

ARTICLE 14

FIREARMS BACKGROUND CHECKS

Section 1. Minnesota Statutes 2022, section 624.7131, subdivision 4, is amended to read:

Subd. 4. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or sheriff ~~that~~ shall refuse to grant a transferee permit if the applicant is: (1) prohibited by section 624.713 state or federal law from possessing a pistol or semiautomatic military-style assault weapon shall be the only basis for refusal to grant a transferee permit; (2) determined to be a danger to self or the public when in possession of firearms under paragraph (b); or (3) listed in the criminal gang investigative data system under section 299C.091.

(b) A chief of police or sheriff shall refuse to grant a permit to a person if there exists a substantial likelihood that the applicant is a danger to self or the public when in possession of a firearm. To deny the application pursuant to paragraph (a), clause (2), the chief of police or sheriff must provide the applicant with written notification and the specific factual basis justifying the denial, including the source of the factual basis. The chief of police or sheriff must inform the applicant of the applicant's right to submit, within 20 business days, any additional documentation relating to the propriety of the denial. Upon receiving any additional documentation, the chief of police or sheriff must reconsider the denial and inform the applicant within 15 business days of the result of the reconsideration. Any denial after reconsideration must be in the same form and substance as the original denial and must specifically address any continued deficiencies in light of the additional documentation submitted by the applicant. The applicant must be informed of the right to seek de novo review of the denial as provided in subdivision 8.

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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2022, section 624.7131, subdivision 5, is amended to read:

Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee permit or deny the application within seven 30 days of application for the permit.

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

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

229.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
229.24 committed on or after that date.

229.25 Sec. 3. Minnesota Statutes 2022, section 624.7131, subdivision 7, is amended to read:

229.26 Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time
229.27 that the holder becomes prohibited from possessing or receiving a pistol under section
229.28 624.713, in which event the holder shall return the permit within five days to the issuing
229.29 authority. If the chief law enforcement officer who issued the permit has knowledge that
229.30 the permit holder is ineligible to possess firearms, the chief law enforcement officer must
229.31 revoke the permit and give notice to the holder in writing. Failure of the holder to return
229.32 the permit within the five days of learning that the permit is void or revoked is a gross
230.1 misdemeanor unless the court finds that the circumstances or the physical or mental condition
230.2 of the permit holder prevented the holder from complying with the return requirement.

230.3 (b) When a permit holder receives a court disposition that prohibits the permit holder
230.4 from possessing a firearm, the court must take possession of the permit, if it is available,
230.5 and send it to the issuing law enforcement agency. If the permit holder does not have the
230.6 permit when the court imposes a firearm prohibition, the permit holder must surrender the
230.7 permit to the assigned probation officer, if applicable. When a probation officer is assigned
230.8 upon disposition of the case, the court shall inform the probation agent of the permit holder's
230.9 obligation to surrender the permit. Upon surrender, the probation officer must send the
230.10 permit to the issuing law enforcement agency. If a probation officer is not assigned to the
230.11 permit holder, the holder shall surrender the permit as provided in paragraph (a).

230.12 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
230.13 committed on or after that date.

230.14 Sec. 4. Minnesota Statutes 2022, section 624.7131, subdivision 8, is amended to read:

230.15 Subd. 8. **Hearing upon denial.** (a) Any person aggrieved by denial of a transferee permit
230.16 may appeal ~~the denial to the district court having jurisdiction over the county or municipality~~
230.17 ~~in which the denial occurred,~~ by petition to the district court having jurisdiction over the
230.18 county or municipality where the application was submitted. The petition must list the
230.19 applicable chief of police or sheriff as the respondent. The district court must hold a hearing
230.20 at the earliest practicable date and in any event no later than 60 days following the filing of
230.21 the petition for review. The court may not grant or deny any relief before the completion
230.22 of the hearing. The record of the hearing must be sealed. The matter must be heard de novo
230.23 without a jury.

230.24 (b) The court must issue written findings of fact and conclusions of law regarding the
230.25 issues submitted by the parties. The court must issue its writ of mandamus directing that
230.26 the permit be issued and order other appropriate relief unless the chief of police or sheriff
230.27 establishes by clear and convincing evidence that:

230.28 (1) the applicant is disqualified from possessing a firearm under state or federal law;

230.29 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
230.30 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
230.31 investigated and documented may not be considered; or

230.32 (3) the applicant is listed in the criminal gang investigative data system under section
230.33 299C.091.

231.1 (c) If an application is denied because the proposed transferee is listed in the criminal
231.2 gang investigative data system under section 299C.091, the applicant may challenge the
231.3 denial, after disclosure under court supervision of the reason for that listing, based on grounds
231.4 that the person:

231.5 (1) was erroneously identified as a person in the data system;

231.6 (2) was improperly included in the data system according to the criteria outlined in
231.7 section 299C.091, subdivision 2, paragraph (b); or

231.8 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
231.9 in the data system.

231.10 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
231.11 committed on or after that date.

231.12 Sec. 5. Minnesota Statutes 2022, section 624.7131, subdivision 9, is amended to read:

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

231.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
231.17 committed on or after that date.

231.18 Sec. 6. Minnesota Statutes 2022, section 624.7131, subdivision 11, is amended to read:

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

231.22 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
231.23 committed on or after that date.

231.24 Sec. 7. Minnesota Statutes 2022, section 624.7132, subdivision 4, is amended to read:

231.25 Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall
231.26 deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee
231.27 until ~~five business~~ 30 days after the date the agreement to transfer is delivered to a chief of
231.28 police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives
231.29 all or a portion of the ~~seven-day~~ waiting period. The chief of police or sheriff may waive
231.30 all or a portion of the ~~five-business day~~ waiting period in writing if the chief of police or

231.31 sheriff: (1) determines the proposed transferee is not disqualified prior to the waiting period
232.1 concluding; or (2) finds that the transferee requires access to a pistol or semiautomatic
232.2 military-style assault weapon because of a threat to the life of the transferee or of any member
232.3 of the household of the transferee. Prior to modifying the waiting period under the authority
232.4 granted in clause (2), the chief of police or sheriff must first determine that the proposed
232.5 transferee is not prohibited from possessing a firearm under state or federal law.

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

232.10 If the transferor makes a report of transfer and receives no written notification of
232.11 disqualification of the proposed transferee within ~~five~~ 30 business days after delivery of the
232.12 agreement to transfer, the ~~pistol or semiautomatic military-style assault weapon~~ firearm
232.13 may be delivered to the transferee, unless the transferor knows the transferee is ineligible
232.14 to possess firearms.

232.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
232.16 committed on or after that date.

232.17 Sec. 8. Minnesota Statutes 2022, section 624.7132, subdivision 5, is amended to read:

232.18 Subd. 5. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
232.19 sheriff that shall deny an application if the proposed transferee is: (1) prohibited by section
232.20 624.713 state or federal law from possessing a pistol or semiautomatic military-style assault
232.21 weapon shall be the sole basis for a notification of disqualification under this section; (2)
232.22 determined to be a danger to self or the public when in possession of firearms under paragraph
232.23 (b); or (3) listed in the criminal gang investigative data system under section 299C.091.

232.24 (b) A chief of police or sheriff shall deny an application if there exists a substantial
232.25 likelihood that the proposed transferee is a danger to self or the public when in possession
232.26 of a firearm. To deny the application under this paragraph, the chief of police or sheriff
232.27 must provide the applicant with written notification and the specific factual basis justifying
232.28 the denial, including the source of the factual basis. The chief of police or sheriff must
232.29 inform the applicant of the applicant's right to submit, within 20 business days, any additional
232.30 documentation relating to the propriety of the denial. Upon receiving any additional
232.31 documentation, the chief of police or sheriff must reconsider the denial and inform the
232.32 applicant within 15 business days of the result of the reconsideration. Any denial after
232.33 reconsideration must be in the same form and substance as the original denial and must
232.34 specifically address any continued deficiencies in light of the additional documentation
233.1 submitted by the applicant. The applicant must be informed of the right to seek de novo
233.2 review of the denial as provided in subdivision 13.

233.3 (c) A chief of police or sheriff need not process an application under this section if the
233.4 person has had an application denied pursuant to paragraph (b) and less than six months

233.5 have elapsed since the denial was issued or the person's appeal under subdivision 13 was
233.6 denied, whichever is later.

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

233.10 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
233.11 committed on or after that date.

233.12 Sec. 9. Minnesota Statutes 2022, section 624.7132, subdivision 8, is amended to read:

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

233.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
233.17 committed on or after that date.

233.18 Sec. 10. Minnesota Statutes 2022, section 624.7132, subdivision 10, is amended to read:

233.19 Subd. 10. **Restriction on records.** Except as provided in section 624.7134, subdivision
233.20 3, paragraph (e), if, after a determination that the transferee is not a person prohibited by
233.21 section 624.713 from possessing a pistol or semiautomatic military-style assault weapon,
233.22 a transferee requests that no record be maintained of the fact of who is the transferee of a
233.23 pistol or semiautomatic military-style assault weapon, the chief of police or sheriff shall
233.24 sign the transfer report and return it to the transferee as soon as possible. Thereafter, no
233.25 government employee or agency shall maintain a record of the transfer that identifies the
233.26 transferee, and the transferee shall retain the report of transfer.

233.27 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
233.28 committed on or after that date.

233.29 Sec. 11. Minnesota Statutes 2022, section 624.7132, subdivision 13, is amended to read:

233.30 Subd. 13. **Appeal.** (a) A person aggrieved by the determination of a chief of police or
233.31 sheriff that the person is prohibited by section 624.713 from possessing a pistol or
234.1 semiautomatic military-style assault weapon may appeal the determination as provided in
234.2 this subdivision. The district court shall have jurisdiction of proceedings under this
234.3 subdivision; under subdivision 5 may appeal by petition to the district court having
234.4 jurisdiction over the county or municipality where the application was submitted. The
234.5 petition must list the applicable chief of police or sheriff as the respondent. The district
234.6 court must hold a hearing at the earliest practicable date and in any event no later than 60
234.7 days following the filing of the petition for review. The court may not grant or deny any
234.8 relief before the completion of the hearing. The record of the hearing must be sealed. The
234.9 matter must be heard de novo without a jury.

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

234.13 (b) The court must issue written findings of fact and conclusions of law regarding the
234.14 issues submitted by the parties. The court must issue its writ of mandamus directing that
234.15 the permit be issued and order other appropriate relief unless the chief of police or sheriff
234.16 establishes by clear and convincing evidence that:

234.17 (1) the applicant is disqualified under state or federal law from possession of firearms;

234.18 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
234.19 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
234.20 investigated and documented may not be considered; or

234.21 (3) the applicant is listed in the criminal gang investigative data system under section
234.22 299C.091.

234.23 (c) If an application is denied because the proposed transferee is listed in the criminal
234.24 gang investigative data system under section 299C.091, the proposed transferee may
234.25 challenge the denial, after disclosure under court supervision of the reason for that listing,
234.26 based on grounds that the person:

234.27 (1) was erroneously identified as a person in the data system;

234.28 (2) was improperly included in the data system according to the criteria outlined in
234.29 section 299C.091, subdivision 2, paragraph (b); or

234.30 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
234.31 in the data system.

234.32 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
234.33 committed on or after that date.

235.1 Sec. 12. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK**
235.2 **REQUIRED.**

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

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

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

235.12 (d) "Unlicensed person" means a person who does not hold a license under United States
235.13 Code, title 18, section 923(a).

235.14 Subd. 2. **Background check and evidence of identity.** An unlicensed person is prohibited
235.15 from transferring a pistol or semiautomatic military-style assault weapon to any other
235.16 unlicensed person, unless: (1) the transfer is made through a firearms dealer as provided
235.17 for in subdivision 3; or (2) the transferee presents a valid transferee permit issued under
235.18 section 624.7131 and a current state or federally issued identification.

235.19 Subd. 3. **Background check conducted by federally licensed firearms dealer.** (a)
235.20 Where both parties to a prospective transfer of a pistol or semiautomatic military-style
235.21 assault weapon are unlicensed persons, the transferor and transferee may appear jointly
235.22 before a federally licensed firearms dealer with the firearm and request that the federally
235.23 licensed firearms dealer conduct a background check on the transferee and facilitate the
235.24 transfer.

235.25 (b) Except as otherwise provided in this section, a federally licensed firearms dealer
235.26 who agrees to facilitate a transfer under this section shall:

235.27 (1) process the transfer as though transferring the firearm from the dealer's inventory to
235.28 the transferee; and

235.29 (2) comply with all requirements of federal and state law that would apply if the firearms
235.30 dealer were making the transfer, including, at a minimum, all background checks and
235.31 record-keeping requirements. The exception to the report of transfer process in section
235.32 624.7132, subdivision 12, clause (1), does not apply to transfers completed under this
235.33 subdivision.

236.1 (c) If the transferee is prohibited by federal law from purchasing or possessing the firearm
236.2 or not entitled under state law to possess the firearm, neither the federally licensed firearms
236.3 dealer nor the transferor shall transfer the firearm to the transferee.

236.4 (d) Notwithstanding any other law to the contrary, this section shall not prevent the
236.5 transferor from:

236.6 (1) removing the firearm from the premises of the federally licensed firearms dealer, or
236.7 the gun show or event where the federally licensed firearms dealer is conducting business,
236.8 as applicable, while the background check is being conducted, provided that the transferor
236.9 must return to the federally licensed firearms dealer with the transferee before the transfer
236.10 takes place, and the federally licensed firearms dealer must take possession of the firearm
236.11 in order to complete the transfer; and

236.12 (2) removing the firearm from the business premises of the federally licensed firearms
236.13 dealer if the results of the background check indicate the transferee is prohibited by federal
236.14 law from purchasing or possessing the firearm or not entitled under state law to possess the
236.15 firearm.

236.16 (e) A transferee who consents to participate in a transfer under this subdivision is not
236.17 entitled to have the transfer report returned as provided for in section 624.7132, subdivision
236.18 10.

236.19 (f) A firearms dealer may charge a reasonable fee for conducting a background check
236.20 and facilitating a transfer between the transferor and transferee pursuant to this section.

236.21 Subd. 4. **Record of transfer; required information.** (a) Unless a transfer is made
236.22 through a firearms dealer as provided in subdivision 3, when two unlicensed persons complete
236.23 the transfer of a pistol or semiautomatic military-style assault weapon, the transferor and
236.24 transferee must complete a record of transfer on a form designed and made publicly available
236.25 without fee for this purpose by the superintendent of the Bureau of Criminal Apprehension.
236.26 Each page of the record of transfer must be signed and dated by the transferor and the
236.27 transferee and contain the serial number of the pistol or semiautomatic military-style assault
236.28 weapon.

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

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

236.31 (2) a clear copy of the transferee permit presented by the transferee; and

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

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

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

237.4 (2) the manufacturer, make, and model of the pistol or semiautomatic military-style
237.5 assault weapon; and

237.6 (3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned
237.7 serial number.

237.8 (d) Both the transferor and the transferee must retain a copy of the record of transfer
237.9 and any attachments to the record of transfer for 20 years from the date of the transfer. A
237.10 copy in digital form shall be acceptable for the purposes of this paragraph.

237.11 Subd. 5. **Compulsory production of a record of transfer; gross misdemeanor**
237.12 **penalty.** (a) Unless a transfer was completed under subdivision 3, the transferor and
237.13 transferee of a pistol or semiautomatic military-style assault weapon transferred under
237.14 subdivision 4 must produce the record of transfer when a peace officer requests the record
237.15 as part of a criminal investigation.

237.16 (b) A person who refuses or is unable to produce a record of transfer for a firearm
237.17 transferred under this section in response to a request for production made by a peace officer
237.18 pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for

237.19 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime
237.20 committed involving the transferred firearm.

237.21 Subd. 6. **Immunity.** A person is immune to a charge of violating this section if the person
237.22 presents a record of transfer that satisfies the requirements of subdivision 4.

237.23 Subd. 7. **Exclusions.** (a) This section shall not apply to the following transfers:

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

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

237.26 (3) to the extent the transferee is acting within the course and scope of employment and
237.27 official duties, a transfer to:

237.28 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

237.29 (ii) a member of the United States armed forces, the National Guard, or the Reserves of
237.30 the United States armed forces;

237.31 (iii) a federal law enforcement officer; or

238.1 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;

238.2 (4) a transfer between immediate family members, which for the purposes of this section
238.3 means spouses, domestic partners, parents, children, siblings, grandparents, and
238.4 grandchildren;

238.5 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
238.6 or a trust that occurs by operation of law upon the death of the former owner of the firearm;

238.7 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;

238.8 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
238.9 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
238.10 by United States Code, title 18, section 921(a)(13), who each have in their possession a
238.11 valid collector of curio and relics license issued by the United States Department of Justice,
238.12 Bureau of Alcohol, Tobacco, Firearms and Explosives;

238.13 (8) the temporary transfer of a firearm if:

238.14 (i) the transfer is necessary to prevent imminent death or great bodily harm; and

238.15 (ii) the person's possession lasts only as long as immediately necessary to prevent such
238.16 imminent death or great bodily harm;

238.17 (9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in
238.18 the person's official role as an auctioneer to facilitate or conduct an auction of the firearm;
238.19 and

238.20 (10) a temporary transfer if the transferee's possession of the firearm following the
238.21 transfer is only:

238.22 (i) at a shooting range that operates in compliance with the performance standards under
238.23 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance
238.24 is not required by the governing body of the jurisdiction, at an established shooting range
238.25 operated consistently with local law in the jurisdiction;

238.26 (ii) at a lawfully organized competition involving the use of a firearm, or while
238.27 participating in or practicing for a performance by an organized group that uses firearms as
238.28 part of the performance;

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

239.1 (iv) at a lawfully organized educational or instructional course and under the direct
239.2 supervision of a certified instructor, as that term is defined in section 624.714, subdivision
239.3 2a, paragraph (d); or

239.4 (v) while in the actual presence of the transferor.

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

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

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

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

239.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
239.14 committed on or after that date.

239.15 Sec. 13. **REPEALER.**

239.16 Minnesota Statutes 2022, sections 624.7131, subdivision 10; and 624.7132, subdivisions
239.17 6 and 14, are repealed.