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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3350

02/17/2026

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The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1

A bill for an act

1.2

relating to public safety; establishing a lifetime firearms ban on persons who are

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convicted of certain misdemeanor and gross misdemeanor domestic assault

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offenses; amending Minnesota Statutes 2024, sections 518B.01, subdivision 14;

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609.2242, subdivision 3; 624.713, subdivision 1.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7

Section 1. Minnesota Statutes 2024, section 518B.01, subdivision 14, is amended to read:

1.8

Subd. 14. **Violation of an order for protection.** (a) A person who violates an order for

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protection issued by a judge or referee is subject to the penalties provided in paragraphs (b)

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to (d).

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(b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for

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protection is granted by a judge or referee or pursuant to a similar law of another state, the

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United States, the District of Columbia, tribal lands, United States territories, Canada, or a

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Canadian province, and the respondent or person to be restrained knows of the existence

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of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor

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conviction under this paragraph, the defendant must be sentenced to a minimum of three

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days imprisonment and must be ordered to participate in counseling or other appropriate

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programs selected by the court. If the court stays imposition or execution of the jail sentence

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and the defendant refuses or fails to comply with the court's treatment order, the court must

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impose and execute the stayed jail sentence. A violation of an order for protection shall also

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constitute contempt of court and be subject to the penalties provided in chapter 588.

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(c) A person is guilty of a gross misdemeanor who violates this subdivision within ten

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years of a previous qualified domestic violence-related offense conviction or adjudication

of delinquency. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(d) A person 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, if the person violates this subdivision:

(1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; or

(2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, United States territories, Canada, or a Canadian province restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The probable cause required under this paragraph includes probable cause that the person knows of the existence of the order. If the order has not been served, the officer shall immediately serve the order whenever reasonably safe and possible to do so. An order for purposes of this subdivision, includes the short-form order described in subdivision 8a. When the order is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for violation of the order without first being given a reasonable opportunity to leave the location in the presence of the peace officer. A person arrested under this paragraph shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an

3.1 arrest pursuant to this paragraph is immune from civil liability that might result from the
3.2 officer's actions.

3.3 (f) If the court finds that the respondent has violated an order for protection and that
3.4 there is reason to believe that the respondent will commit a further violation of the provisions
3.5 of the order restraining the respondent from committing acts of domestic abuse or excluding
3.6 the respondent from the petitioner's residence, the court may require the respondent to
3.7 acknowledge an obligation to comply with the order on the record. The court may require
3.8 a bond sufficient to deter the respondent from committing further violations of the order
3.9 for protection, considering the financial resources of the respondent, and not to exceed
3.10 \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation
3.11 or post a bond under this paragraph, the court shall commit the respondent to the county
3.12 jail during the term of the order for protection or until the respondent complies with the
3.13 order under this paragraph. The warrant must state the cause of commitment, with the sum
3.14 and time for which any bond is required. If an order is issued under this paragraph, the court
3.15 may order the costs of the contempt action, or any part of them, to be paid by the respondent.
3.16 An order under this paragraph is appealable.

3.17 (g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested
3.18 party designated by the court, alleging that the respondent has violated any order for
3.19 protection granted pursuant to this section or a similar law of another state, the United States,
3.20 the District of Columbia, tribal lands, United States territories, Canada, or a Canadian
3.21 province, the court may issue an order to the respondent, requiring the respondent to appear
3.22 and show cause within 14 days why the respondent should not be found in contempt of
3.23 court and punished therefor. The hearing may be held by the court in any county in which
3.24 the petitioner or respondent temporarily or permanently resides at the time of the alleged
3.25 violation, or in the county in which the alleged violation occurred, if the petitioner and
3.26 respondent do not reside in this state. The court also shall refer the violation of the order
3.27 for protection to the appropriate prosecuting authority for possible prosecution under
3.28 paragraph (b), (c), or (d).

3.29 (h) If it is alleged that the respondent has violated an order for protection issued under
3.30 subdivision 6 or a similar law of another state, the United States, the District of Columbia,
3.31 tribal lands, United States territories, Canada, or a Canadian province, and the court finds
3.32 that the order has expired between the time of the alleged violation and the court's hearing
3.33 on the violation, the court may grant a new order for protection under subdivision 6 based
3.34 solely on the respondent's alleged violation of the prior order, to be effective until the hearing
3.35 on the alleged violation of the prior order. If the court finds that the respondent has violated

the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year, except when the court determines a longer fixed period is appropriate.

(i) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by paragraph (e).

(j) When a person is convicted under paragraph (b) or (c) of violating an order for protection and the court determines that the person used a firearm in any way during commission of the violation or the offense otherwise qualifies as a misdemeanor crime of domestic violence, as defined in United States Code, title 18, section 921(a)(33), the court may shall order that the person is prohibited from possessing any type of firearm for ~~any period longer than three years or for the remainder of the person's life.~~ A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant ~~whether and for how long the defendant is prohibited from~~ of the lifetime prohibition on possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant. A firearms restriction imposed pursuant to this paragraph expires if the person receives an expungement or pardon for the offense unless the pardon or expungement expressly provides that the person may not ship, transport, possess, or receive firearms. Expiration of a firearms restriction imposed pursuant to this paragraph has no impact on any other conviction or adjudication that restricts the person's firearms rights.

(k) Except as otherwise provided in paragraph (j), when a person is convicted under paragraph (b) or (c) of violating an order for protection, the court shall inform the defendant that the defendant is prohibited from possessing ~~a pistol~~ firearms for three years from the date of conviction and that it is a gross misdemeanor 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~~ firearms possession prohibition or the gross misdemeanor penalty to that defendant.

(l) Except as otherwise provided in paragraph (j), a person is not entitled to possess ~~a pistol~~ firearms if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of

conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a ~~pistol~~ firearm in violation of this paragraph is guilty of a gross misdemeanor.

(m) If the court determines that a person convicted under paragraph (b) or (c) of violating an order for protection owns or possesses a firearm and used it in any way during the commission of the violation, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

Sec. 2. Minnesota Statutes 2024, section 609.2242, subdivision 3, is amended to read:

Subd. 3. **Domestic assaults; firearms.** (a) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, the court shall determine and make written findings on the record as to whether:

(1) the assault was committed against a family or household member, as defined in section 518B.01, subdivision 2;

(2) the defendant owns or possesses a firearm; and

(3) the firearm was used in any way during the commission of the assault.

(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

(c) When a person is convicted of assaulting a family or household member and is determined by the court to have used a firearm in any way during commission of the assault or the offense otherwise qualifies as a misdemeanor crime of domestic violence, as defined in United States Code, title 18, section 921(a)(33), the court ~~may~~ shall order that the person is prohibited from possessing any type of firearm ~~for any period longer than three years or for the remainder of the person's life.~~ A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant ~~for how long the defendant is prohibited from~~ of the lifetime prohibition on possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant. A firearms restriction imposed pursuant to this paragraph expires if the person receives an expungement or pardon for the offense unless the pardon or expungement expressly provides that the

6.1 person may not ship, transport, possess, or receive firearms. Expiration of a firearms
6.2 restriction imposed pursuant to this paragraph has no impact on any other conviction or
6.3 adjudication that restricts the person's firearms rights.

6.4 (d) Except as otherwise provided in paragraph (c), when a person is convicted of a
6.5 violation of this section or section 609.224 and the court determines that the victim was a
6.6 family or household member, the court shall inform the defendant that the defendant is
6.7 prohibited from possessing a firearm for three years from the date of conviction and that it
6.8 is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide
6.9 this information to a defendant does not affect the applicability of the firearm possession
6.10 prohibition or the gross misdemeanor penalty to that defendant.

6.11 ~~(e) Except as otherwise provided in paragraph (c), a person is not entitled to possess a~~
6.12 ~~pistol if the person has been convicted after August 1, 1992, or a firearm if a person has~~
6.13 ~~been convicted on or after August 1, 2014, of domestic assault under this section or assault~~
6.14 ~~in the fifth degree under section 609.224 and the assault victim was a family or household~~
6.15 ~~member as defined in section 518B.01, subdivision 2, unless three years have elapsed from~~
6.16 ~~the date of conviction and, during that time, the person has not been convicted of any other~~
6.17 ~~violation of this section or section 609.224. Property rights may not be abated but access~~
6.18 ~~may be restricted by the courts. A person who possesses a firearm in violation of this~~
6.19 ~~paragraph is guilty of a gross misdemeanor.~~

6.20 ~~(f)~~ (e) Except as otherwise provided in paragraphs (b) and ~~(h)~~ (g), when a person is
6.21 convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or
6.22 609.2247 and the court determines that the assault was against a family or household member,
6.23 the court shall order the defendant to transfer any firearms that the person possesses, within
6.24 three business days, to a federally licensed firearms dealer, a law enforcement agency, or
6.25 a third party who may lawfully receive them. The transfer may be permanent or temporary,
6.26 unless the court prohibits the person from possessing a firearm for the remainder of the
6.27 person's life under paragraph (c). A temporary firearm transfer only entitles the receiving
6.28 party to possess the firearm. A temporary transfer does not transfer ownership or title. A
6.29 defendant may not transfer firearms to a third party who resides with the defendant. If a
6.30 defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement
6.31 agency may charge the defendant a reasonable fee to store the person's firearms and may
6.32 establish policies for disposal of abandoned firearms, provided such policies require that
6.33 the person be notified by certified mail prior to disposal of abandoned firearms. For temporary
6.34 firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms
6.35 dealer, or third party shall exercise due care to preserve the quality and function of the

transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period imposed under this subdivision, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to a person shall comply with state and federal law. If a defendant permanently transfers the defendant's firearms to a law enforcement agency, the agency is not required to compensate the defendant and may charge the defendant a reasonable processing fee. A law enforcement agency is not required to accept a person's firearm under this paragraph. The court shall order that the person surrender all permits to carry and purchase firearms to the sheriff.

~~(g)~~ (f) A defendant who is ordered to transfer firearms under paragraph ~~(f)~~ (e) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the defendant permanently transferred the defendant's firearms to the third party or agreeing to temporarily store the defendant's firearms until such time as the defendant is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the defendant to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the defendant gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the defendant, date of transfer, and the serial number, make, and model of all transferred firearms. The defendant shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

~~(h)~~ (g) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, and the court determines that the assault was against a family or household member, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the

expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph ~~(g)~~ (h). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (e) and (f) ~~and (g)~~ as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.

Sec. 3. Minnesota Statutes 2024, section 624.713, subdivision 1, is amended to read:

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

(1) a person under the age of 18 years except that a person under 18 may possess ammunition designed for use in a firearm that the person may lawfully possess and may carry or possess a pistol or semiautomatic 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 semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in

9.1 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
9.2 includes crimes in other states or jurisdictions which would have been crimes of violence
9.3 as herein defined if they had been committed in this state;

9.4 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
9.5 determination that the person is mentally ill, developmentally disabled, or mentally ill and
9.6 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
9.7 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
9.8 the person's ability to possess a firearm and ammunition has been restored under subdivision
9.9 4;

9.10 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
9.11 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
9.12 of conviction and, during that time, the person has not been convicted of any other such
9.13 violation of chapter 152 or a similar law of another state; or a person who is or has ever
9.14 been committed by a judicial determination for treatment for the habitual use of a controlled
9.15 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
9.16 to possess a firearm and ammunition has been restored under subdivision 4;

9.17 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
9.18 by a judicial determination that the person is chemically dependent as defined in section
9.19 253B.02, unless the person has completed treatment or the person's ability to possess a
9.20 firearm and ammunition has been restored under subdivision 4. Property rights may not be
9.21 abated but access may be restricted by the courts;

9.22 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
9.23 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
9.24 of the treatment facility discharging or provisionally discharging the officer from the
9.25 treatment facility. Property rights may not be abated but access may be restricted by the
9.26 courts;

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

9.31 (8) except as otherwise provided in clause (9), a person who has been convicted in
9.32 another state of committing an offense similar to the offense described in section 609.224,
9.33 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
9.34 unless three years have elapsed since the date of conviction and, during that time, the person

10.1 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
10.2 subdivision 3, or a similar law of another state;

10.3 (9) a person who has either been convicted in this state or elsewhere of (i) assaulting a
10.4 family or household member and who was found by the court to have used a firearm in any
10.5 way during commission of the assault, or (ii) an offense that qualifies as a misdemeanor
10.6 crime of domestic violence, as defined in United States Code, title 18, section 921(a)(33),
10.7 is prohibited from possessing any type of firearm or ammunition for the ~~period determined~~
10.8 ~~by the sentencing court~~ remainder of the person's life;

10.9 (10) a person who:

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

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

10.14 (iii) is an unlawful user of any controlled substance as defined in chapter 152. The use
10.15 of medical cannabis flower or medical cannabinoid products by a patient enrolled in the
10.16 registry program or the use of adult-use cannabis flower, adult-use cannabis products,
10.17 lower-potency hemp edibles, or hemp-derived consumer products by a person 21 years of
10.18 age or older does not constitute the unlawful use of a controlled substance under this item;

10.19 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
10.20 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
10.21 public, as defined in section 253B.02;

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

10.23 (vi) has been discharged from the armed forces of the United States under dishonorable
10.24 conditions;

10.25 (vii) has renounced the person's citizenship having been a citizen of the United States;
10.26 or

10.27 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
10.28 922(g)(8) or (9), as amended through March 1, 2014;

10.29 (11) a person who has been convicted of the following offenses at the gross misdemeanor
10.30 level, unless three years have elapsed since the date of conviction and, during that time, the
10.31 person has not been convicted of any other violation of these sections: section 609.229
10.32 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated

11.1 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
11.2 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
11.3 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified
11.4 gross misdemeanor convictions include crimes committed in other states or jurisdictions
11.5 which would have been gross misdemeanors if conviction occurred in this state;

11.6 (12) a person who has been convicted of a violation of section 609.224 if the court
11.7 determined that the assault was against a family or household member in accordance with
11.8 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
11.9 the date of conviction and, during that time, the person has not been convicted of another
11.10 violation of section 609.224 or a violation of a section listed in clause (11);

11.11 (13) a person who is subject to an order for protection as described in section 260C.201,
11.12 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

11.13 (14) a person who is subject to an extreme risk protection order as described in section
11.14 624.7172 or 624.7174.

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

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

11.22 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
11.23 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
11.24 (2), applies only to offenders who are discharged from sentence or court supervision for a
11.25 crime of violence on or after August 1, 1993.

11.26 Participation as a patient in the registry program or use of adult-use cannabis flower,
11.27 adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
11.28 products by a person 21 years of age or older does not disqualify the person from possessing
11.29 firearms and ammunition under this section.

11.30 For purposes of this section, "judicial determination" means a court proceeding pursuant
11.31 to sections 253B.07 to 253B.09 or a comparable law from another state.