

11 MCAR 1

1 Department of Public Safety
2 Bureau of Criminal Apprehension

3
4 Adopted Rules Governing the Possession or Ownership of Machine
5 Guns and Short-Barrelled Shotguns

6
7 Rules as Adopted

8 11 MCAR S 1.3060 Statutory authority.

9 Rules 11 MCAR SS 1.3060-1.3066 are adopted pursuant to the
10 authority granted to the superintendent of the Bureau of
11 Criminal Apprehension by Minnesota Statutes, sections 299C.03,
12 and 609.67.

13 11 MCAR S 1.3061 Definitions.

14 A. Applicability. For the purpose of 11 MCAR SS
15 1.3060-1.3066, the following terms have the meanings given them.

16 B. Bureau. ~~---"Bureau" means the Minnesota Bureau of Criminal~~
17 ~~Apprehension.~~

18 ~~C. ---Collector's items, relics, museum pieces or objects of~~
19 ~~curiosity, ornaments or keepsakes, and Approved machine gun or~~
20 ~~short-barrelled shotgun. "Approved machine guns and gun or~~
21 ~~short-barrelled shotguns not likely to be used as weapons."~~
22 ~~collector's items, relics, museum pieces or objects of~~
23 ~~curiosity, ornaments or keepsakes, and approved machine guns and~~
24 ~~short-barrelled shotguns shotgun" means a machine gun or~~
25 ~~short-barrelled shotgun that, although designed as a weapon, has~~
26 ~~been determined by the superintendent as not likely to be used~~
27 ~~as weapons" means firearms which have a weapon and that has been~~
28 ~~determined by the superintendent of the bureau or his delegate~~
29 ~~pursuant to Minnesota Statutes, section 609.67, subdivision 3,~~
30 ~~clause (3) to be firearms which appear on the National Firearms~~
31 ~~Act Curios and Relics List, as provided by United States Code,~~
32 ~~title 18, chapter 44, and as issued by the Department of the~~
33 ~~Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington,~~
34 ~~D.C.).~~

35 C. Bureau. "Bureau" means the Minnesota Bureau of Criminal

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1 Apprehension.

2 D. Report form. "Report form" means the official form
3 created by the bureau of ~~Criminal Apprehension~~ on which contains
4 the data required by specified in Minnesota Statutes, section
5 609.67, subdivision 4 is to be reported to the superintendent.

6 E. Superintendent. "Superintendent" means the
7 superintendent of the Minnesota bureau of ~~Criminal Apprehension~~
8 or his delegate.

9 11 MCAR S 1.3062 Procedures for reporting ownership or
10 possession of approved machine guns or short-barrelled shotguns.

11 A. Requirements. If a person owns or possesses an approved
12 machine gun or short-barrelled shotgun, the following procedures
13 must be followed.

14 B. Report. ~~The person shall send to the superintendent a~~
15 ~~completed Bureau of Criminal Apprehension report form indicating~~
16 ~~the ownership or possession of an approved machine gun or~~
17 ~~short-barrelled shotgun. This form must be sent~~ Within ten days
18 after the applicant a person takes possession or ownership of
19 the an approved machine gun or short-barrelled shotgun, the
20 person shall send a report form to the superintendent.

21 C. Fee. The reporting person shall send a \$15 nonrefundable
22 fee with each report form.

23 ~~D. Taking ownership or possession of firearm. Within ten~~
24 ~~days of taking ownership or possession, the person who takes~~
25 ~~ownership or possession shall send the superintendent one fully~~
26 ~~completed copy of the approved report form indicating the date~~
27 ~~the firearm was transferred and shall certify that the firearm~~
28 ~~is now owned or possessed by the person making the report.~~

29 11 MCAR S 1.3063 Return of report form Filing not accepted.

30 The superintendent shall ~~return the~~ not accept a report
31 form ~~to the reporting person~~ for filing if:

32 A. the reporting person misrepresents, falsifies, or fails
33 to complete any information on the report form; or

34 B. the superintendent determines that the firearm is not a
35 ~~firearm which appears on the National Firearms Act Curios and~~

1 ~~Relies list, as specified under United States Code, title 18,~~
 2 ~~chapter 44, and as issued by the Department of the Treasury,~~
 3 ~~Bureau of Alcohol, Tobacco and Firearms (Washington, D.C.) an~~
 4 approved machine gun or short-barrelled shotgun.

5 C. If the superintendent refuses to accept the report form
 6 on the grounds of A. or B., the report required by Minnesota
 7 Statutes, section 609.67, shall be deemed not to have been made.
 8 If the report can be corrected or completed properly, the
 9 reporting person shall submit a new report form within ten days
 10 after receipt of the superintendent's notice of nonacceptance. A
 11 new fee need not accompany a report form resubmitted under this
 12 provision.

13 11 MCAR S 1.3064 Right to contest decision.

14 If the superintendent returns does not accept the report
 15 ~~form to the reporting person,~~ the superintendent shall notify
 16 the reporting person in writing, specifying the reasons for
 17 nonacceptance. That person may contest the decision of the
 18 ~~superintendent; in~~ proceedings shall be conducted pursuant to
 19 the Administrative Procedure Act, Minnesota Statutes, sections
 20 14.57 to 14.70, and 9-MCAR-SS-2.201-2.222 rules of the Office of
 21 Administrative Hearings, 9 MCAR SS 2.201 to 2.222.

22 ~~If the superintendent refuses to accept the report form on~~
 23 ~~the grounds of 9-MCAR-S-1.3063, the person attempting to make~~
 24 ~~the report required by Minnesota Statutes, section 609.67 shall~~
 25 ~~be deemed to have not made the required report.~~

26 ~~11-MCAR-S-1.3065-Data privacy.~~

27 ~~Report forms and associated documents shall be filed with~~
 28 ~~the bureau of Criminal Apprehension and shall be considered~~
 29 ~~private data, available only to law enforcement officials.~~

30 11 MCAR S 1.3066 Limited protection of reporting information.

31 All persons possessing or owning a an approved machine gun
 32 or a short-barrelled shotgun prior to the effective date of 11
 33 MCAR SS 1.3060-1.3066 shall have 90 days after the effective
 34 date of these rules to ~~report the possession or ownership.~~ ~~The~~
 35 ~~information contained in the~~ file a report form submitted to

1 with the superintendent ~~within-90-days-of-the-effective-date-of~~
2 ~~these-rules-shall-not-be-used-against-the-reporting-person-in~~
3 ~~any-criminal-proceeding.~~