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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **396**

01/17/2023 Authored by Becker-Finn, Moller, Pinto, Curran, Hansen, R., and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
02/09/2023 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; requiring the safe storage of firearms and ammunition;
1.3 including violation of safe storage statute as ineligibility to possess firearm;
1.4 requiring a locking device to be included in each firearm transfer; imposing criminal
1.5 penalties; amending Minnesota Statutes 2022, section 624.713, subdivision 1;
1.6 proposing coding for new law in Minnesota Statutes, chapter 624; repealing
1.7 Minnesota Statutes 2022, section 609.666.

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

1.9 Section 1. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

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

1.13 (1) a person under the age of 18 years except that a person under 18 may possess
1.14 ammunition designed for use in a firearm that the person may lawfully possess and may
1.15 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
1.16 presence or under the direct supervision of the person's parent or guardian, (ii) for the
1.17 purpose of military drill under the auspices of a legally recognized military organization
1.18 and under competent supervision, (iii) for the purpose of instruction, competition, or target
1.19 practice on a firing range approved by the chief of police or county sheriff in whose
1.20 jurisdiction the range is located and under direct supervision; or (iv) if the person has
1.21 successfully completed a course designed to teach marksmanship and safety with a pistol
1.22 or semiautomatic military-style assault weapon and approved by the commissioner of natural
1.23 resources;

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

2.6 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
2.7 determination that the person is mentally ill, developmentally disabled, or mentally ill and
2.8 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
2.9 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
2.10 the person's ability to possess a firearm and ammunition has been restored under subdivision
2.11 4;

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

2.19 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
2.20 by a judicial determination that the person is chemically dependent as defined in section
2.21 253B.02, unless the person has completed treatment or the person's ability to possess a
2.22 firearm and ammunition has been restored under subdivision 4. Property rights may not be
2.23 abated but access may be restricted by the courts;

2.24 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
2.25 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
2.26 of the treatment facility discharging or provisionally discharging the officer from the
2.27 treatment facility. Property rights may not be abated but access may be restricted by the
2.28 courts;

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

2.33 (8) except as otherwise provided in clause (9), a person who has been convicted in
2.34 another state of committing an offense similar to the offense described in section 609.224,

3.1 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
3.2 unless three years have elapsed since the date of conviction and, during that time, the person
3.3 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
3.4 subdivision 3, or a similar law of another state;

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

3.9 (10) a person who:

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

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

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

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

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

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

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

3.23 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
3.24 922(g)(8) or (9), as amended through March 1, 2014;

3.25 (11) a person who has been convicted of the following offenses at the gross misdemeanor
3.26 level, unless three years have elapsed since the date of conviction and, during that time, the
3.27 person has not been convicted of any other violation of these sections: section 609.229
3.28 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
3.29 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
3.30 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
3.31 (riot); ~~609.749 (harassment or stalking);~~ or 624.7163 (firearm and ammunition storage
3.32 requirements). For purposes of this paragraph, the specified gross misdemeanor convictions

4.1 include crimes committed in other states or jurisdictions which would have been gross
4.2 misdemeanors if conviction occurred in this state;

4.3 (12) a person who has been convicted of a violation of section 609.224 if the court
4.4 determined that the assault was against a family or household member in accordance with
4.5 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
4.6 the date of conviction and, during that time, the person has not been convicted of another
4.7 violation of section 609.224 or a violation of a section listed in clause (11); or

4.8 (13) a person who is subject to an order for protection as described in section 260C.201,
4.9 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).

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

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

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

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

4.23 Sec. 2. **[624.7163] FIREARM AND AMMUNITION STORAGE REQUIREMENTS.**

4.24 Subdivision 1. **Storage.** (a) The owner of a firearm must take reasonable action to secure
4.25 the firearm when it is not carried or under the control of the owner or an authorized user.
4.26 For this purpose, reasonable action requires a firearm to be stored unloaded with a locking
4.27 device and separately from its ammunition or as provided for in paragraph (b).

4.28 (b) Peace officers and persons authorized to carry pistols under section 624.714 who
4.29 store a loaded, holstered pistol in a quick-access safe have taken reasonable action to secure
4.30 the firearm for purposes of this section.

4.31 Subd. 2. **Transfer.** No person shall transfer a firearm to another person without an
4.32 appropriate locking device unless the transferee provides proof of ownership of a locking

5.1 device capable of storing the firearm in compliance with subdivision 1. The transferee must
5.2 own a sufficient number of locking devices to secure each firearm the transferee owns.

5.3 Subd. 3. **Penalty.** (a) A person who violates subdivision 1 is guilty of a misdemeanor.

5.4 (b) A person who violates subdivision 1 is guilty of a gross misdemeanor if a firearm
5.5 that belongs to the person is not secured and is either loaded or in the immediate area of the
5.6 unsecured firearm's ammunition.

5.7 (c) A person who violates subdivision 1 is guilty of a felony and may be sentenced to
5.8 18 months in prison or a fine of up to \$5,000, or both, if a loaded, unsecured firearm that
5.9 belongs to the person is accessed by a child or a person prohibited from possessing firearms
5.10 under section 624.713, subdivision 1.

5.11 (d) A person who violates subdivision 1 is guilty of a felony and may be sentenced to
5.12 five years in prison or a fine of up to \$25,000, or both, if an unsecured firearm that belongs
5.13 to the person is used in a felony crime of violence or to inflict substantial or great bodily
5.14 harm on, or to cause the death of, someone other than the owner of the firearm.

5.15 (e) A person who violates subdivision 2 is guilty of a misdemeanor.

5.16 Subd. 4. **Limitations.** Subdivision 3, paragraphs (a) to (d), do not apply if access to the
5.17 firearm was obtained as a result of an unlawful entry into a structure where the firearm is
5.18 located.

5.19 Subd. 5. **Definitions.** (a) For purposes of this section, the following terms have the
5.20 meanings provided.

5.21 (b) "Authorized user" is a person who possesses a valid permit to carry a pistol issued
5.22 pursuant to section 624.714 or a peace officer and whom an owner of a pistol has authorized
5.23 to use the owner's pistol.

5.24 (c) "Child" means a person under the age of 18 years.

5.25 (d) "Firearm" means a device designed to be used as a weapon, from which is expelled
5.26 a projectile by the force of any explosion or force of combustion. The term does not include
5.27 antique firearms or collector's items, relics, museum pieces or objects of curiosity, ornaments,
5.28 or keepsakes that are rendered inoperable.

5.29 (e) "Loaded" means the firearm has ammunition in the chamber or magazine, if the
5.30 magazine is in the firearm.

5.31 (f) "Locking device" means a feature of a firearm or an external device that renders the
5.32 firearm inaccessible or inoperable, or both, to children and unauthorized users. Locking

6.1 device includes but is not limited to the following: a biometric lock; a trigger lock; a barrel
6.2 lock; a cylinder lock; a gun vault; a locked cabinet; a locked box; or any other appropriate
6.3 locked container.

6.4 (g) "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
6.5 (c).

6.6 (h) "Quick access safe" means a secure, tamperproof container designed to hold a pistol
6.7 that is only accessible to the owner or authorized users of the pistol stored in the container.

6.8 Sec. 3. **REVISOR INSTRUCTION.**

6.9 The revisor of statutes shall correct any statutory cross-references in Minnesota Statutes
6.10 and Minnesota Rules to replace the repealed statute, Minnesota Statutes, section 609.666,
6.11 with the new statute, Minnesota Statutes, section 624.7163.

6.12 Sec. 4. **REPEALER.**

6.13 Minnesota Statutes 2022, section 609.666, is repealed.

609.666 NEGLIGENT STORAGE OF FIREARMS.

Subdivision 1. **Definitions.** For purposes of this section, the following words have the meanings given.

(a) "Firearm" means a device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion.

(b) "Child" means a person under the age of 18 years.

(c) "Loaded" means the firearm has ammunition in the chamber or magazine, if the magazine is in the firearm, unless the firearm is incapable of being fired by a child who is likely to gain access to the firearm.

Subd. 2. **Access to firearms.** A person is guilty of a gross misdemeanor who negligently stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access, unless reasonable action is taken to secure the firearm against access by the child.

Subd. 3. **Limitations.** Subdivision 2 does not apply to a child's access to firearms that was obtained as a result of an unlawful entry.