

227.1

**ARTICLE 15**

227.2

**POSSESSION OF FIREARMS**

227.3 Section 1. Minnesota Statutes 2018, section 624.713, subdivision 1, is amended to read:

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

227.7 (1) a person under the age of 18 years except that a person under 18 may possess  
227.8 ammunition designed for use in a firearm that the person may lawfully possess and may  
227.9 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual  
227.10 presence or under the direct supervision of the person's parent or guardian, (ii) for the  
227.11 purpose of military drill under the auspices of a legally recognized military organization  
227.12 and under competent supervision, (iii) for the purpose of instruction, competition, or target  
227.13 practice on a firing range approved by the chief of police or county sheriff in whose  
227.14 jurisdiction the range is located and under direct supervision; or (iv) if the person has  
227.15 successfully completed a course designed to teach marksmanship and safety with a pistol  
227.16 or semiautomatic military-style assault weapon and approved by the commissioner of natural  
227.17 resources;

227.18 (2) except as otherwise provided in clause (9), a person who has been convicted of, or  
227.19 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in  
227.20 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence  
227.21 includes crimes in other states or jurisdictions which would have been crimes of violence  
227.22 as herein defined if they had been committed in this state;

227.23 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial  
227.24 determination that the person is mentally ill, developmentally disabled, or mentally ill and  
227.25 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has  
227.26 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless  
227.27 the person's ability to possess a firearm and ammunition has been restored under subdivision  
227.28 4;

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

228.3 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere  
228.4 by a judicial determination that the person is chemically dependent as defined in section  
228.5 253B.02, unless the person has completed treatment or the person's ability to possess a

- 228.6 firearm and ammunition has been restored under subdivision 4. Property rights may not be  
228.7 abated but access may be restricted by the courts;
- 228.8 (6) a peace officer who is informally admitted to a treatment facility pursuant to section  
228.9 253B.04 for chemical dependency, unless the officer possesses a certificate from the head  
228.10 of the treatment facility discharging or provisionally discharging the officer from the  
228.11 treatment facility. Property rights may not be abated but access may be restricted by the  
228.12 courts;
- 228.13 (7) a person, including a person under the jurisdiction of the juvenile court, who has  
228.14 been charged with committing a crime of violence and has been placed in a pretrial diversion  
228.15 program by the court before disposition, until the person has completed the diversion program  
228.16 and the charge of committing the crime of violence has been dismissed;
- 228.17 (8) except as otherwise provided in clause (9), a person who has been convicted in  
228.18 another state of committing an offense similar to the offense described in section 609.224,  
228.19 subdivision 3, against a family or household member or section 609.2242, subdivision 3,  
228.20 unless three years have elapsed since the date of conviction and, during that time, the person  
228.21 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,  
228.22 subdivision 3, or a similar law of another state;
- 228.23 (9) a person who has been convicted in this state or elsewhere of assaulting a family or  
228.24 household member and who was found by the court to have used a firearm in any way  
228.25 during commission of the assault is prohibited from possessing any type of firearm or  
228.26 ammunition for the period determined by the sentencing court;
- 228.27 (10) a person who:
- 228.28 (i) has been convicted in any court of a crime punishable by imprisonment for a term  
228.29 exceeding one year;
- 228.30 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution  
228.31 for a crime or to avoid giving testimony in any criminal proceeding;
- 228.32 (iii) is an unlawful user of any controlled substance as defined in chapter 152;
- 229.1 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as  
229.2 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the  
229.3 public, as defined in section 253B.02;
- 229.4 (v) is an alien who is illegally or unlawfully in the United States;
- 229.5 (vi) has been discharged from the armed forces of the United States under dishonorable  
229.6 conditions;
- 229.7 (vii) has renounced the person's citizenship having been a citizen of the United States;  
229.8 or

229.9 (viii) is disqualified from possessing a firearm under United States Code, title 18, section  
229.10 922(g)(8) or (9), as amended through March 1, 2014;

229.11 (11) a person who has been convicted of the following offenses at the gross misdemeanor  
229.12 level, unless three years have elapsed since the date of conviction and, during that time, the  
229.13 person has not been convicted of any other violation of these sections: section 609.229  
229.14 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated  
229.15 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);  
229.16 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71  
229.17 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified gross misdemeanor  
229.18 convictions include crimes committed in other states or jurisdictions which would have  
229.19 been gross misdemeanors if conviction occurred in this state;

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

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

229.27 (14) a person who is subject to an extreme risk protection order as described in section  
229.28 624.7162 or 624.7164.

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

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

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

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

230.9 Sec. 2. **[624.7161] EXTREME RISK PROTECTION ORDERS.**

230.10 Subdivision 1. Definitions. As used in sections 624.7161 to 624.7168, "firearm" has the  
230.11 meaning given in section 609.666, subdivision 1, paragraph (a).

230.12 Subd. 2. Court jurisdiction. An application for relief under this section shall be filed  
 230.13 in the county of residence of the respondent. Actions under this section shall be given docket  
 230.14 priorities by the court.

230.15 Subd. 3. Generally. (a) There shall exist an action known as a petition for an extreme  
 230.16 risk protection order, which order shall enjoin and prohibit the respondent from possessing  
 230.17 firearms for a fixed period.

230.18 (b) A petition for relief under sections 624.7161 to 624.7168 may be made by the chief  
 230.19 law enforcement officer or a designee or a city or county attorney.

230.20 (c) A petition for relief shall allege that the respondent poses a significant danger of  
 230.21 bodily harm to self or to other persons by possessing a firearm. The petition shall be  
 230.22 accompanied by an affidavit made under oath stating specific facts and circumstances  
 230.23 forming a basis to allege that an extreme risk protection order should be granted. The affidavit  
 230.24 may include but is not limited to evidence showing any of the factors described in section  
 230.25 624.7162, subdivision 2.

230.26 (d) A petition for emergency relief under section 624.7164 shall additionally allege that  
 230.27 the respondent presents an immediate and present danger of bodily harm.

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

230.30 (f) The state court administrator shall create all forms necessary under sections 624.7161  
 230.31 to 624.7168.

231.1 (g) The filing fees for an extreme risk protection order under this section are waived for  
 231.2 the petitioner and respondent.

231.3 (h) An extreme risk protection order issued under sections 624.7161 to 624.7168 applies  
 231.4 throughout the state.

231.5 (i) Any proceeding under sections 624.7161 to 624.7168 shall be in addition to other  
 231.6 civil or criminal remedies.

231.7 (j) All health records and other health information provided in a petition or considered  
 231.8 as evidence in a proceeding under sections 624.7161 to 624.7168 shall be protected from  
 231.9 public disclosure but may be provided to law enforcement agencies as described in this  
 231.10 section.

231.11 (k) Any extreme risk protection order or subsequent extension issued under sections  
 231.12 624.7161 to 624.7168 shall be forwarded by the court administrator within 24 hours to the  
 231.13 local law enforcement agency with jurisdiction over the residence of the respondent. Each  
 231.14 appropriate law enforcement agency shall make available to other law enforcement officers,  
 231.15 through a system for verification, information as to the existence and status of any extreme  
 231.16 risk protection order issued under sections 624.7161 to 624.7168.

231.17 Sec. 3. [624.7162] EXTREME RISK PROTECTION ORDERS ISSUED AFTER  
231.18 HEARING.

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

231.22 (b) The petitioning agency shall be responsible for service of an extreme risk protection  
231.23 order issued by the court and shall further be the agency responsible for the execution of  
231.24 any legal process required for the seizure and storage of firearms subject to the order. Nothing  
231.25 in this provision limits the ability of the law enforcement agency of record from cooperating  
231.26 with other law enforcement entities.

231.27 (c) Personal service of notice for the hearing may be made upon the respondent at any  
231.28 time up to 12 hours prior to the time set for the hearing, provided that the respondent at the  
231.29 hearing may request a continuance of up to five days if the respondent is served less than  
231.30 five days prior to the hearing, which continuance shall be granted unless there are compelling  
231.31 reasons not to do so. If the court grants the requested continuance, and an existing emergency  
231.32 order under section 624.7164 will expire due to the continuance, the court shall also issue  
231.33 a written order continuing the emergency order pending the new time set for the hearing.

232.1 (d) If personal service cannot be made, the court may order service of the petition and  
232.2 any order issued under this section by alternate means. The application for alternate service  
232.3 must include the last known location of the respondent; the petitioner's most recent contacts  
232.4 with the respondent; the last known location of the respondent's employment; the names  
232.5 and locations of the respondent's parents, siblings, children, and other close relatives; the  
232.6 names and locations of other persons who are likely to know the respondent's whereabouts;  
232.7 and a description of efforts to locate those persons. The court shall consider the length of  
232.8 time the respondent's location has been unknown, the likelihood that the respondent's location  
232.9 will become known, the nature of the relief sought, and the nature of efforts made to locate  
232.10 the respondent. The court shall order service by first class mail, forwarding address requested,  
232.11 to any addresses where there is a reasonable possibility that mail or information will be  
232.12 forwarded or communicated to the respondent. The court may also order publication, within  
232.13 or without the state, but only if it might reasonably succeed in notifying the respondent of  
232.14 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after  
232.15 court-ordered publication.

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

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

- 232.21 (1) a history of threats or acts of violence by the respondent directed toward another  
 232.22 person;
- 232.23 (2) the history of use, attempted use, or threatened use of physical force by the respondent  
 232.24 against another person;
- 232.25 (3) a violation of any court order, including but not limited to orders issued under sections  
 232.26 624.7161 to 624.7168 or chapter 260C or 518B;
- 232.27 (4) a prior arrest for a felony offense;
- 232.28 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense  
 232.29 under section 609.749, or for domestic assault under section 609.2242;
- 232.30 (6) a conviction for an offense of cruelty to animals under chapter 343;
- 232.31 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;
- 232.32 (8) a history of self-harm by the respondent; and
- 233.1 (9) whether the respondent is named in an existing order in effect under sections 624.7161  
 233.2 to 624.7168 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or  
 233.3 other action under sections 624.7161 to 624.7168 or chapter 518B.
- 233.4 (c) In determining whether to grant the order after a hearing, the court may consider any  
 233.5 other evidence that bears on whether the respondent poses a danger to the respondent's self  
 233.6 or others.
- 233.7 (d) If the court finds there is a preponderance of the evidence to issue an extreme risk  
 233.8 protection order, the court shall issue the order prohibiting the person from possessing a  
 233.9 firearm for the duration of the order. The court shall inform the respondent that the respondent  
 233.10 is prohibited from possessing firearms and shall issue a transfer order under section 624.7165.  
 233.11 The court shall also give notice to the county attorney's office, which may take action as it  
 233.12 deems appropriate.
- 233.13 (e) The order shall have a fixed period, to be determined by the court, of not less than  
 233.14 six months and not more than two years, subject to renewal or extension under section  
 233.15 624.7163.
- 233.16 (f) If there is no existing emergency order under section 624.7164 at the time an order  
 233.17 is granted under this section, the court shall determine by a preponderance of the evidence  
 233.18 whether the respondent presents an immediate and present danger of bodily harm. If the  
 233.19 court so determines, the transfer order shall include the provisions described in section  
 233.20 624.7165, paragraph (c).
- 233.21 (g) If, after a hearing, the court does not issue an order of protection, the court shall  
 233.22 vacate any emergency extreme risk protection order currently in effect.

233.23 (h) A respondent may waive the respondent's right to contest the hearing and consent  
 233.24 to the court's imposition of an extreme risk protection order. The court shall seal the petition  
 233.25 filed under this section and section 624.7144 if a respondent who consents to imposition of  
 233.26 an extreme risk protection order requests that the petition be sealed, unless the court finds  
 233.27 that there is clear and convincing evidence that the interests of the public and public safety  
 233.28 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk  
 233.29 protection orders shall remain public.

233.30 Sec. 4. **[624.7163] SUBSEQUENT EXTENSIONS AND TERMINATION.**

233.31 (a) Upon application by any party entitled to petition for an order under section 624.7162,  
 233.32 and after notice to the respondent and a hearing, the court may extend the relief granted in  
 233.33 an existing order granted after a hearing under section 624.7162. Application for an extension  
 234.1 may be made any time within the three months before the expiration of the existing order.  
 234.2 The order may be extended for a fixed period of at least six months and not to exceed two  
 234.3 years, if the court makes the same findings by a preponderance of the evidence as required  
 234.4 for granting of an initial order under section 624.7162, subdivision 2, paragraph (d). The  
 234.5 court shall consider the same types of evidence as required for the initial order under section  
 234.6 624.7162, subdivision 2, paragraphs (b) and (c).

234.7 (b) Upon application by the respondent to an order issued under section 624.7162, the  
 234.8 court may terminate an order after a hearing at which the respondent shall bear the burden  
 234.9 of proving by a preponderance of the evidence that the respondent does not pose a significant  
 234.10 danger of bodily harm to the respondent's self or to other persons by possessing a firearm.  
 234.11 Application for termination may be made one time for each year an order is in effect. If an  
 234.12 order has been issued for a period of six months, the respondent may apply for termination  
 234.13 one time.

234.14 Sec. 5. **[624.7164] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION**  
 234.15 **ORDER.**

234.16 (a) In determining whether to grant an emergency extreme risk protection order, the  
 234.17 court shall consider evidence of all facts identified in section 624.7162, subdivision 2,  
 234.18 paragraphs (b) and (c).

234.19 (b) If the court finds there is reasonable grounds that (1) the respondent poses a significant  
 234.20 danger of bodily harm to the respondent's self or to other persons by possessing a firearm,  
 234.21 and (2) the respondent presents an immediate and present danger of bodily harm, the court  
 234.22 shall issue an ex parte emergency order prohibiting the respondent from possessing a firearm  
 234.23 for the duration of the order. The order shall inform the respondent that the respondent is  
 234.24 prohibited from possessing firearms and shall issue a transfer order under section 624.7165,  
 234.25 paragraph (c).

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

234.29 (d) The emergency order shall have a fixed period of 14 days unless a hearing is set  
234.30 under section 624.7162 on an earlier date, in which case the order shall expire upon a judge's  
234.31 finding that no order is issued under section 624.7162.

234.32 (e) Except as provided in paragraph (f), the respondent shall be personally served  
234.33 immediately with a copy of the emergency order and a copy of the petition and, if a hearing  
235.1 is requested by the petitioner under section 624.7162, notice of the date set for the hearing.  
235.2 If the petitioner does not request a hearing under section 624.7162, an order served on a  
235.3 respondent under this subdivision must include a notice advising the respondent of the right  
235.4 to request a hearing challenging the issuance of the emergency order, and must be  
235.5 accompanied by a form that can be used by the respondent to request a hearing.

235.6 (f) Service of the emergency order may be made by alternate service as provided under  
235.7 section 624.7162, subdivision 1, paragraph (d), provided that the petitioner files the affidavit  
235.8 required under that subdivision. If the petitioner does not request a hearing under section  
235.9 624.7162, the petition mailed to the respondent's residence, if known, must be accompanied  
235.10 by the form for requesting a hearing described in paragraph (e).

235.11 **Sec. 6. [624.7165] TRANSFER OF FIREARMS.**

235.12 (a) Except as provided in paragraph (b), upon issuance of an extreme risk protection  
235.13 order, the court shall direct the respondent to transfer any firearms the person possesses as  
235.14 soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed  
235.15 firearms dealer or a law enforcement agency. If the respondent elects to transfer the  
235.16 respondent's firearms to a law enforcement agency, the agency must accept the transfer.  
235.17 The transfer may be permanent or temporary. A temporary firearm transfer only entitles  
235.18 the receiving party to possess the firearm and does not transfer ownership or title. If the  
235.19 respondent makes a temporary transfer, a federally licensed firearms dealer or law  
235.20 enforcement agency may charge the respondent a reasonable fee to store the firearms and  
235.21 may establish policies for disposal of abandoned firearms, provided these policies require  
235.22 that the respondent be notified prior to disposal of abandoned firearms. If a respondent  
235.23 permanently transfers the respondent's firearms to a law enforcement agency, the agency  
235.24 is not required to compensate the respondent and may charge the respondent a reasonable  
235.25 processing fee.

235.26 (b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer  
235.27 any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a),  
235.28 clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title  
235.29 27, section 478.11, as amended, to a relative who does not live with the respondent after  
235.30 confirming that the relative may lawfully own or possess a firearm.



235.31 (c) The respondent must file proof of transfer as provided in this paragraph.

235.32 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer  
235.33 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The  
235.34 proof of transfer must specify whether the firearms were permanently or temporarily  
236.1 transferred and must include the name of the respondent, date of transfer, and the serial  
236.2 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally  
236.3 licensed firearms dealer, the respondent shall, within two business days after being served  
236.4 with the order, file a copy of proof of transfer with the law enforcement agency and attest  
236.5 that all firearms owned or possessed at the time of the order have been transferred in  
236.6 accordance with this section and that the person currently does not possess any firearms. If  
236.7 the respondent claims not to own or possess firearms, the respondent shall file a declaration  
236.8 of nonpossession with the law enforcement agency attesting that, at the time of the order,  
236.9 the respondent neither owned nor possessed any firearms, and that the respondent currently  
236.10 neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to  
236.11 paragraph (b), the relative must sign an affidavit under oath before a notary public either  
236.12 acknowledging that the respondent permanently transferred the respondent's antique firearms,  
236.13 curios, or relics to the relative or agreeing to temporarily store the respondent's antique  
236.14 firearms, curios, or relics until such time as the respondent is legally permitted to possess  
236.15 firearms. To the extent possible, the affidavit shall indicate the serial number, make, and  
236.16 model of all antique firearms, curios, or relics transferred by the respondent to the relative.

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

236.19 (d) If a court issues an emergency order under section 624.7164, or makes a finding of  
236.20 immediate and present danger under section 624.7162, subdivision 2, paragraph (e), and  
236.21 there is probable cause to believe the respondent possesses firearms, the court shall issue a  
236.22 search warrant to the local law enforcement agency to take possession of all firearms in the  
236.23 respondent's possession as soon as practicable. The local law enforcement agency shall,  
236.24 upon written notice from the respondent, transfer the firearms to a federally licensed firearms  
236.25 dealer. Before a local law enforcement agency transfers a firearm under this paragraph, the  
236.26 agency shall require the federally licensed firearms dealer receiving the firearm to submit  
236.27 a proof of transfer that complies with the requirements for proofs of transfer established in  
236.28 paragraph (c). The agency shall file all proofs of transfer received by the court within two  
236.29 business days of the transfer. A federally licensed firearms dealer who accepts a firearm  
236.30 transfer pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting  
236.31 transfer directly from the respondent. If the law enforcement agency does not receive written  
236.32 notice from the respondent within three business days, the agency may charge a reasonable  
236.33 fee to store the respondent's firearms. A law enforcement agency may establish policies for  
236.34 disposal of abandoned firearms, provided these policies require that the respondent be  
236.35 notified prior to disposal of abandoned firearms.

237.1     Sec. 7. **[624.7166] RETURN OF FIREARMS.**

237.2     Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted  
 237.3 temporary transfer of firearms under section 624.7165 shall return the firearms to the  
 237.4 respondent upon request after the expiration of the order, provided the respondent is not  
 237.5 otherwise prohibited from possessing firearms under state or federal law.

237.6     Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary  
 237.7 transfer of firearms under section 624.7165 shall return the transferring firearms to the  
 237.8 respondent upon request after the expiration of the order, provided the respondent is not  
 237.9 otherwise prohibited from possessing firearms under state or federal law. A federally licensed  
 237.10 firearms dealer returning firearms shall comply with state and federal law as though  
 237.11 transferring a firearm from the dealer's own inventory.

237.12     Sec. 8. **[624.7167] OFFENSES.**

237.13     Subdivision 1. **False information or harassment.** A person who petitions for an extreme  
 237.14 risk protection order under section 624.7162 or 624.7164, knowing any information in the  
 237.15 petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a  
 237.16 misdemeanor.

237.17     Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should  
 237.18 have known that the person is prohibited from doing so by an extreme risk protection order  
 237.19 under section 624.7162 or 624.7164, or by an order of protection granted by a judge or  
 237.20 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor  
 237.21 and shall be prohibited from possessing firearms for a period of five years. Each extreme  
 237.22 risk protection order granted under this chapter must contain a conspicuous notice to the  
 237.23 respondent regarding the penalty for violation of the order.

237.24     Sec. 9. **[624.7168] LIABILITY PROTECTION.**

237.25     Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, or a  
 237.26 designee, or a city or county attorney, who, in good faith, decides not to petition for an  
 237.27 extreme risk protection order or emergency extreme risk protection order shall be immune  
 237.28 from criminal or civil liability.

237.29     Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall  
 237.30 be immune from civil or criminal liability for any damage or deterioration of firearms,  
 237.31 ammunition, or weapons stored or transported pursuant to section 624.7165. This subdivision  
 238.1 shall not apply if the damage or deterioration occurred as a result of recklessness, gross  
 238.2 negligence, or intentional misconduct by the law enforcement agency.

238.3     Subd. 3. **Liability protection for harm following service of an order or execution of**  
 238.4 **a search warrant.** A peace officer, law enforcement agency, and the state or a political  
 238.5 subdivision by which a peace officer is employed has immunity from any liability, civil or  
 238.6 criminal, for harm caused by a person who is the subject of an extreme risk protection order,  
 238.7 a search warrant issued pursuant to section 624.7165, paragraph (d), or both after service

238.8 of the order or execution of the warrant, whichever comes first, if the peace officer acts in  
238.9 good faith in serving the order or executing the warrant.

238.10 Sec. 10. **[626.8474] EXTREME RISK PROTECTION ORDER; DEVELOPMENT**  
238.11 **OF MODEL PROCEDURES.**

238.12 By December 1, 2020, the Peace Officer Standards and Training Board, after consulting  
238.13 with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the  
238.14 Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers  
238.15 Association, shall develop model procedures and standards for the storage of firearms  
238.16 transferred to law enforcement under section 624.7165.

238.17 Sec. 11. **REVISOR INSTRUCTION.**

238.18 In the next edition of Minnesota Statutes, the revisor of statutes shall renumber Minnesota  
238.19 Statutes 2018, sections 624.7161 to 624.7168, and correct cross-references to those provisions  
238.20 so as not to conflict with this act.

238.21 Sec. 12. **EFFECTIVE DATE.**

238.22 Sections 1 to 9 and 11 are effective January 1, 2020, and apply to firearm permit  
238.23 background checks made on or after that date.