

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 436

(SENATE AUTHORS: LATZ, Dziejdzic, Marty, Klein and Cwodzinski)

DATE	D-PG	OFFICIAL STATUS
01/24/2019	156	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; enabling law enforcement and family members to petition

1.3 a court to prohibit people from possessing firearms if they pose a significant danger

1.4 to themselves or others by possessing a firearm; amending Minnesota Statutes

1.5 2018, section 624.713, subdivision 1; proposing coding for new law in Minnesota

1.6 Statutes, chapter 624.

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

1.8 Section 1. Minnesota Statutes 2018, section 624.713, subdivision 1, is amended to read:

1.9 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess

1.10 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause

1.11 (1), any other firearm:

1.12 (1) a person under the age of 18 years except that a person under 18 may possess

1.13 ammunition designed for use in a firearm that the person may lawfully possess and may

1.14 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual

1.15 presence or under the direct supervision of the person's parent or guardian, (ii) for the

1.16 purpose of military drill under the auspices of a legally recognized military organization

1.17 and under competent supervision, (iii) for the purpose of instruction, competition, or target

1.18 practice on a firing range approved by the chief of police or county sheriff in whose

1.19 jurisdiction the range is located and under direct supervision; or (iv) if the person has

1.20 successfully completed a course designed to teach marksmanship and safety with a pistol

1.21 or semiautomatic military-style assault weapon and approved by the commissioner of natural

1.22 resources;

1.23 (2) except as otherwise provided in clause (9), a person who has been convicted of, or

1.24 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in

2.1 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
2.2 includes crimes in other states or jurisdictions which would have been crimes of violence
2.3 as herein defined if they had been committed in this state;

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

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

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

2.22 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
2.23 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
2.24 of the treatment facility discharging or provisionally discharging the officer from the
2.25 treatment facility. Property rights may not be abated but access may be restricted by the
2.26 courts;

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

2.31 (8) except as otherwise provided in clause (9), a person who has been convicted in
2.32 another state of committing an offense similar to the offense described in section 609.224,
2.33 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
2.34 unless three years have elapsed since the date of conviction and, during that time, the person

3.1 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
3.2 subdivision 3, or a similar law of another state;

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

3.7 (10) a person who:

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

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

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

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

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

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

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

3.20 or

3.21 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
3.22 922(g)(8) or (9), as amended through March 1, 2014;

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

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

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

4.8 (14) a person who is subject to an extreme risk protection order as described in section
 4.9 624.7162 or 624.7164.

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. **[624.7161] EXTREME RISK PROTECTION ORDERS.**

4.24 Subdivision 1. **Definitions.** As used in sections 624.7161 to 624.7168, the term "family
 4.25 or household members" has the meaning given in section 518B.01, subdivision 2.

4.26 Subd. 2. **Court jurisdiction.** An application for relief under this section may be filed
 4.27 in the county of residence of either party. There are no residency requirements that apply
 4.28 to a petition for an extreme risk protection order. Actions under this section shall be given
 4.29 docket priorities by the court.

4.30 Subd. 3. **Information on petitioner's location or residence.** Upon the petitioner's
 4.31 request, information maintained by the court regarding the petitioner's location or residence
 4.32 is not accessible to the public and may be disclosed only to court personnel or law

5.1 enforcement for purposes of service of process, conducting an investigation, or enforcing
5.2 an order.

5.3 Subd. 4. **Generally.** (a) There shall exist an action known as a petition for an extreme
5.4 risk protection order for protection from firearm violence, which order shall enjoin and
5.5 prohibit the respondent from possessing firearms for a fixed period.

5.6 (b) A petition for relief under sections 624.7161 to 624.7168 may be made by any family
5.7 or household members, the chief law enforcement officer or a designee, a city or county
5.8 attorney, or a guardian as defined in section 524.1-201, clause (26).

5.9 (c) A petition for relief shall allege that the respondent poses a significant danger of
5.10 bodily harm to self or to other persons by possessing a firearm. The petition shall be
5.11 accompanied by an affidavit made under oath stating specific facts and circumstances
5.12 forming a basis to allege that an extreme risk protection order should be granted. The affidavit
5.13 may include, but is not limited to, evidence showing any of the factors described in
5.14 subdivision 3.

5.15 (d) A petition for emergency relief under section 624.7164 shall additionally allege that
5.16 the respondent presents an immediate and present danger of bodily injury.

5.17 (e) A petition for relief must state whether there is an existing order in effect under
5.18 sections 624.7161 to 624.7168, or chapter 260C or 518B governing the respondent and
5.19 whether there is a pending lawsuit, complaint, petition, or other action between the parties
5.20 under sections 624.7161 to 624.7168, or chapter 257, 518, 518A, 518B, or 518C. The court
5.21 administrator shall verify the terms of any existing order governing the parties. The court
5.22 may not delay granting relief because of the existence of a pending action between the
5.23 parties or the necessity of verifying the terms of an existing order. A petition for relief may
5.24 be granted whether or not there is a pending action between the parties.

5.25 (f) A petition for relief must describe, to the best of the petitioner's knowledge, the types
5.26 and location of any firearms believed by the petitioner to be possessed by the respondent.

5.27 (g) The court shall provide simplified forms and clerical assistance to help with the
5.28 writing and filing of a petition under this section.

5.29 (h) The state court administrator shall create all forms necessary under sections 624.7161
5.30 to 624.7168.

5.31 (i) The filing fees for an extreme risk protection order under this section are waived for
5.32 the petitioner and respondent. The court administrator, the sheriff of any county in this state,
5.33 and other law enforcement and corrections officers shall perform their duties relating to

6.1 service of process without charge to the petitioner. The court shall direct payment of the
6.2 reasonable costs of service of process if served by a private process server when the sheriff
6.3 or other law enforcement or corrections officer is unavailable or if service is made by
6.4 publication, without requiring the petitioner to make application under section 563.01.

6.5 (j) The court shall advise the petitioner of the right to serve the respondent by alternate
6.6 notice under section 624.7162, subdivision 1, paragraph (e), if the respondent is avoiding
6.7 personal service by concealment or otherwise, and shall assist in the writing and filing of
6.8 the affidavit.

6.9 (k) The court shall advise the petitioner of the right to request a hearing under section
6.10 624.7164, paragraph (b). If the petitioner does not request a hearing, the court shall advise
6.11 the petitioner that the respondent may request a hearing and that notice of the hearing date
6.12 and time will be provided to the petitioner by mail at least five days before the hearing.

6.13 (l) An extreme risk protection order issued under sections 624.7161 to 624.7168 applies
6.14 throughout the state.

6.15 (m) Any proceeding under sections 624.7161 to 624.7168 shall be in addition to other
6.16 civil or criminal remedies.

6.17 (n) All health records and other health information provided in a petition or considered
6.18 as evidence in a proceeding under sections 624.7161 to 624.7168 shall be protected from
6.19 public disclosure but may be provided to law enforcement agencies as described in this
6.20 section.

6.21 (o) Any extreme risk protection order or subsequent extension issued under sections
6.22 624.7161 to 624.7168 shall be forwarded by the court administrator within 24 hours to the
6.23 local law enforcement agency with jurisdiction over the residence of the respondent. Each
6.24 appropriate law enforcement agency shall make available to other law enforcement officers,
6.25 through a system for verification, information as to the existence and status of any extreme
6.26 risk protection order issued under sections 624.7161 to 624.7168.

6.27 **Sec. 3. [624.7162] EXTREME RISK PROTECTION ORDERS ISSUED AFTER**
6.28 **HEARING.**

6.29 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the
6.30 court shall order a hearing which shall be held not later than 14 days from the date of the
6.31 order for hearing.

7.1 (b) The court shall advise the petitioner of the right to request an emergency extreme
7.2 risk protection order under section 624.7164 separately from or simultaneously with the
7.3 petition under this subdivision.

7.4 (c) The petitioning law enforcement agency shall be responsible for service of an extreme
7.5 risk protection order issued by the court and shall further be the agency responsible for the
7.6 execution of any legal process required for the seizure and storage of firearms subject to
7.7 the order. Nothing in this provision limits the ability of the law enforcement agency of
7.8 record cooperating with other law enforcement entities. When the petitioner is a family
7.9 member, the primary law enforcement agency serving the jurisdiction of residency of the
7.10 respondent shall be responsible for the execution of any legal process required for the seizure
7.11 and storage of firearms subject to the order.

7.12 (d) Personal service of notice for the hearing may be made upon the respondent at any
7.13 time up to 12 hours prior to the time set for the hearing, provided that the respondent at the
7.14 hearing may request a continuance of up to five days if the respondent is served less than
7.15 five days prior to the hearing, which continuance shall be granted unless there are compelling
7.16 reasons not to do so. If the court grants the requested continuance, and an existing emergency
7.17 order under section 624.7164 will expire due to the continuance, the court shall also issue
7.18 a written order continuing the emergency order pending the new time set for the hearing.

7.19 (e) If personal service cannot be made, the court may order service of the petition and
7.20 any order issued under this section by alternate means. The application for alternate service
7.21 must include the last known location of the respondent; the petitioner's most recent contacts
7.22 with the respondent; the last known location of the respondent's employment; the names
7.23 and locations of the respondent's parents, siblings, children, and other close relatives; the
7.24 names and locations of other persons who are likely to know the respondent's whereabouts;
7.25 and a description of efforts to locate those persons. The court shall consider the length of
7.26 time the respondent's location has been unknown, the likelihood that the respondent's location
7.27 will become known, the nature of the relief sought, and the nature of efforts made to locate
7.28 the respondent. The court shall order service by first class mail, forwarding address requested,
7.29 to any addresses where there is a reasonable possibility that mail or information will be
7.30 forwarded or communicated to the respondent. The court may also order publication, within
7.31 or without the state, but only if it might reasonably succeed in notifying the respondent of
7.32 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
7.33 court-ordered publication.

8.1 Subd. 2. Relief by court. (a) At the hearing, the petitioner must prove by a preponderance
8.2 of the evidence that the respondent poses a significant danger of bodily injury to self or
8.3 other persons by possessing a firearm.

8.4 (b) In determining whether to grant the order after a hearing, the court shall consider
8.5 evidence of the following, whether or not the petitioner has provided evidence of the same:

8.6 (1) a history of threats or acts of violence by the respondent directed toward the
8.7 respondent's self or another person;

8.8 (2) the history of use, attempted use, or threatened use of physical force by the respondent
8.9 against another person;

8.10 (3) a violation of any court order including, but not limited to, orders issued under
8.11 sections 624.7161 to 624.7168, or chapter 260C or 518B;

8.12 (4) a prior arrest for a felony offense;

8.13 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense
8.14 under section 609.749, or for domestic assault under section 609.2242;

8.15 (6) a conviction for an offense of cruelty to animals under chapter 343;

8.16 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;
8.17 and

8.18 (8) evidence of controlled substances or alcohol abuse factored against countervailing
8.19 evidence of recovery from abuse of controlled substances or alcohol.

8.20 (c) In determining whether to grant the order after a hearing, the court may consider any
8.21 other evidence that bears on whether the respondent poses a danger to the respondent's self
8.22 or others.

8.23 (d) If the court finds there is a preponderance of the evidence to issue an extreme risk
8.24 protection order, the court shall issue the order prohibiting the person from possessing a
8.25 firearm for the duration of the order. The court shall inform the respondent that the respondent
8.26 is prohibited from possessing firearms and shall issue a transfer order under section 624.7165.
8.27 The court shall also give notice to the county attorney's office, which may take action as it
8.28 deems appropriate.

8.29 (e) The order shall have a fixed period, to be determined by the court, of not less than
8.30 six months and not more than two years, subject to renewal or extension under section
8.31 624.7163.

9.1 (f) If there is no existing emergency order under section 624.7164 at the time an order
9.2 is granted under this section, the court shall determine by a preponderance of the evidence
9.3 whether the respondent presents an immediate and present danger of bodily injury. If the
9.4 court so determines, the transfer order shall include the provisions described in section
9.5 624.7165, paragraph (c).

9.6 (g) If, after a hearing, the court does not issue an order of protection, the court shall
9.7 vacate any emergency extreme risk protection order currently in effect.

9.8 (h) A respondent may waive the respondent's right to contest the hearing and consent
9.9 to the court's imposition of an extreme risk protection order. The court shall seal the petition
9.10 filed under this section and section 624.7146, if a respondent who consents to imposition
9.11 of an extreme risk protection order requests that the petition be sealed, unless the court finds
9.12 that there is clear and convincing evidence that the interests of the public and public safety
9.13 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk
9.14 protection orders shall remain public.

9.15 **Sec. 4. [624.7163] SUBSEQUENT EXTENSIONS AND TERMINATION.**

9.16 (a) Upon application by any party entitled to petition for an order under section 624.7162,
9.17 and after notice to the respondent and a hearing, the court may extend the relief granted in
9.18 an existing order granted after a hearing under section 624.7162. Application for an extension
9.19 may be made any time within the three months before the expiration of the existing order.
9.20 The order may be extended for a fixed period of at least six months and not to exceed two
9.21 years, if the court makes the same findings by a preponderance of the evidence as required
9.22 for granting of an initial order under section 624.7162, subdivision 2, paragraph (d). The
9.23 court shall consider the same types of evidence as required for the initial order under section
9.24 624.7162, subdivision 2, paragraphs (b) and (c).

9.25 (b) Upon application by the respondent to an order issued under section 624.7162, the
9.26 court may terminate an order after a hearing at which the respondent shall bear the burden
9.27 of proving by a preponderance of the evidence that the respondent does not pose a significant
9.28 danger of bodily injury to the respondent's self or to other persons by possessing a firearm.
9.29 Application may be made for termination one time for each year an order is in effect. If an
9.30 order has been issued for a period of six months, the respondent may apply for termination
9.31 one time.

10.1 Sec. 5. [624.7164] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION
10.2 ORDER.

10.3 (a) In determining whether to grant an emergency extreme risk protection order, the
10.4 court shall consider evidence of all facts identified in section 624.7162, subdivision 2,
10.5 paragraphs (b) and (c).

10.6 (b) The court shall advise the petitioner of the right to request an order after a hearing
10.7 under section 624.7162 separately from or simultaneously with the petition.

10.8 (c) If the court finds there is reasonable grounds that (1) the respondent poses a significant
10.9 danger of bodily injury to the respondent's self or to other persons by possessing a firearm,
10.10 and (2) the respondent presents an immediate and present danger of bodily injury, the court
10.11 shall issue an ex parte emergency order prohibiting the respondent from possessing a firearm
10.12 for the duration of the order. The order shall inform the respondent that the respondent is
10.13 prohibited from possessing firearms and shall issue a transfer order under section 624.7165,
10.14 paragraph (c).

10.15 (d) A finding by the court that there is a basis for issuing an emergency extreme risk
10.16 protection order constitutes a finding that sufficient reasons exist not to require notice under
10.17 applicable court rules governing applications for ex parte relief.

10.18 (e) The emergency order shall have a fixed period of 14 days, unless a hearing is set
10.19 under section 624.7162 on an earlier date, in which case the order shall expire upon a judge's
10.20 finding that no order is issued under section 624.7162.

10.21 (f) Except as provided in paragraph (g), the respondent shall be personally served
10.22 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
10.23 is requested by the petitioner under section 624.7162, notice of the date set for the hearing.
10.24 If the petitioner does not request a hearing under section 624.7162, an order served on a
10.25 respondent under this subdivision must include a notice advising the respondent of the right
10.26 to request a hearing challenging the issuance of the emergency order, and must be
10.27 accompanied by a form that can be used by the respondent to request a hearing.

10.28 (g) Service of the emergency order may be made by alternate service as provided under
10.29 section 624.7162, subdivision 1, paragraph (e), provided that the petitioner files the affidavit
10.30 required under that subdivision. If the petitioner does not request a hearing under section
10.31 624.7162, the petition mailed to the respondent's residence, if known, must be accompanied
10.32 by the form for requesting a hearing described in paragraph (f).

11.1 Sec. 6. [624.7165] TRANSFER OF FIREARMS.

11.2 (a) Upon issuance of an extreme risk protection order, the court shall direct the respondent
11.3 to transfer any firearms the person possesses as soon as reasonably practicable, but in no
11.4 case later than 24 hours, to a federally licensed firearms dealer or a law enforcement agency.
11.5 If the respondent elects to transfer the respondent's firearms to a law enforcement agency,
11.6 the agency must accept the transfer. The transfer may be permanent or temporary. A
11.7 temporary firearm transfer only entitles the receiving party to possess the firearm and does
11.8 not transfer ownership or title. If the respondent makes a temporary transfer, a federally
11.9 licensed firearms dealer or law enforcement agency may charge the respondent a reasonable
11.10 fee to store the firearms and may establish policies for disposal of abandoned firearms,
11.11 provided these policies require that the respondent be notified prior to disposal of abandoned
11.12 firearms. If a respondent permanently transfers the respondent's firearms to a law enforcement
11.13 agency, the agency is not required to compensate the respondent and may charge the
11.14 respondent a reasonable processing fee.

11.15 (b) The respondent must file proof of transfer as provided in this paragraph.

11.16 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
11.17 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
11.18 proof of transfer must specify whether the firearms were permanently or temporarily
11.19 transferred and must include the name of the respondent, date of transfer, and the serial
11.20 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally
11.21 licensed firearms dealer, the respondent shall, within two business days after being served
11.22 with the order, file a copy of proof of transfer with the law enforcement agency, and attest
11.23 that all firearms owned or possessed at the time of the order have been transferred in
11.24 accordance with this section and that the person currently does not possess any firearms. If
11.25 the respondent claims not to own or possess firearms, the respondent shall file a declaration
11.26 of nonpossession with the law enforcement agency attesting that, at the time of the order,
11.27 the respondent neither owned nor possessed any firearms, and that the respondent currently
11.28 neither owns nor possesses any firearms.

11.29 (2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
11.30 filed pursuant to this paragraph.

11.31 (c) If a court issues an emergency order under section 624.7164, or makes a finding of
11.32 immediate and present danger under section 624.7162, subdivision 2, paragraph (e), and
11.33 there is probable cause to believe the respondent possesses firearms, the court shall issue a
11.34 search warrant to the local law enforcement agency to take possession of all firearms in the

12.1 respondent's possession as soon as practicable. The local law enforcement agency shall,
12.2 upon written notice from the respondent, transfer the firearms to a federally licensed firearms
12.3 dealer. Before a local law enforcement agency transfers a firearm under this paragraph, the
12.4 agency shall require the federally licensed firearms dealer receiving the firearm to submit
12.5 a proof of transfer that complies with the requirements for proofs of transfer established in
12.6 paragraph (b). The agency shall file all proofs of transfer received by the court within two
12.7 business days of the transfer. A federally licensed firearms dealer who accepts a firearm
12.8 transfer pursuant to this paragraph shall comply with paragraphs (a) and (b) as if accepting
12.9 transfer directly from the respondent. If the law enforcement agency does not receive written
12.10 notice from the respondent within three business days, the agency may charge a reasonable
12.11 fee to store the respondent's firearms. A law enforcement agency may establish policies for
12.12 disposal of abandoned firearms, provided these policies require that the respondent be
12.13 notified prior to disposal of abandoned firearms.

12.14 **Sec. 7. [624.7166] RETURN OF FIREARMS.**

12.15 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
12.16 temporary transfer of firearms under section 624.7165 shall return the firearms to the
12.17 respondent upon request after the expiration of the order, provided the respondent is not
12.18 otherwise prohibited from possessing firearms under state or federal law.

12.19 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
12.20 transfer of firearms under section 624.7165 shall return the transferring firearms to the
12.21 respondent upon request after the expiration of the order, provided the respondent is not
12.22 otherwise prohibited from possessing firearms under state or federal law. A federally licensed
12.23 firearms dealer returning firearms shall comply with state and federal law as though
12.24 transferring a firearm from the dealer's own inventory.

12.25 **Sec. 8. [624.7167] OFFENSES.**

12.26 Subdivision 1. **False information or harassment.** A person who petitions for an extreme
12.27 risk protection order under section 624.7162 or 624.7164, knowing any information in the
12.28 petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a
12.29 misdemeanor.

12.30 Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should
12.31 have known that the person is prohibited from doing so by an extreme risk protection order
12.32 under section 624.7162 or 624.7164, or by an order of protection granted by a judge or
12.33 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor

13.1 and shall be prohibited from possessing firearms for a period of five years. Each extreme
13.2 risk protection order granted under this chapter must contain a conspicuous notice to the
13.3 respondent regarding the penalty for violation of the order.

13.4 **Sec. 9. [624.7168] LIABILITY PROTECTION.**

13.5 Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, or a
13.6 designee who, in good faith, decides not to petition for an extreme risk protection order or
13.7 emergency extreme risk protection order shall be immune from criminal or civil liability.

13.8 Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall
13.9 be immune from civil or criminal liability for any damage or deterioration of firearms,
13.10 ammunition, or weapons stored or transported pursuant to section 624.7165. This subdivision
13.11 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
13.12 negligence, or intentional misconduct by the law enforcement agency.

13.13 **Sec. 10. REVISOR'S INSTRUCTION.**

13.14 In the next edition of Minnesota Statutes, the revisor of statutes shall renumber Minnesota
13.15 Statutes 2018, sections 624.7161 and 624.7162, and correct cross-references to those
13.16 provisions so as not to conflict with this act.

13.17 **Sec. 11. EFFECTIVE DATE.**

13.18 Sections 1 to 10 are effective January 1, 2020, and apply to firearm permit background
13.19 checks made on or after that date.