

A bill for an act
relating to public safety; requiring background check for transfer of a firearm at
a gun show; providing a penalty; proposing coding for new law in Minnesota
Statutes, chapter 624.

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

Section 1. **[624.7133] BACKGROUND CHECKS; GUN SHOWS.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this
subdivision have the meanings given them.

(b) "Exhibitor" means a person who exhibits, sells, offers for sale, transfers, or
exchanges any firearm at a gun show, and arranges with a gun show promoter for a fixed
location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

(c) "Gun show" means the entire premises open to the public for the event or
function, that is sponsored and has the primary purpose of facilitating, in whole or in part,
the purchase, sale, or offer for sale, of firearms at which 25 or more firearms are offered
for transfer, and three or more persons are offering one or more firearms for transfer. The
"entire premises" includes, but is not limited to, parking areas and areas open to the public
that are used by attendees during the event or function, and includes the area within 300
feet, or one city block, whichever is greater, of the event or function.

(d) "Gun show promoter" means a person who organizes or operates a gun show.

Subd. 2. **Background check.** Notwithstanding any law to the contrary, a person
shall not transfer a firearm at a gun show without using the services of a federally licensed
firearms dealer to conduct a background check on the proposed transferee in the same
manner, and in compliance with state and federal law, as if the licensed firearms dealer
were transferring the firearm. A gun show promoter shall arrange for the services of one

or more federally licensed firearms dealers on the premises of the gun show to obtain the background checks required under this section.

Subd. 3. Transfer of firearm. Notwithstanding any law to the contrary, a person shall not offer or agree to sell or transfer a firearm to another person at a gun show and then transfer or deliver the firearm to the person at a location other than the gun show for the purpose of evading or avoiding compliance with subdivision 2.

Subd. 4. False statements. A person, in connection with the acquisition or attempted acquisition of a firearm from any other person, shall not knowingly make any false or fictitious oral or written statement or provide or exhibit any false, fictitious, or misrepresented identification that is intended or likely to deceive with respect to any fact material to the lawfulness of the sale or other disposition of a firearm under federal or state law.

Subd. 5. Notice. A gun show promoter shall prominently post a notice, in a form prescribed by the commissioner of public safety or the commissioner's designee, stating the requirements for background checks under this section. The promoter shall also notify in writing all exhibitors individually of the requirements.

Subd. 6. Penalty. A person who violates any part of subdivisions 2 to 5 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 7. Exclusions. This section does not apply to:

(1) transfers to or between federally licensed firearms dealers; and

(2) transfers of antique firearms as defined in section 624.712, subdivision 3.

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