2.13 possess a pistol or semiautomatic military-style assault weapon or, except for clause (1),
2.14 any other firearm:

2.15 (1) a person under the age of 18 years except that a person under 18 may carry or
2.16 possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence
2.17 or under the direct supervision of the person's parent or guardian, (ii) for the purpose
2.18 of military drill under the auspices of a legally recognized military organization and
2.19 under competent supervision, (iii) for the purpose of instruction, competition, or target
2.20 practice on a firing range approved by the chief of police or county sheriff in whose
2.21 jurisdiction the range is located and under direct supervision; or (iv) if the person has
2.22 successfully completed a course designed to teach marksmanship and safety with a pistol
2.23 or semiautomatic military-style assault weapon and approved by the commissioner of
2.24 natural resources;

2.25 (2) except as otherwise provided in clause (9), a person who has been convicted of,
2.26 or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing,
2.27 in this state or elsewhere, a crime of violence. For purposes of this section, crime of
2.28 violence includes crimes in other states or jurisdictions which would have been crimes of
2.29 violence as herein defined if they had been committed in this state;

2.30 (3) a person who is or has ever been committed in Minnesota or elsewhere by
2.31 a judicial determination that the person is mentally ill, developmentally disabled, or
2.32 mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment
2.33 facility, or who has ever been found incompetent to stand trial or not guilty by reason of
2.34 mental illness, unless the person's ability to possess a firearm has been restored under
2.35 subdivision 4;

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of chapter 152 or a similar law of another state; or a person who is or has ever been committed by a judicial determination for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability to possess a firearm has been restored under subdivision 4;

(5) a person who has been committed to a treatment facility in Minnesota or elsewhere by a judicial determination that the person is chemically dependent as defined in section 253B.02, unless the person has completed treatment or the person's ability to possess a firearm has been restored under subdivision 4. Property rights may not be abated but access may be restricted by the courts;

(6) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(7) a person, including a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed;

(8) except as otherwise provided in clause (9), a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member or section 609.2242, subdivision 3, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242, subdivision 3, or a similar law of another state;

(9) a person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm for the period determined by the sentencing court;

(10) a person who:

(i) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

(iii) is an unlawful user of any controlled substance as defined in chapter 152;

(iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02;

(v) is an alien who is illegally or unlawfully in the United States;

(vi) has been discharged from the armed forces of the United States under dishonorable conditions; or

(vii) has renounced the person's citizenship having been a citizen of the United States;

(11) a person who has been convicted of violating section 609.505, subdivision 3 (lost or stolen firearms; false reporting), or 624.7141 (transfer of firearm to an ineligible person); or

~~(11)~~ (12) a person who has been convicted of the following offenses at the gross misdemeanor level, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of these sections: section 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified gross misdemeanor convictions include crimes committed in other states or jurisdictions which would have been gross misdemeanors if conviction occurred in this state.

A person who issues a certificate pursuant to this section in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms other than pistols and semiautomatic military-style assault weapons does not apply retroactively to persons who are prohibited from possessing a pistol or semiautomatic military-style assault weapon under this subdivision before August 1, 1994.

The lifetime prohibition on possessing, receiving, shipping, or transporting firearms for persons convicted or adjudicated delinquent of a crime of violence in clause (2), applies only to offenders who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993.

For purposes of this section, "judicial determination" means a court proceeding pursuant to sections 253B.07 to 253B.09 or a comparable law from another state.

EFFECTIVE DATE. This section is effective August 1, 2012, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2010, section 624.7141, subdivision 1, is amended to read:

Subdivision 1. **Transfer prohibited.** A person is guilty of a gross misdemeanor who intentionally transfers a pistol or semiautomatic military-style assault weapon to another if the person knows, or has reason to believe, that the transferee:

(1) has been denied a permit to carry under section 624.714 because the transferee is not eligible under section 624.713 to possess a pistol or semiautomatic military-style assault weapon;

(2) has been found ineligible to possess a pistol or semiautomatic military-style assault weapon by a chief of police or sheriff as a result of an application for a transferee permit or a transfer report; or

(3) is disqualified under ~~section 624.713~~ any state or federal law from possessing a pistol or semiautomatic military-style assault weapon.

EFFECTIVE DATE. This section is effective August 1, 2012, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2010, section 624.7141, subdivision 2, is amended to read:

Subd. 2. **Felony.** A violation of this section is a felony:

(1) if the transferee possesses or uses the weapon within one year after the transfer in furtherance of a felony crime of violence; or

(2) if the transferor knows, or has reason to believe, the transferee intends to use the weapon in the furtherance of a felony crime of violence.

EFFECTIVE DATE. This section is effective August 1, 2012, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2010, section 624.7141, subdivision 3, is amended to read:

Subd. 3. **Subsequent eligibility.** ~~This section~~ Subdivision 2, clause (1), is not applicable to a transfer to a person who became eligible to possess a pistol or semiautomatic military-style assault weapon ~~under section 624.713~~ after the transfer occurred but before the transferee used or possessed the weapon in furtherance of any crime.

EFFECTIVE DATE. This section is effective August 1, 2012, and applies to crimes committed on or after that date.