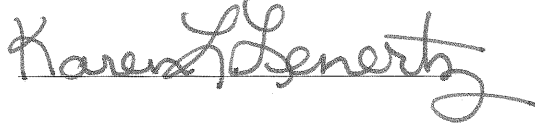


Approved by  
Revisor of Statutes



1.1 Mariani from the Public Safety and Criminal Justice Reform Finance and Policy Division  
1.2 to which was referred:

1.3 H. F. No. 2792, A bill for an act relating to public safety; modifying certain provisions  
1.4 relating to public safety; corrections; law enforcement; sexual offenders; controlled  
1.5 substances; DWI; vehicle operations; pretrial release; offender sentencing, probation, and  
1.6 diversion; firefighters; statewide emergency communication; predatory offenders; modifying  
1.7 ex-offender voting rights; enacting the Uniform Collateral Consequences of Conviction  
1.8 Act; requiring reports; providing for task forces; providing for criminal penalties;  
1.9 appropriating money for sentencing guidelines; public safety; courts; corrections; Peace  
1.10 Officer Standards and Training (POST) Board; private detective board; Public Defense  
1.11 Board; human services; health; amending Minnesota Statutes 2018, sections 13.6905, by  
1.12 adding a subdivision; 13.851, by adding a subdivision; 15A.0815, subdivision 3; 84.91,  
1.13 subdivision 1; 86B.331, subdivision 1; 144.121, subdivision 1a, by adding a subdivision;  
1.14 151.37, subdivision 12; 152.021, subdivision 2a; 152.025, subdivisions 1, 2, 4; 152.0275;  
1.15 152.18, subdivision 1; 169.13, subdivisions 1, 2; 169.92, subdivision 4; 169A.03, subdivision  
1.16 18; 169A.37, subdivision 1; 169A.55, subdivision 2; 169A.60, subdivisions 4, 5; 169A.63,  
1.17 by adding a subdivision; 171.07, subdivision 1a; 171.16, subdivisions 2, 3; 171.18,  
1.18 subdivision 1; 171.20, subdivision 4; 171.26, subdivision 1; 171.29, subdivision 1; 201.014,  
1.19 by adding a subdivision; 201.071, subdivision 1; 204C.10; 241.025, subdivisions 1, 2;  
1.20 241.75, subdivision 2; 242.192; 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4b, 4c, 5, 6, 7, 7a,  
1.21 by adding a subdivision; 243.48, subdivision 1; 244.05, subdivisions 4, 5; 244.09,  
1.22 subdivisions 5, 6, 8; 245C.22, by adding a subdivision; 245C.24, by adding a subdivision;  
1.23 260B.176, by adding a subdivision; 299A.12, subdivisions 1, 2, 3; 299A.13; 299A.14,  
1.24 subdivision 3; 299A.706; 299C.091, subdivision 5; 299C.093; 299N.01, subdivisions 2, 3;  
1.25 299N.02, subdivisions 1, 2, 3; 299N.03, subdivisions 4, 5, 6, by adding a subdivision;  
1.26 299N.04; 299N.05, subdivisions 1, 2, 5, 6, 7, 9; 299N.06; 340A.304; 340A.417; 357.021,  
1.27 subdivision 7; 364.07; 403.02, by adding a subdivision; 403.03; 403.21, subdivision 7a;  
1.28 403.36, subdivisions 1, 1b, 1c, 1d; 403.37, subdivision 12; 403.382, subdivisions 1, 8;  
1.29 446A.083, subdivision 2; 480.15, by adding a subdivision; 590.01, subdivision 4; 590.11,  
1.30 subdivisions 1, 2, 5, 7; 609.106, subdivision 2, by adding a subdivision; 609.115, by adding  
1.31 a subdivision; 609.135, subdivisions 1a, 1c, 2, by adding subdivisions; 609.165, subdivision  
1.32 1; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.341, subdivisions 10, 11,  
1.33 12, by adding subdivisions; 609.342, subdivision 1; 609.343, subdivision 1; 609.344,  
1.34 subdivision 1; 609.345, subdivision 1; 609.3451, subdivision 1; 609.3455, subdivision 2;  
1.35 609.582, subdivisions 3, 4; 609.749, subdivisions 1, 2, 3, 5, 8; 609A.02, by adding a  
1.36 subdivision; 609A.025; 611.365, subdivisions 2, 3; 611.367; 611.368; 611A.039, subdivision  
1.37 1; 617.246, subdivisions 2, 3, 4, 7, by adding a subdivision; 617.247, subdivisions 3, 4, 9,  
1.38 by adding a subdivision; 624.712, subdivision 5; 626.556, subdivision 2; 626.841; 626.93,  
1.39 subdivisions 3, 4; 628.26; 629.53; 631.412; 634.20; 638.02, subdivision 3; 641.15,  
1.40 subdivision 3a; Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended; Laws  
1.41 2017, chapter 95, article 1, section 11, subdivision 7; article 3, section 30; proposing coding  
1.42 for new law in Minnesota Statutes, chapters 152; 171; 201; 241; 243; 244; 260B; 299A;

2.1 340A; 611A; 626; 638; 641; repealing Minnesota Statutes 2018, sections 152.027,  
2.2 subdivisions 3, 4; 299A.12, subdivision 4; 299A.18; 401.13; 609.349; 609B.050; 609B.100;  
2.3 609B.101; 609B.102; 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108;  
2.4 609B.109; 609B.110; 609B.111; 609B.112; 609B.113; 609B.120; 609B.121; 609B.122;  
2.5 609B.123; 609B.124; 609B.125; 609B.126; 609B.127; 609B.128; 609B.129; 609B.130;  
2.6 609B.132; 609B.133; 609B.134; 609B.135; 609B.136; 609B.139; 609B.140; 609B.141;  
2.7 609B.142; 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495;  
2.8 609B.150; 609B.151; 609B.152; 609B.153; 609B.155; 609B.157; 609B.158; 609B.159;  
2.9 609B.160; 609B.161; 609B.162; 609B.164; 609B.1641; 609B.1645; 609B.165; 609B.168;  
2.10 609B.170; 609B.171; 609B.172; 609B.173; 609B.174; 609B.175; 609B.176; 609B.177;  
2.11 609B.179; 609B.180; 609B.181; 609B.183; 609B.184; 609B.185; 609B.187; 609B.188;  
2.12 609B.189; 609B.191; 609B.192; 609B.193; 609B.194; 609B.195; 609B.200; 609B.201;  
2.13 609B.203; 609B.205; 609B.206; 609B.216; 609B.231; 609B.235; 609B.237; 609B.241;  
2.14 609B.245; 609B.255; 609B.262; 609B.263; 609B.265; 609B.271; 609B.273; 609B.275;  
2.15 609B.277; 609B.301; 609B.310; 609B.311; 609B.312; 609B.320; 609B.321; 609B.330;  
2.16 609B.331; 609B.332; 609B.333; 609B.340; 609B.341; 609B.342; 609B.343; 609B.344;  
2.17 609B.345; 609B.400; 609B.405; 609B.410; 609B.415; 609B.425; 609B.430; 609B.435;  
2.18 609B.445; 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510;  
2.19 609B.515; 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545;  
2.20 609B.600; 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700;  
2.21 609B.710; 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; 609B.725.

2.22 Reported the same back with the following amendments:

2.23 Page 3, line 8, delete "100,000" and insert "160,000" and delete "203,744,000" and insert  
2.24 "202,143,000" and delete "202,149,000" and insert "201,171,000"

2.25 Page 3, line 11, delete "100,000" and insert "160,000" and delete "108,590,000" and  
2.26 insert "108,637,000" and delete "107,401,000" and insert "107,665,000"

2.27 Page 3, delete line 18

2.28 Page 3, line 23, delete "\$100,000" and insert "\$160,000"

2.29 Page 3, line 25, delete "and" and insert a comma and before the period, insert ", and  
2.30 ignition interlock"

2.31 Page 5, delete lines 29 to 35 and insert:

2.32 "\$300,000 each year is for the director of the  
2.33 Homeland Security and Emergency  
2.34 Management Division (HSEM) to award  
2.35 grants to emergency management departments  
2.36 for planning and preparedness activities  
2.37 including capital purchases.

2.38 A grant in the amount of \$20,000 shall be  
2.39 awarded each fiscal year to each of the  
2.40 following, subject to HSEM's final approval:

3.1 (1) 12 counties with two counties  
3.2 recommended by each Homeland Security  
3.3 Emergency Management Region;  
3.4 (2) two tribal governments recommended by  
3.5 the Indian Affairs Council; and  
3.6 (3) one city of the first class chosen by HSEM.  
3.7 Current local funding for emergency  
3.8 management and preparedness activities may  
3.9 not be supplanted by these additional state  
3.10 funds. These appropriations are onetime."

3.11 Page 6, delete lines 1 to 9

3.12 Page 6, after line 12, insert:

3.13 **"(f) School Safety Center**

3.14 \$250,000 each year is to hire two additional  
3.15 school safety specialists in the school safety  
3.16 center."

3.17 Page 6, line 13, delete "64,877,000" and insert "63,229,000" and delete "64,216,000"  
3.18 and insert "62,974,000"

3.19 Page 6, delete line 19

3.20 Page 7, delete lines 15 to 21

3.21 Page 9, line 12, delete "41,983,000" and insert "41,730,000" and delete "41,301,000"  
3.22 and insert "41,365,000"

3.23 Page 9, line 14, delete "41,887,000" and insert "41,634,000" and delete "41,205,000"  
3.24 and insert "41,269,000"

3.25 Page 10, delete lines 3 to 11

3.26 Page 10, line 30, delete "\$23,000" and insert "\$20,000" and delete "is" and insert "and  
3.27 \$14,000 the second year are"

3.28 Page 11, delete lines 10 to 20 and insert:

3.29 **"(f) Youth Intervention Programs**

4.1 \$500,000 each year is for youth intervention  
4.2 programs under Minnesota Statutes, section  
4.3 299A.73. One-half of the money is for  
4.4 community-based youth intervention programs  
4.5 that work with African American and African  
4.6 immigrant youth and may be used to:  
  
4.7 (1) identify behaviors indicating that an  
4.8 individual is vulnerable to committing or being  
4.9 the victim of bullying or interfamily,  
4.10 community, or domestic abuse;  
  
4.11 (2) identify and assess factors and influences  
4.12 that make African immigrant and African  
4.13 American youth vulnerable to recruitment by  
4.14 violent organizations including but not limited  
4.15 to family dysfunction and cultural  
4.16 disengagement;  
  
4.17 (3) develop strategies to reduce and eliminate  
4.18 abusive and bullying behaviors among youth  
4.19 and adults within the African immigrant and  
4.20 African American community;  
  
4.21 (4) develop and implement strategies to reduce  
4.22 and eliminate the factors and influences that  
4.23 make African immigrant and African  
4.24 American youth vulnerable to recruitment by  
4.25 violent organizations;  
  
4.26 (5) develop strategies, programs, and services  
4.27 to educate parents and other family members  
4.28 to recognize and address behaviors indicating  
4.29 that youth are being recruited by violent  
4.30 organizations; and  
  
4.31 (6) develop strategies, programs, and services,  
4.32 in collaboration with public entities and other  
4.33 community and private organizations that  
4.34 provide services to at-risk youth and families,

5.1 to reduce and eliminate bullying, abusive  
 5.2 behavior, and the vulnerability of African  
 5.3 immigrant and African American youth to  
 5.4 recruitment by violent organizations.

5.5 These appropriations are onetime."

5.6 Page 11, delete line 33

5.7 Page 12, delete lines 1 to 3

5.8 Page 13, line 17, after "recipient" insert "and citizens"

5.9 Page 13, line 19, after the period, insert "Access to the data under this clause must be  
 5.10 strictly regulated and monitored to ensure compliance with the data privacy classifications  
 5.11 assigned to the data."

5.12 Page 13, after line 27, insert:

5.13 "(k) Safe and Secure Storage of Firearms

5.14 \$100,000 each year is for grants to local or  
 5.15 state law enforcement agencies to support the  
 5.16 safe and secure storage of firearms.

5.17 (l) Community Policing Database

5.18 Maintenance

5.19 \$50,000 the second year is for the Bureau of  
 5.20 Criminal Apprehension to maintain the  
 5.21 community policing database. Any unused  
 5.22 amount remaining in the account on June 1 is  
 5.23 for a grant to a community-based research  
 5.24 organization to maintain and update software  
 5.25 to monitor peace officer discipline."

5.26 Page 13, line 28, delete "77,650,000" and insert "77,750,000" and delete "77,650,000"  
 5.27 and insert "77,750,000"

5.28 Page 13, after line 28, insert:

5.29 "Appropriations by Fund

5.30 General 100,000 100,000

5.31 Special Revenue 77,650,000 77,650,000"

5.32 Page 14, after line 21, insert:

6.1 **"(c) Medical Resource Control Centers**  
 6.2 \$100,000 the first year and \$100,000 the  
 6.3 second year are appropriated from the general  
 6.4 fund to the commissioner of public safety for  
 6.5 grants to the Minnesota Emergency Medical  
 6.6 Services Regulatory Board for the East Metro  
 6.7 and West Metro Medical Resource Control  
 6.8 Centers that were in operation before January  
 6.9 1, 2000. These appropriations are onetime."

6.10 Page 15, after line 21, insert:

6.11 **"(g) Telephone Cardiopulmonary**  
 6.12 **Resuscitation Program**  
 6.13 \$50,000 the first year is appropriated from the  
 6.14 general fund for grants to reimburse public  
 6.15 safety answering points for the cost of 911  
 6.16 telecommunicator cardiopulmonary  
 6.17 resuscitation training. This is a onetime  
 6.18 appropriation."

6.19 Page 15, before line 22, insert:

6.20	<b><u>"Subd. 10. Traffic Safety</u></b>	<u>200,000</u>	<u>100,000</u>
6.21	<u>\$200,000 the first year and \$100,000 the</u>		
6.22	<u>second year are for a study to report on the</u>		
6.23	<u>use of screening tests that measure the level</u>		
6.24	<u>of marijuana or tetrahydrocannabinols in the</u>		
6.25	<u>blood of a person stopped or arrested for</u>		
6.26	<u>driving while impaired."</u>		

6.27 Page 15, line 25, delete "10,313,000" and insert "10,563,000"

6.28 Page 16, line 16, delete "substantially"

6.29 Page 18, after line 2, insert:

7.1 **"Subd. 6. Peace Officer Excellence Task Force**

7.2 \$250,000 the first year is to provide support  
7.3 staff, office space, and administrative services  
7.4 for the Peace Officer Excellence Task Force."

7.5 Page 18, line 5, delete "634,333,000" and insert "633,129,000" and delete "656,569,000"  
7.6 and insert "655,572,000"

7.7 Page 18, delete lines 6 to 9

7.8 Page 18, line 13, delete "460,991,000" and insert "460,026,000" and delete "476,612,000"  
7.9 and insert "475,654,000"

7.10 Page 18, delete lines 14 to 17

7.11 Page 18, after line 23, insert:

7.12 **"(b) Prison Population**

7.13 To account for projected prison population  
7.14 changes, the base is increased by \$1,910,000  
7.15 in fiscal year 2022 and \$3,641,000 in fiscal  
7.16 year 2023."

7.17 Page 18, line 25, delete "\$5,426,000" and insert "\$5,433,000"

7.18 Page 18, line 30, delete everything after the period and insert "The base for these positions  
7.19 shall be \$8,087,000 for fiscal year 2022 and \$8,634,000 for fiscal year 2023."

7.20 Page 18, delete lines 31 and 32

7.21 Page 19, line 8, delete "\$8,500,000" and insert "\$5,700,000"

7.22 Page 19, after line 17, insert:

7.23 **"(h) Office of Ombudsman for Corrections**

7.24 \$900,000 each year is to reestablish and  
7.25 operate the Office of Ombudsman for  
7.26 Corrections."

7.27 Page 20, line 8, delete "141,384,000" and insert "141,145,000" and delete "146,498,000"  
7.28 and insert "146,459,000"

7.29 Page 20, line 30, after "supervised" insert "release"

7.30 Page 21, line 18, delete "\$386,000" and insert "\$193,000"

8.1 Page 22, delete lines 15 to 18 and insert:

8.2 "(1) Juvenile Justice Reform

8.3 (1) \$280,000 each year is to provide juvenile  
8.4 justice services and resources to Minnesota  
8.5 counties.

8.6 (2) \$220,000 each year is for grants to local  
8.7 agencies to establish juvenile detention  
8.8 alternatives."

8.9 Page 24, delete section 8

8.10 Page 24, line 16, delete "SUPREME COURT" and insert "DISTRICT COURT"

8.11 Page 30, after line 9, insert:

8.12 "Sec. 7. Minnesota Statutes 2018, section 299A.55, subdivision 2, is amended to read:

8.13 Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety  
8.14 account is created in the special revenue fund. The account consists of funds collected under  
8.15 subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

8.16 (b) ~~\$104,000~~ \$250,000 is annually appropriated from the railroad and pipeline safety  
8.17 account to the commissioner of the Pollution Control Agency for environmental protection  
8.18 activities related to railroad discharge preparedness under chapter 115E.

8.19 ~~(c) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from~~  
8.20 ~~the railroad and pipeline safety account to the commissioner of transportation for improving~~  
8.21 ~~safety at railroad grade crossings.~~

8.22 ~~(d)~~ (c) Following the appropriation in ~~paragraphs~~ paragraph (b) and ~~(e)~~, the remaining  
8.23 money in the account is annually appropriated to the commissioner of public safety for the  
8.24 purposes specified in subdivision 3.

8.25 Sec. 8. Minnesota Statutes 2018, section 299A.55, subdivision 4, is amended to read:

8.26 Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess  
8.27 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph  
8.28 (b). The commissioner shall deposit funds collected under this subdivision in the railroad  
8.29 and pipeline safety account under subdivision 2.



(b) The assessment for each railroad is 50 percent of the total annual assessment amount, divided in equal proportion between applicable rail carriers based on route miles operated in Minnesota. The assessment for each pipeline company is 50 percent of the total annual assessment amount, divided in equal proportion between companies based on the yearly aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

~~(c) The assessments under this subdivision expire July 1, 2017."~~

Page 30, after line 17, insert:

"Sec. 10. Minnesota Statutes 2018, section 299A.707, is amended by adding a subdivision to read:

Subd. 6. **Annual transfer.** In fiscal year 2019 and each year thereafter, the commissioner of management and budget shall transfer \$461,000 from the general fund to the community justice reinvestment account."

Page 31, after line 12, insert:

"Sec. 12. Minnesota Statutes 2018, section 299C.46, subdivision 3, is amended to read:

Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network shall be used exclusively by:

(1) criminal justice agencies in connection with the performance of duties required by law;

(2) agencies investigating federal security clearances of individuals for assignment or retention in federal employment with duties related to national security, as required by United States Code, title 5, section 9101;

(3) other agencies to the extent necessary to provide for protection of the public or property in a declared emergency or disaster situation;

(4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct checks into state databases prior to disbursing licenses or providing benefits;

(5) the public authority responsible for child support enforcement in connection with the performance of its duties;

(6) the public defender, as provided in section 611.272;

(7) a county attorney or the attorney general, as the county attorney's designee, for the purpose of determining whether a petition for the civil commitment of a proposed patient

10.1 as a sexual psychopathic personality or as a sexually dangerous person should be filed, and  
10.2 during the pendency of the commitment proceedings;

10.3 (8) an agency of the state or a political subdivision whose access to systems or services  
10.4 provided from or through the bureau is specifically authorized by federal law or regulation  
10.5 or state statute; and

10.6 (9) a court for access to data as authorized by federal law or regulation or state statute  
10.7 and related to the disposition of a pending case.

10.8 (b) The commissioner of public safety shall establish a monthly network access charge  
10.9 to be paid by each participating criminal justice agency. The network access charge shall  
10.10 be a standard fee established for each terminal, computer, or other equipment directly  
10.11 addressable by the data communications network, as follows: January 1, 1984 to December  
10.12 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per  
10.13 month.

10.14 (c) The commissioner of public safety is authorized to arrange for the connection of the  
10.15 data communications network with the criminal justice information system of the federal  
10.16 government, any state, or country for the secure exchange of information for any of the  
10.17 purposes authorized in paragraph (a), clauses (1), (2), (3), (8) and (9).

10.18 (d) Prior to establishing a secure connection, a criminal justice agency that is not part  
10.19 of the Minnesota judicial branch must:

10.20 (1) agree to comply with all applicable policies governing access to, submission of or  
10.21 use of the data and Minnesota law governing the classification of the data;

10.22 (2) meet the bureau's security requirements;

10.23 (3) agree to pay any required fees; and

10.24 (4) conduct fingerprint-based state and national background checks on its employees  
10.25 and contractors as required by the Federal Bureau of Investigation.

10.26 (e) Prior to establishing a secure connection, a criminal justice agency that is part of the  
10.27 Minnesota judicial branch must:

10.28 (1) agree to comply with all applicable policies governing access to, submission of or  
10.29 use of the data and Minnesota law governing the classification of the data to the extent  
10.30 applicable and with the Rules of Public Access to Records of the Judicial Branch promulgated  
10.31 by the Minnesota Supreme Court;

10.32 (2) meet the bureau's security requirements;

11.1 (3) agree to pay any required fees; and

11.2 (4) conduct fingerprint-based state and national background checks on its employees  
11.3 and contractors as required by the Federal Bureau of Investigation.

11.4 (f) Prior to establishing a secure connection, a noncriminal justice agency must:

11.5 (1) agree to comply with all applicable policies governing access to, submission of or  
11.6 use of the data and Minnesota law governing the classification of the data;

11.7 (2) meet the bureau's security requirements;

11.8 (3) agree to pay any required fees; and

11.9 (4) conduct fingerprint-based state and national background checks on its employees  
11.10 and contractors.

11.11 (g) Those noncriminal justice agencies that do not have a secure network connection  
11.12 yet receive data either retrieved over the secure network by an authorized criminal justice  
11.13 agency or as a result of a state or federal criminal history records check shall conduct a  
11.14 background check as provided in paragraph (h) of those individuals who receive and review  
11.15 the data to determine another individual's eligibility for employment, housing, a license, or  
11.16 another legal right dependent on a statutorily mandated background check and on any  
11.17 contractor with access to the results of a federal criminal history records check.

11.18 (h) The background check required by paragraph (f) or (g) is accomplished by submitting  
11.19 a request to the superintendent of the Bureau of Criminal Apprehension that includes a  
11.20 signed, written consent for the Minnesota and national criminal history records check,  
11.21 fingerprints, and the required fee. The superintendent may exchange the fingerprints with  
11.22 the Federal Bureau of Investigation for purposes of obtaining the individual's national  
11.23 criminal history record information.

11.24 The superintendent shall return the results of the national criminal history records check to  
11.25 the noncriminal justice agency to determine if the individual is qualified to have access to  
11.26 state and federal criminal history record information or the secure network. An individual  
11.27 is disqualified when the state and federal criminal history record information show any of  
11.28 the disqualifiers that the individual will apply to the records of others.

11.29 When the individual is to have access to the secure network, the noncriminal justice agency  
11.30 shall review the criminal history of each employee or contractor with the Criminal Justice  
11.31 Information Services systems officer at the bureau, or the officer's designee, to determine  
11.32 if the employee or contractor qualifies for access to the secure network. The Criminal Justice  
11.33 Information Services systems officer or the designee shall make the access determination

12.1 based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension  
12.2 policy.

12.3 Sec. 13. Minnesota Statutes 2018, section 299F.857, is amended to read:

12.4 **299F.857 REDUCED CIGARETTE IGNITION PROPENSITY ACCOUNT.**

12.5 The reduced cigarette ignition propensity account is established in the state treasury.

12.6 The account consists of all money recovered as penalties under section 299F.854 and fees  
12.7 collected under section 299F.852, subdivision 5. The money must be deposited to the credit  
12.8 of the account and, in addition to any other money made available for such purpose, is  
12.9 appropriated to the state fire marshal for costs associated with the development and  
12.10 presentation of fire and life safety education programs throughout Minnesota, and all costs  
12.11 associated with sections 299F.850 to 299F.859.

12.12 Sec. 14. Minnesota Statutes 2018, section 340A.22, subdivision 4, is amended to read:

12.13 Subd. 4. **Off-sale license.** A microdistillery may be issued a license by the local licensing  
12.14 authority for off-sale of distilled spirits, with the approval of the commissioner. The license  
12.15 may allow the sale of one 375 milliliter bottle per customer per day of product manufactured  
12.16 on site, subject to the following requirements:

12.17 (1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in  
12.18 the licensing municipality; and

12.19 (2) no brand may be sold at the microdistillery unless it is also available for distribution  
12.20 by wholesalers."

12.21 Page 48, after line 24, insert:

12.22 "Sec. 32. **INTERAGENCY OPIOID ENFORCEMENT COORDINATOR.**

12.23 The governor is encouraged to appoint an interagency opioid enforcement coordinator  
12.24 to perform the following duties:

12.25 (1) coordinate the statewide response to opioid abuse;

12.26 (2) develop, coordinate, and facilitate training for law enforcement officers, prosecutors,  
12.27 courts, child protection workers, social service providers, medical providers, and other  
12.28 community members;

12.29 (3) promote the efficient use of resources; and

13.1 (4) consult with local government officials, representatives from other states, and federal  
13.2 officials to monitor local and national trends relating to opioid abuse and responses to that  
13.3 abuse."

13.4 Page 49, after line 7, insert:

13.5 "Sec. 2. **[13.856] OMBUDSMAN FOR CORRECTIONS; DATA.**

13.6 Subdivision 1. **Private data.** The following data maintained by the ombudsman for  
13.7 corrections are classified as private data, pursuant to section 13.02, subdivision 12:

13.8 (1) all data on individuals pertaining to contacts made by clients seeking the assistance  
13.9 of the ombudsman, except as specified in subdivisions 2 and 3;

13.10 (2) data recorded from personal and phone conversations and in correspondence between  
13.11 the ombudsman's staff and persons interviewed during the course of an investigation;

13.12 (3) client index cards;

13.13 (4) case assignment data; and

13.14 (5) monthly closeout data.

13.15 Subd. 2. **Confidential data.** The written summary of the investigation maintained by  
13.16 the ombudsman is, to the extent it identifies individuals, classified as confidential data,  
13.17 pursuant to section 13.02, subdivision 3.

13.18 Subd. 3. **Public data.** The following data maintained by the ombudsman are classified  
13.19 as public data pursuant to section 13.02, subdivision 15:

13.20 (1) client name;

13.21 (2) client location; and

13.22 (3) the inmate identification number assigned by the Department of Corrections.

13.23 Subd. 4. **Access to data.** The ombudsman for corrections has access to corrections and  
13.24 detention data and medical data as provided under section 241.94."

13.25 Page 51, after line 20, insert:

13.26 "Sec. 7. Minnesota Statutes 2018, section 241.01, subdivision 3a, is amended to read:

13.27 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the  
13.28 following powers and duties:

14.1 (a) To accept persons committed to the commissioner by the courts of this state for care,  
14.2 custody, and rehabilitation.

14.3 (b) To determine the place of confinement of committed persons in a correctional facility  
14.4 or other facility of the Department of Corrections and to prescribe reasonable conditions  
14.5 and rules for their employment, conduct, instruction, and discipline within or outside the  
14.6 facility. After July 1, 2019, the commissioner shall not allow inmates to be housed in facilities  
14.7 that are not owned and operated by the state, a local unit of government, or a group of local  
14.8 units of government. Inmates shall not exercise custodial functions or have authority over  
14.9 other inmates.

14.10 (c) To administer the money and property of the department.

14.11 (d) To administer, maintain, and inspect all state correctional facilities.

14.12 (e) To transfer authorized positions and personnel between state correctional facilities  
14.13 as necessary to properly staff facilities and programs.

14.14 (f) To utilize state correctional facilities in the manner deemed to be most efficient and  
14.15 beneficial to accomplish the purposes of this section, but not to close the Minnesota  
14.16 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without  
14.17 legislative approval. The commissioner may place juveniles and adults at the same state  
14.18 minimum security correctional facilities, if there is total separation of and no regular contact  
14.19 between juveniles and adults, except contact incidental to admission, classification, and  
14.20 mental and physical health care.

14.21 (g) To organize the department and employ personnel the commissioner deems necessary  
14.22 to discharge the functions of the department, including a chief executive officer for each  
14.23 facility under the commissioner's control who shall serve in the unclassified civil service  
14.24 and may, under the provisions of section 43A.33, be removed only for cause.

14.25 (h) To define the duties of these employees and to delegate to them any of the  
14.26 commissioner's powers, duties and responsibilities, subject to the commissioner's control  
14.27 and the conditions the commissioner prescribes.

14.28 (i) To annually develop a comprehensive set of goals and objectives designed to clearly  
14.29 establish the priorities of the Department of Corrections. This report shall be submitted to  
14.30 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory  
14.31 committees.

14.32 **EFFECTIVE DATE.** This section is effective the day following final enactment."

14.33 Page 60, after line 8, insert:

15.1 "Sec. 20. [243.95] PRIVATE PRISON CONTRACTS PROHIBITED.

15.2 The commissioner may not contract with privately owned and operated prisons for the  
15.3 care, custody, and rehabilitation of offenders committed to the custody of the commissioner.

15.4 **EFFECTIVE DATE.** This section is effective the day following final enactment."

15.5 Page 60, line 19, delete everything after "degree"

15.6 Page 60, line 20, delete "degree"

15.7 Page 61, line 19, after "(a)" insert "Upon a majority vote of the board members present,"

15.8 Page 63, after line 26, insert:

15.9 "Sec. 24. [641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.

15.10 Subdivision 1. **Placement prohibited.** After August 1, 2019, a sheriff shall not allow  
15.11 inmates committed to the custody of the sheriff to be housed in facilities that are not owned  
15.12 and operated by a local government or a group of local units of government.

15.13 Subd. 2. **Contracts prohibited.** The county board may not authorize the sheriff to  
15.14 contract with privately owned and operated prisons for the care, custody, and rehabilitation  
15.15 of offenders committed to the custody of the sheriff.

15.16 **EFFECTIVE DATE.** This section is effective the day following final enactment."

15.17 Page 67, after line 12, insert:

15.18 "Sec. 29. **PILOT PROGRAM TO ADDRESS MENTAL HEALTH IN**  
15.19 **CORRECTIONAL FACILITIES.**

15.20 Subdivision 1. **Pilot program established.** The commissioner of corrections shall  
15.21 establish and administer a pilot program in Minnesota Correctional Facility-Stillwater to  
15.22 address mental health issues among correctional officers and inmates. The program shall  
15.23 offer, at a minimum, support to correctional officers through skill refreshers, mental health  
15.24 training and techniques, and mental health services. The program shall conduct, at a  
15.25 minimum, mental health interventions for inmates and educate inmates on mental health  
15.26 resources available to them. The pilot program is from July 1, 2019, to June 30, 2020.

15.27 Subd. 2. **Report.** By October 1, 2020, the commissioner shall report to the legislative  
15.28 committees with jurisdiction over corrections on the impact and outcomes of the program."

15.29 Page 69, line 19, delete "90" and insert "60"

15.30 Page 70, after line 10, insert:

16.1 "Sec. 5. **[626.19] USE OF UNMANNED AERIAL VEHICLES.**

16.2 **Subdivision 1. Application; definitions.** (a) This section applies to law enforcement  
16.3 agencies that maintain, use, or plan to use an unmanned aerial vehicle in investigations, for  
16.4 training, or in response to emergencies, incidents, and requests for service.

16.5 (b) For purposes of this section, the following terms have the meanings given:

16.6 (1) "law enforcement agency" has the meaning given in section 626.84, subdivision 1;  
16.7 and

16.8 (2) "unmanned aerial vehicle" or "UAV" means an aircraft that is operated without the  
16.9 possibility of direct human intervention from within or on the aircraft.

16.10 **Subd. 2. Use of unmanned aerial vehicles limited.** Except as provided in subdivision  
16.11 3, a law enforcement agency may not operate a UAV without a search warrant issued under  
16.12 this chapter.

16.13 **Subd. 3. Authorized use.** (a) A law enforcement agency may use a UAV during or  
16.14 immediately after an emergency situation that involves the risk of death or serious physical  
16.15 harm to a person.

16.16 (b) A law enforcement agency may use a UAV over a public event where there is a  
16.17 substantial risk to the safety of participants or bystanders. If a law enforcement agency  
16.18 collects information under this paragraph, it must document each use, connect each  
16.19 deployment to a unique case number, and provide a description of the facts giving rise to a  
16.20 substantial risk.

16.21 (c) A law enforcement agency may operate a UAV to counter a high risk of a terrorist  
16.22 attack by a specific individual or organization if the agency determines that credible  
16.23 intelligence indicates this risk.

16.24 (d) A law enforcement agency may use a UAV to prevent the loss of life and property  
16.25 in natural or man-made disasters and to facilitate the operational planning, rescue, and  
16.26 recovery operations in the aftermath of these disasters.

16.27 (e) A law enforcement agency may use a UAV for officer training purposes.

16.28 (f) A law enforcement agency may operate a UAV for a non-law-enforcement purpose  
16.29 at the request of a government entity, as defined in section 13.02, subdivision 7a, provided  
16.30 that the government entity makes the request in writing and specifies the reason for the  
16.31 request and proposed period of use.



17.1 Subd. 4. **Limitations on use.** (a) A law enforcement agency operating a UAV must fully  
17.2 comply with all Federal Aviation Administration requirements and guidelines.

17.3 (b) The governing body overseeing the law enforcement agency must approve the  
17.4 agency's acquisition of a UAV.

17.5 (c) Unless specifically authorized in a warrant, a law enforcement agency must use a  
17.6 UAV to collect data only on a clearly and narrowly defined target and avoid data collection  
17.7 on individuals, homes, or areas other than the defined target.

17.8 (d) A law enforcement agency may not deploy a UAV with facial recognition or other  
17.9 biometric-matching technology unless expressly authorized by a warrant.

17.10 (e) A law enforcement agency may not equip a UAV with weapons.

17.11 (f) A law enforcement agency may not use a UAV to collect data on public protests or  
17.12 demonstrations unless expressly authorized by a warrant or an exception applies under  
17.13 subdivision 3. A law enforcement agency must document which exception applies or whether  
17.14 a warrant was obtained.

17.15 Subd. 5. **Access by data subjects.** An individual who is the subject of data collected  
17.16 through use of a UAV has access to the data. If the individual requests a copy of the  
17.17 recording, data on other individuals who do not consent to its release must be redacted from  
17.18 the copy.

17.19 Subd. 6. **Data classification; retention.** (a) Data collected by a UAV are private data  
17.20 on individuals or nonpublic data, subject to the following:

17.21 (1) UAV data may be disclosed as necessary in an emergency situation under subdivision  
17.22 3, paragraph (a);

17.23 (2) UAV data may be disclosed to the government entity making a request for UAV use  
17.24 under subdivision 3, paragraph (f);

17.25 (3) UAV data that are criminal investigative data are governed by section 13.82,  
17.26 subdivision 7; and

17.27 (4) UAV data that are not public data under other provisions of chapter 13 retain that  
17.28 classification.

17.29 (b) Section 13.04, subdivision 2, does not apply to data collected by a UAV.

17.30 (c) Notwithstanding section 138.17, the data must be deleted by a UAV as soon as  
17.31 possible, and in no event later than seven days after collection unless the data is part of an  
17.32 active criminal investigation.

18.1 Subd. 7. **Evidence.** Information obtained or collected by a law enforcement agency in  
18.2 violation of this section is not admissible as evidence in a criminal, administrative, or civil  
18.3 proceeding against the data subject.

18.4 Subd. 8. **Remedies.** An aggrieved party may initiate a civil action against a law  
18.5 enforcement agency to obtain all appropriate relief to prevent or remedy a violation of this  
18.6 section, including remedies available under chapter 13.

18.7 Subd. 9. **Written policies required.** The chief officer of every state and local law  
18.8 enforcement agency that uses or plans to use a UAV must establish and enforce a written  
18.9 policy governing UAV use. The agency must post the written policy on its website if the  
18.10 agency has a website.

18.11 Subd. 10. **Notice; disclosure of warrant.** (a) Within a reasonable time but not later than  
18.12 90 days after the court unseals a warrant under this subdivision, the issuing or denying judge  
18.13 shall cause to be served on the persons named in the warrant and the application an inventory  
18.14 that shall include notice of:

18.15 (1) the fact of the issuance of the warrant or the application;

18.16 (2) the date of the issuance and the period of authorized, approved, or disapproved  
18.17 collection of information, or the denial of the application; and

18.18 (3) the fact that during the period information was or was not collected.

18.19 (b) A warrant authorizing collection of information with a UAV must direct that:

18.20 (1) the warrant be sealed for a period of 90 days or until the objective of the warrant has  
18.21 been accomplished, whichever is shorter; and

18.22 (2) the warrant be filed with the court administrator within ten days of the expiration of  
18.23 the warrant.

18.24 (c) The prosecutor may request that the warrant, supporting affidavits, and any order  
18.25 granting the request not be filed. An order must be issued granting the request in whole or  
18.26 in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable  
18.27 grounds exist to believe that filing the warrant may cause the search or a related search to  
18.28 be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper  
18.29 an ongoing investigation.

18.30 (d) The warrant must direct that following the commencement of any criminal proceeding  
18.31 using evidence obtained in or as a result of the search, the supporting application or affidavit  
18.32 must be filed either immediately or at any other time as the court directs. Until such filing,

19.1 the documents and materials ordered withheld from filing must be retained by the judge or  
19.2 the judge's designee.

19.3 Subd. 11. **Reporting.** (a) By January 15 of each year, each law enforcement agency that  
19.4 deploys a UAV shall report to the commissioner of public safety the following information  
19.5 for the preceding calendar year:

19.6 (1) the number of times a UAV was deployed, organized by the types of incidents and  
19.7 the types of justification for deployment;

19.8 (2) the number of criminal investigations aided by the deployment of UAVs;

19.9 (3) the number of deployments of UAVs for reasons other than criminal investigations;  
19.10 and

19.11 (4) the total cost of the agency's UAV program.

19.12 (b) By June 15 of each year, the commissioner of public safety shall compile a full and  
19.13 complete report summarizing the information submitted to the commissioner under paragraph  
19.14 (a), and submit the report to the chairs and ranking minority members of the senate and  
19.15 house of representatives committees having jurisdiction over criminal justice and public  
19.16 safety issues and make the report public on the department's website.

19.17 (c) By January 15 of each year, any judge who has issued a warrant under this section  
19.18 that expired during the preceding year, or who has denied approval during that year, shall  
19.19 report to the state court administrator:

19.20 (1) the fact that a warrant or extension was applied for;

19.21 (2) the kind of warrant or extension applied for;

19.22 (3) the fact that the warrant or extension was granted as applied for, was modified, or  
19.23 was denied;

19.24 (4) the period of UAV use authorized by the warrant and the number and duration of  
19.25 any extensions of the warrant;

19.26 (5) the offense specified in the warrant or application or extension of a warrant; and

19.27 (6) the identity of the law enforcement agency making the application and the person  
19.28 authorizing the application.

19.29 (d) By June 15 of each year, the state court administrator shall transmit to the chairs and  
19.30 ranking minority members of the senate and house of representatives committees having  
19.31 jurisdiction over criminal justice and public safety issues and post on the supreme court's

20.1 website a full and complete report concerning the number of applications for warrants  
20.2 authorizing or approving operation of UAVs or disclosure of information from the operation  
20.3 of UAVs under this section and the number of warrants and extensions granted or denied  
20.4 under this section during the preceding calendar year. The report must include a summary  
20.5 and analysis of the data required to be filed with the state court administrator by paragraph  
20.6 (c)."

20.7 Page 70, line 30, after "public" insert ", of which at least one member must be a  
20.8 representative of a statewide crime victim coalition and at least two members must be  
20.9 residents of a county other than a metropolitan county as defined in section 473.121,  
20.10 subdivision 4"

20.11 Page 76, line 9, delete everything after "(a)" and insert "The executive director of the  
20.12 Peace Officer Standards and Training Board"

20.13 Page 76, line 10, delete "designee"

20.14 Page 76, line 15, delete "commissioner of public safety" and insert "executive director  
20.15 of the Peace Officer Standards and Training Board"

20.16 Page 82, line 26, delete the new language

20.17 Page 82, lines 27 and 28, delete the new language

20.18 Page 82, line 29, delete the new language and reinstate the stricken language and strike  
20.19 "120" and insert "36"

20.20 Page 82, reinstate lines 30 and 31

20.21 Page 83, lines 1 and 2, reinstate the stricken language and delete the new language

20.22 Page 100, line 20, delete the new language

20.23 Page 100, line 21, delete the new language and reinstate the stricken language

20.24 Page 101, line 2, after "except" insert "the nonresinous form" and reinstate the stricken  
20.25 "of" and delete "or"

20.26 Page 101, line 3, delete "tetrahydrocannabinols"

20.27 Page 101, line 12, delete "one or more mixtures of"

20.28 Page 101, line 13, delete "containing" and insert "of the nonresinous form of" and delete  
20.29 "or tetrahydrocannabinols"

20.30 Page 102, line 5, delete "one or more mixtures of"

21.1 Page 102, line 6, delete "containing" and insert "of the nonresinous form of" and delete  
21.2 "or tetrahydrocannabinols"

21.3 Page 102, line 7, delete "one or more mixtures of" and delete everything after the second  
21.4 "of"

21.5 Page 102, line 8, delete "containing" and insert "or less of the nonresinous form of" and  
21.6 delete "or tetrahydrocannabinols" and insert ", except a small amount of marijuana for no  
21.7 remuneration"

21.8 Page 102, line 11, delete "one or more mixtures of"

21.9 Page 102, line 12, delete "containing" and insert "of the nonresinous form of" and delete  
21.10 "or tetrahydrocannabinols"

21.11 Page 102, line 13, delete "one or more mixtures of"

21.12 Page 102, line 14, delete "containing" and insert "of the nonresinous form of" and delete  
21.13 "or tetrahydrocannabinols"

21.14 Page 102, delete lines 30 to 31

21.15 Page 102, line 32, delete "(2)" and insert "(1)"

21.16 Page 103, line 1, delete "(3)" and insert "(2)"

21.17 Page 114, after line 24, insert:

21.18 "Sec. 4. Minnesota Statutes 2018, section 169A.24, subdivision 1, is amended to read:

21.19 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while  
21.20 impaired) is guilty of first-degree driving while impaired if the person:

21.21 (1) commits the violation within ten years of the first of three or more qualified prior  
21.22 impaired driving incidents;

21.23 (2) has previously been convicted of a felony under this section; or

21.24 (3) has previously been convicted of a felony under:

21.25 (i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,  
21.26 substance-related offenses), subdivision 1, clauses (2) to (6);

21.27 (ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,  
21.28 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to  
21.29 (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4,  
21.30 clauses (2) to (6); or

(iii) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114, subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6); or

(iv) a statute from this state or another state in conformity with any provision listed in item (i), (ii), or (iii).

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date."

Page 116, after line 2, insert:

"Sec. 7. Minnesota Statutes 2018, section 169A.55, subdivision 4, is amended to read:

Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose driver's license has been revoked as a result of an offense listed under clause (1) or (2) shall not be eligible for reinstatement of driving privileges without an ignition interlock restriction until the commissioner certifies that the person has used the ignition interlock device and complied with section 171.306 for a period of not less than:

(1) one year, for a person whose driver's license was revoked for:

(i) an offense occurring within ten years of a qualified prior impaired driving incident;

or

(ii) an offense occurring after two qualified prior impaired driving incidents; or

(2) two years, for a person whose driver's license was revoked for:

(i) an offense occurring under clause (1), and where the test results indicated an alcohol concentration of twice the legal limit or more; or

(ii) an offense occurring under clause (1), and where the current offense is for a violation of section 169A.20, subdivision 2 (test refusal).

As used in this paragraph, "family or household member" has the meaning given in section 169A.63, subdivision 1, paragraph (f).

(b) A person whose driver's license has been canceled or denied as a result of three or more qualified impaired driving incidents shall not be eligible for reinstatement of driving privileges without an ignition interlock restriction until the person:

(1) has completed rehabilitation according to rules adopted by the commissioner or been granted a variance from the rules by the commissioner; and

23.1 (2) has submitted verification of abstinence from alcohol and controlled substances  
23.2 under paragraph (c), as evidenced by the person's use of an ignition interlock device or other  
23.3 chemical monitoring device approved by the commissioner.

23.4 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the  
23.5 use of alcohol and controlled substances for a period of not less than:

23.6 (1) three years, for a person whose driver's license was canceled or denied for an offense  
23.7 occurring within ten years of the first of two qualified prior impaired driving incidents, or  
23.8 occurring after three qualified prior impaired driving incidents;

23.9 (2) four years, for a person whose driver's license was canceled or denied for an offense  
23.10 occurring within ten years of the first of three qualified prior impaired driving incidents; or

23.11 (3) six years, for a person whose driver's license was canceled or denied for an offense  
23.12 occurring after four or more qualified prior impaired driving incidents.

23.13 ~~(e) The commissioner shall establish performance standards and a process for certifying~~  
23.14 ~~chemical monitoring devices. The standards and procedures are not rules and are exempt~~  
23.15 ~~from chapter 14, including section 14.386.~~

23.16 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
23.17 committed on or after that date."

23.18 Page 116, after line 28, insert:

23.19 "Sec. 10. Minnesota Statutes 2018, section 169A.60, subdivision 8, is amended to read:

23.20 Subd. 8. **Reissuance of registration plates.** (a) The commissioner shall rescind the  
23.21 impoundment order of a person subject to an order under this section, other than the violator,  
23.22 if:

23.23 (1) the violator had a valid driver's license on the date of the plate impoundment violation  
23.24 and the person files with the commissioner an acceptable sworn statement containing the  
23.25 following information:

23.26 (i) that the person is the registered owner of the vehicle from which the plates have been  
23.27 impounded under this section;

23.28 (ii) that the person is the current owner and possessor of the vehicle used in the violation;

23.29 (iii) the date on which the violator obtained the vehicle from the registered owner;

23.30 (iv) the residence addresses of the registered owner and the violator on the date the  
23.31 violator obtained the vehicle from the registered owner;

24.1 (v) that the person was not a passenger in the vehicle at the time of the plate impoundment  
24.2 violation; and

24.3 (vi) that the person knows that the violator may not drive, operate, or be in physical  
24.4 control of a vehicle without a valid driver's license; or

24.5 (2) the violator did not have a valid driver's license on the date of the plate impoundment  
24.6 violation and the person made a report to law enforcement before the violation stating that  
24.7 the vehicle had been taken from the person's possession or was being used without  
24.8 permission.

24.9 (b) A person who has failed to make a report as provided in paragraph (a), clause (2),  
24.10 may be issued special registration plates under subdivision 13 for a period of one year from  
24.11 the effective date of the impoundment order. Following this period, the person may apply  
24.12 for regular registration plates.

24.13 (c) If the order is rescinded, the owner shall receive new registration plates at no cost,  
24.14 if the plates were seized and destroyed or have been affixed with a permanent sticker."

24.15 Page 117, after line 5, insert:

24.16 "(c) Notwithstanding paragraph (a), if the program participant described in paragraph  
24.17 (a) either voluntarily or involuntarily ceases to participate in the program, or fails to  
24.18 successfully complete it, the vehicle used in the underlying designated offense must be  
24.19 seized and summarily forfeited."

24.20 Page 117, line 6, delete "(c)" and insert "(d)"

24.21 Page 117, after line 20, insert:

24.22 "Sec. 13. Minnesota Statutes 2018, section 171.306, subdivision 2, is amended to read:

24.23 Subd. 2. **Performance standards; certification; manufacturer and provider**  
24.24 **requirements.** (a) The commissioner shall establish performance standards and a process  
24.25 for certifying devices used in the ignition interlock program, except that the commissioner  
24.26 may not establish standards that, directly or indirectly, require devices to use or enable  
24.27 location tracking capabilities without a court order.

24.28 (b) The manufacturer of a device must apply annually for certification of the device by  
24.29 submitting the form prescribed by the commissioner. The commissioner shall require  
24.30 manufacturers of certified devices to:

24.31 (1) provide device installation, servicing, and monitoring to indigent program participants  
24.32 at a discounted rate, according to the standards established by the commissioner; ~~and~~



25.1 (2) include in an ignition interlock device contract a provision that a program participant  
25.2 who voluntarily terminates participation in the program is only liable for servicing and  
25.3 monitoring costs incurred during the time the device is installed on the motor vehicle,  
25.4 regardless of whether the term of the contract has expired; and

25.5 (3) include in an ignition interlock device contract a provision that requires manufacturers  
25.6 of certified devices to pay any towing or repair costs caused by device failure or malfunction,  
25.7 or by damage caused during device installation, servicing, or monitoring.

25.8 (c) The manufacturer of a certified device must include with an ignition interlock device  
25.9 contract a separate notice to the program participant regarding any location tracking  
25.10 capabilities of the device."

25.11 Page 122, lines 25 and 28, delete "5" and insert "4"

25.12 Page 123, line 23, delete "5" and insert "4"

25.13 Page 124, line 17, delete "5" and insert "4"

25.14 Page 124, lines 25 and 28, delete "6" and insert "5"

25.15 Page 125, line 19, delete "6" and insert "5"

25.16 Page 135, after line 8, insert:

25.17 "(1) Minnesota Statutes 2018, section 169.92, subdivision 4;"

25.18 Page 135, line 9, delete "(1)" and insert "(2)"

25.19 Page 135, line 11, delete "(2)" and insert "(3)"

25.20 Page 135, delete line 12 and insert:

25.21 "(4) any combination of clauses (1), (2), and (3)."

25.22 Page 135, lines 20 and 25, delete ", clause (1), (2), or (3)"

25.23 Page 139, delete section 3

25.24 Page 151, delete section 21

25.25 Page 157, line 4, delete everything after "probation"

25.26 Page 157, line 5, delete everything before the period

25.27 Page 160, line 17, after "offense" insert "within four years"

25.28 Page 160, lines 25 and 29, delete "public safety" and insert "corrections"

25.29 Page 161, line 25, delete "2019" and insert "2020"

26.1 Page 165, after line 27, insert:

26.2 "Sec. 37. SENTENCING GUIDELINES; MODIFICATIONS.

26.3 (a) By January 15, 2020, the Sentencing Guidelines Commission shall propose to the  
26.4 legislature modifications to the sentencing guidelines, including the guidelines grid,  
26.5 establishing probation guidelines or early discharge targets. When proposing the  
26.6 modifications, the commission must advise the legislature how the probation guidelines or  
26.7 early discharge targets will work in conjunction with the procedural requirements imposed  
26.8 by the U.S. Supreme Court decision in Blakely v. Washington, 542 U.S. 296 (2004), and  
26.9 make recommendations regarding statutory changes that may be needed to facilitate their  
26.10 operation.

26.11 (b) Modifications proposed by the commission under this section are effective August  
26.12 1, 2020, unless the legislature by law provides otherwise.

26.13 EFFECTIVE DATE. This section is effective the day following final enactment."

26.14 Page 202, after line 34, insert:

26.15 "ARTICLE 14

26.16 FIREARM BACKGROUND CHECKS AND TRANSFERS

26.17 Section 1. Minnesota Statutes 2018, section 624.7131, is amended to read:

26.18 **624.7131 TRANSFEREE PERMIT; PENALTY.**

26.19 Subdivision 1. **Information.** Any person may apply for a transferee permit by providing  
26.20 the following information in writing to the chief of police of an organized full time police  
26.21 department of the municipality in which the person resides or to the county sheriff if there  
26.22 is no such local chief of police:

26.23 (1) the name, residence, telephone number, and driver's license number or  
26.24 nonqualification certificate number, if any, of the proposed transferee;

26.25 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical  
26.26 characteristics, if any, of the proposed transferee;

26.27 (3) a statement that the proposed transferee authorizes the release to the local police  
26.28 authority of commitment information about the proposed transferee maintained by the  
26.29 commissioner of human services, to the extent that the information relates to the proposed  
26.30 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon  
26.31 under section 624.713, subdivision 1; and

27.1 (4) a statement by the proposed transferee that the proposed transferee is not prohibited  
27.2 by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

27.3 The statements shall be signed and dated by the person applying for a permit. At the  
27.4 time of application, the local police authority shall provide the applicant with a dated receipt  
27.5 for the application. The statement under clause (3) must comply with any applicable  
27.6 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect  
27.7 to consent to disclosure of alcohol or drug abuse patient records.

27.8 Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories,  
27.9 records and warrant information relating to the applicant through the Minnesota Crime  
27.10 Information System, the national criminal record repository, and the National Instant Criminal  
27.11 Background Check System. The chief of police or sheriff shall also make a reasonable effort  
27.12 to check other available state and local record-keeping systems. The chief of police or sheriff  
27.13 shall obtain commitment information from the commissioner of human services as provided  
27.14 in section 245.041.

27.15 Subd. 3. **Forms.** Chiefs of police and sheriffs shall make transferee permit application  
27.16 forms available throughout the community. There shall be no charge for forms, reports,  
27.17 investigations, notifications, waivers or any other act performed or materials provided by  
27.18 a government employee or agency in connection with application for or issuance of a  
27.19 transferee permit.

27.20 Subd. 4. **Grounds for disqualification.** ~~A determination by (a) The chief of police or~~  
27.21 ~~sheriff that shall refuse to grant a transferee permit if the applicant is prohibited by section~~  
27.22 ~~624.713 state or federal law from possessing a pistol or semiautomatic military-style assault~~  
27.23 ~~weapon shall be the only basis for refusal to grant a transferee permit or is determined to~~  
27.24 ~~be a danger to self or others under paragraph (b).~~

27.25 (b) A chief of police or sheriff shall refuse to grant a permit to a person who is a danger  
27.26 to self or others. The decision of the chief of police or sheriff must be based on documented  
27.27 past contact with law enforcement. A notice of disqualification issued pursuant to this  
27.28 paragraph must describe and document the specific law enforcement contact or contacts  
27.29 relied upon to deny the permit.

27.30 (c) A person is not eligible to submit a permit application under this section if the person  
27.31 has had an application denied pursuant to paragraph (b) and less than six months have  
27.32 elapsed since the denial was issued or the person's appeal under subdivision 8 was denied,  
27.33 whichever is later.

28.1 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph  
28.2 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with  
28.3 joint jurisdiction over the proposed transferee's residence.

28.4 Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee  
28.5 permit or deny the application within seven days of application for the permit.

28.6 (b) In the case of a denial, the chief of police or sheriff shall provide an applicant with  
28.7 written notification of a denial and the specific reason for the denial.

28.8 (c) The permits and their renewal shall be granted free of charge.

28.9 Subd. 6. **Permits valid statewide.** Transferee permits issued pursuant to this section are  
28.10 valid statewide and shall expire after one year. A transferee permit may be renewed in the  
28.11 same manner and subject to the same provisions by which the original permit was obtained,  
28.12 except that all renewed permits must comply with the standards adopted by the commissioner  
28.13 under section 624.7151.

28.14 Permits issued pursuant to this section are not transferable. A person who transfers a  
28.15 permit in violation of this subdivision is guilty of a misdemeanor.

28.16 Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time  
28.17 that the holder becomes prohibited from possessing or receiving a pistol under section  
28.18 624.713, in which event the holder shall return the permit within five days to the issuing  
28.19 authority. If the chief law enforcement officer who issued the permit has knowledge that  
28.20 the permit holder is ineligible to possess firearms, the chief law enforcement officer must  
28.21 revoke the permit and give notice to the holder in writing. Failure of the holder to return  
28.22 the permit within the five days of learning that the permit is void or revoked is a gross  
28.23 misdemeanor unless the court finds that the circumstances or the physical or mental condition  
28.24 of the permit holder prevented the holder from complying with the return requirement.

28.25 (b) When a permit holder receives a court disposition that prohibits the permit holder  
28.26 from possessing a firearm, the court must take possession of the permit, if it is available,  
28.27 and send it to the issuing law enforcement agency. If the permit holder does not have the  
28.28 permit when the court imposes a firearm prohibition, the permit holder must surrender the  
28.29 permit to the assigned probation officer, if applicable. When a probation officer is assigned  
28.30 upon disposition of the case, the court shall inform the probation agent of the permit holder's  
28.31 obligation to surrender the permit. Upon surrender, the probation officer must send the  
28.32 permit to the issuing law enforcement agency. If a probation officer is not assigned to the  
28.33 permit holder, the holder shall surrender the permit as provided for in paragraph (a).

29.1 Subd. 8. **Hearing upon denial.** Any person aggrieved by denial of a transferee permit  
29.2 may appeal the denial to the district court having jurisdiction over the county or municipality  
29.3 in which the denial occurred.

29.4 ~~Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714~~  
29.5 ~~constitutes a transferee permit for the purposes of this section and section 624.7132.~~

29.6 ~~Subd. 10. **Transfer report not required.** A person who transfers a pistol or~~  
29.7 ~~semiautomatic military-style assault weapon to a person exhibiting a valid transferee permit~~  
29.8 ~~issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714~~  
29.9 ~~is not required to file a transfer report pursuant to section 624.7132, subdivision 1.~~

29.10 Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee  
29.11 permit knowing or having reason to know the statement is false is guilty of a gross  
29.12 misdemeanor felony.

29.13 Subd. 12. **Local regulation.** This section shall be construed to supersede municipal or  
29.14 county regulation of the issuance of transferee permits.

29.15 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
29.16 committed on or after that date.

29.17 Sec. 2. Minnesota Statutes 2018, section 624.7132, is amended to read:

29.18 **624.7132 REPORT OF TRANSFER.**

29.19 Subdivision 1. **Required information.** Except as provided in this section and section  
29.20 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style  
29.21 assault weapon shall report the following information in writing to the chief of police of  
29.22 the organized full-time police department of the municipality where the proposed transferee  
29.23 resides or to the appropriate county sheriff if there is no such local chief of police:

29.24 (1) the name, residence, telephone number, and driver's license number or  
29.25 nonqualification certificate number, if any, of the proposed transferee;

29.26 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical  
29.27 characteristics, if any, of the proposed transferee;

29.28 (3) a statement that the proposed transferee authorizes the release to the local police  
29.29 authority of commitment information about the proposed transferee maintained by the  
29.30 commissioner of human services, to the extent that the information relates to the proposed  
29.31 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon  
29.32 under section 624.713, subdivision 1;

(4) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

(5) the address of the place of business of the transferor.

The report shall be signed and dated by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

**Subd. 2. Investigation.** Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

**Subd. 3. Notification.** The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail the transferee's right of appeal under subdivision 13.

**Subd. 4. Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee until five business days after the date the agreement to transfer is delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven-day waiting period. The chief of police or sheriff may waive all or a portion of the five-business-day waiting period in writing if the chief of police or sheriff finds that the transferee requires access to a pistol or semiautomatic military-style assault weapon because of a threat to the life of the transferee or of any member of the household of the transferee.

No person shall deliver a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a proposed transferee after receiving a written notification that the chief of police or

31.1 sheriff has determined that the proposed transferee is prohibited by section 624.713 from  
31.2 possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm.

31.3 If the transferor makes a report of transfer and receives no written notification of  
31.4 disqualification of the proposed transferee within five business days after delivery of the  
31.5 agreement to transfer, the ~~pistol or semiautomatic military-style assault weapon~~ firearm  
31.6 may be delivered to the transferee.

31.7 Subd. 5. **Grounds for disqualification.** ~~A determination by (a) The chief of police or~~  
31.8 ~~sheriff that shall deny an application if the proposed transferee is prohibited by section~~  
31.9 ~~624.713 state or federal law from possessing a pistol or semiautomatic military-style assault~~  
31.10 ~~weapon shall be the sole basis for a notification of disqualification under this section or is~~  
31.11 ~~determined to be a danger to self or others under paragraph (b).~~

31.12 (b) A chief of police or sheriff shall deny a permit to a person who is a danger to self or  
31.13 others. The decision of the chief of police or sheriff must be based on documented past  
31.14 contact with law enforcement. A notice of disqualification issued pursuant to this paragraph  
31.15 must describe and document the specific law enforcement contact or contacts relied upon  
31.16 to deny the permit.

31.17 (c) A person is not eligible to submit a permit application under this section if the person  
31.18 has had an application denied pursuant to paragraph (b) and less than six months have  
31.19 elapsed since the denial was issued or the person's appeal under subdivision 13 was denied,  
31.20 whichever is later.

31.21 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph  
31.22 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with  
31.23 joint jurisdiction over the applicant's residence.

31.24 Subd. 6. **Transferee permit.** ~~If a chief of police or sheriff determines that a transferee~~  
31.25 ~~is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic~~  
31.26 ~~military-style assault weapon, the transferee may, within 30 days after the determination,~~  
31.27 ~~apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.~~

31.28 Subd. 8. **Report not required.** ~~If the proposed transferee presents a valid transferee~~  
31.29 ~~permit issued under section 624.7131 or a valid permit to carry issued under section 624.714,~~  
31.30 the transferor need not file a transfer report.

31.31 Subd. 9. **Number of pistols or semiautomatic military-style assault weapons.** Any  
31.32 number of pistols or semiautomatic military-style assault weapons may be the subject of a  
31.33 single transfer agreement and report to the chief of police or sheriff. Nothing in this section

32.1 or section 624.7131 shall be construed to limit or restrict the number of pistols or  
32.2 semiautomatic military-style assault weapons a person may acquire.

32.3 Subd. 10. **Restriction on records.** If, after a determination that the transferee is not a  
32.4 person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style  
32.5 assault weapon, a transferee requests that no record be maintained of the fact of who is the  
32.6 transferee of a pistol or semiautomatic military-style assault weapon, the chief of police or  
32.7 sheriff shall sign the transfer report and return it to the transferee as soon as possible.  
32.8 Thereafter, no government employee or agency shall maintain a record of the transfer that  
32.9 identifies the transferee, and the transferee shall retain the report of transfer.

32.10 Subd. 11. **Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms  
32.11 available throughout the community. There shall be no charge for forms, reports,  
32.12 investigations, notifications, waivers or any other act performed or materials provided by  
32.13 a government employee or agency in connection with a transfer.

32.14 Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision 1f,  
32.15 this section shall not apply to transfers of antique firearms as curiosities or for their historical  
32.16 significance or value, transfers to or between federally licensed firearms dealers, transfers  
32.17 by order of court, involuntary transfers, transfers at death or the following transfers:

32.18 (1) a transfer by a person other than a federally licensed firearms dealer;

32.19 (2) a loan to a prospective transferee if the loan is intended for a period of no more than  
32.20 one day;

32.21 (3) the delivery of a pistol or semiautomatic military-style assault weapon to a person  
32.22 for the purpose of repair, reconditioning or remodeling;

32.23 (4) a loan by a teacher to a student in a course designed to teach marksmanship or safety  
32.24 with a pistol and approved by the commissioner of natural resources;

32.25 (5) a loan between persons at a firearms collectors exhibition;

32.26 (6) a loan between persons lawfully engaged in hunting or target shooting if the loan is  
32.27 intended for a period of no more than 12 hours;

32.28 (7) a loan between law enforcement officers who have the power to make arrests other  
32.29 than citizen arrests; and

32.30 (8) a loan between employees or between the employer and an employee in a business  
32.31 if the employee is required to carry a pistol or semiautomatic military-style assault weapon  
32.32 by reason of employment and is the holder of a valid permit to carry a pistol.



33.1 Subd. 13. **Appeal.** A person aggrieved by the determination of a chief of police or sheriff  
33.2 that the person is prohibited by section 624.713 from possessing a pistol or semiautomatic  
33.3 military-style assault weapon may appeal the determination as provided in this subdivision.  
33.4 The district court shall have jurisdiction of proceedings under this subdivision.

33.5 On review pursuant to this subdivision, the court shall be limited to a determination of  
33.6 whether the proposed transferee is a person prohibited from possessing a pistol or  
33.7 semiautomatic military-style assault weapon by section 624.713.

33.8 Subd. 14. **Transfer to unknown party.** ~~(a) No person shall transfer a pistol or~~  
33.9 ~~semiautomatic military-style assault weapon to another who is not personally known to the~~  
33.10 ~~transferor unless the proposed transferee presents evidence of identity to the transferor.~~

33.11 ~~(b) No person who is not personally known to the transferor shall become a transferee~~  
33.12 ~~of a pistol or semiautomatic military-style assault weapon unless the person presents evidence~~  
33.13 ~~of identity to the transferor.~~

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

33.20 ~~(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault~~  
33.21 ~~weapon in violation of this subdivision is guilty of a misdemeanor.~~

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

33.24 (1) transfers a pistol or semiautomatic military-style assault weapon in violation of  
33.25 subdivisions 1 to 13;

33.26 (2) transfers a pistol or semiautomatic military-style assault weapon to a person who  
33.27 has made a false statement in order to become a transferee, if the transferor knows or has  
33.28 reason to know the transferee has made the false statement;

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

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

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

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

34.3 (2) transfers a pistol or semiautomatic military-style assault weapon to a person under  
34.4 the age of 18 who has made a false statement in order to become a transferee, if the transferor  
34.5 knows or has reason to know the transferee has made the false statement.

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

34.8 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
34.9 committed on or after that date.

34.10 Sec. 3. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK**  
34.11 **REQUIRED.**

34.12 **Subdivision 1. Definitions.** (a) As used in this section, the terms in this subdivision have  
34.13 the meanings given.

34.14 (b) "Firearms dealer" means a person who is licensed by the United States Department  
34.15 of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code,  
34.16 title 18, section 923(a).

34.17 (c) "State or federally issued identification" means a document or card made or issued  
34.18 by or under the authority of the United States government or the state that contains the  
34.19 person's name, residence address, date of birth, and photograph and is of a type commonly  
34.20 accepted for the purpose of identification of individuals.

34.21 **Subd. 2. Background check and evidence of identity.** A person who is not a firearms  
34.22 dealer is prohibited from transferring possession or ownership of a pistol or semiautomatic  
34.23 military-style assault weapon to any other person who is not a firearms dealer unless the  
34.24 transferee presents a valid transferee permit issued under section 624.7131 and a current  
34.25 state or federally issued identification.

34.26 **Subd. 3. Record of transfer; required information.** (a) When two parties complete  
34.27 the transfer of a pistol or semiautomatic military-style assault weapon under subdivision 2,  
34.28 the transferor and transferee must complete a record of transfer on a form designed and  
34.29 made publicly available without fee for this purpose by the superintendent of the Bureau  
34.30 of Criminal Apprehension. Each page of the record of transfer must be signed and dated by  
34.31 the transferor and the transferee and contain the serial number of the pistol or semiautomatic  
34.32 military-style assault weapon.

35.1 (b) The record of transfer must contain the following information:

35.2 (1) a clear photocopy of each person's current state or federally issued identification;

35.3 (2) a clear photocopy of the transferee permit presented by the transferee; and

35.4 (3) a signed statement by the transferee swearing that the transferee is not currently  
35.5 prohibited by state or federal law from possessing a firearm.

35.6 (c) The record of transfer must also contain the following information regarding the  
35.7 transferred pistol or semiautomatic military-style assault weapon:

35.8 (1) the type of pistol or semiautomatic military-style assault weapon;

35.9 (2) the manufacturer, make, and model of the pistol or semiautomatic military-style  
35.10 assault weapon; and

35.11 (3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned  
35.12 serial number.

35.13 (d) Both the transferor and the transferee must retain a copy of the record of transfer  
35.14 and any attachments to the record of transfer for 20 years from the date of the transfer. A  
35.15 copy in digital form shall be acceptable for the purposes of this paragraph.

35.16 Subd. 4. **Compulsory production of record of transfer; gross misdemeanor**  
35.17 **penalty.** (a) The transferor and transferee of a pistol or semiautomatic military-style assault  
35.18 weapon transferred under this section must produce the record of transfer when a peace  
35.19 officer requests the record as part of a criminal investigation.

35.20 (b) A person who refuses or is unable to produce a record of transfer for a firearm  
35.21 transferred under this section in response to a request for production made by a peace officer  
35.22 pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for  
35.23 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime  
35.24 committed involving the transferred firearm.

35.25 Subd. 5. **Immunity.** A person is immune to a charge of violating this section if the person  
35.26 presents a record of transfer that satisfies the requirements of subdivision 3.

35.27 Subd. 6. **Exclusions.** (a) This section shall not apply to the following transfers:

35.28 (1) a transfer by or to a federally licensed firearms dealer;

35.29 (2) a transfer by or to any law enforcement agency;

35.30 (3) to the extent the transferee is acting within the course and scope of employment and  
35.31 official duties, a transfer to:

- 36.1 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);
- 36.2 (ii) a member of the United States armed forces, the National Guard, or the reserves of
- 36.3 the United States armed forces;
- 36.4 (iii) a federal law enforcement officer; or
- 36.5 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;
- 36.6 (4) a transfer between immediate family members, which for the purposes of this section
- 36.7 means spouses, domestic partners, parents, children, siblings, grandparents, and
- 36.8 grandchildren;
- 36.9 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
- 36.10 or a trust that occurs by operation of law upon the death of the former owner of the firearm;
- 36.11 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;
- 36.12 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
- 36.13 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
- 36.14 by United States Code, title 18, section 921(a)(13), who each have in their possession a
- 36.15 valid collector of curio and relics license issued by the United States Department of Justice,
- 36.16 Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 36.17 (8) the temporary transfer of a firearm if:
- 36.18 (i) the transfer is necessary to prevent imminent death or great bodily harm; and
- 36.19 (ii) the person's possession lasts only as long as immediately necessary to prevent such
- 36.20 imminent death or great bodily harm;
- 36.21 (9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in
- 36.22 the person's official role as an auctioneer to facilitate or conduct an auction of the firearm;
- 36.23 and
- 36.24 (10) a temporary transfer if the transferee's possession of the firearm following the
- 36.25 transfer is only:
- 36.26 (i) at a shooting range that operates in compliance with the performance standards under
- 36.27 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance
- 36.28 is not required by the governing body of the jurisdiction, at an established shooting range
- 36.29 operated consistently with local law in the jurisdiction;

(ii) at a lawfully organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as part of the performance;

(iii) while hunting or trapping if the hunting or trapping is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for hunting or trapping; or

(iv) while in the actual presence of the transferor.

(b) A transfer under this subdivision is permitted only if the transferor has no reason to believe:

(1) that the transferee is prohibited by federal law from buying or possessing firearms or not entitled under state law to possess firearms;

(2) if the transferee is under 18 years of age and is receiving the firearm under direct supervision and control of an adult, that the adult is prohibited by federal law from buying or possessing firearms or not entitled under state law to possess firearms; or

(3) that the transferee will use or intends to use the firearm in the commission of a crime.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

## ARTICLE 15

### POSSESSION OF FIREARMS

Section 1. Minnesota Statutes 2018, 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

38.1 or semiautomatic military-style assault weapon and approved by the commissioner of natural  
38.2 resources;

38.3 (2) except as otherwise provided in clause (9), a person who has been convicted of, or  
38.4 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in  
38.5 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence  
38.6 includes crimes in other states or jurisdictions which would have been crimes of violence  
38.7 as herein defined if they had been committed in this state;

38.8 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial  
38.9 determination that the person is mentally ill, developmentally disabled, or mentally ill and  
38.10 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has  
38.11 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless  
38.12 the person's ability to possess a firearm and ammunition has been restored under subdivision  
38.13 4;

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

38.21 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere  
38.22 by a judicial determination that the person is chemically dependent as defined in section  
38.23 253B.02, unless the person has completed treatment or the person's ability to possess a  
38.24 firearm and ammunition has been restored under subdivision 4. Property rights may not be  
38.25 abated but access may be restricted by the courts;

38.26 (6) a peace officer who is informally admitted to a treatment facility pursuant to section  
38.27 253B.04 for chemical dependency, unless the officer possesses a certificate from the head  
38.28 of the treatment facility discharging or provisionally discharging the officer from the  
38.29 treatment facility. Property rights may not be abated but access may be restricted by the  
38.30 courts;

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

39.1 (8) except as otherwise provided in clause (9), a person who has been convicted in  
39.2 another state of committing an offense similar to the offense described in section 609.224,  
39.3 subdivision 3, against a family or household member or section 609.2242, subdivision 3,  
39.4 unless three years have elapsed since the date of conviction and, during that time, the person  
39.5 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,  
39.6 subdivision 3, or a similar law of another state;

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

39.11 (10) a person who:

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

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

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

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

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

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

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

39.24 or

39.25 (viii) is disqualified from possessing a firearm under United States Code, title 18, section  
39.26 922(g)(8) or (9), as amended through March 1, 2014;

39.27 (11) a person who has been convicted of the following offenses at the gross misdemeanor  
39.28 level, unless three years have elapsed since the date of conviction and, during that time, the  
39.29 person has not been convicted of any other violation of these sections: section 609.229  
39.30 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated  
39.31 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);  
39.32 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71

40.1 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified gross misdemeanor  
40.2 convictions include crimes committed in other states or jurisdictions which would have  
40.3 been gross misdemeanors if conviction occurred in this state;

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

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

40.11 (14) a person who is subject to an extreme risk protection order as described in section  
40.12 624.7162 or 624.7164.

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

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

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

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

40.26 Sec. 2. **[624.7161] EXTREME RISK PROTECTION ORDERS.**

40.27 Subdivision 1. Definitions. As used in sections 624.7161 to 624.7168, "firearm" has the  
40.28 meaning given in section 609.666, subdivision 1, paragraph (a).

40.29 Subd. 2. Court jurisdiction. An application for relief under this section shall be filed  
40.30 in the county of residence of the respondent. Actions under this section shall be given docket  
40.31 priorities by the court.



41.1 Subd. 3. **Information on petitioner's location or residence.** Upon the petitioner's  
41.2 request, information maintained by the court regarding the petitioner's location or residence  
41.3 is not accessible to the public and may be disclosed only to court personnel or law  
41.4 enforcement for purposes of service of process, conducting an investigation, or enforcing  
41.5 an order.

41.6 Subd. 4. **Generally.** (a) There shall exist an action known as a petition for an extreme  
41.7 risk protection order, which order shall enjoin and prohibit the respondent from possessing  
41.8 firearms for a fixed period.

41.9 (b) A petition for relief under sections 624.7161 to 624.7168 may be made by the chief  
41.10 law enforcement officer or a designee or a city or county attorney.

41.11 (c) A petition for relief shall allege that the respondent poses a significant danger of  
41.12 bodily harm to self or to other persons by possessing a firearm. The petition shall be  
41.13 accompanied by an affidavit made under oath stating specific facts and circumstances  
41.14 forming a basis to allege that an extreme risk protection order should be granted. The affidavit  
41.15 may include but is not limited to evidence showing any of the factors described in section  
41.16 624.7162, subdivision 2.

41.17 (d) A petition for emergency relief under section 624.7164 shall additionally allege that  
41.18 the respondent presents an immediate and present danger of bodily harm.

41.19 (e) A petition for relief must describe, to the best of the petitioner's knowledge, the types  
41.20 and location of any firearms believed by the petitioner to be possessed by the respondent.

41.21 (f) The state court administrator shall create all forms necessary under sections 624.7161  
41.22 to 624.7168.

41.23 (g) The filing fees for an extreme risk protection order under this section are waived for  
41.24 the petitioner and respondent.

41.25 (h) The court shall advise the petitioner of the right to serve the respondent by alternate  
41.26 notice under section 624.7162, subdivision 1, paragraph (e), if the respondent is avoiding  
41.27 personal service by concealment or otherwise, and shall assist in the writing and filing of  
41.28 the affidavit.

41.29 (i) The court shall advise the petitioner of the right to request a hearing under section  
41.30 624.7164, paragraph (b). If the petitioner does not request a hearing, the court shall advise  
41.31 the petitioner that the respondent may request a hearing and that notice of the hearing date  
41.32 and time will be provided to the petitioner by mail at least five days before the hearing.

42.1 (j) An extreme risk protection order issued under sections 624.7161 to 624.7168 applies  
42.2 throughout the state.

42.3 (k) Any proceeding under sections 624.7161 to 624.7168 shall be in addition to other  
42.4 civil or criminal remedies.

42.5 (l) All health records and other health information provided in a petition or considered  
42.6 as evidence in a proceeding under sections 624.7161 to 624.7168 shall be protected from  
42.7 public disclosure but may be provided to law enforcement agencies as described in this  
42.8 section.

42.9 (m) Any extreme risk protection order or subsequent extension issued under sections  
42.10 624.7161 to 624.7168 shall be forwarded by the court administrator within 24 hours to the  
42.11 local law enforcement agency with jurisdiction over the residence of the respondent. Each  
42.12 appropriate law enforcement agency shall make available to other law enforcement officers,  
42.13 through a system for verification, information as to the existence and status of any extreme  
42.14 risk protection order issued under sections 624.7161 to 624.7168.

42.15 Sec. 3. [624.7162] EXTREME RISK PROTECTION ORDERS ISSUED AFTER  
42.16 HEARING.

42.17 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the  
42.18 court shall order a hearing which shall be held not later than 14 days from the date of the  
42.19 order for hearing.

42.20 (b) The court shall advise the petitioner of the right to request an emergency extreme  
42.21 risk protection order under section 624.7164 separately from or simultaneously with the  
42.22 petition under this subdivision.

42.23 (c) The petitioning agency shall be responsible for service of an extreme risk protection  
42.24 order issued by the court and shall further be the agency responsible for the execution of  
42.25 any legal process required for the seizure and storage of firearms subject to the order. Nothing  
42.26 in this provision limits the ability of the law enforcement agency of record from cooperating  
42.27 with other law enforcement entities.

42.28 (d) Personal service of notice for the hearing may be made upon the respondent at any  
42.29 time up to 12 hours prior to the time set for the hearing, provided that the respondent at the  
42.30 hearing may request a continuance of up to five days if the respondent is served less than  
42.31 five days prior to the hearing, which continuance shall be granted unless there are compelling  
42.32 reasons not to do so. If the court grants the requested continuance, and an existing emergency

43.1 order under section 624.7164 will expire due to the continuance, the court shall also issue  
43.2 a written order continuing the emergency order pending the new time set for the hearing.

43.3 (e) If personal service cannot be made, the court may order service of the petition and  
43.4 any order issued under this section by alternate means. The application for alternate service  
43.5 must include the last known location of the respondent; the petitioner's most recent contacts  
43.6 with the respondent; the last known location of the respondent's employment; the names  
43.7 and locations of the respondent's parents, siblings, children, and other close relatives; the  
43.8 names and locations of other persons who are likely to know the respondent's whereabouts;  
43.9 and a description of efforts to locate those persons. The court shall consider the length of  
43.10 time the respondent's location has been unknown, the likelihood that the respondent's location  
43.11 will become known, the nature of the relief sought, and the nature of efforts made to locate  
43.12 the respondent. The court shall order service by first class mail, forwarding address requested,  
43.13 to any addresses where there is a reasonable possibility that mail or information will be  
43.14 forwarded or communicated to the respondent. The court may also order publication, within  
43.15 or without the state, but only if it might reasonably succeed in notifying the respondent of  
43.16 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after  
43.17 court-ordered publication.

43.18 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by a preponderance  
43.19 of the evidence that the respondent poses a significant danger of bodily harm to self or other  
43.20 persons by possessing a firearm.

43.21 (b) In determining whether to grant the order after a hearing, the court shall consider  
43.22 evidence of the following, whether or not the petitioner has provided evidence of the same:

43.23 (1) a history of threats or acts of violence by the respondent directed toward another  
43.24 person;

43.25 (2) the history of use, attempted use, or threatened use of physical force by the respondent  
43.26 against another person;

43.27 (3) a violation of any court order, including but not limited to orders issued under sections  
43.28 624.7161 to 624.7168 or chapter 260C or 518B;

43.29 (4) a prior arrest for a felony offense;

43.30 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense  
43.31 under section 609.749, or for domestic assault under section 609.2242;

43.32 (6) a conviction for an offense of cruelty to animals under chapter 343;

43.33 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;

44.1 (8) a history of self-harm by the respondent; and

44.2 (9) whether the respondent is named in an existing order in effect under sections 624.7161  
44.3 to 624.7168 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or  
44.4 other action under sections 624.7161 to 624.7168 or chapter 518B.

44.5 (c) In determining whether to grant the order after a hearing, the court may consider any  
44.6 other evidence that bears on whether the respondent poses a danger to the respondent's self  
44.7 or others.

44.8 (d) If the court finds there is a preponderance of the evidence to issue an extreme risk  
44.9 protection order, the court shall issue the order prohibiting the person from possessing a  
44.10 firearm for the duration of the order. The court shall inform the respondent that the respondent  
44.11 is prohibited from possessing firearms and shall issue a transfer order under section 624.7165.  
44.12 The court shall also give notice to the county attorney's office, which may take action as it  
44.13 deems appropriate.

44.14 (e) The order shall have a fixed period, to be determined by the court, of not less than  
44.15 six months and not more than two years, subject to renewal or extension under section  
44.16 624.7163.

44.17 (f) If there is no existing emergency order under section 624.7164 at the time an order  
44.18 is granted under this section, the court shall determine by a preponderance of the evidence  
44.19 whether the respondent presents an immediate and present danger of bodily harm. If the  
44.20 court so determines, the transfer order shall include the provisions described in section  
44.21 624.7165, paragraph (c).

44.22 (g) If, after a hearing, the court does not issue an order of protection, the court shall  
44.23 vacate any emergency extreme risk protection order currently in effect.

44.24 (h) A respondent may waive the respondent's right to contest the hearing and consent  
44.25 to the court's imposition of an extreme risk protection order. The court shall seal the petition  
44.26 filed under this section and section 624.7144 if a respondent who consents to imposition of  
44.27 an extreme risk protection order requests that the petition be sealed, unless the court finds  
44.28 that there is clear and convincing evidence that the interests of the public and public safety  
44.29 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk  
44.30 protection orders shall remain public.

44.31 **Sec. 4. [624.7163] SUBSEQUENT EXTENSIONS AND TERMINATION.**

44.32 (a) Upon application by any party entitled to petition for an order under section 624.7162,  
44.33 and after notice to the respondent and a hearing, the court may extend the relief granted in

45.1 an existing order granted after a hearing under section 624.7162. Application for an extension  
45.2 may be made any time within the three months before the expiration of the existing order.  
45.3 The order may be extended for a fixed period of at least six months and not to exceed two  
45.4 years, if the court makes the same findings by a preponderance of the evidence as required  
45.5 for granting of an initial order under section 624.7162, subdivision 2, paragraph (d). The  
45.6 court shall consider the same types of evidence as required for the initial order under section  
45.7 624.7162, subdivision 2, paragraphs (b) and (c).

45.8 (b) Upon application by the respondent to an order issued under section 624.7162, the  
45.9 court may terminate an order after a hearing at which the respondent shall bear the burden  
45.10 of proving by a preponderance of the evidence that the respondent does not pose a significant  
45.11 danger of bodily harm to the respondent's self or to other persons by possessing a firearm.  
45.12 Application for termination may be made one time for each year an order is in effect. If an  
45.13 order has been issued for a period of six months, the respondent may apply for termination  
45.14 one time.

45.15 Sec. 5. **[624.7164] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION**  
45.16 **ORDER.**

45.17 (a) In determining whether to grant an emergency extreme risk protection order, the  
45.18 court shall consider evidence of all facts identified in section 624.7162, subdivision 2,  
45.19 paragraphs (b) and (c).

45.20 (b) The court shall advise the petitioner of the right to request an order after a hearing  
45.21 under section 624.7162 separately from or simultaneously with the petition.

45.22 (c) If the court finds there is reasonable grounds that (1) the respondent poses a significant  
45.23 danger of bodily harm to the respondent's self or to other persons by possessing a firearm,  
45.24 and (2) the respondent presents an immediate and present danger of bodily harm, the court  
45.25 shall issue an ex parte emergency order prohibiting the respondent from possessing a firearm  
45.26 for the duration of the order. The order shall inform the respondent that the respondent is  
45.27 prohibited from possessing firearms and shall issue a transfer order under section 624.7165,  
45.28 paragraph (c).

45.29 (d) A finding by the court that there is a basis for issuing an emergency extreme risk  
45.30 protection order constitutes a finding that sufficient reasons exist not to require notice under  
45.31 applicable court rules governing applications for ex parte relief.

46.1 (e) The emergency order shall have a fixed period of 14 days unless a hearing is set  
46.2 under section 624.7162 on an earlier date, in which case the order shall expire upon a judge's  
46.3 finding that no order is issued under section 624.7162.

46.4 (f) Except as provided in paragraph (g), the respondent shall be personally served  
46.5 immediately with a copy of the emergency order and a copy of the petition and, if a hearing  
46.6 is requested by the petitioner under section 624.7162, notice of the date set for the hearing.  
46.7 If the petitioner does not request a hearing under section 624.7162, an order served on a  
46.8 respondent under this subdivision must include a notice advising the respondent of the right  
46.9 to request a hearing challenging the issuance of the emergency order, and must be  
46.10 accompanied by a form that can be used by the respondent to request a hearing.

46.11 (g) Service of the emergency order may be made by alternate service as provided under  
46.12 section 624.7162, subdivision 1, paragraph (e), provided that the petitioner files the affidavit  
46.13 required under that subdivision. If the petitioner does not request a hearing under section  
46.14 624.7162, the petition mailed to the respondent's residence, if known, must be accompanied  
46.15 by the form for requesting a hearing described in paragraph (f).

46.16 **Sec. 6. [624.7165] TRANSFER OF FIREARMS.**

46.17 (a) Except as provided in paragraph (b), upon issuance of an extreme risk protection  
46.18 order, the court shall direct the respondent to transfer any firearms the person possesses as  
46.19 soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed  
46.20 firearms dealer or a law enforcement agency. If the respondent elects to transfer the  
46.21 respondent's firearms to a law enforcement agency, the agency must accept the transfer.  
46.22 The transfer may be permanent or temporary. A temporary firearm transfer only entitles  
46.23 the receiving party to possess the firearm and does not transfer ownership or title. If the  
46.24 respondent makes a temporary transfer, a federally licensed firearms dealer or law  
46.25 enforcement agency may charge the respondent a reasonable fee to store the firearms and  
46.26 may establish policies for disposal of abandoned firearms, provided these policies require  
46.27 that the respondent be notified prior to disposal of abandoned firearms. If a respondent  
46.28 permanently transfers the respondent's firearms to a law enforcement agency, the agency  
46.29 is not required to compensate the respondent and may charge the respondent a reasonable  
46.30 processing fee.

46.31 (b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer  
46.32 any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a),  
46.33 clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title

27, section 478.11, as amended, to a relative who does not live with the respondent after confirming that the relative may lawfully own or possess a firearm.

(c) The respondent must file proof of transfer as provided in this paragraph.

(1) A law enforcement agency or federally licensed firearms dealer accepting transfer of a firearm pursuant to this section shall provide proof of transfer to the respondent. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and must include the name of the respondent, date of transfer, and the serial number, manufacturer, and model of all transferred firearms. If transfer is made to a federally licensed firearms dealer, the respondent shall, within two business days after being served with the order, file a copy of proof of transfer with the law enforcement agency and attest that all firearms owned or possessed at the time of the order have been transferred in accordance with this section and that the person currently does not possess any firearms. If the respondent claims not to own or possess firearms, the respondent shall file a declaration of nonpossession with the law enforcement agency attesting that, at the time of the order, the respondent neither owned nor possessed any firearms, and that the respondent currently neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to paragraph (b), the relative must sign an affidavit under oath before a notary public either acknowledging that the respondent permanently transferred the respondent's antique firearms, curios, or relics to the relative or agreeing to temporarily store the respondent's antique firearms, curios, or relics until such time as the respondent is legally permitted to possess firearms. To the extent possible, the affidavit shall indicate the serial number, make, and model of all antique firearms, curios, or relics transferred by the respondent to the relative.

(2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession filed pursuant to this paragraph.

(d) If a court issues an emergency order under section 624.7164, or makes a finding of immediate and present danger under section 624.7162, subdivision 2, paragraph (e), and there is probable cause to believe the respondent possesses firearms, the court shall issue a search warrant to the local law enforcement agency to take possession of all firearms in the respondent's possession as soon as practicable. The local law enforcement agency shall, upon written notice from the respondent, transfer the firearms to a federally licensed firearms dealer. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the federally licensed firearms dealer receiving the firearm to submit a proof of transfer that complies with the requirements for proofs of transfer established in paragraph (c). The agency shall file all proofs of transfer received by the court within two business days of the transfer. A federally licensed firearms dealer who accepts a firearm

transfer pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting transfer directly from the respondent. If the law enforcement agency does not receive written notice from the respondent within three business days, the agency may charge a reasonable fee to store the respondent's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided these policies require that the respondent be notified prior to disposal of abandoned firearms.

Sec. 7. **[624.7166] RETURN OF FIREARMS.**

**Subdivision 1. Law enforcement.** A local law enforcement agency that accepted temporary transfer of firearms under section 624.7165 shall return the firearms to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law.

**Subd. 2. Firearms dealer.** A federally licensed firearms dealer that accepted temporary transfer of firearms under section 624.7165 shall return the transferring firearms to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law. A federally licensed firearms dealer returning firearms shall comply with state and federal law as though transferring a firearm from the dealer's own inventory.

Sec. 8. **[624.7167] OFFENSES.**

**Subdivision 1. False information or harassment.** A person who petitions for an extreme risk protection order under section 624.7162 or 624.7164, knowing any information in the petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a misdemeanor.

**Subd. 2. Violation of order.** A person who possesses a firearm and knows or should have known that the person is prohibited from doing so by an extreme risk protection order under section 624.7162 or 624.7164, or by an order of protection granted by a judge or referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor and shall be prohibited from possessing firearms for a period of five years. Each extreme risk protection order granted under this chapter must contain a conspicuous notice to the respondent regarding the penalty for violation of the order.

Sec. 9. **[624.7168] LIABILITY PROTECTION.**

**Subdivision 1. Liability protection for petition.** A chief law enforcement officer, or a designee, or a city or county attorney, who, in good faith, decides not to petition for an



49.1 extreme risk protection order or emergency extreme risk protection order shall be immune  
49.2 from criminal or civil liability.

49.3 Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall  
49.4 be immune from civil or criminal liability for any damage or deterioration of firearms,  
49.5 ammunition, or weapons stored or transported pursuant to section 624.7165. This subdivision  
49.6 shall not apply if the damage or deterioration occurred as a result of recklessness, gross  
49.7 negligence, or intentional misconduct by the law enforcement agency.

49.8 Subd. 3. **Liability protection for harm following service of an order or execution of**  
49.9 **a search warrant.** A peace officer, law enforcement agency, and the state or a political  
49.10 subdivision by which a peace officer is employed has immunity from any liability, civil or  
49.11 criminal, for harm caused by a person who is the subject of an extreme risk protection order,  
49.12 a search warrant issued pursuant to section 624.7165, paragraph (d), or both after service  
49.13 of the order or execution of the warrant, whichever comes first, if the peace officer acts in  
49.14 good faith in serving the order or executing the warrant.

49.15 Sec. 10. **[626.8474] EXTREME RISK PROTECTION ORDER; DEVELOPMENT**  
49.16 **OF MODEL PROCEDURES.**

49.17 By December 1, 2020, the Peace Officer Standards and Training Board, after consulting  
49.18 with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the  
49.19 Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers  
49.20 Association, shall develop model procedures and standards for the storage of firearms  
49.21 transferred to law enforcement under section 624.7165.

49.22 Sec. 11. **REVISOR INSTRUCTION.**

49.23 In the next edition of Minnesota Statutes, the revisor of statutes shall renumber Minnesota  
49.24 Statutes 2018, sections 624.7161 to 624.7168, and correct cross-references to those provisions  
49.25 so as not to conflict with this act.

49.26 Sec. 12. **EFFECTIVE DATE.**

49.27 Sections 1 to 9 and 11 are effective January 1, 2020, and apply to firearm permit  
49.28 background checks made on or after that date."

49.29 Reletter the paragraphs in sequence

49.30 Renumber the subdivisions in sequence

49.31 Renumber the sections in sequence and correct the internal references

50.1 Adjust amounts accordingly

50.2 Amend the title as follows:

50.3 Page 1, line 4, after the second semicolon, insert "firearms;"

50.4 Correct the title numbers accordingly

50.5 With the recommendation that when so amended the bill be returned to the Committee  
50.6 on Ways and Means.

50.7 This Division action taken April 4, 2019

50.8 ....., Chair