

Written Testimony in Opposition to H.F. No. 3938

Date: March 16, 2026

To: Members of the House Committee on Commerce Finance and Policy

Subject: Strong Opposition to H.F. No. 3938 – Mandatory Firearm Liability Insurance

To Chairpersons Koegel and O’Driscoll, and Members of the Committee,

I am writing today as a parent, landowner, and recreational firearm enthusiast to express my **firm opposition** to H.F. No. 3938. While this bill is presented under the guise of insurance reform, it serves as a direct financial barrier to the exercise of a fundamental constitutional right.

My opposition is rooted in the following concerns regarding the practical and legal implications of this proposal:

- **Financial Barrier to a Fundamental Right:** H.F. No. 3938 requires every Minnesota firearm owner to maintain at least **\$100,000** in liability insurance. For many families, this is an "exercise tax" on a Bill of Rights protection. Forcing citizens to pay a private company for the "privilege" of owning a firearm is fundamentally different from insuring a car; driving is a licensed privilege, whereas self-defense is a natural and constitutionally protected right.
- **Privacy Concerns for Law-Abiding Citizens:** This bill requires owners to provide "evidence of compliance" via insurance declaration pages. This effectively creates a de facto registry of firearm owners held by private insurance companies and accessible to the state, infringing upon the privacy of law-abiding citizens.
- **Inadequate Exemptions and Legal Overreach:** The bill's exemptions require a citizen to prove they are essentially indigent or have been rejected by multiple insurers, followed by a court hearing where they must prove they are "likely to behave in a prudent and safe manner". This flips the presumption of innocence on its head, requiring citizens to prove their "fitness" to a judge just to avoid a financial penalty for exercising their rights.
- **Unfair Burden on Responsible Enthusiasts:** As a recreational enthusiast, I already prioritize safety. This legislation does nothing to deter criminals—who will certainly not be purchasing insurance—and instead penalizes responsible parents and landowners who use firearms for sport, protection, and land management.

Legal Scrutiny and Constitutional Precedent

H.F. No. 3938 faces significant hurdles under current Second Amendment jurisprudence. Specifically, the following cases and legal principles suggest this law would not survive a "Text, History, and Tradition" analysis:

- ***NYSRPA v. Bruen* (2022)**
 - Under the *Bruen* standard, the government must demonstrate that a firearm regulation is consistent with the nation's historical tradition of firearm regulation. There is **no historical tradition** from the founding era of requiring citizens to pay a fee or obtain third-party insurance to keep and bear arms. Legislative mandates that impose a "prior restraint" or a "pay-to-play" system on constitutional rights are historically anathema to the Second Amendment.
- ***Murdock v. Pennsylvania* (1943)**
 - The Supreme Court has long held that "a state may not impose a charge for the enjoyment of a right granted by the Federal Constitution." Just as the state cannot require a "poll tax" to vote or a "license fee" to speak in public, it cannot constitutionally mandate a "liability fee" to own a firearm.
- ***District of Columbia v. Heller* (2008)**
 - In *Heller*, the Court clarified that the Second Amendment protects an individual right to possess a firearm unconnected with service in a militia. By making that possession contingent upon the approval and pricing of private insurance markets, H.F. No. 3938 allows private corporations to effectively "veto" a citizen's constitutional right by refusing coverage or making it cost-prohibitive.

Conclusion

H.F. No. 3938 erodes the rights of Minnesota citizens by turning a constitutional protection into a high-priced commodity. I urge you to respect the Second Amendment and the financial autonomy of Minnesota families by voting **NO** on this bill.

Respectfully,

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