

**Minnesota State Law  
MN Stat. Ann.**

**Chapter 245. Firearms Provisions**

**245.041. Provision of Firearms Background Check Information.**

Notwithstanding section 253.B.23, subdivision 9, the commissioner of human services shall provide commitment information to local law enforcement agencies for the sole purpose of facilitating a firearms background check under section 624.7131, 624.7132, or 624.714. The information to be provided is limited to whether the person has been committed under chapter 253B and, if so, the type of commitment.

**Chapter 471. Local Government**

**471.633. Firearms.** The legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that:

- (a) a governmental subdivision may regulate the discharge of firearms; and
  - (b) a governmental subdivision may adopt regulations identical to state law.
- Local regulation inconsistent with this section is void.

**471.634. Definition.** For purposes of section 471.633, the terms "municipal corporation" and "governmental subdivision," or instrumentality thereof, do not include school districts and other entities composed exclusively of school districts when school boards or school administrators are regulating school grounds, school facilities, school transportation services, school programs, or the conduct of students at any activities conducted under the direct or indirect supervision or control of the school board or administration.

**Chapter 609. Criminal Code of 1963**

**609.11. Minimum Terms of Imprisonment.**

**Subdivision 1.** Commitments without minimums. \* \* \* \*

**Subdivision 5. Firearm.**

(a) Except as otherwise provided in paragraph (b), any defendant convicted of an offense listed in subdivision 9 in which the defendant or an accomplice, at the time of the offense, had in possession or used, whether by brandishing, displaying, threatening with, or otherwise employing a firearm, shall be committed to the commissioner of corrections for not less than three years, nor more than the maximum sentence provided by law. Any defendant convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of the offense, had in possession or used a firearm shall be committed to the commissioner of correction for not less than five years, nor more than the maximum sentence provided by law.

(b) Any defendant convicted of violating section 609.165 or 624.713, subdivision 1, clause (b), shall be committed to the commissioner of corrections for not less than 18 months, nor more than the maximum sentence provided by law. Any defendant convicted of a second or subsequent violation of either of these sections shall be committed to the commissioner of corrections for not less than five years, nor more than the maximum sentence provided by law. \* \*

**Subdivision 9. Applicable offenses.** The crimes for which mandatory minimum sentences shall be served as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnaping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); and 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); escape from custody; arson in the first, second, or third degree; drive-by shooting under section 609.66, subdivision 1e; possession or other unlawful use of a firearm in violation of section 609.165, subdivision 1b, or 624.713, subdivision 1 clause (b), a felony violation of chapter 152; or any attempt to commit any of these offenses.

**609.165. Restoration of Civil Rights; Possession of Firearms. \* \* \* \***

**Subdivision 1a. Certain convicted felons ineligible to possess firearms.** The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the person was restored to civil rights and during that time the person was not convicted of any other crime of violence. Any person who has received such discharge and who thereafter has received a relief of disability under United States Code, Title 18, section 925, shall not be subject to the restrictions of this subsection.

**Subdivision 1b. Violation and penalty.**

(a) Any person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses, or receives a firearm before ten years have elapsed since the person was restored to civil rights, commits a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

(b) Nothing in this section shall be construed to bar a conviction and sentencing for a violation of section 624.713, subdivision 2. \* \* \* \*

**609.66. Dangerous Weapons.**

**Subdivision 1. Misdemeanor and gross misdemeanor crimes.**

(a) Whoever does any of the following is guilty of a crime and may be sentenced as provided in paragraph (b):

(6) outside of a municipality and without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits the child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive.

Possession of written evidence of prior consent signed by the minor's parent or guardian is a complete defense to a charge under clause (6).

**Subd. 1a. Felony crimes.**

(a) Whoever does any of the following is guilty of a felony and may be sentenced as provided in paragraph (b):

(1) sells or has in possession any device designed to silence or muffle the discharge of a firearm; or \* \* \* \*

**Subd. 1b. Felony, furnishing to minors.** Whoever, in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the prior consent of the minor's parent or guardian or of the police department of the municipality is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both. Possession of written evidence of prior consent signed by the minor's parent or guardian is a complete defense to a charge under this subdivision.

**Subd. 1c. Felony, furnishing a dangerous weapon.** Whoever recklessly furnishes a person with a dangerous weapon in conscious disregard of a known substantial risk that the object will be possessed or used in furtherance of a felony crime of violence is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both. \* \* \* \*

**Subd. 1f. Gross misdemeanor; transferring a firearms without background check.** A person, other than a federally licensed firearms dealer, who transfers a pistol or semi-automatic military-style assault weapon to another without complying with the transfer requirements of section 624.7132, is guilty of a gross misdemeanor if the transferee possesses or uses the weapon within one year after the transfer in furtherance of a felony crime of violence, and if:

(1) the transferee was prohibited from possessing the weapon under section 624.713 at the time of the transfer; or

(2) it was reasonably foreseeable at the time of the transfer that the transferee was likely to use or possess the weapon in furtherance of a felony crime of violence. \* \* \* \*

**Subd. 2. Exceptions.** Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

**609.663. Display of Handgun Ammunition.** It is a petty misdemeanor to display centerfire metallic-case handgun ammunition for sale to the public in a manner that makes the ammunition directly accessible to persons under the age of 18 years, other than employees or agents of the seller, unless the display is under observation of the seller or the seller's employee or agent, or the seller takes reasonable steps to exclude underage persons from the immediate vicinity of the display. Ammunition displayed in an enclosed display case or behind a counter is not directly accessible. This section does not apply to ammunition suitable for big game hunting.

## **609.67 Machineguns and Short-barreled Shotguns.**

### **Subdivision 1. Definitions.**

(a) **"Machinegun"** means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.

(b) **"Shotgun"** means a weapon designed, redesigned, made or remade which is intended to be fired from the shoulder and uses the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(c) **"Short-barreled shotgun"** means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun if such weapon as modified has an overall length less than 26 inches.

(d) **"Trigger activator"** means a removable manual or power driven trigger activating device constructed and designed so that, when attached to a firearm, the rate at which the trigger may be pulled increases and the rate of fire of the firearm increases to that of a machinegun.

(e) **"Machinegun conversion kit"** means any part or combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled, but does not include a spare or replacement part for a machinegun that is possessed lawfully under section 609.67, subdivision 3.

**Subd. 2. Acts prohibited.** Except as otherwise provided herein, whoever owns, possesses, or operates a machinegun, any trigger activator or machinegun conversion kit, or a short-barreled shotgun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

**Subd. 3. Uses permitted.** The following persons may own or possess a machinegun or short-barreled shotgun provided the provisions of subdivision 4 are complied with:

(1) law enforcement officers for use in the course of their duties;

(2) chief executive officers of correctional facilities and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; and

(3) persons possessing machineguns or short-barreled shotguns which, although designed as weapons, have been determined by the superintendent of the bureau of criminal apprehension or his delegate by reason of the date of manufacture, value, design or other characteristics to be primarily collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and are not likely to be used as weapons;

(4) manufacturers of ammunition who possess and use machineguns for the sole purpose of testing ammunition manufactured for sale to law enforcement agencies and correctional facilities; and

(5) dealers and manufacturers who are federally licensed to buy and sell, or manufacture machineguns or short-barreled shotguns and who either use the machineguns or short-barreled shotguns in peace officer training under courses approved by the board of peace officer standards and training, or are engaged in the sale of machineguns or short-barreled shotguns to federal and state agencies or political subdivisions.

**Subd. 4. Report required.**

(a) A person owning or possessing a machinegun or short-barreled shotgun as authorized by subdivision 3, clause (1),(2),(3), or (4) shall, within ten days after acquiring such ownership or possession, file a written report with the bureau of criminal apprehension, showing the person's name and address; the person's official title and position, if any; a description of the machinegun or short-barreled shotgun sufficient to enable identification thereof; the purpose for which it is owned or possessed; and such further information as the bureau may reasonably require.

(b) A dealer or manufacturer owning or having a machinegun or short-barreled shotgun as authorized by subdivision 3, clause (5) shall, by the tenth day of each month, file a written report with the bureau of criminal apprehension showing the name and address of the dealer or manufacturer and the serial number of each machinegun or short-barreled shotgun acquired or manufactured during the previous month.

**Subd. 5. Exceptions.** This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

**Subd. 6. Preemption.** Laws 1977, Chapter 255 [Section 609.67] supersedes all local ordinances, rules and regulations. \* \* \* \*

**MINN. RULES §§ 7500.5100 - 7500.5600**

**DEPARTMENT OF PUBLIC SAFETY, BUREAU OF  
CRIMINAL APPREHENSION:**

**Machineguns and Short-barreled Shotguns**

**7500.5100 Definitions.**

**Subpart 1. Scope.** For the purpose of parts 7500.5100 to 7500.5600, the following terms have the meanings given them.

**Subp. 2. Approved machinegun or short-barreled shotgun.** "Approved machinegun or short-barreled shotgun" means a machinegun or short-barreled shotgun that, although designed as a weapon, has been determined by the superintendent as not likely to be used as a weapon and that has been determined by the superintendent to appear on the National Firearms Act Curios and Relics List, as provided by United States Code, title 18, chapter 44, and as issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington, D.C.).

**Subp. 3. Bureau.** "Bureau" means the Minnesota Bureau of Criminal Apprehension.

**Subp. 4. Report form.** "Report form" means the official form created by the bureau on which the data specified in Minnesota Statutes, section 609.67, subdivision 4 is to be reported to the superintendent.

**Subp. 5. Superintendent.** "Superintendent" means the superintendent of the

bureau or his delegate.

**7500.5200. Statutory Authority.** Parts 7500.5100 to 7500.5600 are adopted pursuant to the authority granted to the superintendent of the Bureau of Criminal Apprehension by Minnesota Statutes, sections 299C.03, and 609.67.

**7500.5300. Reporting Procedures; Fee.**

**Subpart 1. Requirements.** If a person owns or possesses an approved machinegun or short-barreled shotgun, the following procedures must be followed.

**Subp. 2. Report.** Within ten days after a person takes possession or ownership of an approved machinegun or short-barreled shotgun, the person shall send a report form to the superintendent.

**Subp. 3. Fee.** The reporting person shall send a \$15 nonrefundable fee with each report form.

**7500.5400. Filing Not Accepted.**

**Subpart 1.** Grounds for nonacceptance. The superintendent shall not accept a report form for filing if:

- A.** the reporting person misrepresents, falsifies, or fails to complete any information on the report form; or
- B.** the superintendent determines that the firearm is not an approved machinegun or short-barreled shotgun.

**Subp. 2. Resubmission.** If the superintendent refuses to accept the report form on the grounds of Subpart 1, item A or B, the report required by Minnesota Statutes, section 609.67, shall be deemed not to have been made. If the report can be corrected or completed properly, the reporting person shall submit a new report form within ten days after receipt of the superintendent's notice of nonacceptance. A new fee need not accompany a report form resubmitted under this subpart.

**7500.5500. Right to Contest Decision.** If the superintendent does not accept the report form, the superintendent shall notify the reporting person in writing, specifying the reasons for nonacceptance. That person may contest the decision of the superintendent in proceedings conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, sections 14.57 to 14.69, and rules of the Office of Administrative Hearings, parts 1400.0200 to 1400.8500.

**7500.5600. Limited Protection of Reporting Information.** All persons possessing or owning an approved machinegun or a short-barreled shotgun prior to August 22, 1983, shall have until November 22, 1983, to file a report form with the superintendent. \* \* \* \*

**Chapter 624. Crimes, Other Provisions:  
Minnesota Handgun Regulation Act**

**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 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 any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law 90-618).

**624.711. Declaration of policy.**

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

**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 "B.B. 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 breechlock:

**(a)** of any material having a melting point (liquids) 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, second, and third degrees, manslaughter in the first and second degrees, aiding suicide, aiding attempted suicide, felony violations of assault in the first, second, third, and fourth degrees, assaults motivated by bias under section 609.2231, subdivision 4, terroristic threats, use of drugs to injure or to facilitate crime, simple robbery, aggravated robbery, kidnaping, false imprisonment, criminal sexual conduct in the first, second, third, and fourth degrees, theft of a firearm, arson in the first and second degrees, riot, burglary in the first, second, third, and fourth degrees, 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 machinegun or short-barreled shotgun, and an attempt to commit any of these offenses, as each of those offenses is defined in chapter 609. "Crime of violence" also includes felony violations of chapter 152.

**Subd. 6. "Transfer"** means a sale, gift, loan, assignment or other delivery to another, whether or not for consideration, of a pistol or semi-automatic military-style assault weapon, or the frame or receiver of a pistol or semi-automatic military-style assault weapon. \* \* \* \*

**Subd. 9. Business day. "Business day"** means a day on which state offices are open for normal business and excludes weekends and legal holidays.

**Subd. 10. Crime punishable by imprisonment for a term exceeding one year.** "Crime punishable by imprisonment for a term exceeding one year" does not include:

- (1) any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices; or
- (2) any state offense classified by the laws of this state or any other state as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside, or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this definition, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

**624.713. Certain Persons not to Have Pistols; Penalty.**

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

- (a) A person under the age of 18 years except that a person under 18 may carry or possess a pistol or semi-automatic military-style assault weapon (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 or semi-automatic military-style assault weapon and approved by the commissioner of natural resources;

(b) except as otherwise provided in clause (i), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence unless ten years have elapsed since the person has been restored to civil rights or the sentence or disposition has expired, whichever occurs first, and during that time he has not been convicted of or adjudicated for 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 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, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that he is no longer suffering from this disability;

(d) A person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, 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;

(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;

(g) A person, including a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed;

(h) except as otherwise provided in clause (i), a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member or section 609.2242, subdivision 3, unless three years have elapsed since

the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242, subdivision 3, or similar law of another state;

(i) A person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm for the period determined by the sentencing court; or

(j) a person who:

(1) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

(3) is an unlawful user of any controlled substance as defined in chapter 152;

(4) has been judicially committed to a treatment facility 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;

(5) is an alien who is illegally or unlawfully in the United States;

(6) has been discharged from the armed forces of the United States under dishonorable conditions; or

(7) has renounced the person's citizenship having been a citizen of the United States.

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.

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

**Subd. 1a. Ineligible to receive, ship, transport.** A person presently charged with a crime punishable by imprisonment for a term exceeding one year shall not be entitled to receive, ship, or transport any pistol or semi-automatic military-style assault weapon. A violation of this subdivision is a gross misdemeanor.

**Subd. 2. Penalties.** A person named in subdivision 1, clause (a), who possesses a pistol or semi-automatic military-style assault weapon is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. A person named in subdivision 1, clause (b), who possesses any type of firearm is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both. A person named in any other clause of subdivision 1 who possesses any type of firearm is guilty of a gross misdemeanor.

**Subd. 3. Notice.** (a) When a person is convicted of, or adjudicated delinquent

or convicted as an extended jurisdiction juvenile for committing, a crime of violence as defined in section 624.712, subdivision 5, the court shall inform the defendant that the defendant is prohibited from possessing a pistol or semi-automatic military-style assault weapon for a period of ten years after the person was restored to civil rights or since the sentence or disposition has expired, whichever occurs first, and that it is a felony offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semi-automatic military-style assault weapon possession prohibition or the felony penalty to that defendant.

**(b)** When a person, including a person under the jurisdiction of the juvenile court, is charged with committing a crime of violence and is placed in a pre-trial diversion program by the court before disposition, the court shall inform the defendant that:

**(1)** the defendant is prohibited from possessing a pistol or semi-automatic military-style assault weapon until the person has completed the diversion program and the charge of committing a crime of violence has been dismissed; **(2)** it is a gross misdemeanor offense to violate this prohibition; and **(3)** if the defendant violates this condition of participation in the diversion program, the charge of committing a crime of violation may be prosecuted. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semi-automatic military-style assault weapon possession prohibition or the gross misdemeanor penalty to that defendant. \* \* \* \*

#### **624.7131. Transferee Permit; Penalty.**

**Subdivision 1. Information.** Any person may apply for a 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 nonqualification certificate number, if any, of the proposed transferee; **(b)** the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee; **(c)** a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semi-automatic military-style assault weapon under section 624.713, subdivision 1; and **(d)** a statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or semi-automatic military-style assault weapon.

The statements shall be signed and dated 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. The statement under clause (c) must comply with any applicable requirements of Code of Federal Regulations, title 42, section 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

**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 and the national criminal record repository and shall make a reasonable effort to check other available state and local record keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

**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 or semi-automatic military-style assault weapon 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 [is superseded].** This section shall be construed to supersede municipal or county regulation of the issuance of transferee permits.

#### **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 or semi-automatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the proposed transferee resides 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 nonqualification certificate number, if any, of the proposed transferee;
- (b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;
- (c) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semi-automatic military-style assault weapon under section 624.713, subdivision 1;
- (d) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semi-automatic military-style assault weapon; and
- (e) the address of the place of business of the transferor.

The report shall be signed and dated 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. The statement under clause (c) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

**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 and the national criminal record repository and shall make a reasonable effort to check other available state and local record keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

**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 or semi-automatic military-style assault

weapon. 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.** Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol or semi-automatic military-style assault weapon to a proposed transferee until five business days after the date the agreement to transfer is 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. The chief of police or sheriff may waive all or a portion of the five business day waiting period in writing if the chief of police or sheriff finds that the transferee requires access to a pistol or semi-automatic military-style assault weapon because of a threat to the life of the transferee or of any member of the household of the transferee.

No person shall deliver a pistol or semi-automatic military-style assault weapon 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 or semi-automatic military assault weapon.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within five business days after delivery of the agreement to transfer, the pistol or semi-automatic military-style assault weapon 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 or semi-automatic military-style assault weapon, 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.** Repealed, 1994 c 636 art 3 s 46.

**Subd. 8. Report not required.**

(1) If the proposed transferee presents a valid transferee permit issued under section 624.7131 or a valid permit to carry issued under section 624.7131, the transferor need not file a transfer report. \* \* \* \*

**Subd. 9. Number of pistols or semi-automatic military-style assault weapons.** Any number of pistols or semi-automatic military-style assault weapons 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 or semi-automatic military-style assault weapons a person may acquire.

**Subd. 10. Restriction on records.** If, after a determination that the trans-

feree is not a person prohibited by section 624.713 from possessing a pistol or semi-automatic military-style assault weapon, a transferee requests that no record be maintained of the fact of who the transferee of a pistol or semi-automatic military-style assault weapon, 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.** Except as otherwise provided in section 609.66, subdivision 1f, 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 or semi-automatic military-style assault weapon by reason of his 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 or semi-automatic military-style as-

sault weapon to another who is not personally known to the transferor unless the proposed transferee presents evidence of his identity to the transferor.

**(b)** No person who is not personally known to the transferor shall become a transferee of a pistol or semi-automatic military-style assault weapon unless the person presents evidence of identity to the transferor.

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

**(d)** A person who became a transferee of a pistol or semi-automatic military-style assault weapon in violation of this subdivision is guilty of a misdemeanor.

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

**(1)** transfers a pistol or semi-automatic military-style assault weapon in violation of subdivision 1 to 13;

**(2)** transfers a pistol or semi-automatic military-style assault weapon 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;

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

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

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

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

**(2)** transfers a pistol or semi-automatic military-style assault weapon to a person under the age of 18 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.

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

#### **624.7141. Transfer to Ineligible Person.**

**Subdivision 1. Transfer prohibited.** A person is guilty of a gross misdemeanor who intentionally transfers a pistol or semi-automatic military-style assault weapon to another if the person knows 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 semi-automatic military-style assault weapon;

**(2)** has been found ineligible to possess a pistol or semi-automatic 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 semi-automatic military-style assault weapon.



**Subd. 2. Felony.** A violation of this section is a felony if the transferee possess or uses the weapon within one year after the transfer in furtherance of a felony crime of violence.

**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.

**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.

**624.7161. Firearms Dealers; Certain Security Measures Required.**

**Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) **"Firearms Dealer"** means a dealer federally licensed to sell pistols who operates a retail business in which pistols are sold from a permanent business location other than dealer's home.

(c) **"Small firearms dealer"** means a firearms dealer who operates a retail business at which no more than 50 pistols are displayed for sale at any time.

(d) **"Large firearms dealer"** means a firearms dealer who operates a retail business at which more than 50 pistols are displayed for sale at any time.

**Subd. 2. Security measures required.** After business hours when the dealer's place of business is unattended, a small firearms dealer shall place all pistols that are located in the dealer's place of business in a locked safe or locked steal gun cabinet, or on a locked, hardened steal rod or cable that runs through the pistol's trigger guards. The safe, gun cabinet, rod, or cable must be anchored to prevent its removal from the premises.

**Subd. 3. Security standards.** The commissioner of public safety shall adopt standards specifying minimum security requirements for small and large firearms dealers. By January 1, 1993, all firearms dealers shall comply with the standards. The standards may provide for:

- (1) alarm systems for small and large firearms dealers;
- (2) site hardening and other necessary and effective security measures required for large firearms dealers;
- (3) a system of inspections, during normal business hours, by local law enforcement officials for compliance with the standards; and
- (4) other reasonable requirements necessary and effective to reduce the risk of burglaries at firearms dealers' business establishments.

**624.7162. Firearms Dealers; Safety Requirements.**

**Subdivision 1. Firearms dealers.** For purposes of this section, a firearms dealer is any person who is federally licensed to sell firearms from any location.

**Subd. 2. Notice required.** In each business location where firearms are sold by a firearms dealer, the dealer shall post in a conspicuous location the following warning in block letters not less than one inch in height: "IT IS

UNLAWFUL TO STORE OR LEAVE A LOADED FIREARM WHERE A CHILD CAN OBTAIN ACCESS.”

**Subd. 3. Fine.** A person who violates the provisions of this section is guilty of a petty misdemeanor and may be fined not more than \$200.

**624.717. Local Regulation [Superseded].** 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 Pistol.

**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.