

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 205

(SENATE AUTHORS: CHAMPION, Dibble and Hayden)

DATE	D-PG	OFFICIAL STATUS
01/31/2013	131	Introduction and first reading Referred to Judiciary
02/04/2013	146	Author added Hayden
02/21/2013	363	Withdrawn and returned to author

A bill for an act

1.1 relating to public safety; modifying provisions related to the transfer of pistols or
1.2 semiautomatic military-style assault weapons and eligibility to possess a firearm;
1.3 providing criminal penalties; amending Minnesota Statutes 2012, sections
1.4 624.713, subdivisions 1, 4; 624.7131, subdivisions 1, 4, 5, 7, 9, 10; 624.7132,
1.5 subdivisions 1, 3, 4, 5, 6, 8, 12, 13, 15, by adding a subdivision; repealing
1.6 Minnesota Statutes 2012, sections 609.66, subdivision 1f; 624.7132, subdivision
1.7 14; 624.7141.
1.8

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

1.10 Section 1. Minnesota Statutes 2012, section 624.713, subdivision 1, is amended to read:

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

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

1.24 (2) except as otherwise provided in clause (9), a person who has been convicted of,
1.25 or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing,
1.26 in this state or elsewhere, a crime of violence. For purposes of this section, crime of

2.1 violence includes crimes in other states or jurisdictions which would have been crimes of
2.2 violence as herein defined if they had been committed in this state;

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

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

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

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

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

2.30 (8) except as otherwise provided in clause (9), a person who has been convicted in
2.31 another state of committing an offense similar to the offense described in section 609.224,
2.32 subdivision 3, against a family or household member or section 609.2242, subdivision
2.33 3, unless three years have elapsed since the date of conviction and, during that time, the
2.34 person has not been convicted of any other violation of section 609.224, subdivision 3, or
2.35 609.2242, subdivision 3, or a similar law of another state;

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

3.5 (10) a person who:

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

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

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

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

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

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

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

3.19 (11) a person who has been convicted of the following offenses at the gross
3.20 misdemeanor level, unless three years have elapsed since the date of conviction and, during
3.21 that time, the person has not been convicted of any other violation of these sections: section
3.22 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults
3.23 motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a
3.24 child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring
3.25 gun); 609.71 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified
3.26 gross misdemeanor convictions include crimes committed in other states or jurisdictions
3.27 which would have been gross misdemeanors if conviction occurred in this state.

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

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

3.35 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms
3.36 for persons convicted or adjudicated delinquent of a crime of violence in clause (2),

4.1 applies only to offenders who are discharged from sentence or court supervision for a
4.2 crime of violence on or after August 1, 1993.

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

4.5 Sec. 2. Minnesota Statutes 2012, section 624.713, subdivision 4, is amended to read:

4.6 Subd. 4. **Restoration of firearms eligibility to civilly committed person;**
4.7 **petition authorized.** (a) A person who is prohibited from possessing a firearm under
4.8 subdivision 1, due to commitment ~~resulting from a judicial determination that the person~~
4.9 ~~is, hospitalization, or confinement based on the person being mentally ill, developmentally~~
4.10 disabled, mentally ill and dangerous, or chemically dependent, may petition a court to
4.11 restore the person's ability to possess a firearm.

4.12 (b) The court may grant the relief sought in paragraph (a) in accordance with
4.13 the principles of due process if the circumstances regarding the person's disqualifying
4.14 condition and the person's record and reputation are determined to be such that:

4.15 (1) the person is not likely to act in a manner that is dangerous to public safety; and

4.16 (2) the granting of relief would not be contrary to the public interest.

4.17 (c) When determining whether a person has met the requirement of paragraph (b),
4.18 clause (1), the court may consider evidence from a licensed medical doctor or clinical
4.19 psychologist that the person is no longer suffering from the disease or condition that
4.20 caused the disability or that the disease or condition has been successfully treated for a
4.21 period of three consecutive years.

4.22 (d) Review on appeal shall be de novo.

4.23 Sec. 3. Minnesota Statutes 2012, section 624.7131, subdivision 1, is amended to read:

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

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

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

4.32 (3) a statement that the proposed transferee authorizes the release to the local police
4.33 authority of commitment information about the proposed transferee maintained by the
4.34 commissioner of human services, to the extent that the information relates to the proposed

5.1 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
5.2 under section 624.713, subdivision 1; and

5.3 (4) a statement by the proposed transferee that the proposed transferee is not
5.4 prohibited by ~~section 624.713~~ any state or federal law from possessing a pistol or
5.5 semiautomatic military-style assault weapon.

5.6 (b) In addition to the requirements described in paragraph (a), the proposed
5.7 transferee shall submit an accurate photocopy of the person's current driver's license, state
5.8 identification card, or the photo page of the person's passport.

5.9 (c) The statements shall be signed and dated by the person applying for a permit. At
5.10 the time of application, the local police authority shall provide the applicant with a dated
5.11 receipt for the application. The statement under paragraph (a), clause (3), must comply
5.12 with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to
5.13 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

5.14 Sec. 4. Minnesota Statutes 2012, section 624.7131, subdivision 4, is amended to read:

5.15 Subd. 4. **Grounds for disqualification.** A determination by the chief of police or
5.16 sheriff that the applicant is prohibited by ~~section 624.713~~ any state or federal law from
5.17 possessing a pistol or semiautomatic military-style assault weapon shall be the only basis
5.18 for refusal to grant a transferee permit.

5.19 Sec. 5. Minnesota Statutes 2012, section 624.7131, subdivision 5, is amended to read:

5.20 Subd. 5. **Granting of permits.** (a) Except as provided in paragraph (b), the chief
5.21 of police or sheriff shall issue a transferee permit or deny the application within seven
5.22 business days of application for the permit. The chief of police or sheriff shall provide
5.23 an applicant with written notification of a denial and the specific reason for the denial.
5.24 The permits and their renewal shall be granted ~~free of charge~~ for a fee set by the chief
5.25 or sheriff in an amount not to exceed \$25.

5.26 (b) If a police chief or sheriff is unable to verify a proposed transferee's identity or
5.27 criminal record within the seven-business-day requirement described in paragraph (a), the
5.28 chief or sheriff may require the transferee to submit a set of classifiable fingerprints. If this
5.29 occurs, the seven-business-day period described in paragraph (a) is extended to 30 days.

5.30 Sec. 6. Minnesota Statutes 2012, section 624.7131, subdivision 7, is amended to read:

5.31 Subd. 7. **Permit voided.** The transferee permit shall be void at the time that the
5.32 holder becomes prohibited from possessing a pistol under ~~section 624.713~~ any state or
5.33 federal law, in which event the holder shall return the permit within five days to the issuing

6.1 authority. Failure of the holder to return the permit within the five days is a misdemeanor
6.2 unless the court finds that the circumstances or the physical or mental condition of the
6.3 permit holder prevented the holder from complying with the return requirement.

6.4 Sec. 7. Minnesota Statutes 2012, section 624.7131, subdivision 9, is amended to read:

6.5 Subd. 9. **Permit to carry.** A valid permit to carry issued within the 12 months
6.6 immediately preceding the transfer of the firearm pursuant to section 624.714 constitutes a
6.7 transferee permit for the purposes of this section and section 624.7132.

6.8 Sec. 8. Minnesota Statutes 2012, section 624.7131, subdivision 10, is amended to read:

6.9 Subd. 10. **Transfer report not required.** A person who transfers a pistol or
6.10 semiautomatic military-style assault weapon to a person exhibiting a valid transferee
6.11 permit issued pursuant to this section or a valid permit to carry issued within the 12
6.12 months immediately preceding the transfer pursuant to section 624.714 is not required to
6.13 file a transfer report pursuant to section 624.7132, subdivision 1.

6.14 Sec. 9. Minnesota Statutes 2012, section 624.7132, subdivision 1, is amended to read:

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

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

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

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

6.30 (4) a statement by the proposed transferee that the transferee is not prohibited
6.31 by ~~section 624.713~~ any state or federal law from possessing a pistol or semiautomatic
6.32 military-style assault weapon; and

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

7.1 (b) In addition to the requirements described in paragraph (a), the proposed
 7.2 transferee shall submit an accurate photocopy of the person's current driver's license, state
 7.3 identification card, or the photo page of the person's passport.

7.4 (c) The report shall be signed and dated by the transferor and the proposed transferee.
 7.5 The report shall be delivered by the transferor to the chief of police or sheriff no later
 7.6 than three days after the date of the agreement to transfer, excluding weekends and legal
 7.7 holidays. The statement under paragraph (a), clause (3), must comply with any applicable
 7.8 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
 7.9 to consent to disclosure of alcohol or drug abuse patient records.

7.10 Sec. 10. Minnesota Statutes 2012, section 624.7132, subdivision 3, is amended to read:

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

7.17 Sec. 11. Minnesota Statutes 2012, section 624.7132, subdivision 4, is amended to read:

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

7.28 (b) If a police chief or sheriff is unable to verify a proposed transferee's identity or
 7.29 criminal record within the seven-business-day requirement described in paragraph (a), the
 7.30 chief or sheriff may require the transferee to submit a set of classifiable fingerprints. If this
 7.31 occurs, the chief or sheriff shall notify the transferor of this in writing.

7.32 (c) No person shall deliver a pistol or semiautomatic military-style assault weapon to
 7.33 a proposed transferee after receiving a written notification that the chief of police or sheriff

8.1 has determined that the proposed transferee is prohibited by ~~section 624.713~~ any state or
8.2 federal law from possessing a pistol or semiautomatic military-style assault weapon.

8.3 (d) If the transferor makes a report of transfer and receives no written notification
8.4 of disqualification of the proposed transferee and no written notification as described
8.5 in paragraph (b) within five seven business days after delivery of the agreement to
8.6 transfer, the pistol or semiautomatic military-style assault weapon may be delivered to
8.7 the transferee. If the transferor receives the written notification described in paragraph
8.8 (b), the seven-business-day period is extended to 30 days.

8.9 Sec. 12. Minnesota Statutes 2012, section 624.7132, subdivision 5, is amended to read:

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

8.14 Sec. 13. Minnesota Statutes 2012, section 624.7132, subdivision 6, is amended to read:

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

8.20 Sec. 14. Minnesota Statutes 2012, section 624.7132, is amended by adding a
8.21 subdivision to read:

8.22 Subd. 7a. **Transfer by or to licensed dealers only.** No person shall transfer a pistol
8.23 or semiautomatic military-style assault weapon unless the transferor or the transferee
8.24 is a federally licensed firearms dealer. Where neither party to a prospective pistol or
8.25 semiautomatic military-style assault weapon transfer is a federally licensed firearms
8.26 dealer, the parties shall complete the transfer through a federally licensed firearms
8.27 dealer as follows:

8.28 (1) the transferor shall deliver the pistol or semiautomatic military-style assault
8.29 weapon and a valid transferee permit or report of transfer to a federally licensed firearms
8.30 dealer, who shall retain possession of that pistol or semiautomatic military-style assault
8.31 weapon until the transaction is completed or as provided in clause (3);

9.1 (2) the federally licensed dealer shall comply with this section and federal law as
 9.2 if the dealer had agreed to directly transfer the pistol or semiautomatic military-style
 9.3 assault weapon to the proposed transferee;

9.4 (3) if the dealer cannot legally deliver the pistol or semiautomatic military-style
 9.5 assault weapon to the proposed transferee or otherwise chooses not to complete the
 9.6 transaction, the dealer shall conduct a background check in accordance with federal law
 9.7 and file a report of transfer to transfer the pistol or semiautomatic military-style assault
 9.8 weapon back to the original transferor. If the original transferor is prohibited by any state
 9.9 or federal law from possessing a pistol or semiautomatic military-style assault weapon, the
 9.10 dealer shall transfer the firearm to the chief of police or sheriff within 24 hours;

9.11 (4) a dealer who denies transfer of a pistol or semiautomatic military-style assault
 9.12 weapon shall immediately report the identity of the proposed transferee and the date,
 9.13 time, and place of the attempted transfer to the local law enforcement agency where
 9.14 the dealer is located; and

9.15 (5) the dealer may require the proposed transferee to pay a fee of not more than \$25
 9.16 when assisting with a transfer under this subdivision.

9.17 Sec. 15. Minnesota Statutes 2012, section 624.7132, subdivision 8, is amended to read:

9.18 Subd. 8. **Report not required.** If the proposed transferee presents a valid transferee
 9.19 permit issued under section 624.7131 or a valid permit to carry issued within the 12
 9.20 months immediately preceding the transfer under section 624.714, the transferor need
 9.21 not file a transfer report.

9.22 Sec. 16. Minnesota Statutes 2012, section 624.7132, subdivision 12, is amended to read:

9.23 Subd. 12. **Exclusions.** (a) For the purposes of this subdivision, "relative" means a
 9.24 parent, stepparent, child, stepchild, brother, sister, grandparent, or grandchild, by blood or
 9.25 marriage.

9.26 ~~Except as otherwise provided in section 609.66, subdivision 1f,~~ (b) This section shall
 9.27 not apply to transfers of antique firearms as curiosities or for their historical significance
 9.28 or value; transfers to or between federally licensed firearms dealers, transfers by order of
 9.29 court, involuntary transfers, transfers at death or the following transfers:

9.30 (1) a transfer by a person other than a federally licensed firearms dealer to a relative
 9.31 who is not ineligible to possess a firearm under state or federal law;

9.32 (2) a loan to a prospective transferee if the loan is intended for a period of no more
 9.33 than one day 24 hours;

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

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

10.5 (5) a loan between persons at a firearms collectors exhibition if the loan is intended
10.6 for a period of no more than 24 hours;

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

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

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

10.14 Sec. 17. Minnesota Statutes 2012, section 624.7132, subdivision 13, is amended to read:

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

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

10.23 Sec. 18. Minnesota Statutes 2012, section 624.7132, subdivision 15, is amended to read:

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

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

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

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

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

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

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

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

11.7 (3) transfers a pistol or a semiautomatic military-style assault weapon to another in
11.8 violation of this section if:

11.9 (i) the person knows or has reason to know that the transferee is prohibited under
11.10 state or federal law from possessing a firearm; and

11.11 (ii) the transferee uses the weapon within one year after the transfer in furtherance
11.12 of a felony crime of violence; or

11.13 (4) violates paragraph (a), clause (1) or (3), after having been previously convicted
11.14 or adjudicated delinquent for a violation of this section or section 624.7131.

11.15 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
11.16 committed on or after that date.

11.17 Sec. 19. **REPEALER.**

11.18 Minnesota Statutes 2012, sections 609.66, subdivision 1f; 624.7132, subdivision
11.19 14; and 624.7141, are repealed.

609.66 DANGEROUS WEAPONS.

Subd. 1f. **Gross misdemeanor; transferring firearm without background check.** A person, other than a federally licensed firearms dealer, who transfers a pistol or semiautomatic military-style assault weapon to another without complying with the transfer requirements of section 624.7132, is guilty of a gross misdemeanor if the transferee possesses or uses the weapon within one year after the transfer in furtherance of a felony crime of violence, and if:

(1) the transferee was prohibited from possessing the weapon under section 624.713 at the time of the transfer; or

(2) it was reasonably foreseeable at the time of the transfer that the transferee was likely to use or possess the weapon in furtherance of a felony crime of violence.

624.7132 REPORT OF TRANSFER.

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.

624.7141 TRANSFER TO INELIGIBLE PERSON.

Subdivision 1. **Transfer prohibited.** A person is guilty of a gross misdemeanor who intentionally transfers a pistol or semiautomatic military-style assault weapon to another if the person knows that the transferee:

(1) has been denied a permit to carry under section 624.714 because the transferee is not eligible under section 624.713 to possess a pistol or semiautomatic military-style assault weapon;

(2) has been found ineligible to possess a pistol or semiautomatic military-style assault weapon by a chief of police or sheriff as a result of an application for a transferee permit or a transfer report; or

(3) is disqualified under section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

Subd. 2. **Felony.** A violation of this section is a felony if the transferee possesses or uses the weapon within one year after the transfer in furtherance of a felony crime of violence.

Subd. 3. **Subsequent eligibility.** This section is not applicable to a transfer to a person who became eligible to possess a pistol or semiautomatic military-style assault weapon under section 624.713 after the transfer occurred but before the transferee used or possessed the weapon in furtherance of any crime.