

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 5164

(SENATE AUTHORS: BOLDON, Mitchell, McEwen and Maye Quade)

DATE	D-PG	OFFICIAL STATUS
03/21/2024	12531	Introduction and first reading Referred to Judiciary and Public Safety

1.1A bill for an act

1.2relating to firearms; establishing standards for the safe storage of firearms and

1.3criminal penalties for failing to meet those standards; amending Minnesota Statutes

1.42022, section 609.666; Minnesota Statutes 2023 Supplement, section 624.713,

1.5subdivision 1.

1.6BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7Section 1. Minnesota Statutes 2022, section 609.666, is amended to read:

1.8**609.666 NEGLIGENT STORAGE OF FIREARMS.**

1.9Subdivision 1. **Definitions.** (a) For purposes of this section, the following words have

1.10the meanings given.

1.11~~(a) "Firearm" means a device designed to be used as a weapon, from which is expelled~~

1.12~~a projectile by the force of any explosion or force of combustion.~~

1.13(b) "Authorized user" means a person who is eligible under state and federal law to

1.14possess a firearm and to whom the owner of a firearm has expressly granted permission to

1.15use the firearm.

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

1.17~~(e)~~ (d) "Firearm" means a device designed to be used as a weapon, from which is expelled

1.18a projectile by the force of any explosion or force of combustion. The term does not include

1.19antique firearms or collector's items, relics, museum pieces or objects of curiosity, ornaments,

1.20or keepsakes that are rendered inoperable.

(e) "Firearm storage unit" means a secure, tamperproof container designed to hold a firearm that is only accessible to the owner or authorized users of the firearm or firearms stored in the container.

(f) "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.~~

(g) "Locking device" means a feature of a firearm or an external device that renders the firearm inaccessible or inoperable, or both, to children and unauthorized users. Locking device includes but is not limited to the following: a biometric lock; a trigger lock; a barrel lock; or a cylinder lock.

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~~ who owns or possesses a firearm shall secure the firearm against access by the child when it is not in the direct physical control of the person as follows: (1) unloaded and equipped with a locking device; or (2) loaded or unloaded in a locked firearm storage unit. A person who violates this subdivision is guilty of a crime and may be sentenced as provided for in subdivision 2a.

Subd. 2a. **Penalties.** (a) A person who violates subdivision 2 is guilty of a misdemeanor.

(b) A person who violates subdivision 2 is guilty of a gross misdemeanor if a firearm is not secured and is loaded.

(c) A person who violates subdivision 2 is guilty of a felony and may be sentenced to two years in prison or a fine of up to \$5,000, or both, if a loaded unsecured firearm is accessed by a child or a person prohibited from possessing firearms under section 624.713, subdivision 1.

(d) A person who violates subdivision 2 is guilty of a felony and may be sentenced to five years in prison or a fine of up to \$10,000, or both, if an unsecured firearm is used in a felony crime of violence or to inflict substantial or great bodily harm on, or to cause the death of, someone other than the owner or authorized user of the firearm.

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

EFFECTIVE DATE. This section is effective August 1, 2024, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2023 Supplement, section 624.713, subdivision 1, is amended to read:

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

(1) a person under the age of 18 years except that a person under 18 may possess ammunition designed for use in a firearm that the person may lawfully possess and may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's 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 or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a 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;

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

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of chapter 152 or a similar law of another state; or a person who is or has ever been committed by a judicial determination for treatment for the habitual use of a controlled

substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

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

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

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

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

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

(10) a person who:

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

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

(iii) is an unlawful user of any controlled substance as defined in chapter 152. The use of medical cannabis flower or medical cannabinoid products by a patient enrolled in the

registry program or the use of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by a person 21 years of age or older does not constitute the unlawful use of a controlled substance under this item;

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

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

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

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

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

(11) a person who has been convicted of the following offenses at the gross misdemeanor level, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of these sections: section 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.666 (storage of firearms); 609.71 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified gross misdemeanor convictions include crimes committed in other states or jurisdictions which would have been gross misdemeanors if conviction occurred in this state;

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

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

(14) a person who is subject to an extreme risk protection order as described in section 624.7172 or 624.7174.

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

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

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

6.12 Participation as a patient in the registry program or use of adult-use cannabis flower,
6.13 adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
6.14 products by a person 21 years of age or older does not disqualify the person from possessing
6.15 firearms and ammunition under this section.

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

6.18 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
6.19 committed on or after that date.