

HF15 - 1E - Firearm Extreme Risk Protection Orders

Chief Author: **Cedrick Frazier**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **2/8/2023 5:33:38 PM**
 Lead Agency: **Supreme Court**
 Other Agencies:
 Peace Officers Board Public Safety Dept
 (POST)

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings) Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Peace Officers Board (POST)	-	-	-	-	-
General Fund	-	-	-	-	-
Supreme Court					
General Fund	-	91	182	182	182
State Total					
General Fund	-	91	182	182	182
Total	-	91	182	182	182
Biennial Total			273		364

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Peace Officers Board (POST)	-	-	-	-	-
General Fund	-	-	-	-	-
Supreme Court					
General Fund	-	2	2	2	2
Total	-	2	2	2	2

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/8/2023 5:33:38 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

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*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Peace Officers Board (POST)						
General Fund		-	-	-	-	-
Supreme Court						
General Fund		-	91	182	182	182
Total		-	91	182	182	182
Biennial Total				273		364
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Peace Officers Board (POST)						
General Fund		-	-	-	-	-
Expenditures		-	1	-	-	-
Absorbed Costs		-	(1)	-	-	-
Supreme Court						
General Fund		-	91	182	182	182
Total		-	91	182	182	182
Biennial Total				273		364
2 - Revenues, Transfers In*						
Peace Officers Board (POST)						
General Fund		-	-	-	-	-
Supreme Court						
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

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Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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General Fund	-	2	2	2	2
Total	-	2	2	2	2

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/8/2023 5:29:13 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

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Biennial Total			273			364
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General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

HF15-1E at section 1 amends Minn. Stat. § 624.713, subd. 1, to add a person subject to an extreme risk protection order to the list of persons not entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon, or any other firearm.

The bill at sections 2-7 adds new Minn. Stat. §§ 624.7171-.7176 authorizing the chief law enforcement officer or a designee, a city or county attorney, a family or household member, or a guardian to file a petition in district court in the county of respondent’s residence or the county where the petitioner resides or offices for an extreme risk protection order, which shall prohibit the respondent from possessing or purchasing firearms for the duration of the order. All filing fees are waived for the petitioner and respondent. The bill requires that the court provide simplified forms and clerical assistance with the filing of a petition. The bill also requires that the court transmit a copy of the order within 24 hours to the local law enforcement agency with jurisdiction over the residence of the responsible and within 3 days to the National Instant Criminal Background Check System (NICS), and to request removal from NICS when the order expires or is terminated.

Section 624.7175 provides for transfer of firearms upon issuance of an extreme risk protection order, consistent with the existing firearms transfer provisions in section 518B.01 (Domestic Abuse Orders for Protection). Section 624.7176 requires the return of transferred firearms after expiration of the order provided the respondent is not otherwise prohibited from possession.

The bill at section 8 adds a new section 624.7177 making it a misdemeanor to petition for an order knowing any information in the petition is materially false or with intent to harass, abuse, or threaten; or to possess a firearm when prohibited from doing so by an extreme risk protection order. The bill at section 9 adds a new 624.7178, which provides liability protection for law enforcement. Section 10 of the bill adds a new section 626.8481, which requires the Peace Officer Standards and Training Board to develop model procedures for firearms storage.

All provisions take effect January 1, 2024.

Assumptions

It is assumed that the provisions requiring the state court administrator to create forms will require work by state court administration and that the work will be absorbed. It is also assumed that all of the required notices will be included on the court forms.

It is assumed that the requirement to provide a copy of any order issued under these provisions to the law enforcement agency having jurisdiction over the residence of the respondent will be satisfied by providing a copy to the sheriff in the

county of venue and by making the orders accessible to law enforcement in the judicial branch's Minnesota Government Access (MGA) portal, which is currently available to any law enforcement agency in the state that requests such access and signs the required agreement. The county attorney of the county of venue will also be notified.

It is assumed that the required electronic transmission to NICS can only be implemented if the current NICS standards and processes authorize submission of such state orders to their system.

It is assumed that a new case type may need to be created in the judicial branch's case management system, MNCIS, in order to ensure the case type and any orders issued are available to law enforcement statewide. Configuration work will be required to make the case type available to law enforcement in MGA and to trigger electronic data notifications via integrations, including messages to NICS if that process can be implemented. Creation of the case type and the work related to MGA and integrations will be absorbed by State Court Administration.

It is assumed the court will seal any affidavits or proofs of transfer as required by section 624.7175(c)(2) that may be filed with the court, but that the court may not receive any proofs of transfer as referenced in section 624.7175(c)(1) as none of the provisions in that paragraph require any of the affidavits or proofs of transfer to be filed with the court.

It is assumed that the provisions of this bill will result in new case filings as the bill creates a new civil cause of action and new criminal offenses. It is also assumed that the judicial resources required to process the civil cases filed under the provisions of this bill would be comparable to the judicial resources required to process domestic abuse cases under section 518B.01, although the case filing rate is assumed to be no more than 10% the annual case filing rate for domestic abuse cases.

It is unclear whether the criminal cases for unlawful possession filed under the provisions of this bill would be charged as gross misdemeanor offenses under section 624.713, subd. 2, or misdemeanor offenses under section 624.7177, subd. 2. The provisions of this bill are not anticipated to result in a significant increase in criminal case filings.

Expenditure and/or Revenue Formula

Based on 6 years of judicial branch case filing data, an average of 10,315 domestic abuse cases are filed annually statewide. Assuming a case filing rate of 10% of the domestic abuse case filing rate, it is anticipated that approximately 1,032 cases will be filed annually statewide under the provisions of the bill. According to judicial branch weighted caseload data, the average domestic abuse petition requires 53 minutes of judge time. Based on the average judge year in minutes, which is 78,000, 1,472 cases would need to be filed annually statewide for the bill to require one judge FTE, so the provisions of the bill are not anticipated to require an additional judge FTE statewide.

According to judicial branch weighted caseload data, the average domestic abuse petition requires 163 minutes of court staff time. Based on the average court staff year in minutes, which is 74,830, 459 cases would need to be filed annually statewide for the bill to require one court staff FTE so the provisions of the bill are anticipated to require 2 additional court staff FTE per year statewide. The cost of an FTE court operations associate is anticipated to be \$45,500 for FY24 (half the FTE cost due to the January 1 effective date), and \$91,000 for FY25, and FY26.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

None

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Janet Marshall

Date: 2/8/2023 4:58:48 PM

Phone: 651-297-7579

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HF15 - 1E - Firearm Extreme Risk Protection Orders

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 Committee: **Public Safety Finance & Policy**
 Date Completed: **2/8/2023 5:33:38 PM**
 Agency: **Peace Officers Board (POST)**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

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General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Laura Cecko **Date:** 2/6/2023 10:09:34 AM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.mn.gov

State Cost (Savings) Calculation Details

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General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures		-	1	-	-	-
Absorbed Costs		-	(1)	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
General Fund						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

Section 10 of the bill requires that, by December 1, 2023, the Peace Officer Standards and Training Board, after consulting with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop model procedures and standards for the storage of firearms transferred to law enforcement under section 624.7175.

Assumptions

Assumes that POST Board staff (primarily the Standard's Coordinator) require approximately 16 hours of staff time to review best practices and recommendations and make them available on the POST website. It is assumed that this is not a new mandated policy but a resource for agencies complying with this bill.

Expenditure and/or Revenue Formula

16 hours of professional staff member time at \$59.00 per hour (includes fringe), 16 x \$59.00 = \$944.00

Long-Term Fiscal Considerations

Once the model policy is completed, long term costs for POST should be minimal.

Local Fiscal Impact

Local agencies will potentially need to allocate capital resources (if not already in place) to store and account for seized firearms.

References/Sources

Erik Misselt, Executive Director, MN POST, 651-201-7789, erik.misselt@state.mn.us.

Agency Contact: Erik Misselt (651-201-7789)

Agency Fiscal Note Coordinator Signature: Erik Misselt

Phone: 651-201-7789

Date: 2/6/2023 8:26:29 AM

Email: erik.misselt@state.mn.us

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 Agency: **Public Safety Dept**

State Fiscal Impact	Yes	No
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Fee/Departmental Earnings		X
Tax Revenue		X
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Local Fiscal Impact		X

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Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
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Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Laura Cecko **Date:** 2/6/2023 2:38:50 PM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.mn.gov

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Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Relating to public safety; enabling law enforcement and family members to petition a court to prohibit people from possessing firearms if they pose a significant danger to themselves or others by possessing a firearm.

Assumptions

No fiscal impact to the Department of Public Safety, as there are no specific directives or tasks for the agency within the bill language. This bill language references "local law enforcement agencies" as the parties responsible for accepting temporary transfers of firearms, rather than state agencies.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Olivia Anderson 651-793-2713

Agency Fiscal Note Coordinator Signature: Dan Boytim

Phone: 651-201-7040

Date: 2/6/2023 2:00:59 PM

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