

the state, the penalty of the bond shall be in such amount as the commissioner of administration or the commissioner of highways may fix, but not less than three-quarters of the contract price.

Sec. 40. Minnesota Statutes 1974, Section 574.261, Subdivision 1, is amended to read:

574.261 **SECURITY IN LIEU OF BOND.** Subdivision 1. With the approval of the commissioner of administration and where the amount of the contract is not in excess of \$5,000 a person may make a contract with the state for the doing of any public work and in lieu of giving the bond required by Minnesota Statutes, Section 574.26, submit to the commissioner of administration for deposit with the state treasurer a certified check or cashier's check in the same amount as would be required for a bond as security for protection of the state, including its tax revenues, and for all persons doing work or furnishing skills, tools, machinery, or materials under or for the purpose of executing such contract. Such deposit shall be security for the payment, as they become due, of all just claims for work, skills, tools, machinery, and materials; and for the performance and completion of the contract in accordance with its terms; and as security for all costs and charges that may accrue for the doing of the work specified and compliance with the laws relating thereto.

Sec. 41. Minnesota Statutes 1974, Section 292.11, is repealed.

Sec. 42. **EFFECTIVE DATE.** Sections 1, 2, 4, 5, and 6 are effective the day following final enactment. Sections 39 and 40 are effective August 1, 1975. All other sections are effective for taxes becoming due after July 1, 1975. Section 14 shall also be effective for monthly deposits required in the months of May or June, 1975, but which remain unpaid on July 1, 1975.

Approved June 4, 1975.

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#### CHAPTER 378—H.F.No.679

[Coded in Part]

*An act relating to crimes; regulating the possession and carrying of pistols; requiring permits to carry pistols; providing penalties; amending Minnesota Statutes 1974, Section 609.11, Subdivision 1.*

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

Section 1. [624.711] **CRIMES AND CRIMINALS; GUN CONTROL; PISTOLS; POSSESSION AND CARRYING; DECLARATION OF POLICY.** It is not the intent of the legislature to regulate shotguns, rifles and other longguns of the type commonly used for hunting and not

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defined as pistols, or to place costs of administration upon those citizens who wish to possess or carry pistols lawfully, or to confiscate or otherwise restrict the use of pistols by law-abiding citizens.

Sec. 2. [624.712] DEFINITIONS. Subdivision 1. As used in sections 1 to 7, the terms defined in this section shall have the meanings given them.

Subd. 2. "Pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (a) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (b) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor.

"Pistol" does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used in the construction industry or children's pop guns or toys.

Subd. 3. "Antique firearm" means any firearm, including any pistol, with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899 and any replica of any firearm described herein if such replica is not designed or redesigned, made or remade, or intended to fire conventional rimfire or conventional center-fire ammunition, or uses conventional rimfire or conventional center-fire ammunition which is not readily available in the ordinary channels of commercial trade.

Subd. 4. "Saturday night special pistol" means a pistol other than an antique firearm or a pistol for which the propelling force is carbon dioxide, air or other vapor, or children's pop guns or toys, having a frame, barrel, cylinder, slide or breechblock:

(a) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or

(b) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or

(c) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

Subd. 5. "Crime of violence" includes murder in the first degree, murder in the second degree, murder in the third degree, manslaughter in the first degree, manslaughter in the second degree, aiding suicide, aiding attempted suicide, aggravated assault, use of drugs to injure or to facilitate crime, simple robbery, aggravated robbery, kidnapping,

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false imprisonment, aggravated rape, rape, aggravated sodomy, felonious theft, aggravated arson, riot, burglary, reckless use of a gun or dangerous weapon, intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, or operating a machine gun, and an attempt to commit any of these offenses, as each of those offenses is defined in Minnesota Statutes, Chapter 609.

Sec. 3. [624.713] **CERTAIN PERSONS NOT TO HAVE PISTOLS; PENALTY.** Subdivision 1. The following persons shall not be entitled to possess a pistol:

(a) A person under the age of 18 years except that a person under 18 may carry or possess a pistol (i) in the actual presence or under the direct supervision of his parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol and approved by the commissioner of natural resources;

(b) A person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored his civil rights or the sentence has expired, whichever occurs first, and during that time he has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) A person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally deficient" or "dangerous to the public" person as those terms are defined in Minnesota Statutes, Section 253A.02, to a hospital, mental institution or sanitarium, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that he is no longer suffering from this disability;

(d) A person who has been convicted in Minnesota or elsewhere for the unlawful use, possession or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in Minnesota Statutes, Sections 152.01 and 152.02, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused a controlled substance or marijuana during the previous two years; or

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(e) A person who has been confined or committed to a hospital, mental institution or sanitarium in Minnesota or elsewhere as an "inebriate person" as that term is defined in Minnesota Statutes, Section 253A.02, or for alcoholic problems, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused alcohol during the previous two years. A person who issues a certificate pursuant to this subdivision in good faith shall not be liable for damages in an action arising out of the issuance.

Subd. 2. A person named in subdivision 1, clause (b) of this section who possesses a pistol is guilty of a felony. A person named in any other clause of subdivision 1 of this section who possesses a pistol is guilty of a gross misdemeanor.

**Sec. 4. [624.714] CARRYING OF WEAPONS WITHOUT PERMIT; PENALTIES. Subdivision 1. PENALTY.** A person, other than a law enforcement officer who has authority to make arrests other than citizens arrests, who carries, holds or possesses a pistol in a motor vehicle, snowmobile or boat, or on or about his clothes or person, or otherwise in his possession or control in a public place or public area without first having obtained a permit to carry the pistol is guilty of a gross misdemeanor. A person who has been issued a permit and who engages in activities other than those for which the permit has been issued, is guilty of a misdemeanor.

**Subd. 2. WHERE APPLICATION MADE.** Applications for permits to carry shall be made to the chief of police of an organized full-time police department of the municipality where the applicant resides or to the county sheriff where there is no such local chief of police where the applicant resides. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application.

**Subd. 3. CONTENTS.** Applications for permits to carry shall set forth the name, residence, date of birth, height, weight, color of eyes and hair, sex and distinguishing physical characteristics, if any, of the applicant. The application shall be signed by the applicant.

**Subd. 4. INVESTIGATION.** The application authority shall check criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System.

**Subd. 5. GRANTING OF PERMITS.** No permit to carry shall be granted to a person unless the applicant:

(a) Is not a person prohibited by section 3 from possessing a pistol;

(b) Provides a firearms safety certificate recognized by the department of natural resources, evidence of successful completion of a

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test of ability to use a firearm supervised by the chief of police or sheriff or other satisfactory proof of ability to use a pistol safely; and

(c) Has an occupation or personal safety hazard requiring a permit to carry.

**Subd. 6. FAILURE TO GRANT PERMITS.** Failure of the chief of police officer or the county sheriff to deny the application or issue a permit to carry a pistol within 21 days of the date of application shall be deemed to be a grant thereof. The local police authority shall provide an applicant with written notification of a denial and the specific reason for the denial. The permits and their renewal shall be granted free of charge. The permit shall specify the activities for which it shall be valid.

**Subd. 7. RENEWAL.** Permits to carry a pistol issued pursuant to this section shall expire after one year and shall thereafter be renewed in the same manner and subject to the same provisions by which the original permit was obtained.

**Subd. 8. PERMIT TO CARRY VOIDED.** The permit to carry shall be void at the time that the holder becomes prohibited from possessing a pistol under section 3, in which event the holder shall return the permit within five days to the application authority. Failure of the holder to return the permit within the five days is a gross misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

**Subd. 9. CARRYING PISTOLS ABOUT ONE'S PREMISES OR FOR PURPOSES OF REPAIR, TARGET PRACTICE.** A permit to carry is not required of a person:

(a) To keep or carry about his place of business, dwelling house, premises or on land possessed by him a pistol;

(b) To carry a pistol from a place of purchase to his dwelling house or place of business, or from his dwelling house or place of business to or from a place where repairing is done, to have the pistol repaired;

(c) To carry a pistol between his dwelling house and his place of business;

(d) To carry a pistol in the woods or fields or upon the waters of this state for the purpose of hunting other than protected wild animals or of target shooting in a safe area; or

(e) To transport a pistol in a motor vehicle, snowmobile or boat if the pistol is unloaded, contained in a closed and fastened case, gunbox, or securely tied package. If a motor vehicle, snowmobile or boat does

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not have an enclosed area, a pistol may be carried in the driver or passenger area as long as the pistol is unloaded and contained in a closed and fastened case, gunbox, or securely tied package. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

**Subd. 10. FALSE REPRESENTATIONS.** A person who gives or causes to be given any false information in applying for a permit to carry, knowing or having reason to know the information is false, is guilty of a gross misdemeanor.

**Subd. 11. NO LIMIT ON NUMBER OF PISTOLS.** A person shall not be restricted as to the number of pistols he may carry.

**Subd. 12. HEARING UPON DENIAL.** Any person aggrieved by denial of a permit to carry may appeal the denial to the county court having jurisdiction over the county or municipality wherein the notification or denial occurred. The matter shall be heard de novo without a jury.

**Sec. 5. [624.715] EXEMPTIONS; ANTIQUES AND ORNAMENTS.** Sections 3 and 4 shall not apply to antique firearms which are carried or possessed as curiosities or for their historical significance or value.

**Sec. 6. [624.716] SATURDAY NIGHT SPECIALS PROHIBITED; PENALTY.** Any federally licensed firearms dealer who sells a Saturday Night Special Pistol, or any person who manufactures or assembles a Saturday Night Special Pistol in whole or in part, shall be guilty of a gross misdemeanor.

**Sec. 7. [624.717] LOCAL REGULATION.** Sections 1 to 6 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols and the regulation of Saturday Night Special Pistols except more restrictive regulation in cities of the first class.

**Sec. 8.** Minnesota Statutes 1974, Section 609.11, Subdivision 1, is amended to read:

**609.11 MINIMUM TERMS OF IMPRISONMENT.** Subdivision 1. All commitments to the commissioner of corrections for imprisonment of the defendant are without minimum terms except when sentence is to life imprisonment as required by law and except that any commitment following the defendant's first conviction of an offense wherein the defendant he had in his possession a firearm or used a dangerous weapon at the time of the offense shall be for a term of not less than three years one year plus one day, nor more than the maximum sentence provided by law for the offense for which convicted, and except that any commitment following defendant's second or subsequent conviction of an offense wherein he had in his possession a firearm or used a dangerous weapon at the time of the offense shall be for a term

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not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, and such person shall not be eligible for parole until he shall have served the full minimum sentence herein provided, notwithstanding the provisions of sections 242.19, 243.05 ~~and~~, 609.12 and 609.135 . The offenses for which mandatory minimum sentences shall be served as herein provided are: aggravated assault, burglary, kidnapping, manslaughter, murder in the second or third degree, rape, robbery, sodomy, escape while under charge or conviction of a felony, or discharge of an explosive or incendiary device.

~~Provided, however, the court may invoke the provisions of section 609.136, if the defendant has not previously been convicted of any crime or ordinance involving possession of a firearm; other than a game law violation; or use of a dangerous weapon; or the defendant has not previously been convicted of aggravated assault, burglary, kidnapping, manslaughter, murder in the second or third degree, rape, robbery, sodomy, escape while under charge or conviction of a felony, or discharge of an explosive or incendiary device.~~

Approved June 4, 1975.

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CHAPTER 378—H.F.No.696

*An act relating to small loan companies; application and license fees; amending Minnesota Statutes 1974, Sections 56.02 and 56.08.*

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

Section 1. Minnesota Statutes 1974, Section 56.02, is amended to read:

**56.02 SMALL LOAN COMPANIES; APPLICATION AND LICENSE FEES.** Application for license shall be in writing, under oath, and in the form prescribed by the commissioner, and contain the name and the address, both of the residence and place of business, of the applicant and, if the applicant is a copartnership or association, of every member thereof, and if a corporation, of each officer and director thereof; also the county and municipality, with street and number, if any, where the business is to be conducted, and such further information as the commissioner may require. The applicant at the time of making application, shall pay to the commissioner the sum of \$250 as a fee for investigating the application, and the additional sum of ~~\$100~~ \$150 as an annual license fee for a period terminating on the last day of the current calendar year; provided, that if the application is filed after June 30 in any year the additional sum shall be only ~~\$50~~ \$75 . In addition to the annual license fee, every licensee hereunder shall pay to the commissioner the actual costs of each examination, as provided for

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