

214.15

ARTICLE 14

214.16

FIREARM BACKGROUND CHECKS AND TRANSFERS

214.17 Section 1. Minnesota Statutes 2018, section 609.11, subdivision 10, is amended to read:

214.18 Subd. 10. **Report on criminal cases involving firearm.** Beginning on July 1, 1994,
214.19 every county attorney shall collect and maintain the following information on criminal
214.20 complaints and prosecutions within the county attorney's office in which the defendant is
214.21 alleged to have committed an offense listed in subdivision 9 while possessing or using a
214.22 firearm:

214.23 (1) whether the case was charged or dismissed;

214.24 (2) whether the defendant was convicted of the offense or a lesser offense; ~~and~~

214.25 (3) whether the mandatory minimum sentence required under this section was imposed
214.26 and executed or was waived by the prosecutor or court; and

214.27 (4) whether the defendant had previously been convicted of an offense under subdivision
214.28 9 while possessing a firearm.

214.29 No later than July 1 of each year, beginning on July 1, 1995, the county attorney shall
214.30 forward this information to the Sentencing Guidelines commission upon forms prescribed
214.31 by the commission.

215.1 Sec. 2. Minnesota Statutes 2018, section 624.7131, is amended to read:

215.2 **624.7131 TRANSFEREE PERMIT; PENALTY.**

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

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

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

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

215.16 (4) a statement by the proposed transferee that the proposed transferee is not prohibited
215.17 by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

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

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

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

216.3 Subd. 4. **Grounds for disqualification.** ~~A determination by (a)~~ The chief of police or
216.4 sheriff ~~that~~ shall refuse to grant a transferee permit if the applicant is prohibited by ~~section~~
216.5 ~~624.713~~ state or federal law from possessing a pistol or semiautomatic military-style assault
216.6 weapon ~~shall be the only basis for refusal to grant a transferee permit or is determined to~~
216.7 ~~be a danger to self or others under paragraph (b).~~

216.8 (b) A chief of police or sheriff shall refuse to grant a permit to a person who is a danger
216.9 to self or others. The decision of the chief of police or sheriff must be based on documented
216.10 past contact with law enforcement. A notice of disqualification issued pursuant to this
216.11 paragraph must describe and document the specific law enforcement contact or contacts
216.12 relied upon to deny the permit.

216.13 (c) A person is not eligible to submit a permit application under this section if the person
216.14 has had an application denied pursuant to paragraph (b) and less than six months have
216.15 elapsed since the denial was issued or the person's appeal under subdivision 8 was denied,
216.16 whichever is later.

216.17 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph
216.18 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with
216.19 joint jurisdiction over the proposed transferee's residence.

216.20 (e) A chief of police or sheriff who learns that a permit applicant does not have a lawful
216.21 right to possess a firearm may pursue all appropriate remedies.

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

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

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

216.27 Subd. 6. **Permits valid statewide.** Transferee permits issued pursuant to this section are
216.28 valid statewide and shall expire after one year. A transferee permit may be renewed in the
216.29 same manner and subject to the same provisions by which the original permit was obtained,
216.30 except that all renewed permits must comply with the standards adopted by the commissioner
216.31 under section 624.7151.

216.32 Permits issued pursuant to this section are not transferable. A person who transfers a
216.33 permit in violation of this subdivision is guilty of a misdemeanor.

217.1 Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time
217.2 that the holder becomes prohibited from possessing or receiving a pistol under section
217.3 624.713, in which event the holder shall return the permit within five days to the issuing
217.4 authority. If the chief law enforcement officer who issued the permit has knowledge that
217.5 the permit holder is ineligible to possess firearms, the chief law enforcement officer must
217.6 revoke the permit and give notice to the holder in writing. Failure of the holder to return
217.7 the permit within the five days of learning that the permit is void or revoked is a gross
217.8 misdemeanor unless the court finds that the circumstances or the physical or mental condition
217.9 of the permit holder prevented the holder from complying with the return requirement.

217.10 (b) When a permit holder receives a court disposition that prohibits the permit holder
217.11 from possessing a firearm, the court must take possession of the permit, if it is available,
217.12 and send it to the issuing law enforcement agency. If the permit holder does not have the
217.13 permit when the court imposes a firearm prohibition, the permit holder must surrender the
217.14 permit to the assigned probation officer, if applicable. When a probation officer is assigned
217.15 upon disposition of the case, the court shall inform the probation agent of the permit holder's
217.16 obligation to surrender the permit. Upon surrender, the probation officer must send the
217.17 permit to the issuing law enforcement agency. If a probation officer is not assigned to the
217.18 permit holder, the holder shall surrender the permit as provided for in paragraph (a).

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

217.22 Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714
217.23 constitutes a transferee permit for the purposes of this section and ~~section~~ sections 624.7132,
217.24 and 624.7134.

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

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

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

218.1 Subd. 13. **Monitoring.** (a) Beginning September 1, 2020, and each year thereafter, the
218.2 commissioner of public safety must report to the legislature on:

218.3 (1) the number of permits applied for, issued, suspended, revoked, and denied, further
218.4 categorized by the age, sex, and zip code of the applicant or permit holder, since the previous
218.5 submission, and in total;

218.6 (2) the number of permits currently valid;

218.7 (3) the specific reasons for each suspension, revocation, and denial and the number of
218.8 reversed, canceled, or corrected actions; and

218.9 (4) without expressly identifying an applicant, the number of denials or terminations
218.10 based on the grounds under subdivisions 4 and 7, the factual basis for each denial or
218.11 revocation, and the result of an appeal, if any, including the court's findings of fact,
218.12 conclusions of law, and order.

218.13 (b) Sheriffs and police chiefs must supply the Department of Public Safety with the basic
218.14 data the department requires to complete the report under paragraph (a). Sheriffs and police
218.15 chiefs may submit data classified as private to the Department of Public Safety under this
218.16 paragraph.

218.17 (c) Copies of the report under paragraph (a) must be made available to the public at the
218.18 actual cost of duplication.

218.19 (d) Nothing contained in any provision of this section or any other law requires or
218.20 authorizes the registration, documentation, collection, or providing of serial numbers or
218.21 other data on firearms or on firearms' owners.

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

218.24 Sec. 3. Minnesota Statutes 2018, section 624.7132, is amended to read:

218.25 **624.7132 REPORT OF TRANSFER.**

218.26 Subdivision 1. **Required information.** Except as provided in this section and section
218.27 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style
218.28 assault weapon shall report the following information in writing to the chief of police of
218.29 the organized full-time police department of the municipality where the proposed transferee
218.30 resides or to the appropriate county sheriff if there is no such local chief of police:

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

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

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

219.8 (4) a statement by the proposed transferee that the transferee is not prohibited by section
219.9 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

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

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

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

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

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

220.3 assault weapon because of a threat to the life of the transferee or of any member of the
220.4 household of the transferee.

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

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

220.13 Subd. 5. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
220.14 sheriff ~~that~~ shall deny an application if the proposed transferee is prohibited by ~~section~~
220.15 ~~624.713~~ state or federal law from possessing a pistol or semiautomatic military-style assault
220.16 weapon ~~shall be the sole basis for a notification of disqualification under this section or is~~
220.17 ~~determined to be a danger to self or others under paragraph (b).~~

220.18 (b) A chief of police or sheriff shall deny an application if the person is a danger to self
220.19 or others. The decision of the chief of police or sheriff must be based on documented past
220.20 contact with law enforcement. A notice of disqualification issued pursuant to this paragraph
220.21 must describe and document the specific law enforcement contact or contacts relied upon
220.22 to deny the application.

220.23 (c) A chief of police or sheriff need not process an application under this section if the
220.24 person has had an application denied pursuant to paragraph (b) and less than six months
220.25 have elapsed since the denial was issued or the person's appeal under subdivision 13 was
220.26 denied, whichever is later.

220.27 (d) A chief of police or sheriff who denies an application pursuant to paragraph (b) must
220.28 provide a copy of the notice of disqualification to the chief of police or sheriff with joint
220.29 jurisdiction over the applicant's residence.

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

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

221.4 Subd. 9. **Number of pistols or semiautomatic military-style assault weapons.** Any
221.5 number of pistols or semiautomatic military-style assault weapons may be the subject of a
221.6 single transfer agreement and report to the chief of police or sheriff. Nothing in this section

221.7 or section 624.7131 shall be construed to limit or restrict the number of pistols or
221.8 semiautomatic military-style assault weapons a person may acquire.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

223.14 **Sec. 4. [624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK**
223.15 **REQUIRED.**

223.16 **Subdivision 1. Definitions.** (a) As used in this section, the terms in this subdivision have
223.17 the meanings given.

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

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

223.25 **Subd. 2. Background check and evidence of identity.** A person who is not a firearms
223.26 dealer is prohibited from transferring possession or ownership of a pistol or semiautomatic
223.27 military-style assault weapon to any other person who is not a firearms dealer unless the
223.28 transferee presents a valid transferee permit issued under section 624.7131 or a valid permit
223.29 to carry issued under section 624.714 and a current state or federally issued identification.

223.30 **Subd. 3. Record of transfer; required information.** (a) When two parties complete
223.31 the transfer of a pistol or semiautomatic military-style assault weapon under subdivision 2,
223.32 the transferor and transferee must complete a record of transfer on a form designed and
224.1 made publicly available without fee for this purpose by the superintendent of the Bureau
224.2 of Criminal Apprehension. Each page of the record of transfer must be signed and dated by
224.3 the transferor and the transferee and contain the serial number of the pistol or semiautomatic
224.4 military-style assault weapon.

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

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

224.7 (2) a clear copy of the transferee permit or permit to carry presented by the transferee;

224.8 and

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

224.11 (c) The record of transfer must also contain the following information regarding the
224.12 transferred pistol or semiautomatic military-style assault weapon:

224.13 (1) the type of pistol or semiautomatic military-style assault weapon;

- 224.14 (2) the manufacturer, make, and model of the pistol or semiautomatic military-style
224.15 assault weapon; and
- 224.16 (3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned
224.17 serial number.
- 224.18 (d) Both the transferor and the transferee must retain a copy of the record of transfer
224.19 and any attachments to the record of transfer for 20 years from the date of the transfer. A
224.20 copy in digital form shall be acceptable for the purposes of this paragraph.
- 224.21 **Subd. 4. Compulsory production of record of transfer; gross misdemeanor**
224.22 **penalty.** (a) The transferor and transferee of a pistol or semiautomatic military-style assault
224.23 weapon transferred under this section must produce the record of transfer when a peace
224.24 officer requests the record as part of a criminal investigation.
- 224.25 (b) A person who refuses or is unable to produce a record of transfer for a firearm
224.26 transferred under this section in response to a request for production made by a peace officer
224.27 pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for
224.28 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime
224.29 committed involving the transferred firearm.
- 224.30 **Subd. 5. Immunity.** A person is immune to a charge of violating this section if the person
224.31 presents a record of transfer that satisfies the requirements of subdivision 3.
- 224.32 **Subd. 6. Exclusions.** (a) This section shall not apply to the following transfers:
- 225.1 (1) a transfer by or to a federally licensed firearms dealer;
- 225.2 (2) a transfer by or to any law enforcement agency;
- 225.3 (3) to the extent the transferee is acting within the course and scope of employment and
225.4 official duties, a transfer to:
- 225.5 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);
- 225.6 (ii) a member of the United States armed forces, the National Guard, or the reserves of
225.7 the United States armed forces;
- 225.8 (iii) a federal law enforcement officer; or
- 225.9 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;
- 225.10 (4) a transfer between immediate family members, which for the purposes of this section
225.11 means spouses, domestic partners, parents, children, siblings, grandparents, and
225.12 grandchildren;
- 225.13 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
225.14 or a trust that occurs by operation of law upon the death of the former owner of the firearm;

- 225.15 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;
- 225.16 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
- 225.17 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
- 225.18 by United States Code, title 18, section 921(a)(13), who each have in their possession a
- 225.19 valid collector of curio and relics license issued by the United States Department of Justice,
- 225.20 Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 225.21 (8) the temporary transfer of a firearm if:
- 225.22 (i) the transfer is necessary to prevent imminent death or great bodily harm; and
- 225.23 (ii) the person's possession lasts only as long as immediately necessary to prevent such
- 225.24 imminent death or great bodily harm;
- 225.25 (9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in
- 225.26 the person's official role as an auctioneer to facilitate or conduct an auction of the firearm;
- 225.27 and
- 225.28 (10) a temporary transfer if the transferee's possession of the firearm following the
- 225.29 transfer is only:
- 225.30 (i) at a shooting range that operates in compliance with the performance standards under
- 225.31 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance
- 226.1 is not required by the governing body of the jurisdiction, at an established shooting range
- 226.2 operated consistently with local law in the jurisdiction;
- 226.3 (ii) at a lawfully organized competition involving the use of a firearm, or while
- 226.4 participating in or practicing for a performance by an organized group that uses firearms as
- 226.5 part of the performance;
- 226.6 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
- 226.7 transferee possesses the firearm and the transferee holds all licenses or permits required for
- 226.8 hunting or trapping;
- 226.9 (iv) at a lawfully organized educational or instructional course and under the direct
- 226.10 supervision of a certified instructor, as that term is defined in section 624.714, subdivision
- 226.11 2a, paragraph (d); or
- 226.12 (v) while in the actual presence of the transferor.
- 226.13 (b) A transfer under this subdivision is permitted only if the transferor has no reason to
- 226.14 believe:
- 226.15 (1) that the transferee is prohibited by federal law from buying or possessing firearms
- 226.16 or not entitled under state law to possess firearms;

226.17 (2) if the transferee is under 18 years of age and is receiving the firearm under direct
226.18 supervision and control of an adult, that the adult is prohibited by federal law from buying
226.19 or possessing firearms or not entitled under state law to possess firearms; or

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

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

226.23 **Sec. 5. PROHIBITED PERSONS IN POSSESSION OF FIREARMS STUDY;**

226.24 **REPORT.**

226.25 The commissioner of public safety shall study the issue of convictions of prohibited
226.26 persons in possession of firearms and how the prohibited persons obtained possession of
226.27 the firearms. By December 15, 2020, the commissioner must file a report detailing the
226.28 commissioner's study with the chairs and ranking minority members of the house and senate
226.29 committees with jurisdiction over public safety policy and finance.