

1.1 moves to amend H.F. No. 391 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2024, section 260C.201, subdivision 3, is amended to read:

1.4 Subd. 3. **Domestic child abuse.** (a) If the court finds that the child is a victim of domestic
1.5 child abuse, as defined in section 260C.007, subdivision 13, it may order any of the following
1.6 dispositions of the case in addition to or as alternatives to the dispositions authorized under
1.7 subdivision 1:

1.8 (1) restrain any party from committing acts of domestic child abuse;

1.9 (2) exclude the abusing party from the dwelling which the family or household members
1.10 share or from the residence of the child;

1.11 (3) on the same basis as is provided in chapter 518, establish temporary visitation with
1.12 regard to minor children of the adult family or household members;

1.13 (4) on the same basis as is provided in chapter 518 or 518A, establish temporary support
1.14 or maintenance for a period of 30 days for minor children or a spouse;

1.15 (5) provide counseling or other social services for the family or household members; or

1.16 (6) order the abusing party to participate in treatment or counseling services.

1.17 Any relief granted by the order for protection shall be for a fixed period not to exceed
1.18 one year.

1.19 (b) No order excluding the abusing party from the dwelling may be issued unless the
1.20 court finds that:

1.21 (1) the order is in the best interests of the child or children remaining in the dwelling;

2.1 (2) a remaining adult family or household member is able to care adequately for the
2.2 child or children in the absence of the excluded party; and

2.3 (3) the local welfare agency has developed a plan to provide appropriate social services
2.4 to the remaining family or household members.

2.5 (c) Upon a finding that the remaining parent is able to care adequately for the child and
2.6 enforce an order excluding the abusing party from the home and that the provision of
2.7 supportive services by the responsible social services agency is no longer necessary, the
2.8 responsible social services agency may be dismissed as a party to the proceedings. Orders
2.9 entered regarding the abusing party remain in full force and effect and may be renewed by
2.10 the remaining parent as necessary for the continued protection of the child for specified
2.11 periods of time, not to exceed one year.

2.12 (d) An order granting relief that was issued after a hearing of which the abusing party
2.13 received actual notice and at which the abusing party had the opportunity to participate,
2.14 shall prohibit the abusing party from possessing firearms for the length the order is in effect
2.15 if the order (1) restrains the abusing party from harassing, stalking, or threatening the child
2.16 or restrains the abusing party from engaging in other conduct that would place the child in
2.17 reasonable fear of bodily injury, and (2) includes a finding that the abusing party represents
2.18 a credible threat to the physical safety of the child or prohibits the abusing party from using,
2.19 attempting to use, or threatening to use physical force against the child. The order shall
2.20 inform the abusing party of that party's prohibited status. Except as provided in paragraph
2.21 (f), the court shall order the abusing party to transfer any firearms that the person possesses,
2.22 within three business days, to a federally licensed firearms dealer, a law enforcement agency,
2.23 or a third party who may lawfully receive them. The transfer may be permanent or temporary.
2.24 A temporary firearm transfer only entitles the receiving party to possess the firearm. A
2.25 temporary transfer does not transfer ownership or title. An abusing party may not transfer
2.26 firearms to a third party who resides with the abusing party. If an abusing party makes a
2.27 temporary transfer, a federally licensed firearms dealer or law enforcement agency may
2.28 charge the abusing party a reasonable fee to store the person's firearms and may establish
2.29 policies for disposal of abandoned firearms, provided such policies require that the person
2.30 be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms
2.31 transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer,
2.32 or third party shall exercise due care to preserve the quality and function of the transferred
2.33 firearms and shall return the transferred firearms to the person upon request after the
2.34 expiration of the prohibiting time period, provided the person is not otherwise prohibited
2.35 from possessing firearms under state or federal law. The return of temporarily transferred

3.1 firearms to an abusing party shall comply with state and federal law. If an abusing party
3.2 permanently transfers the abusing party's firearms to a law enforcement agency, the agency
3.3 is not required to compensate the abusing party and may charge the abusing party a
3.4 reasonable processing fee. A law enforcement agency is not required to accept an abusing
3.5 party's firearm under this paragraph.

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

3.24 (f) When a court issues an order containing a firearms restriction provided for in
3.25 paragraph (d), the court shall determine by a preponderance of evidence if an abusing party
3.26 poses an imminent risk of causing another person substantial bodily harm. Upon a finding
3.27 of imminent risk, the court shall order that the local law enforcement agency take immediate
3.28 possession of all firearms in the abusing party's possession. The local law enforcement
3.29 agency shall exercise due care to preserve the quality and function of the abusing party's
3.30 firearms and shall return the firearms to the person upon request after the expiration of the
3.31 prohibiting time period, provided the person is not otherwise prohibited from possessing
3.32 firearms under state or federal law. The local law enforcement agency shall, upon written
3.33 notice from the abusing party, transfer the firearms to a federally licensed firearms dealer
3.34 or a third party who may lawfully receive them. Before a local law enforcement agency
3.35 transfers a firearm under this paragraph, the agency shall require the third party or federally

4.1 licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that
4.2 complies with the requirements for affidavits or proofs of transfer established in paragraph
4.3 (e). The agency shall file all affidavits or proofs of transfer received with the court within
4.4 two business days of the transfer. The court shall seal all affidavits or proofs of transfer
4.5 filed pursuant to this paragraph. A federally licensed firearms dealer or third party who
4.6 accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (d) and
4.7 (e) as if accepting transfer from the abusing party. If the law enforcement agency does not
4.8 receive written notice from the abusing party within three business days, the agency may
4.9 charge a reasonable fee to store the abusing party's firearms. A law enforcement agency
4.10 may establish policies for disposal of abandoned firearms, provided such policies require
4.11 that the abusing party be notified via certified mail prior to disposal of abandoned firearms.

4.12 (g) The court shall ensure that all firearms have been transferred and all proofs of transfer
4.13 submitted as required by paragraphs (d), (e), and (f), by scheduling and holding a compliance
4.14 hearing. The compliance hearing is governed by section 518B.03.

4.15 Sec. 2. Minnesota Statutes 2024, section 518B.01, subdivision 6, is amended to read:

4.16 Subd. 6. **Relief by court.** (a) Upon notice and hearing, the court may provide relief as
4.17 follows:

4.18 (1) restrain the abusing party from committing acts of domestic abuse;

4.19 (2) exclude the abusing party from the dwelling which the parties share or from the
4.20 residence of the petitioner;

4.21 (3) exclude the abusing party from a reasonable area surrounding the dwelling or
4.22 residence, which area shall be described specifically in the order;

4.23 (4) award temporary custody or establish temporary parenting time with regard to minor
4.24 children of the parties on a basis which gives primary consideration to the safety of the
4.25 victim and the children. In addition to the primary safety considerations, the court may
4.26 consider particular best interest factors that are found to be relevant to the temporary custody
4.27 and parenting time award. Findings under section 257.025, 518.17, or 518.175 are not
4.28 required with respect to the particular best interest factors not considered by the court. If
4.29 the court finds that the safety of the victim or the children will be jeopardized by unsupervised
4.30 or unrestricted parenting time, the court shall condition or restrict parenting time as to time,
4.31 place, duration, or supervision, or deny parenting time entirely, as needed to guard the safety
4.32 of the victim and the children. The court's decision on custody and parenting time shall in
4.33 no way delay the issuance of an order for protection granting other relief provided for in

5.1 this section. The court must not enter a parenting plan under section 518.1705 as part of an
5.2 action for an order for protection;

5.3 (5) on the same basis as is provided in chapter 518 or 518A, establish temporary support
5.4 for minor children or a spouse, and order the withholding of support from the income of
5.5 the person obligated to pay the support according to chapter 518A;

5.6 (6) provide upon request of the petitioner counseling or other social services for the
5.7 parties, if married, or if there are minor children;

5.8 (7) order the abusing party to participate in treatment or counseling services, including
5.9 requiring the abusing party to successfully complete a domestic abuse counseling program
5.10 or educational program under section 518B.02;

5.11 (8) award temporary use and possession of property and restrain one or both parties from
5.12 transferring, encumbering, concealing, or disposing of property except in the usual course
5.13 of business or for the necessities of life, and to account to the court for all such transfers,
5.14 encumbrances, dispositions, and expenditures made after the order is served or communicated
5.15 to the party restrained in open court;

5.16 (9) exclude the abusing party from the place of employment of the petitioner, or otherwise
5.17 limit access to the petitioner by the abusing party at the petitioner's place of employment;

5.18 (10) order the abusing party to have no contact with the petitioner whether in person,
5.19 by telephone, mail, or electronic mail or messaging, through a third party, or by any other
5.20 means;

5.21 (11) order the abusing party to pay restitution to the petitioner;

5.22 (12) order the continuance of all currently available insurance coverage without change
5.23 in coverage or beneficiary designation;

5.24 (13) order, in its discretion, other relief as it deems necessary for the protection of a
5.25 family or household member, including orders or directives to the sheriff or other law
5.26 enforcement or corrections officer as provided by this section;

5.27 (14) direct the care, possession, or control of a pet or companion animal owned,
5.28 possessed, or kept by the petitioner or respondent or a child of the petitioner or respondent;
5.29 and

5.30 (15) direct the respondent to refrain from physically abusing or injuring any pet or
5.31 companion animal, without legal justification, known to be owned, possessed, kept, or held

6.1 by either party or a minor child residing in the residence or household of either party as an
6.2 indirect means of intentionally threatening the safety of such person.

6.3 (b) Any relief granted by the order for protection shall be for a period not to exceed two
6.4 years, except when the court determines a longer period is appropriate. When a referee
6.5 presides at the hearing on the petition, the order granting relief becomes effective upon the
6.6 referee's signature.

6.7 (c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated
6.8 or modified in a proceeding for dissolution of marriage or legal separation, except that the
6.9 court may hear a motion for modification of an order for protection concurrently with a
6.10 proceeding for dissolution of marriage upon notice of motion and motion. The notice required
6.11 by court rule shall not be waived. If the proceedings are consolidated and the motion to
6.12 modify is granted, a separate order for modification of an order for protection shall be issued.

6.13 (d) An order granting the relief authorized in paragraph (a), clause (2) or (3), is not
6.14 voided by the admittance of the abusing party into the dwelling from which the abusing
6.15 party is excluded.

6.16 (e) If a proceeding for dissolution of marriage or legal separation is pending between
6.17 the parties, the court shall provide a copy of the order for protection to the court with
6.18 jurisdiction over the dissolution or separation proceeding for inclusion in its file.

6.19 (f) An order for restitution issued under this subdivision is enforceable as civil judgment.

6.20 (g) An order granting relief shall prohibit the abusing party from possessing firearms
6.21 for the length the order is in effect if the order (1) restrains the abusing party from harassing,
6.22 stalking, or threatening the petitioner or restrains the abusing party from engaging in other
6.23 conduct that would place the petitioner in reasonable fear of bodily injury, and (2) includes
6.24 a finding that the abusing party represents a credible threat to the physical safety of the
6.25 petitioner or prohibits the abusing party from using, attempting to use, or threatening to use
6.26 physical force against the petitioner. The order shall inform the abusing party of that party's
6.27 prohibited status. Except as provided in paragraph (i), the court shall order the abusing party
6.28 to transfer any firearms that the person possesses, within three business days, to a federally
6.29 licensed firearms dealer, a law enforcement agency, or a third party who may lawfully
6.30 receive them. The transfer may be permanent or temporary. A temporary firearm transfer
6.31 only entitles the receiving party to possess the firearm. A temporary transfer does not transfer
6.32 ownership or title. An abusing party may not transfer firearms to a third party who resides
6.33 with the abusing party. If an abusing party makes a temporary transfer, a federally licensed
6.34 firearms dealer or law enforcement agency may charge the abusing party a reasonable fee

7.1 to store the person's firearms and may establish policies for disposal of abandoned firearms,
7.2 provided such policies require that the person be notified via certified mail prior to disposal
7.3 of abandoned firearms. For temporary firearms transfers under this paragraph, a law
7.4 enforcement agency, federally licensed firearms dealer, or third party shall exercise due
7.5 care to preserve the quality and function of the transferred firearms and shall return the
7.6 transferred firearms to the person upon request after the expiration of the prohibiting time
7.7 period, provided the person is not otherwise prohibited from possessing firearms under state
7.8 or federal law. The return of temporarily transferred firearms to an abusing party shall
7.9 comply with state and federal law. If an abusing party permanently transfers the abusing
7.10 party's firearms to a law enforcement agency, the agency is not required to compensate the
7.11 abusing party and may charge the abusing party a reasonable processing fee. A law
7.12 enforcement agency is not required to accept an abusing party's firearm under this paragraph.

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

7.31 (i) When a court issues an order containing a firearms restriction provided for in paragraph
7.32 (g), the court shall determine by a preponderance of evidence if an abusing party poses an
7.33 imminent risk of causing another person substantial bodily harm. Upon a finding of imminent
7.34 risk, the court shall order that the local law enforcement agency take immediate possession
7.35 of all firearms in the abusing party's possession. The local law enforcement agency shall

8.1 exercise due care to preserve the quality and function of the abusing party's firearms and
8.2 shall return the firearms to the person upon request after the expiration of the prohibiting
8.3 time period, provided the person is not otherwise prohibited from possessing firearms under
8.4 state or federal law. The local law enforcement agency shall, upon written notice from the
8.5 abusing party, transfer the firearms to a federally licensed firearms dealer or a third party
8.6 who may lawfully receive them. Before a local law enforcement agency transfers a firearm
8.7 under this paragraph, the agency shall require the third party or federally licensed firearms
8.8 dealer receiving the firearm to submit an affidavit or proof of transfer that complies with
8.9 the requirements for affidavits or proofs of transfer established in paragraph (h). The agency
8.10 shall file all affidavits or proofs of transfer received with the court within two business days
8.11 of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this
8.12 paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer
8.13 pursuant to this paragraph shall comply with paragraphs (g) and (h) as if accepting transfer
8.14 from the abusing party. If the law enforcement agency does not receive written notice from
8.15 the abusing party within three business days, the agency may charge a reasonable fee to
8.16 store the abusing party's firearms. A law enforcement agency may establish policies for
8.17 disposal of abandoned firearms, provided such policies require that the abusing party be
8.18 notified via certified mail prior to disposal of abandoned firearms.

8.19 (j) The court shall ensure that all firearms have been transferred and all proofs of transfer
8.20 submitted as required by paragraphs (g), (h), and (i), by scheduling and holding a compliance
8.21 hearing. The compliance hearing is governed by section 518B.03.

8.22 **Sec. 3. [518B.03] COMPLIANCE HEARING; IMMUNITY; SANCTIONS;**
8.23 **PROTECTIONS.**

8.24 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
8.25 meanings given.

8.26 (b) "Subject" means a person who is subject to a court order prohibiting the person from
8.27 possessing firearms issued pursuant to section 260C.201, 518B.01, 609.2242, 609.749, or
8.28 629.715.

8.29 (c) "Transfer order" is a court order requiring that a subject transfer any firearms that
8.30 the person possesses to comply with a firearms prohibition imposed pursuant to section
8.31 260C.201, 518B.01, 609.2242, 609.749, or 629.715.

8.32 Subd. 2. **Scope; timing.** (a) This statute governs a hearing required to determine if a
8.33 subject has complied with a transfer order.

9.1 (b) Compliance hearings must be held within ten business days of a court issuing a
9.2 transfer order.

9.3 Subd. 3. **Waiver.** The court may waive the hearing requirement on its own motion or
9.4 upon request of either the prosecutor or subject if the court determines that the subject has
9.5 complied with the transfer order, including filing of a proof of transfer or affidavit of transfer,
9.6 or otherwise submitted a credible declaration of nonpossession.

9.7 Subd. 4. **Noncompliance finding; sanctions.** If the court finds that there is probable
9.8 cause to believe that the subject is not in compliance with a transfer order or fails to appear
9.9 at a compliance hearing, the court must take appropriate action under the circumstances,
9.10 including but not limited to issuing a warrant for the subject's arrest. The court may also
9.11 initiate a contempt proceeding under section 588.01, subdivision 3, to impose remedial
9.12 sanctions on its own motion, or upon the motion of the prosecutor, and issue an order
9.13 requiring the subject to appear, with additional sanctions for failure to appear; provide proof
9.14 of compliance with the order; and show cause why the subject should not be held in contempt
9.15 of court.

9.16 Subd. 5. **Immunity.** The act of voluntarily surrendering firearms, providing testimony
9.17 relating to the surrender of firearms, or complying with a transfer order, and any information
9.18 directly or indirectly derived from such act or testimony, may not be used against the subject
9.19 in any criminal prosecution, except a prosecution for perjury, giving a false statement, or
9.20 otherwise failing to comply with the transfer order. Every transfer order must contain
9.21 language consistent with the statutory immunity set forth in this subdivision.

9.22 Subd. 6. **Privilege against self-incrimination.** (a) If a subject invokes the privilege
9.23 against self-incrimination at the time of issuance of the order or at a subsequent hearing,
9.24 the court may afford the subject an opportunity to demonstrate that compliance with a
9.25 transfer order would expose that person to a realistic threat of self-incrimination in a
9.26 subsequent or pending criminal proceeding. The court may conduct this portion of the
9.27 proceeding ex parte or receive evidence in camera, without the presence of the prosecuting
9.28 attorney.

9.29 (b) If the subject establishes such a realistic threat of self-incrimination regarding possible
9.30 criminal prosecution that is not addressed by the immunity from prosecution set forth in
9.31 subdivision 5, the court must afford the relevant prosecuting attorney an opportunity to offer
9.32 an immunity agreement tailored specifically to the firearms implicated by the potential
9.33 self-incrimination. To achieve the purposes of this section, any immunity offered should

10.1 be narrowly tailored to address any realistic threat of self-incrimination while ensuring that
10.2 any other firearms not implicated are surrendered.

10.3 (c) Any immunity from prosecution beyond the immunity set forth in subdivision 5 may
10.4 only be extended by the prosecuting attorney. If the prosecuting attorney declines to extend
10.5 immunity such that the subject cannot fully comply with the transfer order without facing
10.6 a realistic threat of self-incrimination, the court's order must provide for the surrender of
10.7 every firearm and firearm permit that does not implicate a realistic threat of
10.8 self-incrimination. The order's prohibition on firearms possession remains in effect.

10.9 Subd. 7. **Compliance required; burden of proof.** Nothing in this section shall be
10.10 interpreted as diminishing the requirement that the subject fully comply with the order
10.11 issued by the court. The burden remains on the subject to prove compliance.

10.12 Sec. 4. Minnesota Statutes 2024, section 609.2242, subdivision 3, is amended to read:

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

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

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

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

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

10.24 (c) When a person is convicted of assaulting a family or household member and is
10.25 determined by the court to have used a firearm in any way during commission of the assault,
10.26 the court may order that the person is prohibited from possessing any type of firearm for
10.27 any period longer than three years or for the remainder of the person's life. A person who
10.28 violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the
10.29 court shall inform the defendant for how long the defendant is prohibited from possessing
10.30 a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the
10.31 court to provide this information to a defendant does not affect the applicability of the
10.32 firearm possession prohibition or the gross misdemeanor penalty to that defendant.

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

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

11.17 (f) Except as otherwise provided in paragraphs (b) and (h), when a person is convicted
11.18 of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247
11.19 and the court determines that the assault was against a family or household member, the
11.20 court shall order the defendant to transfer any firearms that the person possesses, within
11.21 three business days, to a federally licensed firearms dealer, a law enforcement agency, or
11.22 a third party who may lawfully receive them. The transfer may be permanent or temporary,
11.23 unless the court prohibits the person from possessing a firearm for the remainder of the
11.24 person's life under paragraph (c). A temporary firearm transfer only entitles the receiving
11.25 party to possess the firearm. A temporary transfer does not transfer ownership or title. A
11.26 defendant may not transfer firearms to a third party who resides with the defendant. If a
11.27 defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement
11.28 agency may charge the defendant a reasonable fee to store the person's firearms and may
11.29 establish policies for disposal of abandoned firearms, provided such policies require that
11.30 the person be notified by certified mail prior to disposal of abandoned firearms. For temporary
11.31 firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms
11.32 dealer, or third party shall exercise due care to preserve the quality and function of the
11.33 transferred firearms and shall return the transferred firearms to the person upon request after
11.34 the expiration of the prohibiting time period imposed under this subdivision, provided the
11.35 person is not otherwise prohibited from possessing firearms under state or federal law. The

12.1 return of temporarily transferred firearms to a person shall comply with state and federal
12.2 law. If a defendant permanently transfers the defendant's firearms to a law enforcement
12.3 agency, the agency is not required to compensate the defendant and may charge the defendant
12.4 a reasonable processing fee. A law enforcement agency is not required to accept a person's
12.5 firearm under this paragraph. The court shall order that the person surrender all permits to
12.6 carry and purchase firearms to the sheriff.

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

12.25 (h) When a person is convicted of a violation of this section or section 609.221, 609.222,
12.26 609.223, 609.224, or 609.2247, and the court determines that the assault was against a family
12.27 or household member, the court shall determine by a preponderance of the evidence if the
12.28 person poses an imminent risk of causing another person substantial bodily harm. Upon a
12.29 finding of imminent risk, the court shall order that the local law enforcement agency take
12.30 immediate possession of all firearms in the person's possession. The local law enforcement
12.31 agency shall exercise due care to preserve the quality and function of the defendant's firearms
12.32 and shall return the firearms to the person upon request after the expiration of the prohibiting
12.33 time period, provided the person is not otherwise prohibited from possessing firearms under
12.34 state or federal law. The local law enforcement agency shall, upon written notice from the
12.35 person, transfer the firearms to a federally licensed firearms dealer or a third party who may

13.1 lawfully receive them. Before a local law enforcement agency transfers a firearm under this
13.2 paragraph, the agency shall require the third party or federally licensed firearms dealer
13.3 receiving the firearm to submit an affidavit or proof of transfer that complies with the
13.4 requirements for affidavits or proofs of transfer established in paragraph (g). The agency
13.5 shall file all affidavits or proofs of transfer received with the court within two business days
13.6 of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this
13.7 paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer
13.8 pursuant to this paragraph shall comply with paragraphs (f) and (g) as if accepting transfer
13.9 from the defendant. If the law enforcement agency does not receive written notice from the
13.10 defendant within three business days, the agency may charge a reasonable fee to store the
13.11 defendant's firearms. A law enforcement agency may establish policies for disposal of
13.12 abandoned firearms, provided such policies require that the person be notified via certified
13.13 mail prior to disposal of abandoned firearms.

13.14 (i) The court shall ensure that all firearms have been transferred and all proofs of transfer
13.15 submitted as required by paragraphs (f), (g), and (h), by scheduling and holding a compliance
13.16 hearing. The compliance hearing is governed by section 518B.03.

13.17 Sec. 5. Minnesota Statutes 2024, section 609.749, subdivision 8, is amended to read:

13.18 Subd. 8. **Harassment; stalking; firearms.** (a) When a person is convicted of harassment
13.19 or stalking under this section and the court determines that the person used a firearm in any
13.20 way during commission of the crime, the court may order that the person is prohibited from
13.21 possessing any type of firearm for any period longer than three years or for the remainder
13.22 of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor.
13.23 At the time of the conviction, the court shall inform the defendant for how long the defendant
13.24 is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this
13.25 paragraph. The failure of the court to provide this information to a defendant does not affect
13.26 the applicability of the firearm possession prohibition or the gross misdemeanor penalty to
13.27 that defendant.

13.28 (b) Except as otherwise provided in paragraph (a), when a person is convicted of
13.29 harassment or stalking under this section, the court shall inform the defendant that the
13.30 defendant is prohibited from possessing a firearm for three years from the date of conviction
13.31 and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court
13.32 to provide this information to a defendant does not affect the applicability of the firearm
13.33 possession prohibition or the gross misdemeanor penalty to that defendant.

14.1 (c) Except as otherwise provided in paragraph (a), a person is not entitled to possess a
14.2 pistol if the person has been convicted after August 1, 1996, of harassment or stalking under
14.3 this section, or to possess a firearm if the person has been convicted on or after August 1,
14.4 2014, of harassment or stalking under this section, unless three years have elapsed from the
14.5 date of conviction and, during that time, the person has not been convicted of any other
14.6 violation of this section. Property rights may not be abated but access may be restricted by
14.7 the courts. A person who possesses a firearm in violation of this paragraph is guilty of a
14.8 gross misdemeanor.

14.9 (d) If the court determines that a person convicted of harassment or stalking under this
14.10 section owns or possesses a firearm and used it in any way during the commission of the
14.11 crime, it shall order that the firearm be summarily forfeited under section 609.5316,
14.12 subdivision 3.

14.13 (e) Except as otherwise provided in paragraphs (d) and (g), when a person is convicted
14.14 of harassment or stalking under this section, the court shall order the defendant to transfer
14.15 any firearms that the person possesses, within three business days, to a federally licensed
14.16 firearms dealer, a law enforcement agency, or a third party who may lawfully receive them.
14.17 The transfer may be permanent or temporary. A temporary firearm transfer only entitles
14.18 the receiving party to possess the firearm. A temporary transfer does not transfer ownership
14.19 or title. A defendant may not transfer firearms to a third party who resides with the defendant.
14.20 If a defendant makes a temporary transfer, a federally licensed firearms dealer or law
14.21 enforcement agency may charge the defendant a reasonable fee to store the person's firearms
14.22 and may establish policies for disposal of abandoned firearms, provided such policies require
14.23 that the person be notified via certified mail prior to disposal of abandoned firearms. For
14.24 temporary firearms transfers under this paragraph, a law enforcement agency, federally
14.25 licensed firearms dealer, or third party shall exercise due care to preserve the quality and
14.26 function of the transferred firearms and shall return the transferred firearms to the person
14.27 upon request after the expiration of the prohibiting time period imposed under this
14.28 subdivision, provided the person is not otherwise prohibited from possessing firearms under
14.29 state or federal law. The return of temporarily transferred firearms to a defendant shall
14.30 comply with state and federal law. If a defendant permanently transfers the defendant's
14.31 firearms to a law enforcement agency, the agency is not required to compensate the defendant
14.32 and may charge the defendant a reasonable processing fee. A law enforcement agency is
14.33 not required to accept a person's firearm under this paragraph. The court shall order that the
14.34 person surrender all permits to carry and purchase firearms to the sheriff.

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

15.19 (g) When a person is convicted of harassment or stalking under this section, the court
15.20 shall determine by a preponderance of the evidence if the person poses an imminent risk of
15.21 causing another person substantial bodily harm. Upon a finding of imminent risk, the court
15.22 shall order that the local law enforcement agency take immediate possession of all firearms
15.23 in the person's possession. The local law enforcement agency shall exercise due care to
15.24 preserve the quality and function of the defendant's firearms and shall return the firearms
15.25 to the person upon request after the expiration of the prohibiting time period, provided the
15.26 person is not otherwise prohibited from possessing firearms under state or federal law. The
15.27 local law enforcement agency shall, upon written notice from the person, transfer the firearms
15.28 to a federally licensed firearms dealer or a third party who may lawfully receive them.
15.29 Before a local law enforcement agency transfers a firearm under this paragraph, the agency
15.30 shall require the third party or federally licensed firearms dealer receiving the firearm to
15.31 submit an affidavit or proof of transfer that complies with the requirements for affidavits
15.32 or proofs of transfer established in paragraph (f). The agency shall file all affidavits or proofs
15.33 of transfer received with the court within two business days of the transfer. The court shall
15.34 seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed
15.35 firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall
15.36 comply with paragraphs (e) and (f) as if accepting transfer from the defendant. If the law

16.1 enforcement agency does not receive written notice from the defendant within three business
16.2 days, the agency may charge a reasonable fee to store the defendant's firearms. A law
16.3 enforcement agency may establish policies for disposal of abandoned firearms, provided
16.4 such policies require that the person be notified via certified mail prior to disposal of
16.5 abandoned firearms.

16.6 (h) The court shall ensure that all firearms have been transferred and all proofs of transfer
16.7 submitted as required in paragraphs (e), (f), and (g), by scheduling and holding a compliance
16.8 hearing. The compliance hearing is governed by section 518B.03.

16.9 Sec. 6. Minnesota Statutes 2024, section 629.715, subdivision 2, is amended to read:

16.10 Subd. 2. **Surrender of firearms.** (a) The judge may order as a condition of release that
16.11 the person surrender to the local law enforcement agency all firearms, destructive devices,
16.12 or dangerous weapons owned or possessed by the person, and may not live in a residence
16.13 where others possess firearms. Any firearm, destructive device, or dangerous weapon
16.14 surrendered under this subdivision shall be inventoried and retained, with due care to preserve
16.15 its quality and function, by the local law enforcement agency, and must be returned to the
16.16 person upon the person's acquittal, when charges are dismissed, or if no charges are filed.
16.17 If the person is convicted, the firearm must be returned when the court orders the return or
16.18 when the person is discharged from probation and restored to civil rights. If the person is
16.19 convicted of a designated offense as defined in section 609.531, the firearm is subject to
16.20 forfeiture as provided under that section. This condition may be imposed in addition to any
16.21 other condition authorized by rule 6.02 of the Rules of Criminal Procedure.

16.22 (b) The court shall ensure that all firearms have been surrendered by scheduling and
16.23 holding a compliance hearing. The compliance hearing is governed by section 518B.03."

16.24 Amend the title accordingly