

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **241**

01/31/2013 Authored by Hausman, Hornstein, Simonson, Davnie and Slocum

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 a crime for manufacturing, transferring, or
1.3 possessing certain assault weapons; providing for the disposal or registration of
1.4 existing assault weapons; defining terms; classifying data; clarifying language;
1.5 providing criminal penalties; amending Minnesota Statutes 2012, sections
1.6 13.87, subdivision 2; 624.712, subdivision 7, by adding subdivisions; 624.713;
1.7 proposing coding for new law in Minnesota Statutes, chapter 624.

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

1.9 Section 1. Minnesota Statutes 2012, section 13.87, subdivision 2, is amended to read:

1.10 Subd. 2. **Firearms data.** All data pertaining to the purchase or transfer of firearms,
1.11 the possession of assault weapons, and applications for permits to carry firearms ~~which~~
1.12 that are collected by government entities pursuant to sections 624.712 to 624.719 are
1.13 private, ~~pursuant to section 13.02, subdivision 12~~ data on individuals.

1.14 **EFFECTIVE DATE.** This section is effective September 1, 2013.

1.15 Sec. 2. Minnesota Statutes 2012, section 624.712, subdivision 7, is amended to read:

1.16 Subd. 7. ~~Semiautomatic military-style~~ **Assault weapon.** "Semiautomatic
1.17 ~~military-style~~ Assault weapon" means any:

1.18 (1) ~~any of the following firearms:~~

1.19 (i) ~~Avtomat Kalashnikov (AK-47) semiautomatic rifle type;~~

1.20 (ii) ~~Beretta AR-70 and BM-59 semiautomatic rifle types;~~

1.21 (iii) ~~Colt AR-15 semiautomatic rifle type;~~

1.22 (iv) ~~Daewoo Max-1 and Max-2 semiautomatic rifle types;~~

1.23 (v) ~~Famas MAS semiautomatic rifle type;~~

1.24 (vi) ~~Fabrique Nationale FN-LAR and FN-FNC semiautomatic rifle types;~~

- 2.1 (vii) Galil semiautomatic rifle type;
- 2.2 (viii) Heckler & Koch HK-91, HK-93, and HK-94 semiautomatic rifle types;
- 2.3 (ix) Ingram MAC-10 and MAC-11 semiautomatic pistol and carbine types;
- 2.4 (x) Intratec TEC-9 semiautomatic pistol type;
- 2.5 (xi) Sigarms SIG 550SP and SIG 551SP semiautomatic rifle types;
- 2.6 (xii) SKS with detachable magazine semiautomatic rifle type;
- 2.7 (xiii) Steyr AUG semiautomatic rifle type;
- 2.8 (xiv) Street Sweeper and Striker-12 revolving-cylinder shotgun types;
- 2.9 (xv) USAS-12 semiautomatic shotgun type;
- 2.10 (xvi) Uzi semiautomatic pistol and carbine types; or
- 2.11 (xvii) Valmet M76 and M78 semiautomatic rifle types;
- 2.12 (2) any firearm that is another model made by the same manufacturer as one of the
- 2.13 firearms listed in clause (1), and has the same action design as one of the listed firearms,
- 2.14 and is a redesigned, renamed, or renumbered version of one of the firearms listed in clause
- 2.15 (1), or has a slight modification or enhancement, including but not limited to a folding or
- 2.16 retractable stock; adjustable sight; case deflector for left-handed shooters; shorter barrel;
- 2.17 wooden, plastic, or metal stock; larger clip size; different caliber; or a bayonet mount; and
- 2.18 (3) any firearm that has been manufactured or sold by another company under a
- 2.19 licensing agreement with a manufacturer of one of the firearms listed in clause (1) entered
- 2.20 into after the effective date of Laws 1993, chapter 326, to manufacture or sell firearms that
- 2.21 are identical or nearly identical to those listed in clause (1), or described in clause (2),
- 2.22 regardless of the company of production or country of origin.

2.23 The weapons listed in clause (1), except those listed in items (iii), (ix), (x), (xiv),

2.24 and (xv), are the weapons the importation of which was barred by the Bureau of Alcohol,

2.25 Tobacco, and Firearms of the United States Department of the Treasury in July 1989.

2.26 Except as otherwise specifically provided in paragraph (d), a firearm is not a

2.27 "semiautomatic military-style assault weapon" if it is generally recognized as particularly

2.28 suitable for or readily adaptable to sporting purposes under United States Code, title 18,

2.29 section 925, paragraph (d)(3), or any regulations adopted pursuant to that law.

2.30 (1) semi-automatic rifle that has the capacity to accept a detachable magazine and

2.31 has one or more of the following:

- 2.32 (i) a pistol grip or thumbhole stock;
- 2.33 (ii) any feature capable of functioning as a protruding grip that can be held by the
- 2.34 nontrigger hand;
- 2.35 (iii) a folding or telescoping stock; or

3.1 (iv) a shroud attached to the barrel, or that partially or completely encircles the
 3.2 barrel, allowing the bearer to hold the firearm with the nontrigger hand without being
 3.3 burned, but excluding a slide that encloses the barrel;

3.4 (2) semi-automatic pistol, or any semi-automatic, centerfire, or rimfire rifle with a
 3.5 fixed magazine, that has the capacity to accept more than seven rounds of ammunition;

3.6 (3) semi-automatic pistol that has the capacity to accept a detachable magazine and
 3.7 has one or more of the following:

3.8 (i) any feature capable of functioning as a protruding grip that can be held by the
 3.9 nontrigger hand;

3.10 (ii) a folding, telescoping, or thumbhole stock;

3.11 (iii) a shroud attached to the barrel, or that partially or completely encircles the
 3.12 barrel, allowing the bearer to hold the firearm with the nontrigger hand without being
 3.13 burned, but excluding a slide that encloses the barrel; or

3.14 (iv) the capacity to accept a detachable magazine at any location outside of the
 3.15 pistol grip;

3.16 (4) semi-automatic shotgun that has one or more of the following:

3.17 (i) a pistol grip or thumbhole stock;

3.18 (ii) any feature capable of functioning as a protruding grip that can be held by the
 3.19 nontrigger hand;

3.20 (iii) a folding or telescoping stock;

3.21 (iv) a fixed magazine capacity in excess of seven rounds; or

3.22 (v) an ability to accept a detachable magazine;

3.23 (5) shotgun with a revolving cylinder; or

3.24 (6) conversion kit, part, or combination of parts, from which an assault weapon can
 3.25 be assembled if those parts are in the possession or under the control of the same person.

3.26 The term does not include any firearm that has been made permanently inoperable.

3.27 **EFFECTIVE DATE.** This section is effective September 1, 2013, and applies
 3.28 to crimes committed on or after that date.

3.29 Sec. 3. Minnesota Statutes 2012, section 624.712, is amended by adding a subdivision
 3.30 to read:

3.31 **Subd. 12. Detachable magazine.** "Detachable magazine" means an ammunition
 3.32 feeding device that can be loaded or unloaded while detached from a firearm and readily
 3.33 inserted into a firearm.

4.1 **EFFECTIVE DATE.** This section is effective September 1, 2013, and applies
4.2 to crimes committed on or after that date.

4.3 Sec. 4. Minnesota Statutes 2012, section 624.712, is amended by adding a subdivision
4.4 to read:

4.5 Subd. 13. **Fixed magazine.** "Fixed magazine" means an ammunition feeding device
4.6 contained in, or permanently attached to, a firearm in such a manner that the device cannot
4.7 be removed without disassembly of the firearm action.

4.8 **EFFECTIVE DATE.** This section is effective September 1, 2013, and applies
4.9 to crimes committed on or after that date.

4.10 Sec. 5. Minnesota Statutes 2012, section 624.713, is amended to read:

4.11 **624.713 CERTAIN PERSONS NOT TO POSSESS FIREARMS.**

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

4.15 (1) a person under the age of 18 years except that a person under 18 may carry or
4.16 possess a pistol ~~or semiautomatic military-style assault weapon~~; (i) in the actual presence
4.17 or under the direct supervision of the person's parent or guardian, (ii) for the purpose
4.18 of military drill under the auspices of a legally recognized military organization and
4.19 under competent supervision, (iii) for the purpose of instruction, competition, or target
4.20 practice on a firing range approved by the chief of police or county sheriff in whose
4.21 jurisdiction the range is located and under direct supervision; or (iv) if the person has
4.22 successfully completed a course designed to teach marksmanship and safety with a pistol
4.23 ~~or semiautomatic military-style assault weapon~~ and approved by the commissioner of
4.24 natural resources;

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

4.30 (3) a person who is or has ever been committed in Minnesota or elsewhere by a
4.31 judicial determination that the person is mentally ill, developmentally disabled, or mentally
4.32 ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who

5.1 has ever been found incompetent to stand trial or not guilty by reason of mental illness,
5.2 unless the person's ability to possess a firearm has been restored under subdivision 4;

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

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

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

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

5.24 (8) except as otherwise provided in clause (9), a person who has been convicted in
5.25 another state of committing an offense similar to the offense described in section 609.224,
5.26 subdivision 3, against a family or household member or section 609.2242, subdivision
5.27 3, unless three years have elapsed since the date of conviction and, during that time, the
5.28 person has not been convicted of any other violation of section 609.224, subdivision 3, or
5.29 609.2242, subdivision 3, or a similar law of another state;

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

5.34 (10) a person who:

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

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

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

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

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

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

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

6.12 (11) a person who has been convicted of the following offenses at the gross
6.13 misdemeanor level, unless three years have elapsed since the date of conviction and, during
6.14 that time, the person has not been convicted of any other violation of these sections: section
6.15 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults
6.16 motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a
6.17 child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring
6.18 gun); 609.71 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified
6.19 gross misdemeanor convictions include crimes committed in other states or jurisdictions
6.20 which would have been gross misdemeanors if conviction occurred in this state.

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

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

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

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

6.34 Subd. 1a. **Ineligible to receive, ship, transport.** A person presently charged with a
6.35 crime punishable by imprisonment for a term exceeding one year shall not be entitled to

7.1 receive, ship, or transport any pistol ~~or semiautomatic military-style assault weapon~~. A
7.2 violation of this subdivision is a gross misdemeanor.

7.3 Subd. 2. **Penalties.** (a) A person named in subdivision 1, clause (1), who possesses
7.4 a pistol ~~or semiautomatic military-style assault weapon~~ is guilty of a felony and may
7.5 be sentenced to imprisonment for not more than five years or to payment of a fine of
7.6 not more than \$10,000, or both.

7.7 (b) A person named in subdivision 1, clause (2), who possesses any type of firearm
7.8 other than an assault weapon is guilty of a felony and may be sentenced to imprisonment
7.9 for not more than 15 years or to payment of a fine of not more than \$30,000, or both. This
7.10 paragraph does not apply to any person who has received a relief of disability under
7.11 United States Code, title 18, section 925, or whose ability to possess firearms has been
7.12 restored under section 609.165, subdivision 1d.

7.13 (c) A person named in any other clause of subdivision 1 who possesses any type of
7.14 firearm other than an assault weapon is guilty of a gross misdemeanor.

7.15 Subd. 3. **Notice.** (a) When a person is convicted of, or adjudicated delinquent or
7.16 convicted as an extended jurisdiction juvenile for committing, a crime of violence as
7.17 defined in section 624.712, subdivision 5, the court shall inform the defendant that the
7.18 defendant is prohibited from possessing a ~~pistol or semiautomatic military-style assault~~
7.19 ~~weapon~~ firearm for the remainder of the person's lifetime, and that it is a felony offense to
7.20 violate this prohibition. The failure of the court to provide this information to a defendant
7.21 does not affect the applicability of the ~~pistol or semiautomatic military-style assault~~
7.22 ~~weapon~~ firearm possession prohibition or the felony penalty to that defendant.

7.23 (b) When a person, including a person under the jurisdiction of the juvenile court,
7.24 is charged with committing a crime of violence and is placed in a pretrial diversion
7.25 program by the court before disposition, the court shall inform the defendant that: (1) the
7.26 defendant is prohibited from possessing a ~~pistol or semiautomatic military-style assault~~
7.27 ~~weapon~~ firearm until the person has completed the diversion program and the charge
7.28 of committing a crime of violence has been dismissed; (2) it is a gross misdemeanor
7.29 offense to violate this prohibition; and (3) if the defendant violates this condition of
7.30 participation in the diversion program, the charge of committing a crime of violence may
7.31 be prosecuted. The failure of the court to provide this information to a defendant does not
7.32 affect the applicability of the ~~pistol or semiautomatic military-style assault weapon~~ firearm
7.33 possession prohibition or the gross misdemeanor penalty to that defendant.

7.34 Subd. 4. **Restoration of firearms eligibility to civilly committed person; petition**
7.35 **authorized.** (a) A person who is prohibited from possessing a firearm under subdivision
7.36 1, due to commitment resulting from a judicial determination that the person is mentally

8.1 ill, developmentally disabled, mentally ill and dangerous, or chemically dependent, may
8.2 petition a court to restore the person's ability to possess a firearm.

8.3 (b) The court may grant the relief sought in paragraph (a) in accordance with
8.4 the principles of due process if the circumstances regarding the person's disqualifying
8.5 condition and the person's record and reputation are determined to be such that:

8.6 (1) the person is not likely to act in a manner that is dangerous to public safety; and

8.7 (2) the granting of relief would not be contrary to the public interest.

8.8 (c) When determining whether a person has met the requirement of paragraph (b),
8.9 clause (1), the court may consider evidence from a licensed medical doctor or clinical
8.10 psychologist that the person is no longer suffering from the disease or condition that
8.11 caused the disability or that the disease or condition has been successfully treated for a
8.12 period of three consecutive years.

8.13 (d) Review on appeal shall be de novo.

8.14 **EFFECTIVE DATE.** This section is effective September 1, 2013, and applies
8.15 to crimes committed on or after that date.

8.16 **Sec. 6. [624.7133] ASSAULT WEAPONS PROHIBITED.**

8.17 **Subdivision 1. Definition.** As used in this section, "transfer" means a sale, gift, loan,
8.18 assignment, or other delivery to another, whether or not for consideration, of an assault
8.19 weapon.

8.20 **Subd. 2. Prohibition.** It is unlawful for a person to manufacture, import, transfer, or
8.21 possess an assault weapon.

8.22 **Subd. 3. Exceptions.** Subdivision 2 does not apply to:

8.23 (1) the possession of an assault weapon that was lawfully possessed under both
8.24 state and federal law before February 1, 2013, if the weapon is properly registered as
8.25 provided in subdivision 5;

8.26 (2) any government officer, agent, or employee; member of the armed forces of
8.27 the United States; or peace officer, to the extent that the person is otherwise authorized
8.28 to acquire or possess an assault weapon, and does so while acting within the scope of
8.29 the person's duties;

8.30 (3) the manufacture of an assault weapon by a firearms manufacturer for the
8.31 purpose of sale to any branch of the armed forces of the United States, or to a law
8.32 enforcement agency within Minnesota for use by that agency or its employees, provided
8.33 the manufacturer is properly licensed under applicable laws; or

8.34 (4) the transfer of an assault weapon by a dealer that is properly licensed under
8.35 applicable laws to any branch of the armed forces of the United States, or to a law

9.1 enforcement agency within Minnesota for use by that agency or its employees for law
9.2 enforcement purposes.

9.3 Subd. 4. **Penalty.** (a) A person who violates subdivision 2 is guilty of a felony and
9.4 may be sentenced to imprisonment for not more than five years or to payment of a fine of
9.5 not more than \$25,000, or both.

9.6 (b) A person listed in section 624.713, subdivision 1, clauses (3) to (11), who
9.7 violates subdivision 2 is guilty of a felony and may be sentenced to imprisonment for not
9.8 more than ten years or to payment of a fine of not more than \$50,000, or both.

9.9 (c) A person listed in section 624.713, subdivision 1, clause (2), who violates
9.10 subdivision 2 is guilty of a felony and may be sentenced to imprisonment for not more
9.11 than 20 years or to payment of a fine of not more than \$100,000, or both.

9.12 (d) The penalties described in this subdivision do not apply to persons who possess
9.13 assault weapons and who are in full compliance with subdivision 5.

9.14 Subd. 5. **Registration of assault weapons.** (a) A person who legally owned or
9.15 possessed an assault weapon before February 1, 2013, and who desires to keep ownership
9.16 or possession of the weapon shall comply with the following requirements:

9.17 (1) submit to a background check conducted by the chief of police of the
9.18 municipality in which the person resides, or if there is no police department the sheriff
9.19 of the county in which the person resides, to confirm the person is not prohibited from
9.20 possessing a firearm under state or federal law; and

9.21 (2) unless the person is currently prohibited by law from possessing a firearm,
9.22 immediately register the weapon with the appropriate law enforcement agency.

9.23 (b) A person described in paragraph (a) shall comply with all of the following:

9.24 (1) safely and securely store the assault weapon pursuant to the regulations adopted
9.25 by the appropriate law enforcement agency;

9.26 (2) agree to allow the agency to inspect the storage of the weapon to ensure
9.27 compliance with this subdivision;

9.28 (3) annually renew the registration, subject to the completion of a new background
9.29 check;

9.30 (4) possess the weapon only on property owned or immediately controlled by the
9.31 person, or while engaged in the legal use of the weapon at a duly licensed firing range, or
9.32 while transporting the weapon in compliance with United States Code, title 18, section
9.33 926A; and

9.34 (5) report the loss or theft of the weapon to the appropriate law enforcement agency
9.35 within 48 hours of the time the discovery of the loss or theft was made or should have
9.36 been made.

10.1 (c) Registered assault weapons may not be purchased or transferred, except for
 10.2 transfer to the appropriate law enforcement agency for the purpose of surrendering the
 10.3 weapon for destruction.

10.4 (d) The registered owner or possessor of an assault weapon may not purchase
 10.5 additional assault weapons.

10.6 (e) The appropriate law enforcement agency may charge a fee for each registration
 10.7 and registration renewal pursuant to this subdivision.

10.8 (f) Persons acquiring an assault weapon by inheritance, bequest, or succession shall,
 10.9 within 120 days of acquiring title, do one of the following:

10.10 (1) surrender the weapon to a law enforcement agency for destruction; or

10.11 (2) modify the weapon to render it permanently inoperable.

10.12 (g) Each chief of police and sheriff shall do the following regarding assault weapons
 10.13 registered under this subdivision:

10.14 (1) adopt regulations specifying how a person who registers a weapon shall safely
 10.15 and securely store it when it is not being used;

10.16 (2) implement a policy of inspecting the storage of weapons; and

10.17 (3) conduct background checks and implement a registration system.

10.18 **EFFECTIVE DATE.** This section is effective September 1, 2013, and applies
 10.19 to crimes committed on or after that date.

10.20 **Sec. 7. PERSONS POSSESSING ASSAULT WEAPONS ON EFFECTIVE DATE**
 10.21 **OF ACT; REQUIRED ACTIONS.**

10.22 Any person who, on February 1, 2013, legally owns or is in possession of an assault
 10.23 weapon has until September 1, 2013, to do any of the following without being subject to
 10.24 prosecution under Minnesota Statutes, section 624.7133:

10.25 (1) remove the weapon from the state;

10.26 (2) surrender the weapon to a law enforcement agency for destruction;

10.27 (3) render the weapon permanently inoperable; or

10.28 (4) if eligible, register the weapon as provided in Minnesota Statutes, section
 10.29 624.7133, subdivision 5.

10.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.31 **Sec. 8. REVISOR'S INSTRUCTION.**

10.32 The revisor of statutes shall strike references to "semiautomatic military-style assault
 10.33 weapons" in Minnesota Statutes, sections 609.66, subdivision 1f; 624.712, subdivision 6;

11.1 624.7131, subdivisions 1, 4, and 10; 624.7132, subdivisions 1, 3, 4, 5, 6, 9, 10, 12, 13, 14,
11.2 and 15; 624.7141, subdivisions 1 and 3; and 624.7181, subdivision 2. The revisor shall
11.3 replace all other references to "semiautomatic military-style assault weapons" in statute
11.4 with "assault weapons."

11.5 **EFFECTIVE DATE.** This section is effective September 1, 2013.