

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2625

(SENATE AUTHORS: LATZ and Dziedzic)

DATE	D-PG	OFFICIAL STATUS
03/21/2019	1234	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy See First Special Session 2019, SF8, Art. 1

1.1

A bill for an act

1.2

relating to public safety; modifying certain provisions relating to courts, public

1.3

safety, corrections, crime, and firearms; requiring reports; providing for penalties;

1.4

appropriating money for public safety, courts, corrections, human rights, Guardian

1.5

Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board

1.6

of Public Defense, Sentencing Guidelines, Peace Officer Standards and Training

1.7

(POST) Board, and Private Detective Board; amending Minnesota Statutes 2018,

1.8

sections 299A.55, subdivisions 2, 4; 299A.707, by adding a subdivision; 299C.46,

1.9

subdivision 3; 299F.857; 340A.22, subdivision 4; 357.021, subdivision 7; 624.713,

1.10

subdivision 1; 624.7131; 624.7132; proposing coding for new law in Minnesota

1.11

Statutes, chapter 624.

1.12

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

1.13

ARTICLE 1

1.14

APPROPRIATIONS

1.15

Section 1. APPROPRIATIONS.

1.16

The sums shown in the columns marked "Appropriations" are appropriated to the agencies

1.17

and for the purposes specified in this article. The appropriations are from the general fund,

1.18

or another named fund, and are available for the fiscal years indicated for each purpose.

1.19

The figures "2020" and "2021" used in this article mean that the appropriations listed under

1.20

them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively.

1.21

"The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium"

1.22

is fiscal years 2020 and 2021. Appropriations for the fiscal year ending June 30, 2019, are

1.23

effective the day following final enactment.

1.24

1.25

1.26

1.27

APPROPRIATIONS

Available for the Year

Ending June 30

201920202021

2.1 Sec. 2. **SUPREME COURT**

2.2	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>59,088,000</u>	<u>\$</u>	<u>61,481,000</u>
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2.3 The amounts that may be spent for each
 2.4 purpose are specified in the following
 2.5 subdivisions.

2.6	<u>Subd. 2. Supreme Court Operations</u>		<u>43,722,000</u>		<u>45,193,000</u>
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2.7 **(a) Contingent Account**

2.8 \$5,000 each year is for a contingent account
 2.9 for expenses necessary for the normal
 2.10 operation of the court for which no other
 2.11 reimbursement is provided.

2.12 **(b) Judges' Compensation**

2.13 Judges' compensation is increased by three
 2.14 and one-half percent each year.

2.15 **(c) Cybersecurity Program**

2.16 \$2,500,000 each year is for a cybersecurity
 2.17 program.

2.18	<u>Subd. 3. Civil Legal Services</u>		<u>15,366,000</u>		<u>16,288,000</u>
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2.19 **Legal Services to Low-Income Clients in**
 2.20 **Family Law Matters.** \$1,062,000 in fiscal
 2.21 year 2020 and \$1,125,000 in fiscal year 2021
 2.22 are to improve the access of low-income
 2.23 clients to legal representation in family law
 2.24 matters. This appropriation must be distributed
 2.25 under Minnesota Statutes, section 480.242, to
 2.26 the qualified legal services program described
 2.27 in Minnesota Statutes, section 480.242,
 2.28 subdivision 2, paragraph (a). Any
 2.29 unencumbered balance remaining in the first
 2.30 year does not cancel and is available in the
 2.31 second year.

2.32	<u>Sec. 3. COURT OF APPEALS</u>	<u>\$</u>	<u>12,926,000</u>	<u>\$</u>	<u>13,356,000</u>
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3.1 **Judges' Compensation.** Judges' compensation
 3.2 is increased by three and one-half percent each
 3.3 year.

3.4 Sec. 4. **DISTRICT COURTS** \$ **311,808,000** \$ **322,294,000**

3.5 **(a) Judges' Compensation**

3.6 Judges' compensation is increased by three
 3.7 and one-half percent each year.

3.8 **(b) New Trial Judges**

3.9 \$912,000 the first year and \$846,000 the
 3.10 second year are for two new trial court judge
 3.11 units.

3.12 **(c) Mandated Psychological Services**

3.13 \$1,070,000 each year is for mandated court
 3.14 services.

3.15 **(d) Treatment Courts Stability**

3.16 \$306,000 each year is for treatment courts
 3.17 stability.

3.18 **(e) Gun Violence Prevention**

3.19 \$162,000 each year is to process petitions for
 3.20 extreme risk protection orders.

3.21 Sec. 5. **GUARDIAN AD LITEM BOARD** \$ **21,876,000** \$ **22,578,000**

3.22 **Compliance Positions.** \$4,205,000 the first
 3.23 year and \$4,443,000 the second year are for
 3.24 new positions to maintain compliance with
 3.25 federal and state mandates.

3.26 Sec. 6. **TAX COURT** \$ **1,807,000** \$ **1,808,000**

3.27 Sec. 7. **UNIFORM LAWS COMMISSION** \$ **98,000** \$ **98,000**

3.28 Sec. 8. **BOARD ON JUDICIAL STANDARDS** \$ **535,000** \$ **509,000**

3.29 **Major Disciplinary Actions.** \$125,000 each
 3.30 year is for special investigative and hearing
 3.31 costs for major disciplinary actions undertaken

4.1 by the board. This appropriation does not
 4.2 cancel. Any unencumbered and unspent
 4.3 balances remain available for these
 4.4 expenditures until June 30, 2023.

4.5 Sec. 9. **BOARD OF PUBLIC DEFENSE** \$ 98,670,000 \$ 109,650,000

4.6 Sec. 10. **SENTENCING GUIDELINES** \$ 679,000 \$ 687,000

4.7 Sec. 11. **PUBLIC SAFETY**

4.8 **Subdivision 1. Total Appropriation** \$ 211,380,000 \$ 210,718,000

4.9 Appropriations by Fund

4.10		<u>2020</u>	<u>2021</u>
4.11	<u>General</u>	<u>116,226,000</u>	<u>115,970,000</u>
4.12	<u>Special Revenue</u>	<u>13,251,000</u>	<u>13,251,000</u>
4.13	<u>State Government</u>		
4.14	<u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>
4.15	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
4.16	<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>
4.17	<u>911 Fund</u>	<u>77,650,000</u>	<u>77,650,000</u>
4.18	<u>Opioid Stewardship</u>	<u>1,648,000</u>	<u>1,242,000</u>

4.19 The amounts that may be spent for each
 4.20 purpose are specified in the following
 4.21 subdivisions.

4.22 **Subd. 2. Emergency Management** 13,820,000 13,820,000

4.23 Appropriations by Fund

4.24	<u>General</u>	<u>12,897,000</u>	<u>12,897,000</u>
4.25	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
4.26	<u>Special Revenue</u>		
4.27	<u>Fund</u>	<u>850,000</u>	<u>850,000</u>

4.28 **(a) Hazmat and Chemical Assessment**

4.29 **Teams**

4.30 \$850,000 each year is from the fire safety
 4.31 account in the special revenue fund. These
 4.32 amounts must be used to fund the hazardous
 4.33 materials and chemical assessment teams. Of
 4.34 this amount, \$100,000 the first year is for

5.1 cases for which there is no identified
5.2 responsible party.

5.3 **(b) Disaster Assistance Contingency**

5.4 **Account**

5.5 \$10,000,000 the first year and \$10,000,000
5.6 the second year are transferred from the
5.7 general fund to the disaster assistance
5.8 contingency account in the special revenue
5.9 fund under Minnesota Statutes, section 12.221,
5.10 subdivision 6. These are onetime
5.11 appropriations and transfers.

5.12 **(c) Supplemental Nonprofit Security Grants**

5.13 \$150,000 the first year is for supplemental
5.14 nonprofit security grants under this paragraph.

5.15 Nonprofit organizations whose applications
5.16 for funding through the Federal Emergency
5.17 Management Agency's nonprofit security grant
5.18 program have been approved by the Division
5.19 of Homeland Security and Emergency
5.20 Management are eligible for grants under this
5.21 paragraph. No additional application shall be
5.22 required for grants under this paragraph, and
5.23 an application for a grant from the federal
5.24 program is also an application for funding
5.25 from the state supplemental program.

5.26 Eligible organizations may receive grants of
5.27 up to \$75,000, except that the total received
5.28 by any individual from both the federal
5.29 nonprofit security grant program and the state
5.30 supplemental nonprofit security grant program
5.31 shall not exceed \$75,000. Grants shall be
5.32 awarded in an order consistent with the
5.33 ranking given to applicants for the federal
5.34 nonprofit security grant program. No grants

6.1 under the state supplemental nonprofit security
6.2 grant program shall be awarded until the
6.3 announcement of the recipients and the
6.4 amount of the grants awarded under the federal
6.5 nonprofit security grant program.

6.6 The commissioner may use up to one percent
6.7 of the appropriation received under this
6.8 paragraph to pay costs incurred by the
6.9 department in administering the supplemental
6.10 nonprofit security grant program.

6.11 **(d) Bomb Squad Reimbursements**

6.12 \$50,000 each year is for reimbursements to
6.13 local governments for bomb squad services.

6.14	<u>Subd. 3. Criminal Apprehension</u>	<u>65,572,000</u>	<u>64,961,000</u>
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6.15	<u>Appropriations by Fund</u>		
6.16	<u>General</u>	<u>61,488,000</u>	<u>61,283,000</u>
6.17	<u>State Government</u>		
6.18	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
6.19	<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>
6.20	<u>Opioid Stewardship</u>	<u>1,648,000</u>	<u>1,242,000</u>

6.21 **(a) DWI Lab Analysis; Trunk Highway**
6.22 **Fund**

6.23 Notwithstanding Minnesota Statutes, section
6.24 161.20, subdivision 3, \$2,429,000 the first
6.25 year and \$2,429,000 the second year are from
6.26 the trunk highway fund for laboratory analysis
6.27 related to driving-while-impaired cases.

6.28 **(b) FBI Cybersecurity Compliance**

6.29 \$1,501,000 the first year and \$1,325,000 the
6.30 second year are for staff and technology costs
6.31 to meet FBI cybersecurity requirements. The
6.32 base for fiscal year 2022 and thereafter is
6.33 \$1,175,000.

7.1 **(c) Automated Fingerprint Identification**
7.2 **System**

7.3 \$1,500,000 each year is to replace the current
7.4 automated fingerprint identification system
7.5 with a new leased technology system.

7.6 **(d) Base Adjustment**

7.7 To account for the base adjustments provided
7.8 in Laws of Minnesota 2018, chapter 211,
7.9 article 21, section 1, paragraph (a), the general
7.10 fund base is increased by \$131,000 in fiscal
7.11 years 2022 and 2023.

7.12 **(e) Opioid Stewardship**

7.13 \$1,648,000 the first year and \$1,242,000 the
7.14 second year are from the opioid stewardship
7.15 fund to investigate opioid cases, provide
7.16 statewide training, and reduce the backlog of
7.17 evidence to be tested.

7.18	<u>Subd. 4. Fire Marshal</u>	<u>6,622,000</u>	<u>6,622,000</u>
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7.19 Appropriations by Fund

7.20	<u>Special Revenue</u>	<u>6,622,000</u>	<u>6,622,000</u>
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7.21 The special revenue fund appropriation is from
7.22 the fire safety account in the special revenue
7.23 fund and is for activities under Minnesota
7.24 Statutes, section 299F.012.

7.25 **Inspections.** \$300,000 each year is for
7.26 inspection of nursing homes and boarding care
7.27 facilities.

7.28	<u>Subd. 5. Firefighter Training and Education</u>		
7.29	<u>Board</u>	<u>5,015,000</u>	<u>5,015,000</u>

7.30 Appropriations by Fund

7.31	<u>Special Revenue</u>	<u>5,015,000</u>	<u>5,015,000</u>
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7.32 The special revenue fund appropriation is from
7.33 the fire safety account in the special revenue

8.1 fund and is for activities under Minnesota
8.2 Statutes, section 299F.012.

8.3 **(a) Firefighter Training and Education**

8.4 \$4,265,000 each year is for firefighter training
8.5 and education.

8.6 **(b) Task Force 1**

8.7 \$500,000 each year is for the Minnesota Task
8.8 Force 1.

8.9 **(c) Air Rescue**

8.10 \$250,000 each year is for the Minnesota Air
8.11 Rescue Team.

8.12 **(d) Unappropriated Revenue**

8.13 Any additional unappropriated money
8.14 collected in fiscal year 2019 is appropriated
8.15 to the commissioner of public safety for the
8.16 purposes of Minnesota Statutes, section
8.17 299F.012. The commissioner may transfer
8.18 appropriations and base amounts between
8.19 activities in this subdivision.

8.20	<u>Subd. 6. Alcohol and Gambling Enforcement</u>	<u>2,754,000</u>	<u>2,762,000</u>
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8.21	<u>Appropriations by Fund</u>		
8.22	<u>General</u>	<u>1,990,000</u>	<u>1,998,000</u>
8.23	<u>Special Revenue</u>	<u>764,000</u>	<u>764,000</u>

8.24 \$694,000 the first year and \$694,000 the
8.25 second year are from the alcohol enforcement
8.26 account in the special revenue fund. Of this
8.27 appropriation, \$500,000 each year shall be
8.28 transferred to the general fund.

8.29 \$70,000 each year is from the lawful gambling
8.30 regulation account in the special revenue fund.

8.31 To account for the base adjustments provided
8.32 in Laws of Minnesota 2018, chapter 211,

9.1 article 21, section 1, paragraph (a), the general
 9.2 fund base is increased by \$8,000 in fiscal years
 9.3 2022 and 2023.

9.4 **Subd. 7. Office of Justice Programs** 39,947,000 39,888,000

9.5 Appropriations by Fund

9.6 General 39,851,000 39,792,000

9.7 State Government

9.8 Special Revenue 96,000 96,000

9.9 To account for the base adjustments provided
 9.10 in Laws of Minnesota 2018, chapter 211,
 9.11 article 21, section 1, paragraph (a), the general
 9.12 fund base is increased by \$2,000 in fiscal years
 9.13 2022 and 2023.

9.14 **(a) Administration Costs**

9.15 Up to 2.5 percent of the grant funds
 9.16 appropriated in this subdivision may be used
 9.17 by the commissioner to administer the grant
 9.18 program.

9.19 **(b) Indigenous Women Task Force**

9.20 \$105,000 the first year and \$45,000 the second
 9.21 year are to convene a task force on the causes
 9.22 and extent of victimization of indigenous
 9.23 women and girls and strategies to reduce
 9.24 violence. A report on policies and
 9.25 recommendations to reduce and end violence
 9.26 against indigenous women and girls is due to
 9.27 the legislature on December 15, 2020. These
 9.28 are onetime appropriations.

9.29 **Subd. 8. Emergency Communication Networks** 77,650,000 77,650,000

9.30 This appropriation is from the state
 9.31 government special revenue fund for 911
 9.32 emergency telecommunications services.

10.1 This appropriation includes funds for
10.2 information technology project services and
10.3 support subject to the provisions of Minnesota
10.4 Statutes, section 16E.0466. Any ongoing
10.5 information technology costs will be
10.6 incorporated into the service level agreement
10.7 and will be paid to the Office of MN.IT
10.8 Services by the Department of Public Safety
10.9 under the rates and mechanism specified in
10.10 that agreement.

10.11 **(a) Public Safety Answering Points**

10.12 \$13,664,000 each year is to be distributed as
10.13 provided in Minnesota Statutes, section
10.14 403.113, subdivision 2.

10.15 **(b) Medical Resource Communication Centers**

10.16 \$683,000 each year is for grants to the
10.17 Minnesota Emergency Medical Services
10.18 Regulatory Board for the Metro East and
10.19 Metro West Medical Resource
10.20 Communication Centers that were in operation
10.21 before January 1, 2000.

10.22 **(c) ARMER Debt Service**

10.23 \$23,261,000 each year is transferred to the
10.24 commissioner of management and budget to
10.25 pay debt service on revenue bonds issued
10.26 under Minnesota Statutes, section 403.275.

10.27 Any portion of this appropriation not needed
10.28 to pay debt service in a fiscal year may be used
10.29 by the commissioner of public safety to pay
10.30 cash for any of the capital improvements for
10.31 which bond proceeds were appropriated by
10.32 Laws 2005, chapter 136, article 1, section 9,
10.33 subdivision 8; or Laws 2007, chapter 54,
10.34 article 1, section 10, subdivision 8.

11.1 **(d) ARMER State Backbone Operating**

11.2 **Costs**

11.3 \$9,675,000 each year is transferred to the
 11.4 commissioner of transportation for costs of
 11.5 maintaining and operating the statewide radio
 11.6 system backbone.

11.7 **(e) ARMER Improvements**

11.8 \$1,000,000 each year is to the Statewide
 11.9 Emergency Communications Board for
 11.10 improvements to those elements of the
 11.11 statewide public safety radio and
 11.12 communication system that support mutual
 11.13 aid communications and emergency medical
 11.14 services or provide interim enhancement of
 11.15 public safety communication interoperability
 11.16 in those areas of the state where the statewide
 11.17 public safety radio and communication system
 11.18 is not yet implemented, and grants to local
 11.19 units of government to further the strategic
 11.20 goals set forth by the Statewide Emergency
 11.21 Communications Board strategic plan.

11.22 **Sec. 12. PEACE OFFICER STANDARDS AND**
 11.23 **TRAINING (POST) BOARD**

11.24 **Subdivision 1. Total**

11.25 **Appropriation** **\$ 500,000** **\$ 10,311,000** **\$ 10,311,000**

11.26 **Appropriations by Fund**

11.27		<u>2019</u>	<u>2020</u>	<u>2021</u>
11.28	<u>General</u>	<u>500,000</u>	<u>6,000,000</u>	<u>6,000,000</u>
11.29	<u>Special Revenue</u>	<u>-0-</u>	<u>4,311,000</u>	<u>4,311,000</u>

11.30 The amounts that may be spent for each
 11.31 purpose are specified in the following
 11.32 subdivisions.

12.1 Subd. 2. **Deficiency.**

12.2 \$500,000 in fiscal year 2019 is transferred
12.3 from the general fund to the peace officer
12.4 training account in the special revenue fund
12.5 to pay for a projected deficiency in the peace
12.6 officer training account.

12.7 Subd. 3. **Excess Amounts Transferred**

12.8 The special revenue fund appropriation is from
12.9 the peace officer training account. Any new
12.10 receipts credited to that account in the first
12.11 year in excess of \$4,311,000 must be
12.12 transferred and credited to the general fund.
12.13 Any new receipts credited to that account in
12.14 the second year in excess of \$4,311,000 must
12.15 be transferred and credited to the general fund.

12.16 Subd. 4. **Peace Officer Training Reimbursements**

12.17 \$2,859,000 each year is from the peace officer
12.18 training account in the special revenue fund
12.19 for reimbursements to local governments for
12.20 peace officer training costs.

12.21 Subd. 5. **Peace Officer Training Assistance**

12.22 \$6,000,000 each year is from the general fund
12.23 to support and strengthen law enforcement
12.24 training and implement best practices. The
12.25 base for this activity is \$0 in fiscal year 2022
12.26 and thereafter.

12.27 Subd. 6. **De-escalation Training**

12.28 \$100,000 each year is from the peace officer
12.29 training account in the special revenue fund
12.30 for training state and local community safety
12.31 personnel in the use of crisis de-escalation
12.32 techniques. When selecting a service provider
12.33 for this training, the board may consult with

13.1 any postsecondary institution, any state or
 13.2 local government official, or any
 13.3 nongovernment authority the board determines
 13.4 to be relevant. Among any other criteria the
 13.5 board may establish, the training provider must
 13.6 have a demonstrated understanding of the
 13.7 transitions and challenges that veterans may
 13.8 experience during their re-entry into society
 13.9 following combat service. The board must
 13.10 ensure that training opportunities provided are
 13.11 reasonably distributed statewide.

13.12 Sec. 13. **PRIVATE DETECTIVE BOARD** \$ 277,000 \$ 277,000

13.13 Sec. 14. **HUMAN RIGHTS** \$ 6,877,000 \$ 7,224,000

13.14 \$10,000 in fiscal year 2021 is for a micro-grant
 13.15 program for capacity building by local units
 13.16 of government and local groups.

13.17 Sec. 15. **CORRECTIONS**

13.18 Subdivision 1. Total Appropriation \$ 638,394,000 \$ 661,118,000

13.19 Appropriations by Fund

13.20		<u>2020</u>	<u>2021</u>
13.21	<u>General</u>	<u>637,429,000</u>	<u>660,153,000</u>
13.22	<u>Opioid Stewardship</u>	<u>965,000</u>	<u>965,000</u>

13.23 The amounts that may be spent for each
 13.24 purpose are specified in the following
 13.25 subdivisions.

13.26 Subd. 2. Correctional Institutions 464,310,000 478,209,000

13.27 Appropriations by Fund

13.28		<u>2020</u>	<u>2021</u>
13.29	<u>General</u>	<u>463,345,000</u>	<u>477,244,000</u>
13.30	<u>Opioid Stewardship</u>	<u>965,000</u>	<u>965,000</u>

13.31 **(a) Base Adjustment**

13.32 To account for the base adjustments provided
 13.33 in Laws 2018, chapter 211, article 21, section

14.1 1, paragraph (a), the base is increased by
14.2 \$2,342,000 in fiscal year 2022 and \$2,342,000
14.3 in fiscal year 2023.

14.4 **(b) Facility Staff Positions**

14.5 \$2,968,000 in fiscal year 2020 and \$7,645,000
14.6 in fiscal year 2021 are to add 120 full-time
14.7 equivalent positions for correctional officers
14.8 and six full-time equivalent positions for
14.9 corrections lieutenants located in correctional
14.10 facilities. \$1,709,000 is added to the base in
14.11 each of fiscal years 2022 and 2023.

14.12 **(c) Staffing Recruitment and Retention**

14.13 \$4,000,000 each year is for staffing
14.14 recruitment and retention.

14.15 **(d) Offender Health Care**

14.16 \$2,072,000 in fiscal year 2020 and \$3,272,000
14.17 in fiscal year 2021 are to maintain full funding
14.18 of the offender health care contract.

14.19 **(e) Security**

14.20 \$8,500,000 in fiscal year 2020 and \$5,600,000
14.21 in fiscal year 2021 are to upgrade critical
14.22 security infrastructure and modernize critical
14.23 security systems. Of the fiscal year 2021
14.24 amount, \$3,600,000 is onetime funding that
14.25 does not remain in the base for each of fiscal
14.26 years 2022 and 2023.

14.27 **(f) Safety and Security Staff**

14.28 \$891,000 in fiscal year 2020 and \$1,426,000
14.29 in fiscal year 2021 are to add full-time
14.30 equivalent positions deemed critical to facility
14.31 safety and security.

14.32 **(g) Restrictive Housing Reform**

15.1 \$844,000 in fiscal year 2020 and \$1,688,000
15.2 in fiscal year 2021 are to implement restrictive
15.3 housing reforms that will reduce the risk of
15.4 future misconduct and comply with federal
15.5 guidelines and accreditation standards.

15.6 **(h) Offender Medical Services**

15.7 \$879,000 in fiscal year 2020 and \$2,160,000
15.8 in fiscal year 2021 are to expand and improve
15.9 offender medical services.

15.10 **(i) Juvenile Correction Management**

15.11 \$1,088,000 in fiscal year 2020 and \$412,000
15.12 in fiscal year 2021 are to replace the Juvenile
15.13 Correctional Management System. These are
15.14 onetime appropriations.

15.15 **(j) Opioid Treatment**

15.16 \$965,000 each year are from the opioid
15.17 stewardship fund to expand access to opioid
15.18 treatment and services for offenders, including
15.19 those who are being released to the
15.20 community.

15.21	<u>Subd. 3. Community Services</u>	<u>142,126,000</u>	<u>149,450,000</u>
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15.22 **(a) Base Adjustment**

15.23 To account for the base adjustments provided
15.24 in Laws 2018, chapter 211, article 21, section
15.25 1, paragraph (a), the base is increased by
15.26 \$168,000 in fiscal year 2022 and \$168,000 in
15.27 fiscal year 2023.

15.28 **(b) Pretrial Services and Supervision**

15.29 \$975,000 in fiscal year 2020 and \$1,950,000
15.30 in fiscal year 2021 are to provide pretrial
15.31 services and pretrial supervision to offenders.

15.32 **(c) Community Corrections Act Subsidy**

16.1 \$1,650,000 in fiscal year 2020 and \$3,300,000
16.2 in fiscal year 2021 are added to the
16.3 Community Corrections Act subsidy, as
16.4 described in Minnesota Statutes, section
16.5 401.14, to provide pretrial services and pretrial
16.6 supervision to offenders.

16.7 \$2,033,000 in fiscal year 2020 and \$4,067,000
16.8 in fiscal year 2021 are added to the
16.9 Community Corrections Act subsidy, as
16.10 described in Minnesota Statutes, section
16.11 401.14, to provide intensive supervised to
16.12 offenders in the community.

16.13 **(d) County Probation Officers**

16.14 \$100,000 in fiscal year 2020 and \$200,000 in
16.15 fiscal year 2021 are for county probation
16.16 officers reimbursement as described in
16.17 Minnesota Statutes, section 244.19,
16.18 subdivision 6, to provide pretrial services and
16.19 pretrial supervision to offenders.

16.20 **(e) Intensive Supervision Agents**

16.21 \$1,167,000 in fiscal year 2020 and \$2,333,000
16.22 in fiscal year 2021 are to increase the number
16.23 of supervision agents for offenders on
16.24 intensive supervised release through the
16.25 Department of Corrections.

16.26 **(f) Integrated Offender Case Management**
16.27 **Services**

16.28 \$642,000 in fiscal year 2020 and \$1,662,000
16.29 in fiscal year 2021 are to expand and improve
16.30 integrated offender case management services.
16.31 \$386,000 is added to the base in each of fiscal
16.32 years 2022 and 2023.

16.33 **(g) Victim Notification System Replacement**

17.1 \$600,000 in fiscal year 2020 and \$200,000 in
17.2 fiscal year 2021 are to complete the
17.3 replacement of the Department of Corrections'
17.4 Victim Notification System. This is onetime
17.5 funding for the fiscal year 2020-2021
17.6 biennium.

17.7 **(h) High-Risk Offenders**

17.8 \$1,500,000 each year is to provide electronic
17.9 monitoring services and transitional housing
17.10 for high-risk offenders under supervision by
17.11 the Department of Corrections.

17.12 **(i) Transportation Services to Children of**
17.13 **Incarcerated Parents**

17.14 \$150,000 each year is for grants to nonprofit
17.15 organizations to provide transportation
17.16 services to children of incarcerated parents at
17.17 up to three correctional facilities.

17.18 **(j) Culturally Specific Reintegration**
17.19 **Services for Adult American Indian**
17.20 **Offenders**

17.21 \$425,000 each year is for grants to
17.22 community-based providers to deliver
17.23 culturally specific reintegration services for
17.24 adult American Indian offenders.

17.25 **(k) Parenting Skills**

17.26 \$425,000 each year is to improve parenting
17.27 skills at four correctional facilities.

17.28 **Subd. 4. Operations Support** 31,958,000 33,459,000

17.29 **(a) Base Adjustment**

17.30 To account for the base adjustments provided
17.31 in Laws 2018, chapter 211, article 21, section
17.32 1, paragraph (a), the base is increased by

18.1 \$64,000 in fiscal year 2022 and \$64,000 in
18.2 fiscal year 2023.

18.3 **(b) Critical Technology Needs**

18.4 \$3,100,000 in fiscal year 2020 and \$4,300,000
18.5 in fiscal year 2021 are to support critical
18.6 technology needs.

18.7 **(c) Staff Recruiting**

18.8 \$160,000 each year is to fund positions
18.9 responsible for recruiting staff to work for the
18.10 Department of Corrections.

18.11 **ARTICLE 2**

18.12 **PUBLIC SAFETY**

18.13 Section 1. Minnesota Statutes 2018, section 299A.55, subdivision 2, is amended to read:

18.14 Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety
18.15 account is created in the special revenue fund. The account consists of funds collected under
18.16 subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

18.17 (b) ~~\$104,000~~ \$250,000 is annually appropriated from the railroad and pipeline safety
18.18 account to the commissioner of the Pollution Control Agency for environmental protection
18.19 activities related to railroad discharge preparedness under chapter 115E.

18.20 ~~(c) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from~~
18.21 ~~the railroad and pipeline safety account to the commissioner of transportation for improving~~
18.22 ~~safety at railroad grade crossings.~~

18.23 ~~(d)~~ (c) Following the appropriation in paragraphs (b) and (c), the remaining money in
18.24 the account is annually appropriated to the commissioner of public safety for the purposes
18.25 specified in subdivision 3.

18.26 Sec. 2. Minnesota Statutes 2018, section 299A.55, subdivision 4, is amended to read:

18.27 Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess
18.28 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph
18.29 (b). The commissioner shall deposit funds collected under this subdivision in the railroad
18.30 and pipeline safety account under subdivision 2.

(b) The assessment for each railroad is 50 percent of the total annual assessment amount, divided in equal proportion between applicable rail carriers based on route miles operated in Minnesota. The assessment for each pipeline company is 50 percent of the total annual assessment amount, divided in equal proportion between companies based on the yearly aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

~~(c) The assessments under this subdivision expire July 1, 2017.~~

Sec. 3. Minnesota Statutes 2018, section 299A.707, is amended by adding a subdivision to read:

Subd. 6. **Annual transfer.** In fiscal year 2019 and each year thereafter, the commissioner of management and budget shall transfer \$461,000 from the general fund to the community justice reinvestment account.

Sec. 4. Minnesota Statutes 2018, section 299C.46, subdivision 3, is amended to read:

Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network shall be used exclusively by:

(1) criminal justice agencies in connection with the performance of duties required by law;

(2) agencies investigating federal security clearances of individuals for assignment or retention in federal employment with duties related to national security, as required by United States Code, title 5, section 9101;

(3) other agencies to the extent necessary to provide for protection of the public or property in a declared emergency or disaster situation;

(4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct checks into state databases prior to disbursing licenses or providing benefits;

(5) the public authority responsible for child support enforcement in connection with the performance of its duties;

(6) the public defender, as provided in section 611.272;

(7) a county attorney or the attorney general, as the county attorney's designee, for the purpose of determining whether a petition for the civil commitment of a proposed patient as a sexual psychopathic personality or as a sexually dangerous person should be filed, and during the pendency of the commitment proceedings;

(8) an agency of the state or a political subdivision whose access to systems or services provided from or through the bureau is specifically authorized by federal law or regulation or state statute; and

(9) a court for access to data as authorized by federal law or regulation or state statute and related to the disposition of a pending case.

(b) The commissioner of public safety shall establish a monthly network access charge to be paid by each participating criminal justice agency. The network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the data communications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.

(c) The commissioner of public safety is authorized to arrange for the connection of the data communications network with the criminal justice information system of the federal government, any state, or country for the secure exchange of information for any of the purposes authorized in paragraph (a), clauses (1), (2), (3), (8) and (9).

(d) Prior to establishing a secure connection, a criminal justice agency that is not part of the Minnesota judicial branch must:

(1) agree to comply with all applicable policies governing access to, submission of or use of the data and Minnesota law governing the classification of the data;

(2) meet the bureau's security requirements;

(3) agree to pay any required fees; and

(4) conduct fingerprint-based state and national background checks on its employees and contractors as required by the Federal Bureau of Investigation.

(e) Prior to establishing a secure connection, a criminal justice agency that is part of the Minnesota judicial branch must:

(1) agree to comply with all applicable policies governing access to, submission of or use of the data and Minnesota law governing the classification of the data to the extent applicable and with the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court;

(2) meet the bureau's security requirements;

(3) agree to pay any required fees; and

21.1 (4) conduct fingerprint-based state and national background checks on its employees
21.2 and contractors as required by the Federal Bureau of Investigation.

21.3 (f) Prior to establishing a secure connection, a noncriminal justice agency must:

21.4 (1) agree to comply with all applicable policies governing access to, submission of or
21.5 use of the data and Minnesota law governing the classification of the data;

21.6 (2) meet the bureau's security requirements;

21.7 (3) agree to pay any required fees; and

21.8 (4) conduct fingerprint-based state and national background checks on its employees
21.9 and contractors.

21.10 (g) Those noncriminal justice agencies that do not have a secure network connection
21.11 yet receive data either retrieved over the secure network by an authorized criminal justice
21.12 agency or as a result of a state or federal criminal history records check shall conduct a
21.13 background check as provided in paragraph (h) of those individuals who receive and review
21.14 the data to determine another individual's eligibility for employment, housing, a license, or
21.15 another legal right dependent on a statutorily mandated background check and on any
21.16 contractor with access to the results of a federal criminal history records check.

21.17 (h) The background check required by paragraph (f) or (g) is accomplished by submitting
21.18 a request to the superintendent of the Bureau of Criminal Apprehension that includes a
21.19 signed, written consent for the Minnesota and national criminal history records check,
21.20 fingerprints, and the required fee. The superintendent may exchange the fingerprints with
21.21 the Federal Bureau of Investigation for purposes of obtaining the individual's national
21.22 criminal history record information.

21.23 The superintendent shall return the results of the national criminal history records check to
21.24 the noncriminal justice agency to determine if the individual is qualified to have access to
21.25 state and federal criminal history record information or the secure network. An individual
21.26 is disqualified when the state and federal criminal history record information show any of
21.27 the disqualifiers that the individual will apply to the records of others.

21.28 When the individual is to have access to the secure network, the noncriminal justice agency
21.29 shall review the criminal history of each employee or contractor with the Criminal Justice
21.30 Information Services systems officer at the bureau, or the officer's designee, to determine
21.31 if the employee or contractor qualifies for access to the secure network. The Criminal Justice
21.32 Information Services systems officer or the designee shall make the access determination

22.1 based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension
22.2 policy.

22.3 Sec. 5. Minnesota Statutes 2018, section 299F.857, is amended to read:

22.4 **299F.857 REDUCED CIGARETTE IGNITION PROPENSITY ACCOUNT.**

22.5 The reduced cigarette ignition propensity account is established in the state treasury.
22.6 The account consists of all money recovered as penalties under section 299F.854 and fees
22.7 collected under section 299F.852, subdivision 5. The money must be deposited to the credit
22.8 of the account and, in addition to any other money made available for such purpose, is
22.9 appropriated to the state fire marshal for costs associated with the development and
22.10 presentation of fire and life safety education programs throughout Minnesota, and all costs
22.11 associated with sections 299F.850 to 299F.859.

22.12 Sec. 6. Minnesota Statutes 2018, section 340A.22, subdivision 4, is amended to read:

22.13 Subd. 4. **Off-sale license.** A microdistillery may be issued a license by the local licensing
22.14 authority for off-sale of distilled spirits, with the approval of the commissioner. The license
22.15 may allow the sale of one 375 milliliter bottle per customer per day of product manufactured
22.16 on site, subject to the following requirements:

22.17 (1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in
22.18 the licensing municipality; and

22.19 (2) no brand may be sold at the microdistillery unless it is also available for distribution
22.20 by wholesalers.

22.21 Sec. 7. Minnesota Statutes 2018, section 357.021, subdivision 7, is amended to read:

22.22 Subd. 7. **Disbursement of surcharges by commissioner of management and**
22.23 **budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of
22.24 management and budget shall disburse surcharges received under subdivision 6 and section
22.25 97A.065, subdivision 2, as follows:

22.26 (1) one percent shall be credited to the peace officer training account in the game and
22.27 fish fund to provide peace officer training for employees of the Department of Natural
22.28 Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer
22.29 authority for the purpose of enforcing game and fish laws;

22.30 (2) ~~39~~ 62 percent shall be credited to the peace officers training account in the special
22.31 revenue fund; and

(3) ~~60~~ 37 percent shall be credited to the general fund.

(b) The commissioner of management and budget shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

(c) In addition to any amounts credited under paragraph (a), the commissioner of management and budget shall credit \$47 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

(d) If the Ramsey County Board of Commissioners authorizes imposition of the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of management and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

ARTICLE 3

FIREARM TRANSFERS

Section 1. Minnesota Statutes 2018, section 624.7131, is amended to read:

624.7131 TRANSFEE PERMIT; PENALTY.

Subdivision 1. **Information.** Any person 21 years of age or older may apply for a transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a ~~pistol or semiautomatic military-style assault weapon~~ firearm under section 624.713, subdivision 1; and

(4) a statement by the proposed transferee that the proposed transferee is 21 years of age or older and is not prohibited by section 624.713 from possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm.

The statements shall be signed and dated by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 3. **Forms.** Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit.

Subd. 4. **Grounds for disqualification.** A determination by the chief of police or sheriff that the applicant is either: (1) prohibited by section 624.713 from possessing a ~~pistol or semiautomatic military-style assault weapon~~ or receiving a firearm; or (2) under 21 years of age shall be the only basis for refusal to grant a transferee permit.

Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee permit or deny the application within seven days of application for the permit.

(b) In the case of a denial, the chief of police or sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial.

(c) The permits and their renewal shall be granted free of charge.

Subd. 6. **Permits valid statewide.** (a) A transferee ~~permits~~ permit issued pursuant to this section ~~are~~ is valid statewide for the transfer of a single firearm and shall expire immediately after one year. A transferee permit may be renewed in the same manner and subject to the same provisions by which the original permit was obtained, except that all

25.1 ~~renewed permits must comply with the standards adopted by the commissioner under section~~
25.2 ~~624.7151. either:~~

25.3 (1) the holder receives a firearm from a transferor, unless the transfer is excluded under
25.4 section 624.7134, subdivision 6; or

25.5 (2) 30 days have elapsed from the date the transferee permit was issued to the holder.

25.6 (b) Permits issued pursuant to this section are not transferable. A person who transfers
25.7 a permit in violation of this subdivision is guilty of a misdemeanor.

25.8 Subd. 7. **Permit voided.** The transferee permit shall be void at the time that the holder
25.9 becomes prohibited from possessing or receiving a pistol firearm under section 624.713, in
25.10 which event the holder shall return the permit within five days to the issuing authority.
25.11 Failure of the holder to return the permit within the five days is a misdemeanor unless the
25.12 court finds that the circumstances or the physical or mental condition of the permit holder
25.13 prevented the holder from complying with the return requirement.

25.14 Subd. 8. **Hearing upon denial.** Any person aggrieved by denial of a transferee permit
25.15 may appeal the denial to the district court having jurisdiction over the county or municipality
25.16 in which the denial occurred.

25.17 ~~Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714~~
25.18 ~~constitutes a transferee permit for the purposes of this section and section 624.7132.~~

25.19 ~~Subd. 10. **Transfer report not required.** A person who transfers a pistol or~~
25.20 ~~semiautomatic military-style assault weapon to a person exhibiting a valid transferee permit~~
25.21 ~~issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714~~
25.22 ~~is not required to file a transfer report pursuant to section 624.7132, subdivision 1.~~

25.23 Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee
25.24 permit knowing or having reason to know the statement is false is guilty of a ~~gross~~
25.25 ~~misdemeanor~~ felony.

25.26 Subd. 12. **Local regulation.** This section shall be construed to supersede municipal or
25.27 county regulation of the issuance of transferee permits.

25.28 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
25.29 committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 624.7132, is amended to read:

624.7132 REPORT OF TRANSFER.

Subdivision 1. **Required information.** Except as provided in this section and section 624.7131, every person who agrees to transfer a ~~pistol or semiautomatic military-style assault weapon~~ firearm shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the proposed transferee resides or to the appropriate county sheriff if there is no such local chief of police:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a ~~pistol or semiautomatic military-style assault weapon~~ firearm under section 624.713, subdivision 1;

(4) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm; and

(5) the address of the place of business of the transferor.

The report shall be signed and dated by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail the transferee's right of appeal under subdivision 13.

Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall deliver a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a proposed transferee until five business days after the date the agreement to transfer is delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven-day waiting period. The chief of police or sheriff may waive all or a portion of the five business day waiting period in writing if the chief of police or sheriff finds that the transferee requires access to a ~~pistol or semiautomatic military-style assault weapon~~ firearm because of a threat to the life of the transferee or of any member of the household of the transferee.

No person shall deliver a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within five business days after delivery of the agreement to transfer, the ~~pistol or semiautomatic military-style assault weapon~~ firearm may be delivered to the transferee.

Subd. 5. **Grounds for disqualification.** A determination by the chief of police or sheriff that the proposed transferee is prohibited by section 624.713 from possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm shall be the sole basis for a notification of disqualification under this section.

~~Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.~~

Subd. 8. **Report not required.** If the proposed transferee presents a ~~valid transferee permit issued under section 624.7131~~ or a valid permit to carry issued under section 624.714, the transferor need not file a transfer report.

Subd. 9. ~~Number of pistols or semiautomatic military-style assault weapons~~
firearms. Any number of ~~pistols or semiautomatic military-style assault weapons~~ firearms
may be the subject of a single transfer agreement and report to the chief of police or sheriff.
Nothing in this section or section 624.7131 shall be construed to limit or restrict the number
of ~~pistols or semiautomatic military-style assault weapons~~ firearms a person may acquire.

Subd. 10. **Restriction on records.** If, after a determination that the transferee is not a
person prohibited by section 624.713 from possessing a ~~pistol or semiautomatic military-style~~
~~assault weapon~~ firearm, a transferee requests that no record be maintained of the fact of
who is the transferee of a ~~pistol or semiautomatic military-style assault weapon~~ firearm, the
chief of police or sheriff shall sign the transfer report and return it to the transferee as soon
as possible. Thereafter, no government employee or agency shall maintain a record of the
transfer that identifies the transferee, and the transferee shall retain the report of transfer.

Subd. 11. **Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms
available throughout the community. There shall be no charge for forms, reports,
investigations, notifications, waivers or any other act performed or materials provided by
a government employee or agency in connection with a transfer.

Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision 1f,
this section shall not apply to transfers of antique firearms as curiosities or for their historical
significance or value, transfers to or between federally licensed firearms dealers, transfers
by order of court, involuntary transfers, transfers at death or the following transfers:

(1) a transfer by a person other than a federally licensed firearms dealer;

(2) a loan to a prospective transferee if the loan is intended for a period of no more than
one day;

(3) the delivery of a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a
person for the purpose of repair, reconditioning or remodeling;

(4) a loan by a teacher to a student in a course designed to teach marksmanship or safety
with a pistol and approved by the commissioner of natural resources;

(5) a loan between persons at a firearms collectors exhibition;

(6) a loan between persons lawfully engaged in hunting or target shooting if the loan is
intended for a period of no more than 12 hours;

(7) a loan between law enforcement officers who have the power to make arrests other
than citizen arrests; and

(8) a loan between employees or between the employer and an employee in a business if the employee is required to carry a ~~pistol or semiautomatic military-style assault weapon~~ firearm by reason of employment and is the holder of a valid permit to carry a pistol.

Subd. 13. **Appeal.** A person aggrieved by the determination of a chief of police or sheriff that the person is prohibited by section 624.713 from possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm may appeal the determination as provided in this subdivision. The district court shall have jurisdiction of proceedings under this subdivision.

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm by section 624.713.

~~Subd. 14. **Transfer to unknown party.** (a) No person shall transfer a pistol or semiautomatic military-style assault weapon to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor.~~

~~(b) No person who is not personally known to the transferor shall become a transferee of a pistol or semiautomatic military-style assault weapon unless the person presents evidence of identity to the transferor.~~

~~(c) The evidence of identity shall contain the name, residence address, date of birth, and photograph of the proposed transferee; must be made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization; and must be of a type commonly accepted for the purpose of identification of individuals.~~

~~(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault weapon in violation of this subdivision is guilty of a misdemeanor.~~

Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who does any of the following is guilty of a gross misdemeanor:

(1) transfers a ~~pistol or semiautomatic military-style assault weapon~~ firearm in violation of subdivisions 1 to 13;

(2) transfers a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

(4) makes a false statement in order to become a transferee of a ~~pistol or semiautomatic military-style assault weapon~~ firearm knowing or having reason to know the statement is false.

(b) A person who does either of the following is guilty of a felony:

(1) transfers a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a person under the age of 18 in violation of subdivisions 1 to 13; or

(2) transfers a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a person under the age of 18 who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement.

Subd. 16. **Local regulation.** This section shall be construed to supersede municipal or county regulation of the transfer of ~~pistols~~ firearms.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 3. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK REQUIRED.**

Subdivision 1. Definitions. (a) As used in this section, the following terms have the meanings provided in this subdivision.

(b) "Firearms dealer" means a person who is licensed by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code, title 18, section 923(a).

(c) "State or federally issued identification" means a document or card made or issued by or under the authority of the United States government or the state that contains the person's name, residence address, date of birth, and photograph and is of a type commonly accepted for the purpose of identification of individuals.

(d) "Relative" means a spouse, parent, stepparent, child, stepchild, brother, sister, aunt, uncle, grandparent, or grandchild by blood or marriage.

Subd. 2. Background check and evidence of identity. A person who is not a firearms dealer is prohibited from transferring possession or ownership of a firearm to any other person who is not a firearms dealer, unless the transferee presents a valid transferee permit issued under section 624.7131 and a current state or federally issued identification.

Subd. 3. Record of transfer; required information. (a) When two parties complete the transfer of a firearm under subdivision 2, the transferor and transferee must complete a

31.1 record of transfer on a form designed and made publicly available without fee for this
31.2 purpose by the superintendent of the Bureau of Criminal Apprehension. Each page of the
31.3 record of transfer must be signed and dated by the transferor and the transferee and contain
31.4 the serial number of the firearm.

31.5 (b) The record of transfer must contain the following information:

31.6 (1) a clear photocopy of each person's current state or federally issued identification;

31.7 (2) a clear photocopy of the transferee permit presented by the transferee; and

31.8 (3) a signed statement by the transferee swearing that the transferee is not currently
31.9 prohibited by state or federal law from possessing a firearm.

31.10 (c) The record of transfer must also contain the following information regarding the
31.11 transferred firearm:

31.12 (1) the type of firearm;

31.13 (2) the manufacturer, make, and model of the firearm; and

31.14 (3) the firearm's manufacturer-assigned serial number.

31.15 (d) Both the transferor and the transferee must retain a copy of the record of transfer
31.16 and any attachments to the record of transfer.

31.17 Subd. 4. **Compulsory production of a record of transfer; gross misdemeanor**

31.18 **penalty.** (a) The transferor and transferee of a firearm transferred under this section must
31.19 produce the record of transfer when a peace officer requests the record as part of a criminal
31.20 investigation.

31.21 (b) A person who refuses or is unable to produce a record of transfer for a firearm
31.22 transferred under this section in response to a request for production made by a peace officer
31.23 pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for
31.24 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime
31.25 committed involving the transferred firearm.

31.26 Subd. 5. **Immunity.** A person is immune to a charge of violating this section if the person
31.27 presents a record of transfer that satisfies the requirements of subdivision 3.

31.28 Subd. 6. **Exclusions.** (a) This section shall not apply to the following transfers:

31.29 (1) a transfer by or to a federally licensed firearms dealer;

31.30 (2) a transfer by or to any law enforcement agency;

- 32.1 (3) to the extent the transferee is acting within the course and scope of employment and
32.2 official duties, a transfer to:
- 32.3 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);
32.4 (ii) a member of the armed forces of the United States, the National Guard, or the
32.5 Reserves of the United States armed forces;
- 32.6 (iii) a federal law enforcement officer; or
32.7 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;
- 32.8 (4) a transfer between immediate family members, which for the purposes of this section
32.9 means spouses, domestic partners, parents, children, siblings, grandparents, and
32.10 grandchildren;
- 32.11 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
32.12 or a trust that occurs by operation of law upon the death of the former owner of the firearm;
- 32.13 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;
- 32.14 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
32.15 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
32.16 by United States Code, title 18, section 921(a)(13), who each have in their possession a
32.17 valid collector of curio and relics license issued by the United States Department of Justice,
32.18 Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 32.19 (8) the temporary transfer of a firearm if:
- 32.20 (i) the transfer is necessary to prevent imminent death or great bodily harm; and
32.21 (ii) the person's possession lasts only as long as immediately necessary to prevent such
32.22 imminent death or great bodily harm; and
- 32.23 (9) a temporary transfer if the transferee's possession of the firearm following the transfer
32.24 is only:
- 32.25 (i) at a shooting range that operates in compliance with the performance standards under
32.26 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance
32.27 is not required by the governing body of the jurisdiction, at an established shooting range
32.28 operated consistently with local law in the jurisdiction;
- 32.29 (ii) at a lawfully organized competition involving the use of a firearm, or while
32.30 participating in or practicing for a performance by an organized group that uses firearms as
32.31 part of the performance;

(iii) while hunting or trapping if the hunting or trapping is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for hunting or trapping; or

(iv) while in the actual presence of the transferor.

(b) A transfer under this subdivision is permitted only if the transferor has no reason to believe:

(1) that the transferee is prohibited by federal law from buying or possessing firearms or not entitled under state law to possess firearms;

(2) if the transferee is under 21 years of age and is receiving the firearm under direct supervision and control of an adult, that the adult is prohibited by federal law from buying or possessing firearms or not entitled under state law to possess firearms; or

(3) that the transferee will use or intends to use the firearm in the commission of a crime.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

ARTICLE 4

FIREARM POSSESSION

Section 1. Minnesota Statutes 2018, 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;

(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); 609.71 (riot); or 609.749 (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); ~~or~~

(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 624.7162 or 624.7164.

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

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

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

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

Sec. 2. [624.7171] EXTREME RISK PROTECTION ORDERS.

Subdivision 1. **Definitions.** As used in sections 624.7171 to 624.7178, the term "family or household members" has the meaning given in section 518B.01, subdivision 2.

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

37.1 Subd. 3. **Information on petitioner's location or residence.** Upon the petitioner's
37.2 request, information maintained by the court regarding the petitioner's location or residence
37.3 is not accessible to the public and may be disclosed only to court personnel or law
37.4 enforcement for purposes of service of process, conducting an investigation, or enforcing
37.5 an order.

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

37.9 (b) A petition for relief under sections 624.7171 to 624.7178 may be made by any family
37.10 or household members, the chief law enforcement officer or a designee, a city or county
37.11 attorney, or a guardian as defined in section 524.1-201, clause (26).

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

37.18 (d) A petition for emergency relief under section 624.7174 shall additionally allege that
37.19 the respondent presents an immediate and present danger of bodily injury.

37.20 (e) A petition for relief must state whether there is an existing order in effect under
37.21 sections 624.7171 to 624.7178, or chapter 260C or 518B governing the respondent and
37.22 whether there is a pending lawsuit, complaint, petition, or other action between the parties
37.23 under sections 624.7171 to 624.7178, or chapter 257, 518, 518A, 518B, or 518C. The court
37.24 administrator shall verify the terms of any existing order governing the parties. The court
37.25 may not delay granting relief because of the existence of a pending action between the
37.26 parties or the necessity of verifying the terms of an existing order. A petition for relief may
37.27 be granted whether or not there is a pending action between the parties.

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

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

37.32 (h) The state court administrator shall create all forms necessary under sections 624.7171
37.33 to 624.7178.

(i) The filing fees for an extreme risk protection order under this section are waived for the petitioner and respondent. The court administrator, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when the sheriff or other law enforcement or corrections officer is unavailable or if service is made by publication, without requiring the petitioner to make application under section 563.01.

(j) The court shall advise the petitioner of the right to serve the respondent by alternate notice under section 624.7172, subdivision 1, paragraph (e), if the respondent is avoiding personal service by concealment or otherwise, and shall assist in the writing and filing of the affidavit.

(k) The court shall advise the petitioner of the right to request a hearing under section 624.7174, paragraph (b). If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.

(l) An extreme risk protection order issued under sections 624.7171 to 624.7178 applies throughout the state.

(m) Any proceeding under sections 624.7171 to 624.7178 shall be in addition to other civil or criminal remedies.

(n) All health records and other health information provided in a petition or considered as evidence in a proceeding under sections 624.7171 to 624.7178 shall be protected from public disclosure but may be provided to law enforcement agencies as described in this section.

(o) Any extreme risk protection order or subsequent extension issued under sections 624.7171 to 624.7178 shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the respondent. Each appropriate law enforcement agency shall make available to other law enforcement officers, through a system for verification, information as to the existence and status of any extreme risk protection order issued under sections 624.7171 to 624.7178.

Sec. 3. **[624.7172] EXTREME RISK PROTECTION ORDERS ISSUED AFTER HEARING.**

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

(b) The court shall advise the petitioner of the right to request an emergency extreme risk protection order under section 624.7174 separately from or simultaneously with the petition under this subdivision.

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

(d) Personal service of notice for the hearing may be made upon the respondent at any time up to 12 hours prior to the time set for the hearing, provided that the respondent at the hearing may request a continuance of up to five days if the respondent is served less than five days prior to the hearing, which continuance shall be granted unless there are compelling reasons not to do so. If the court grants the requested continuance, and an existing emergency order under section 624.7174 will expire due to the continuance, the court shall also issue a written order continuing the emergency order pending the new time set for the hearing.

(e) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons. The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be

40.1 forwarded or communicated to the respondent. The court may also order publication, within
40.2 or without the state, but only if it might reasonably succeed in notifying the respondent of
40.3 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
40.4 court-ordered publication.

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

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

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

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

40.14 (3) a violation of any court order including, but not limited to, orders issued under
40.15 sections 624.7171 to 624.7178, or chapter 260C or 518B;

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

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

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

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

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

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

40.27 (d) If the court finds there is a preponderance of the evidence to issue an extreme risk
40.28 protection order, the court shall issue the order prohibiting the person from possessing a
40.29 firearm for the duration of the order. The court shall inform the respondent that the respondent
40.30 is prohibited from possessing firearms and shall issue a transfer order under section 624.7175.
40.31 The court shall also give notice to the county attorney's office, which may take action as it
40.32 deems appropriate.

41.1 (e) The order shall have a fixed period, to be determined by the court, of not less than
41.2 six months and not more than two years, subject to renewal or extension under section
41.3 624.7173.

41.4 (f) If there is no existing emergency order under section 624.7174 at the time an order
41.5 is granted under this section, the court shall determine by a preponderance of the evidence
41.6 whether the respondent presents an immediate and present danger of bodily injury. If the
41.7 court so determines, the transfer order shall include the provisions described in section
41.8 624.7175, paragraph (c).

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

41.11 (h) A respondent may waive the respondent's right to contest the hearing and consent
41.12 to the court's imposition of an extreme risk protection order. The court shall seal the petition
41.13 filed under this section and section 624.7176, if a respondent who consents to imposition
41.14 of an extreme risk protection order requests that the petition be sealed, unless the court finds
41.15 that there is clear and convincing evidence that the interests of the public and public safety
41.16 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk
41.17 protection orders shall remain public.

41.18 Sec. 4. **[624.7173] SUBSEQUENT EXTENSIONS AND TERMINATION.**

41.19 (a) Upon application by any party entitled to petition for an order under section 624.7172,
41.20 and after notice to the respondent and a hearing, the court may extend the relief granted in
41.21 an existing order granted after a hearing under section 624.7172. Application for an extension
41.22 may be made any time within the three months before the expiration of the existing order.
41.23 The order may be extended for a fixed period of at least six months and not to exceed two
41.24 years, if the court makes the same findings by a preponderance of the evidence as required
41.25 for granting of an initial order under section 624.7172, subdivision 2, paragraph (d). The
41.26 court shall consider the same types of evidence as required for the initial order under section
41.27 624.7172, subdivision 2, paragraphs (b) and (c).

41.28 (b) Upon application by the respondent to an order issued under section 624.7172, the
41.29 court may terminate an order after a hearing at which the respondent shall bear the burden
41.30 of proving by a preponderance of the evidence that the respondent does not pose a significant
41.31 danger of bodily injury to the respondent's self or to other persons by possessing a firearm.
41.32 Application may be made for termination one time for each year an order is in effect. If an
41.33 order has been issued for a period of six months, the respondent may apply for termination
41.34 one time.

Sec. 5. **[624.7174] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION**

ORDER.

(a) In determining whether to grant an emergency extreme risk protection order, the court shall consider evidence of all facts identified in section 624.7172, subdivision 2, paragraphs (b) and (c).

(b) The court shall advise the petitioner of the right to request an order after a hearing under section 624.7172 separately from or simultaneously with the petition.

(c) If the court finds there is reasonable grounds that (1) the respondent poses a significant danger of bodily injury to the respondent's self or to other persons by possessing a firearm, and (2) the respondent presents an immediate and present danger of bodily injury, the court shall issue an ex parte emergency order prohibiting the respondent from possessing a firearm for the duration of the order. The order shall inform the respondent that the respondent is prohibited from possessing firearms and shall issue a transfer order under section 624.7175, paragraph (c).

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

(e) The emergency order shall have a fixed period of 14 days, unless a hearing is set under section 624.7172 on an earlier date, in which case the order shall expire upon a judge's finding that no order is issued under section 624.7172.

(f) Except as provided in paragraph (g), the respondent shall be personally served immediately with a copy of the emergency order and a copy of the petition and, if a hearing is requested by the petitioner under section 624.7172, notice of the date set for the hearing. If the petitioner does not request a hearing under section 624.7172, an order served on a respondent under this subdivision must include a notice advising the respondent of the right to request a hearing challenging the issuance of the emergency order, and must be accompanied by a form that can be used by the respondent to request a hearing.

(g) Service of the emergency order may be made by alternate service as provided under section 624.7172, subdivision 1, paragraph (e), provided that the petitioner files the affidavit required under that subdivision. If the petitioner does not request a hearing under section 624.7172, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing described in paragraph (f).

43.1 Sec. 6. **[624.7175] TRANSFER OF FIREARMS.**

43.2 (a) Upon issuance of an extreme risk protection order, the court shall direct the respondent
43.3 to transfer any firearms the person possesses as soon as reasonably practicable, but in no
43.4 case later than 24 hours, to a federally licensed firearms dealer or a law enforcement agency.
43.5 If the respondent elects to transfer the respondent's firearms to a law enforcement agency,
43.6 the agency must accept the transfer. The transfer may be permanent or temporary. A
43.7 temporary firearm transfer only entitles the receiving party to possess the firearm and does
43.8 not transfer ownership or title. If the respondent makes a temporary transfer, a federally
43.9 licensed firearms dealer or law enforcement agency may charge the respondent a reasonable
43.10 fee to store the firearms and may establish policies for disposal of abandoned firearms,
43.11 provided these policies require that the respondent be notified prior to disposal of abandoned
43.12 firearms. If a respondent permanently transfers the respondent's firearms to a law enforcement
43.13 agency, the agency is not required to compensate the respondent and may charge the
43.14 respondent a reasonable processing fee.

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

43.16 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
43.17 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
43.18 proof of transfer must specify whether the firearms were permanently or temporarily
43.19 transferred and must include the name of the respondent, date of transfer, and the serial
43.20 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally
43.21 licensed firearms dealer, the respondent shall, within two business days after being served
43.22 with the order, file a copy of proof of transfer with the law enforcement agency, and attest
43.23 that all firearms owned or possessed at the time of the order have been transferred in
43.24 accordance with this section and that the person currently does not possess any firearms. If
43.25 the respondent claims not to own or possess firearms, the respondent shall file a declaration
43.26 of nonpossession with the law enforcement agency attesting that, at the time of the order,
43.27 the respondent neither owned nor possessed any firearms, and that the respondent currently
43.28 neither owns nor possesses any firearms.

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

43.31 (c) If a court issues an emergency order under section 624.7174, or makes a finding of
43.32 immediate and present danger under section 624.7172, subdivision 2, paragraph (e), and
43.33 there is probable cause to believe the respondent possesses firearms, the court shall issue a
43.34 search warrant to the local law enforcement agency to take possession of all firearms in the

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

Sec. 7. **[624.7176] RETURN OF FIREARMS.**

Subdivision 1. Law enforcement. A local law enforcement agency that accepted temporary transfer of firearms under section 624.7175 shall return the firearms to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law.

Subd. 2. Firearms dealer. A federally licensed firearms dealer that accepted temporary transfer of firearms under section 624.7175 shall return the transferring firearms to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law. A federally licensed firearms dealer returning firearms shall comply with state and federal law as though transferring a firearm from the dealer's own inventory.

Sec. 8. **[624.7177] OFFENSES.**

Subdivision 1. False information or harassment. A person who petitions for an extreme risk protection order under section 624.7172 or 624.7174, knowing any information in the petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a misdemeanor.

Subd. 2. Violation of order. A person who possesses a firearm and knows or should have known that the person is prohibited from doing so by an extreme risk protection order under section 624.7172 or 624.7174, or by an order of protection granted by a judge or referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor

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

45.4 Sec. 9. **[624.7178] LIABILITY PROTECTION.**

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

45.8 Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall
45.9 be immune from civil or criminal liability for any damage or deterioration of firearms,
45.10 ammunition, or weapons stored or transported pursuant to section 624.7175. This subdivision
45.11 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
45.12 negligence, or intentional misconduct by the law enforcement agency.

45.13 Sec. 10. **EFFECTIVE DATE.**

45.14 Sections 1 to 9 are effective January 1, 2020, and apply to firearm permit background
45.15 checks made on or after that date.