

CHAPTER 624

CRIMES, OTHER PROVISIONS

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SABBATH BREAKING

624.01 SABBATH BREAKING; DAY.

The law prohibits the doing on the first day of the week of the certain acts specified in section 624.02, which are serious interruptions of the repose and religious liberty of the community, and the doing of any of such acts on that day shall constitute Sabbath breaking. Under the term "day," as used in this section and section 624.02, is included all the time from midnight to midnight.

History: (10234) *RL s 4980*

624.02 [Repealed, 1985 c 212 s 27]

624.03 PUNISHMENT.

Every person who breaks the Sabbath shall be guilty of a misdemeanor and punished by a fine of not less than \$1 nor more than \$10 or by imprisonment in the county jail for not more than five days; but it shall be a sufficient defense to a prosecution for Sabbath breaking that the defendant uniformly keeps another day of the week as holy time and that the act complained of was done in such manner as not to disturb others in the observance of the Sabbath.

History: (10236) *RL s 4982*

624.04 SERVICE OF PROCESS ON THE SABBATH PROHIBITED.

Every service of legal process upon the Sabbath day, except in case of a breach or

apprehended breach of the peace, or when sued out for the apprehension of a person charged with crime, or where such service is expressly authorized by statute, is hereby prohibited.

History: (10237) *RL s 4983*

FIREWORKS

624.20 FIREWORKS.

As used in sections 624.20 to 624.25, the term "fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25 hundredths grains or less of explosive compound are used and toy pistol caps which contain less than 20 hundredths grains of explosive mixture.

History: 1941 *c 125 s 1*

624.21 SALE AND USE OF FIREWORKS PROHIBITED.

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or wholesale, or use or explode any fireworks. This section shall not be construed to prohibit the use or explosion of fireworks by an engineer licensed pursuant to sections 326.02 and 326.03 or a person under the engineer's direct supervision when undertaking acoustical testing; or sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the state; or sales outside the state or sales to licensed professional engineers for acoustical testing purposes only.

History: 1941 *c 125 s 2*; 1963 *c 818 s 1*; 1982 *c 440 s 1*

624.22 PUBLIC DISPLAYS OF FIREWORKS BY MUNICIPALITIES EXCEPTED.

Sections 624.20 to 624.25 shall not prohibit supervised public displays of fireworks by cities, fair associations, amusement parks, and other organizations. Except when such display is given by a municipality or fair association within its own limits, no display shall be given unless a permit therefor has first been secured. Every application for such a permit shall be made in writing to the municipal clerk at least 15 days in advance of the date of the display. The application shall be promptly referred to the chief of the fire department who shall make an investigation to determine whether the operator of the display is competent and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The fire chief shall report the results of this investigation to the clerk. If the fire chief reports that in the chief's opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules of the state fire marshal hereinafter provided for, the clerk shall issue a permit for the display when the applicant pays a permit fee of \$2. When the supervised public display for which a permit is sought is to be held outside the limits of an incorporated municipality, the application shall be made to the county auditor and the duties imposed by such sections upon the clerk of the municipality shall be performed in such case by the county auditor. The duties imposed on the fire chief of the municipality by such sections shall be performed in such case by the county sheriff. After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit so granted shall be transferable. The state fire marshal shall adopt reasonable rules not inconsistent with the provisions of such sections to insure that fireworks displays are given safely.

History: 1941 *c 125 s 3*; 1973 *c 123 art 5 s 7*; 1985 *c 248 s 70*; 1986 *c 444*

624.23 CONSTRUCTION OF SECTIONS 624.20 TO 624.25.

Nothing in sections 624.20 to 624.25 shall be construed to prohibit any resident wholesaler, dealer, or jobber, from selling at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks for shipment directly out of the state; or the use of fireworks by airplanes and railroads, or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations or for use as a bird or animal repelling device.

History: 1941 c 125 s 4; 1971 c 710 s 1

624.24 OFFICERS MAY SEIZE ILLEGAL FIREWORKS.

The state fire marshal, or any sheriff, police officer, constable, or local fire marshal, shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of sections 624.20 to 624.25.

History: 1941 c 125 s 5

624.25 VIOLATION.

Any person violating the provisions of sections 624.20 to 624.24 shall be guilty of a misdemeanor.

History: 1941 c 125 s 6

TOKENS, CHECKS AND SLUGS

624.30 MANUFACTURE AND DISTRIBUTION OF TOKENS, WHEN PROHIBITED.

The manufacture, sale, offering for sale, advertising for sale, or distribution of tokens, checks, or slugs similar in size and shape to lawful coin of the United States with knowledge or reason to believe that such tokens, checks, or slugs may be used in substitution for any such lawful coin in any vending machine, parking meter, service meter, coin-box telephone, or other coin receptacle designed to receive or be operated only by lawful coin of the United States in connection with the sale, use, or enjoyment of property, privilege, or service, is hereby prohibited.

History: 1941 c 132 s 1

624.31 RESTRICTIONS AS TO SIZE OF TOKENS.

No person shall manufacture, sell, or offer for sale or distribute any checks, tokens, or slugs unless they shall be either five percent larger or five percent smaller in diameter than any lawful coin of the United States.

History: 1941 c 132 s 2

624.32 KNOWLEDGE OF ILLEGAL USE PRESUMED.

In the trial of a defendant for violation of the provisions of sections 624.30 to 624.33, knowledge or reason to believe, within the meaning thereof, shall be deemed to exist upon the presentation of proof to the court that any county attorney, sheriff, or chief of police in the state, or a deputy or delegate of such officer, has given written notice to the defendant that tokens, checks, or slugs of the kind manufactured, sold, offered for sale, advertised for sale, or distributed by the defendant are being used in substitution for lawful coin in the operation of any such coin receptacle or machine; provided that such notice shall have been given prior to the time of the manufacture, sale, offering for sale, advertising for sale, or distribution of such tokens, checks, or slugs for which the defendant is being tried.

History: 1941 c 132 s 3; 1986 c 444

624.33 VIOLATION A MISDEMEANOR.

Any person, firm, or corporation violating the provisions of sections 624.30 to 624.32 shall be guilty of a misdemeanor.

History: 1941 c 132 s 4

DANCE HALLS**624.42 DANCE HALL.**

A public dancing place, as the term is used in sections 624.42 to 624.54, shall be taken to mean any room, place, or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment, directly or indirectly, of an admission fee or price for dancing. A public dance, as the term is used in those sections, shall be taken to mean any dance wherein the public may participate by payment, directly or indirectly, of an admission fee or price for dancing, or a fee for a membership in a club, and shall include any manner of holding a dance which may be participated in by the public through the payment of money, directly or indirectly.

History: (10161) 1923 c 139 s 1; 1977 c 132 s 1

624.43 PROPRIETORS MUST OBTAIN PERMITS.

It shall be unlawful for any person to give, hold, or conduct a public dance unless the owner or proprietor of the public dancing place, or the person giving the same or in charge thereof, shall first have procured a permit to hold, give, and conduct such public dance from the public authorities hereinafter designated, as hereinafter provided.

History: (10162) 1923 c 139 s 2

624.44 ISSUANCE OF PERMIT.

In all cities of this state the permit must be procured from the governing body of the municipality; provided, that in any county within which there now exists a city having a population of 225,000, or more, such permits may be issued only by the town board of the town within which such public dance is to be held, except when the public dancing place is owned by the municipality and the dance to be given or held therein is to be given by and under the supervision of the public authorities of the municipality. In all other cases the permit must be procured from the county board of the county in which the public dance is to be held. Such permits may be issued for one or more public dances or for a period of time not exceeding one year; provided, that in any case where a permit for one single dance is desired, the town board of the town where the dance is to be held shall have a right to grant the same, but any person owning or operating a dance pavilion or dance hall in any such town where dances are regularly held during the year, or a part thereof, must make application for such dance permit to the county commissioners; and, provided, that this shall not apply to counties having a population of 225,000, or more. The permit shall be issued at a fee and under such conditions as such governing body or county board may prescribe, not inconsistent with the provisions of sections 624.42 to 624.54; provided, no such permit shall be granted in any organized town outside of the limits of any city, in which town the town board shall pass a bylaw or resolution prohibiting public dances therein.

History: (10163) 1923 c 139 s 3; 1929 c 264 s 1; 1973 c 123 art 5 s 7

624.45 PERMIT TO BE POSTED.

Any person desiring a permit to hold, give, or conduct a public dance shall make application therefor by filing with the city clerk, statutory city recorder, or county auditor, as the facts may require, a verified application, setting forth the name and address of the person, persons, committee, or organization who are to give, hold, and conduct the same, the time and place where such public dance is to be held, and the

area of the dance floor where the dance is to be given. The application shall thereupon be presented to the governing body or to the county board at its next meeting for action. The governing body or the county board may refer the application to the chief peace officer of the municipality or to the sheriff of the county for investigation and report before granting the same. The governing body or the county board shall thereupon act upon the application and either grant or reject the same. In case the same is granted, the governing body or the county board shall fix the fee to be paid by the applicant for such permit and shall direct the proper officers to issue the same upon the payment of the fee and upon payment of the expense of the investigation herein provided for in case such investigation is made. The permit shall specify the names and addresses of the persons to whom issued, the amount paid therefor, and the time and place where the public dance is to be held. The permit shall be posted in a public place in the dance hall described therein during the time the public dance mentioned therein is being given, and the persons named in the permit shall be responsible under the law for the manner in which the public dance is being held and conducted. Such permit may be acted upon at any special meeting of the governing body or county board, whether included in the call for the special meeting or otherwise.

History: (10164) 1923 c 139 s 4; 1929 c 264 s 2; 1973 c 123 art 5 s 7

624.46 APPLICATIONS.

All applications for such permits shall be made upon blanks furnished by the city, or county, as the case may be, and shall be accompanied by the affidavit of two residents and shall affirmatively show by the application and affidavits that the applicant is a person of good moral character and reputation in the community in which the applicant lives and that the applicant has not, within five years prior to the making of the application, been convicted of a felony, gross misdemeanor, or of any of the provisions of sections 624.42 to 624.54, and no such application shall be granted to any person of bad character or who has been so convicted as aforesaid, nor to any person who is keeper of any disorderly house of any kind, nor for any place having any so-called "private apartments" or "private rooms" furnished or used for any other than legitimate business purposes which adjoin such dancing place or which may be reached by stairs, elevator, or passageway leading from such dancing place. No permit shall be issued under the terms of sections 624.42 to 624.54 unless the governing body or county board is satisfied that the place where the public dance is to be given or held is properly ventilated and equipped with necessary toilets, washrooms, lighting facilities, and that such place is not likely to become a public nuisance or detrimental to public morals.

History: (10165) 1923 c 139 s 5; 1929 c 264 s 3; 1973 c 123 art 5 s 7; 1977 c 132 s 2; 1986 c 444

624.47 IMMODEST DANCES PROHIBITED.

No person shall dance, nor shall any person to whom such permit is issued permit or suffer any person to dance in any public dance hall any indecent or immoral dances or any dance which is characterized by immodest motion of the body. No person shall in any public dance hall act or speak in rude, boisterous, obscene, or indecent manner, nor shall any person to whom a permit has been issued suffer or permit any person to so act or speak therein.

History: (10167) 1923 c 139 s 7

624.48 LIGHTS.

Every public dancing place shall be brightly illuminated while in public use, and dancing therein while the lights are extinguished, dimmed, or turned low, so as to give imperfect illumination, is hereby prohibited.

History: (10168) 1923 c 139 s 8

624.49 NOT TO ADMIT CERTAIN PERSONS.

No person to whom a permit has been issued shall permit to be or remain in any public dancing place any intoxicated person, any prostitute, any person of known immorality, or any unmarried person under the age of 16 years, unless such person is accompanied by a parent or guardian, nor any unmarried person more than 16, and under the age of 18, years unless such person is accompanied by a parent or guardian or presents the written consent of a parent or guardian to the officer in charge of such dance, and every such written permit shall be retained by such officer.

History: (10169) 1923 c 139 s 9; 1986 c 444

624.50 OFFICER MUST ATTEND ALL PUBLIC DANCES.

It shall be incumbent upon the person to whom such permit is issued to have an officer of the law present at every public dance to be given or held thereunder during all the time the public dance is being held. In the case of a public dance to be held or given in a city, such officer of the law shall be designated by the chief peace officer thereof. In all other cases such officer of the law shall be designated by the sheriff of the county. In all cases the fees and expenses of such officer of the law shall be paid in advance by the person to whom the permit has been issued. In case any person, not a public officer, shall be designated as such officer of the law, the person to whom the permit has been issued shall be responsible for the person's acts and conduct and there shall be no liability for the person's acts and conduct on the part of the officer designating the person under the provisions of sections 624.42 to 624.54.

History: (10170) 1923 c 139 s 10; 1927 c 321; 1973 c 123 art 5 s 7; 1986 c 444

624.51 HOURS.

No public dance shall be held or conducted between the hours of 1:00 a.m. and 6:00 a.m., of any day; provided, that no public dance shall be held or conducted on Sunday between the hours of 1:00 a.m. and 12 o'clock noon thereof. In all other cases the public authorities issuing the permit herein provided for may, if they so desire, fix the hours within which public dances may be held, not inconsistent herewith, and shall also have authority, by ordinance or resolution, to regulate or to prohibit the same on Sunday, within the limits of the city or territory within which such public authorities may grant permits for public dancing as herein provided.

History: (10171) 1923 c 139 s 11; 1925 c 302; 1971 c 79 s 1; 1973 c 123 art 5 s 7; 1984 c 562 s 47

624.52 DISPOSITION OF FEES.

All fees for permits hereunder shall be paid into the treasury of the municipality or into the county treasury, as the case may be.

History: (10172) 1923 c 139 s 12

624.53 REVOCATION OF PERMIT.

The governing body or town board issuing a permit hereunder may at any time revoke the same and shall revoke any such permit held by any person convicted of violating any of the provisions of sections 624.42 to 624.54; provided, any five or more freeholders residing in any statutory city having a population of not more than 1,000, or in any town, may petition such town board or city council of any such town or city, setting forth that any dancing place for which a permit has been issued is being conducted contrary to law, whereupon it shall be the duty of such board or city council to hear and act upon such petition within ten days after the same shall have been filed with the town clerk or city recorder; and, in case any such petition shall be denied, or not acted upon, within such time, then any five freeholders of such town or city may file a petition with the county board of the county, setting forth the facts. Thereupon it shall be the duty of such county board to hear and determine such petition, and such board shall have power, and it shall be the duty of such board, to revoke any such

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permit if it finds that such dancing place has been conducted contrary to law. It shall be the duty of the county attorney in each county to enforce the provisions of sections 624.42 to 624.54 and prosecute all violations thereof.

History: (10173) 1923 c 139 s 13; 1973 c 123 art 5 s 7

624.54 VIOLATION A MISDEMEANOR.

Any person, firm, or corporation violating any of the provisions of sections 624.42 to 624.53 shall be guilty of a misdemeanor.

History: (10174) 1923 c 139 s 14

MISCELLANEOUS

624.61 ARMED ASSOCIATION.

It shall not be lawful for any body of persons, other than the national guard, troops of the United States and, with the consent of the governor, sons and daughters of veterans and cadets of educational institutions where military science is taught, to associate themselves together as a military company with arms, but members of social and benevolent organizations are not prohibited from wearing swords. Any violation of this section shall be a misdemeanor.

History: (10533) RL s 5195; 1986 c 444

624.62 BOARDING MOVING ENGINES OR CARS.

It shall be unlawful for any person, other than a passenger or employee, to get on or off, or attempt to get on or off, or to swing on, or hang on from the outside of, any engine or car or any electric motor or street car upon any railway or track, while the engine, car, motor, or street car is in motion, or switching or being switched. Every person who violates this section shall be punished by a fine of not more than \$10, and any sheriff, constable, or police officer finding any person in the act of violating this section shall arrest, take before a proper court, and make a verified complaint against the person for the violation.

History: (10507) RL s 5178; 1983 c 359 s 93; 1986 c 444

624.63 DANGEROUS EXHIBITIONS.

Every proprietor, lessee, or occupant of any place of amusement, or any plat of ground, or building, who shall use or allow it to be used for the exhibition of skill in throwing any sharp instrument at or toward any human being, or who shall aim or discharge, or allow to be aimed or discharged, at or toward any human being, any bow-gun, pistol, or firearm of any description, shall be guilty of a misdemeanor.

History: (10266) RL s 5004

624.64 ACROBATIC EXHIBITIONS.

Every proprietor, occupant, or lessee of any place where acrobatic exhibitions are held, who shall permit any person to perform on any trapeze, rope, pole, or other acrobatic contrivance, without network, or other sufficient means of protection from falling or other accident, shall be guilty of a gross misdemeanor, and, for the first offense, punished by a fine of \$250 and for each subsequent offense by a fine of \$250 and imprisonment in the county jail for not less than three months nor more than one year.

History: (10267) RL s 5005

624.65 ITINERANT CARNIVALS.

Subdivision 1. **Prohibited.** Itinerant carnivals, as defined in subdivision 2, are hereby declared to be a public nuisance and are prohibited.

Subd. 2. **Itinerant carnival.** An itinerant carnival, within the meaning and for

the purposes of this section, is any itinerant carnival, show, act, or exhibition, or any other carnival, show, act, or exhibition, which is held in the open or indoors or upon or within any public or private grounds of the state, or of any incorporated municipality thereof at which congregates and assembles, with or without payment of an admission fee, a promiscuous gathering of people, as spectators or otherwise, and at which lewd or obscene features are a part, or at which any gambling concessions are given or games of chance practiced, or in or about which actors or other persons connected therewith are engaged in immoral pursuits, or at which attractions are exhibited which affect the health or morals of the community.

Subd. 3. Penalties. Any person who shall participate in allowing or conducting any itinerant carnival herein prohibited shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$50 nor exceeding \$100 or by imprisonment in the county jail or the city workhouse for not less than 30 days nor more than three months.

History: (10242, 10243, 10244) 1923 c 428 s 1-3

624.66 ENDURANCE CONTESTS.

Subdivision 1. Marathons prohibited. It shall be unlawful for any person, firm, or corporation to advertise, operate, maintain, attend, promote, or aid in the advertising, operating, maintaining, or promoting of any mental or physical endurance contest exhibition, performance, or show in the nature of a "marathon," "walkathon," "skatathon," or any other such endurance contest of a like or similar character or nature, whether under that or other names, whether or not an admission is charged, for a period longer than 24 hours unless a rest period for contestants of at least five hours begins each subsequent 24 hour period.

Subd. 2. Exceptions. Nothing in this section shall apply to the continuance of bicycle-riding contests of no longer duration than six days, the ordinary amateur or professional athletic events or contests, or high school, college, and intercollegiate athletic sports.

Subd. 3. Penalty. Any person, firm, or corporation participating in, attending, or promoting any such contest and violating any of the provisions of this section, shall be guilty of a misdemeanor.

History: (10267-1, 10267-2) 1935 c 228 s 1,2; 1975 c 250 s 1

624.67 FALSE CERTIFICATE OF REGISTRATION OF ANIMALS; FALSE REPRESENTATION AS TO BREED.

Every person who by any false pretense shall obtain from any club, association, society, or company for the improvement of the breed of cattle, horses, sheep, swine, fowls, or other domestic animals, or birds, a certificate of registration of any animal in the herd, or other register of any such association, society, or company, or a transfer of any such registration, and every person who shall knowingly represent any animal used for breeding purposes to be of a greater degree of any particular strain of blood than such animal actually possesses, shall be guilty of a gross misdemeanor, and punished by imprisonment in the county jail for not more than six months, or by a fine of not more than \$250.

History: (10338) RL s 5064

624.68 RECEIVING DEPOSIT IN INSOLVENT BANKS OR FINANCIAL ORGANIZATIONS.

Every officer, director, agent, or employee of any banking organization or financial organization as defined in section 345.31 and every person, company, and corporation engaged in whole or in part, in business as a banking organization or financial organization, who shall accept or receive on deposit from any person, any money, bank bills, notes, currency, checks, bills, drafts, or paper circulating as money, knowing or, in the case of officers or directors, having good reason to know that such banking organization

or financial organization is insolvent, and every person knowing of such insolvent condition who shall be accessory to, or permit, or connive at the accepting or receiving on deposit therein any such deposits, shall be guilty of a felony and punished by imprisonment in the Minnesota correctional facility-Stillwater for not less than one year nor more than five years or by a fine of not less than \$700 nor more than \$20,000.

History: (10407) *RL s 5118; 1965 c 356 s 1; 1971 c 25 s 96; 1979 c 102 s 13; 1984 c 628 art 3 s 11*

624.69 OBSTRUCTING PUBLIC LEVEES.

It shall be unlawful for any houseboat, or other craft not used for the transportation of freight or passengers, to moor to or lay at the public levee of any city, or town, on the navigable waters of this state, where it will interfere with, inconvenience, or endanger the landing of any freight, passenger, or towing vessel. Every owner or person in charge of any such boat or craft, upon notice by the police of any city, or town, or the owner or agent of any freight, passenger, or towing craft, that it is obstructing the levee, interfering with, inconveniencing, or endangering the landing of any freight, passenger, or towing vessel, shall immediately cause the same to be removed and, upon neglect or refusal so to do, shall be punished by imprisonment in the county jail for not more than 60 days or by a fine of not more than \$50.

History: (10421) *RL s 5132; 1973 c 123 art 5 s 7*

624.70 DUTY OF COMMISSION MERCHANTS AND BROKERS.

It shall be the duty of every commission merchant, copartnership, association, corporation, or broker, doing business as such, to furnish to every customer or principal for whom such commission merchant, broker, copartnership, corporation, or association has executed any order, for the actual purchase or sale of any stocks, grain, provisions, or other commodities, or personal property, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom it shall have been sold, as the case may be, the time when, the place where, and the price at which the same was either bought or sold; and, in case such commission merchant, broker, copartnership, corporation, or association fails to properly furnish such statement, the fact of such failure shall be prima facie evidence that such property was not sold or bought in a legitimate manner.

History: (10491) *1905 c 133 s 4; 1965 c 45 s 69*

624.701 LIQUORS IN CERTAIN BUILDINGS OR GROUNDS.

Subdivision 1. Any person who shall introduce upon, or have in possession upon, or in, any school ground, or any schoolhouse or school building, any alcoholic beverage as defined in section 340A.101, except for experiments in laboratories and except for those organizations who have been issued temporary licenses to sell nonintoxicating malt liquor pursuant to section 340A.403, subdivision 2, and any person possessing nonintoxicating malt liquor as a result of a purchase from those organizations holding temporary licenses pursuant to section 340A.403, subdivision 2, shall be guilty of a misdemeanor.

Subd. 2. Any person who except by prescription of a licensed physician or permission of the hospital administrator shall introduce upon, or have in possession upon, or in, any state hospital or grounds thereof under the responsibility of the commissioner of human services any alcoholic beverage as defined in section 340A.101, shall be guilty of a misdemeanor.

History: (10149) *1913 c 415 s 1; 1973 c 425 s 1; 1974 c 150 s 2; 1984 c 654 art 5 s 58; 1984 c 654 art 5 s 58; 1985 c 305 art 12 s 4; 1986 c 444*

624.702 [Repealed, 1967 c 19 s 19]

624.703 [Repealed, 1967 c 238 s 1]

624.71 GUN CONTROL, APPLICATION OF FEDERAL LAW.

Subdivision 1. Notwithstanding any other law to the contrary, it shall be lawful for any federally licensed importer, manufacturer, dealer, or collector to sell and deliver firearms and ammunition to a resident of a contiguous state in any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law Number 90-618).

Subd. 2. Notwithstanding any other law to the contrary, it shall be lawful for a resident of Minnesota to purchase firearms and ammunition in a contiguous state in any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law Number 90-618).

History: 1969 c 216 s 1,2

624.711 DECLARATION OF POLICY.

It is not the intent of the legislature to regulate shotguns, rifles and other longguns of the type commonly used for hunting and not defined as pistols, or to place costs of administration upon those citizens who wish to possess or carry pistols lawfully, or to confiscate or otherwise restrict the use of pistols by law-abiding citizens.

History: 1975 c 378 s 1

624.712 DEFINITIONS.

Subdivision 1. As used in sections 624.711 to 624.717, the terms defined in this section shall have the meanings given them.

Subd. 2. "Pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (a) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (b) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor.

"Pistol" does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used in the construction industry or children's pop guns or toys.

Subd. 3. "Antique firearm" means any firearm, including any pistol, with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899 and any replica of any firearm described herein if such replica is not designed or redesigned, made or remade, or intended to fire conventional rimfire or conventional centerfire ammunition, or uses conventional rimfire or conventional centerfire ammunition which is not readily available in the ordinary channels of commercial trade.

Subd. 4. "Saturday night special pistol" means a pistol other than an antique firearm or a pistol for which the propelling force is carbon dioxide, air or other vapor, or children's pop guns or toys, having a frame, barrel, cylinder, slide or breechblock:

(a) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or

(b) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or

(c) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

Subd. 5. "Crime of violence" includes murder in the first degree, murder in the second degree, murder in the third degree, manslaughter in the first degree, manslaughter in the second degree, aiding suicide, aiding attempted suicide, aggravated assault, use of drugs to injure or to facilitate crime, simple robbery, aggravated robbery, kidnapping, false imprisonment, aggravated rape, rape, aggravated sodomy, felonious theft, aggravated arson, riot, burglary, reckless use of a gun or dangerous weapon,

intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, or operating a machine gun, and an attempt to commit any of these offenses, as each of those offenses is defined in chapter 609.

Subd. 6. "Transfer" means a sale, gift, loan, assignment or other delivery to another, whether or not for consideration, of a pistol or the frame or receiver of a pistol.

History: 1975 c 378 s 2; 1977 c 349 s 2

624.713 CERTAIN PERSONS NOT TO HAVE PISTOLS; PENALTY.

Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess a pistol:

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

(b) a person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts; or

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

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

Subd. 2. A person named in subdivision 1, clause (b) who possesses a pistol is guilty of a felony. A person named in any other clause of subdivision 1 who possesses a pistol is guilty of a gross misdemeanor.

History: 1975 c 378 s 3; 1983 c 269 s 2; 1Sp1985 c 9 art 2 s 98; 1986 c 444

624.7131 TRANSFeree PERMIT; PENALTY.

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

(a) The name, residence, telephone number and driver's license number or non-qualification certificate number, if any, of the proposed transferee;

(b) The sex, date of birth, height, weight and color of eyes of the proposed transferee;

(c) A statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol.

The statement shall be signed by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application.

Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system.

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

Subd. 4. **Grounds for disqualification.** A determination by the chief of police or sheriff that the applicant is prohibited by section 624.713 from possessing a pistol shall be the only basis for refusal to grant a transferee permit.

Subd. 5. **Granting of permits.** The chief of police or sheriff shall issue a transferee permit or deny the application within seven days of application for the permit. The chief of police or sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial. The permits and their renewal shall be granted free of charge.

Subd. 6. **Permits valid statewide; renewal.** Transferee permits issued pursuant to this section are valid statewide and shall expire after one year. A transferee permit may be renewed in the same manner and subject to the same provisions by which the original permit was obtained. Permits issued pursuant to this section are not transferable. A person who transfers a permit in violation of this subdivision is guilty of a misdemeanor.

Subd. 7. **Permit voided.** The transferee permit shall be void at the time that the holder becomes prohibited from possessing a pistol under section 624.713, in which event the holder shall return the permit within five days to the issuing authority. Failure of the holder to return the permit within the five days is a misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

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

Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714 constitutes a transferee permit for the purposes of this section and section 624.7132.

Subd. 10. **Transfer report not required.** A person who transfers a pistol to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

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

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

History: 1977 c 349 s 4; 1986 c 444

624.7132 REPORT OF TRANSFER.

Subdivision 1. **Required information.** Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the agreement is made or to the appropriate county sheriff if there is no such local chief of police:

(a) The name, residence, telephone number and driver's license number or non-qualification certificate number, if any, of the proposed transferee;

(b) The sex, date of birth, height, weight and color of eyes of the proposed transferee;

(c) A statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol; and

(d) The address of the place of business of the transferor.

The report shall be signed by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system.

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

Subd. 4. **Delivery.** No person shall deliver a pistol to a proposed transferee until seven days after the date of the agreement to transfer as stated on the report delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven day waiting period.

No person shall deliver a pistol to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, the pistol may be delivered to the transferee.

Subd. 5. **Grounds for disqualification.** A determination by the chief of police or sheriff that the proposed transferee is prohibited by section 624.713 from possessing a pistol shall be the sole basis for a notification of disqualification under this section.

Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.

Subd. 7. **Immediate transfers.** The chief of police or sheriff may waive all or a portion of the seven day waiting period for a transfer.

Subd. 8. **Report not required.** (1) If the proposed transferee presents a valid transferee permit issued under section 624.714, subdivision 9 or a valid permit to carry issued under section 624.714, the transferor need not file a transfer report.

(2) If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the

agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol may be made under subdivision 4.

Subd. 9. Number of pistols. Any number of pistols may be the subject of a single transfer agreement and report to the chief of police or sheriff. Nothing in this section or section 624.7131 shall be construed to limit or restrict the number of pistols a person may acquire.

Subd. 10. Restriction on records. If, after a determination that the transferee is not a person prohibited by section 624.713 from possessing a pistol, a transferee requests that no record be maintained of the fact of who is the transferee of a pistol, the chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

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

Subd. 12. Exclusions. This section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

- (a) A transfer by a person other than a federally licensed firearms dealer;
- (b) A loan to a prospective transferee if the loan is intended for a period of no more than one day;
- (c) The delivery of a pistol to a person for the purpose of repair, reconditioning or remodeling;
- (d) A loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;
- (e) A loan between persons at a firearms collectors exhibition;
- (f) A loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;
- (g) A loan between law enforcement officers who have the power to make arrests other than citizen arrests; and
- (h) A loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol by reason of employment and is the holder of a valid permit to carry a pistol.

Subd. 13. Appeal. A person aggrieved by the determination of a chief of police or sheriff that the person is prohibited by section 624.713 from possessing a pistol may appeal the determination as provided in this subdivision. In Hennepin and Ramsey counties the municipal court shall have jurisdiction of proceedings under this subdivision. In the remaining counties of the state, the county court shall have jurisdiction of proceedings under this subdivision.

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a pistol by section 624.713.

Subd. 14. Transfer to unknown party. (a) No person shall transfer a pistol to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor. A person who transfers a pistol in violation of this clause is guilty of a misdemeanor.

(b) No person who is not personally known to the transferor shall become a transferee of a pistol unless the person presents evidence of identity to the transferor. A person who becomes a transferee of a pistol in violation of this clause is guilty of a misdemeanor.

Subd. 15. **Penalties.** A person who does any of the following is guilty of a gross misdemeanor:

- (a) Transfers a pistol in violation of subdivisions 1 to 13;
- (b) Transfers a pistol to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;
- (c) Knowingly becomes a transferee in violation of subdivisions 1 to 13; or
- (d) Makes a false statement in order to become a transferee of a pistol knowing or having reason to know the statement is false.

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

History: 1977 c 349 s 5; 1985 c 144 s 2; 1986 c 444

624.714 CARRYING OF WEAPONS WITHOUT PERMIT; PENALTIES.

Subdivision 1. **Penalty.** A person, other than a law enforcement officer who has authority to make arrests other than citizens arrests, who carries, holds or possesses a pistol in a motor vehicle, snowmobile or boat, or on or about the person's clothes or the person, or otherwise in possession or control in a public place or public area without first having obtained a permit to carry the pistol is guilty of a gross misdemeanor. A person who has been issued a permit and who engages in activities other than those for which the permit has been issued, is guilty of a misdemeanor.

Subd. 2. **Where application made.** Applications for permits to carry shall be made to the chief of police of an organized full-time police department of the municipality where the applicant resides or to the county sheriff where there is no such local chief of police where the applicant resides. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application.

Subd. 3. **Contents.** Applications for permits to carry shall set forth the name, residence, date of birth, height, weight, color of eyes and hair, sex and distinguishing physical characteristics, if any, of the applicant. The application shall be signed by the applicant.

Subd. 4. **Investigation.** The application authority shall check criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System.

Subd. 5. **Granting of permits.** No permit to carry shall be granted to a person unless the applicant:

- (a) Is not a person prohibited by section 624.713 from possessing a pistol;
- (b) Provides a firearms safety certificate recognized by the department of natural resources, evidence of successful completion of a test of ability to use a firearm supervised by the chief of police or sheriff or other satisfactory proof of ability to use a pistol safely; and
- (c) Has an occupation or personal safety hazard requiring a permit to carry.

Subd. 6. **Failure to grant permits.** Failure of the chief police officer or the county sheriff to deny the application or issue a permit to carry a pistol within 21 days of the date of application shall be deemed to be a grant thereof. The local police authority shall provide an applicant with written notification of a denial and the specific reason for the denial. The permits and their renewal shall be granted free of charge. The permit shall specify the activities for which it shall be valid.

Subd. 7. **Renewal.** Permits to carry a pistol issued pursuant to this section shall expire after one year and shall thereafter be renewed in the same manner and subject to the same provisions by which the original permit was obtained.

Subd. 8. **Permit to carry voided.** The permit to carry shall be void at the time that the holder becomes prohibited from possessing a pistol under section 624.713, in which event the holder shall return the permit within five days to the application authority. Failure of the holder to return the permit within the five days is a gross

misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

Subd. 9. Carrying pistols about one's premises or for purposes of repair, target practice. A permit to carry is not required of a person:

(a) To keep or carry about the person's place of business, dwelling house, premises or on land possessed by the person a pistol;

(b) To carry a pistol from a place of purchase to the person's dwelling house or place of business, or from the person's dwelling house or place of business to or from a place where repairing is done, to have the pistol repaired;

(c) To carry a pistol between the person's dwelling house and place of business;

(d) To carry a pistol in the woods or fields or upon the waters of this state for the purpose of hunting or of target shooting in a safe area; or

(e) To transport a pistol in a motor vehicle, snowmobile or boat if the pistol is unloaded, contained in a closed and fastened case, gunbox, or securely tied package.

Subd. 10. False representations. A person who gives or causes to be given any false information in applying for a permit to carry, knowing or having reason to know the information is false, is guilty of a gross misdemeanor.

Subd. 11. No limit on number of pistols. A person shall not be restricted as to the number of pistols the person may carry.

Subd. 12. Hearing upon denial. Any person aggrieved by denial of a permit to carry may appeal the denial to the county court having jurisdiction over the county or municipality wherein the notification or denial occurred. The matter shall be heard de novo without a jury.

Subd. 13. Exemptions; adult correctional facility officers. A permit to carry a pistol is not required of any officer of a state adult correctional facility when on guard duty or otherwise engaged in an assigned duty.

History: 1975 c 378 s 4; 1976 c 269 s 1; 1977 c 349 s 3; 1983 c 264 s 10; 1986 c 444

624.715 EXEMPTIONS; ANTIQUES AND ORNAMENTS.

Sections 624.713 and 624.714 shall not apply to antique firearms which are carried or possessed as curiosities or for their historical significance or value.

History: 1975 c 378 s 5

624.716 SATURDAY NIGHT SPECIALS PROHIBITED; PENALTY.

Any federally licensed firearms dealer who sells a Saturday Night Special Pistol, or any person who manufactures or assembles a Saturday Night Special Pistol in whole or in part, shall be guilty of a gross misdemeanor.

History: 1975 c 378 s 6

624.717 LOCAL REGULATION.

Sections 624.711 to 624.716 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols and the regulation of Saturday Night Special Pistols.

History: 1975 c 378 s 7; 1985 c 144 s 3

624.718 [Repealed, 1985 c 144 s 4]

624.719 POSSESSION OF FIREARM BY NONRESIDENT ALIEN.

A nonresident alien may not possess a firearm except to take game as a nonresident under the game and fish laws. A firearm possessed in violation of this section is contraband and may be confiscated.

History: 1986 c 386 art 4 s 32

624.72 INTERFERENCE WITH USE OF PUBLIC PROPERTY.

Subdivision 1. The state of Minnesota acknowledges and reaffirms the right of its citizens to petition, peacefully and in an orderly manner, all levels and units of government for the redress of grievances of whatever nature, but also affirms that functions and proceedings of governmental bodies and agencies must remain free from organized or calculated confusion, disturbance or delay, and that to this end rules and regulations for the governance of public property and business lawfully promulgated must be observed.

Subd. 2. As used in this section, "public property" means any building or other property owned by or in control of the state or any of its political subdivisions or of the board of regents of the University of Minnesota.

Subd. 3. For the purpose of protecting the free, proper and lawful access to, egress from and proper use of public property, and for the purpose of protecting the conduct of public business therein or thereon, free from interference, or disruption or the threat thereof, the legislature or any public officer, agency or board having the supervision thereof may to that end promulgate reasonable rules and regulations.

Subd. 4. Violation of a rule or regulation which has been published, posted, or announced in a reasonable manner at the time of such conduct shall be prima facie evidence of intent to violate this section.

Subd. 5. Whoever, intentionally, or through coercion, force or intimidation, denies or interferes with the lawful right of another to the free access to or egress from or to use or remain in or upon public property or in like manner interferes with the transaction of public business therein or thereon may be sentenced to imprisonment for not more than one year or a fine of not more than \$3,000 or both.

Subd. 6. Nothing contained herein shall in any way affect the provisions of chapter 179.

History: 1969 c 767 s 1-6; 1984 c 628 art 3 s 11

624.73 [Repealed, 1981 c 283 s 2]**624.731 TEAR GAS AND TEAR GAS COMPOUNDS; ELECTRONIC INCAPACITATION DEVICES.**

Subdivision 1. **Definitions.** For the purposes of this section:

(a) "authorized tear gas compound" means a lachrymator or any substance composed of a mixture of a lachrymator including chloroacetophenone, alpha-chloroacetophenone; phenylchloromethylketone, orthochlorobenzalmalononitrile or oleoresin capicum, commonly known as tear gas; and

(b) "electronic incapacitation device" means a portable device which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current. "Electronic incapacitation device" does not include cattle prods, electric fences, or other electric devices which are used in agricultural, animal husbandry, or food production activities.

Subd. 2. **Authorized possession; use.** (a) A person may possess and use an authorized tear gas compound in the exercise of reasonable force in defense of the person or the person's property only if it is propelled from an aerosol container, labeled with or accompanied by clearly written instructions as to its use and the dangers involved in its use, and dated to indicate its anticipated useful life.

(b) A person may possess and use an electronic incapacitation device in the exercise of reasonable force in defense of the person or the person's property only if the electronic incapacitation device is labeled with or accompanied by clearly written instructions as to its use and the dangers involved in its use.

Subd. 3. **Prohibited possession; use.** (a) No person under the age of 16 may possess or use an authorized tear gas compound except by written permission of a parent or guardian, and no person under the age of 18 may possess or use an electronic incapacitation device.

(b) No person prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, clause (b), may possess or use an authorized tear gas compound or an electronic incapacitation device.

(c) No person prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, clauses (c) to (e), may possess or use an authorized tear gas compound or an electronic incapacitation device, except that the certificate or other proof required for possession of a handgun shall not apply.

(d) No person shall possess or use tear gas or a tear gas compound other than an authorized tear gas compound.

Subd. 4. Prohibited use. (a) No person shall knowingly, or with reason to know, use tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device on or against a peace officer who is in the performance of duties.

(b) No person shall use tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device except as authorized in subdivision 2 or 6.

(c) Tear gas, a tear gas compound, or an electronic incapacitation device shall legally constitute a weapon when it is used in the commission of a crime.

Subd. 5. Prohibited sale. Except as permitted by subdivision 6, no person shall knowingly furnish or sell tear gas or a tear gas compound to another person. No person shall knowingly furnish or sell an authorized tear gas compound or an electronic incapacitation device to a person prohibited from possessing it by subdivision 3. No person shall knowingly furnish or sell an authorized tear gas compound or an electronic incapacitation device which fails to meet the requirements of subdivision 2. No tear gas, tear gas compound, authorized tear gas compound, or electronic incapacitation device shall be sold or furnished on premises where nonintoxicating malt liquor as defined in section 340A.101, subdivision 19, is sold on an on-sale basis or where intoxicating liquor as defined in section 340A.101, subdivision 13, is sold on an on-sale or off-sale basis. No person shall sell tear gas, a tear gas compound, authorized tear gas compound, or electronic incapacitation device in violation of local licensing requirements.

Subd. 6. Exceptions. Nothing in this section shall prohibit the possession or use of by, or the sale or furnishing of, tear gas, a tear gas compound, an authorized tear gas compound, or electronic incapacitation device to, a law enforcement agency, peace officer, the national guard or reserves, or a member of the national guard or reserves for use in their official duties, except that counties and municipalities may impose licensing requirements on sellers pursuant to subdivision 9.

Subd. 7. Exemption. Tear gas, tear gas compounds, and authorized tear gas compounds shall not be classified as an obnoxious or harmful gas, fluid, or substance under section 609.60, clause (5).

Subd. 8. Penalties. (a) The following violations of this section shall be considered a felony:

(1) The possession or use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device by a person specified in subdivision 3, clause (b).

(2) Knowingly selling or furnishing of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device to a person specified in subdivision 3, clause (b).

(3) The use of an electronic incapacitation device as prohibited in subdivision 4, clause (a).

(b) The following violation of this section shall be considered a gross misdemeanor and shall be punished by not less than 90 days in jail: The prohibited use of tear gas, a tear gas compound, or an authorized tear gas compound as specified in subdivision 4, clause (a).

(c) The following violations of this section shall be considered a misdemeanor:

(1) The possession or use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device which fails to meet the requirements of subdivision 2 by any person except as allowed by subdivision 6.

(2) The possession or use of an authorized tear gas compound or an electronic incapacitation device by a person specified in subdivision 3, clause (a) or (c).

(3) The use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device except as allowed by subdivision 2 or 6.

(4) Knowingly selling or furnishing an authorized tear gas compound or an electronic incapacitation device to a person specified in subdivision 3, clause (a) or (c).

(5) Selling or furnishing of tear gas or a tear gas compound other than an authorized tear gas compound to any person except as allowed by subdivision 6.

(6) Selling or furnishing of an authorized tear gas compound or an electronic incapacitation device on premises where intoxicating liquor is sold on an on-sale or off-sale basis or where nonintoxicating malt liquor is sold on an on-sale basis.

(7) Selling an authorized tear gas compound or an electronic incapacitation device in violation of local licensing requirements.

Subd. 9. Local licensing. (a) For purposes of this section, "municipality" means statutory or home rule charter city or town.

(b) There is hereby conferred upon the governing body of each county, statutory or home rule charter city and town in the state the authority to license the business of vendors of tear gas, tear gas compounds, authorized tear gas compounds, or electronic incapacitation devices within their respective jurisdictions, to impose a license fee therefor, to impose qualifications for obtaining a license, the duration of licenses and to restrict the number of licenses the governing body will issue.

(c) Every person desiring a license from a local governing body shall file with the clerk of the municipality or the county board in the case of application to a county, a verified written application in the form to be prescribed by the local governing body.

(d) The local governing body may establish the grounds, notice and hearing procedures for revocation of licenses issued pursuant to this section. The local governing body may also establish penalties for sale of tear gas, tear gas compounds, authorized tear gas compounds, or electronic incapacitation devices in violation of its licensing requirements.

Subd. 10. Local regulation. This section shall be the exclusive regulation of the possession, use, and furnishing of tear gas, tear gas compounds, authorized tear gas compounds, and electronic incapacitation devices in Minnesota. This section shall supersede and preempt all regulation of the possession, use, and furnishing of tear gas, tear gas compounds, authorized tear gas compounds, and electronic incapacitation devices by political subdivisions.

History: 1981 c 283 s 1; 1985 c 160 s 3; 1985 c 305 art 12 s 5; 1Sp1985 c 116 art 2 s 26; 1986 c 444

624.74 METAL-PENETRATING BULLETS.

Subdivision 1. Intent. This section is designed to give law enforcement officers performing their official duties a reasonable degree of protection from penetration of quality body armor. It is not the intent of this section to restrict the availability of ammunition for personal defense, sporting, or hunting purposes.

Subd. 2. Definition. For purposes of this section, "metal-penetrating bullet" means a handgun bullet of 9 mm, .25, .32, .357, .38, .41, .44, or .451 caliber which is comprised of a hardened core equal to the minimum of the maximum attainable hardness by solid red metal alloys which purposely reduces the normal expansion or mushrooming of the bullet's shape upon impact. "Metal-penetrating bullet" excludes any bullet composed of copper or brass jacket with lead or lead alloy cores and any bullet composed of lead or lead alloys.

Subd. 3. Use or possession in commission of a crime. Any person who uses or

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possesses a metal-penetrating bullet during the commission of a crime is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both. Any imprisonment sentence imposed under this subdivision shall run consecutively to any sentence imposed for the other crime.

Subd. 4. Local regulation. This section shall be construed to supersede any municipal or county regulation of ammunition, including its component parts.

History: 1982 c 525 s 1; 1984 c 628 art 3 s 11