

624.7141 TRANSFER TO INELIGIBLE PERSON.

Subdivision 1. **Transfer prohibited.** (a) A person is guilty of a felony and may be sentenced to imprisonment for up to two years and to payment of a fine of not more than \$10,000 if the person intentionally transfers a firearm to another and the person knows or reasonably should know that the transferee:

(1) has been denied a permit to carry under section 624.714 because the transferee is not eligible under section 624.713 to possess a pistol or semiautomatic military-style assault weapon or any other firearm;

(2) has been found ineligible to possess a pistol or semiautomatic military-style assault weapon by a chief of police or sheriff as a result of an application for a transferee permit or a transfer report; or

(3) is disqualified under section 624.713 from possessing a pistol or semiautomatic military-style assault weapon or any other firearm.

(b) Paragraph (a) does not apply to the transfer of a firearm other than a pistol or semiautomatic military-style assault weapon to a person under the age of 18 who is not disqualified from possessing any other firearm.

Subd. 2. **Aggravated offense.** A person who violates this section may be sentenced to imprisonment for up to five years and to payment of a fine of not more than \$20,000 if the transferee possesses or uses the weapon within one year after the transfer in furtherance of a felony crime of violence.

Subd. 3. **Subsequent eligibility.** This section is not applicable to a transfer to a person who became eligible to possess a pistol or semiautomatic military-style assault weapon under section 624.713 after the transfer occurred but before the transferee used or possessed the weapon in furtherance of any crime.

Subd. 4. **Affirmative defense.** (a) As used in this subdivision, "family or household member" has the meaning given in section 518B.01, subdivision 2, paragraph (b).

(b) If proven by clear and convincing evidence, it is an affirmative defense to a violation of this section that the defendant was a family or household member of the transferee and committed the violation only under compulsion by the transferee who, by explicit or implicit threats or other acts, created a reasonable apprehension in the mind of the defendant that the refusal of the defendant to participate in the violation would result in the transferee inflicting substantial bodily harm or death on the defendant or a family or household member of the defendant.

(c) The fact finder may consider any evidence of past acts that would constitute domestic abuse, domestic or nondomestic assault, criminal sexual conduct, sexual extortion, sex trafficking, labor trafficking, harassment or stalking, or any other crime that is a crime of violence as defined in section 624.712, subdivision 5, or threats to commit any of these crimes by the transferee toward the defendant or another when determining if the defendant has proven the affirmative defense. Past prosecution is not required for the fact finder to consider evidence of these acts. Nothing in this paragraph limits the ability of the fact finder to consider other relevant evidence when determining if the defendant has proven the affirmative defense.

History: 1994 c 636 art 3 s 41; 2024 c 127 art 36 s 3