

1.1 ..... moves to amend H.F. No. 14 as follows:

1.2 Page 2, line 21, after "is" insert ":(1)"

1.3 Page 2, line 23, delete "or is" and insert ";(2)"

1.4 Page 2, line 24, delete "others" and insert "the public when in possession of firearms"  
1.5 and before the period, insert ";(3) listed in the criminal gang investigative data system  
1.6 under section 299C.091"

1.7 Page 2, line 25, delete "who is a danger" and insert "if there exists a substantial likelihood  
1.8 that the applicant is a danger to self or the public when in possession of a firearm."

1.9 Page 2, delete lines 26 to 29 and insert "To deny the application pursuant to paragraph  
1.10 (a), clause (2), the chief of police or sheriff must provide the applicant with written  
1.11 notification and the specific factual basis justifying the denial, including the source of the  
1.12 factual basis. The chief of police or sheriff must inform the applicant of the applicant's right  
1.13 to submit, within 20 business days, any additional documentation relating to the propriety  
1.14 of the denial. Upon receiving any additional documentation, the chief of police or sheriff  
1.15 must reconsider the denial and inform the applicant within 15 business days of the result  
1.16 of the reconsideration. Any denial after reconsideration must be in the same form and  
1.17 substance as the original denial and must specifically address any continued deficiencies  
1.18 in light of the additional documentation submitted by the applicant. The applicant must be  
1.19 informed of the right to seek de novo review of the denial as provided in subdivision 8."

1.20 Page 3, line 5, strike "seven" and insert "30"

1.21 Page 4, line 1, before "Any" insert "(a)"

1.22 Page 4, line 2, strike everything after "appeal"

1.23 Page 4, strike line 3 and insert "by petition to the district court having jurisdiction over  
1.24 the county or municipality where the application was submitted. The petition must list the

2.1 applicable chief of police or sheriff as the respondent. The district court must hold a hearing  
2.2 at the earliest practicable date and in any event no later than 60 days following the filing of  
2.3 the petition for review. The court may not grant or deny any relief before the completion  
2.4 of the hearing. The record of the hearing must be sealed. The matter must be heard de novo  
2.5 without a jury."

2.6 Page 4, after line 3, insert:

2.7 "(b) The court must issue written findings of fact and conclusions of law regarding the  
2.8 issues submitted by the parties. The court must issue its writ of mandamus directing that  
2.9 the permit be issued and order other appropriate relief unless the chief of police or sheriff  
2.10 establishes by clear and convincing evidence that:

2.11 (1) the applicant is disqualified from possessing a firearm under state or federal law;

2.12 (2) there exists a substantial likelihood that the applicant is a danger to self or the public  
2.13 when in possession of a firearm. Incidents of alleged criminal misconduct that are not  
2.14 investigated and documented may not be considered; or

2.15 (3) the applicant is listed in the criminal gang investigative data system under section  
2.16 299C.091.

2.17 (c) If an application is denied because the proposed transferee is listed in the criminal  
2.18 gang investigative data system under section 299C.091, the applicant may challenge the  
2.19 denial, after disclosure under court supervision of the reason for that listing, based on grounds  
2.20 that the person:

2.21 (1) was erroneously identified as a person in the data system;

2.22 (2) was improperly included in the data system according to the criteria outlined in  
2.23 section 299C.091, subdivision 2, paragraph (b); or

2.24 (3) has demonstrably withdrawn from the activities and associations that led to inclusion  
2.25 in the data system."

2.26 Page 5, line 27, strike "five business" and insert "30"

2.27 Page 5, line 31, after "sheriff" insert ":(1) determines the proposed transferee is not  
2.28 disqualified prior to the waiting period concluding; or (2)"

2.29 Page 5, line 33, after the period, insert "Prior to modifying the waiting period under the  
2.30 authority granted in clause (2), the chief of police or sheriff must first determine that the  
2.31 proposed transferee is not prohibited from possessing a firearm under state or federal law."

3.1 Page 6, line 8, before the period, insert ", unless the transferor knows the transferee is  
3.2 ineligible to possess firearms"

3.3 Page 6, line 10, after "is" insert ";(1)"

3.4 Page 6, line 12, delete "or is" and insert ";(2)"

3.5 Page 6, line 13, delete "others" and insert "the public when in possession of firearms"  
3.6 and before the period, insert ";(3) listed in the criminal gang investigative data system  
3.7 under section 299C.091"

3.8 Page 6, line 14, delete "the person is a danger to self" and insert "there exists a substantial  
3.9 likelihood that the proposed transferee is a danger to self or the public when in possession  
3.10 of a firearm."

3.11 Page 6, delete lines 15 to 18 and insert "To deny the application under this paragraph,  
3.12 the chief of police or sheriff must provide the applicant with written notification and the  
3.13 specific factual basis justifying the denial, including the source of the factual basis. The  
3.14 chief of police or sheriff must inform the applicant of the applicant's right to submit, within  
3.15 20 business days, any additional documentation relating to the propriety of the denial. Upon  
3.16 receiving any additional documentation, the chief of police or sheriff must reconsider the  
3.17 denial and inform the applicant within 15 business days of the result of the reconsideration.  
3.18 Any denial after reconsideration must be in the same form and substance as the original  
3.19 denial and must specifically address any continued deficiencies in light of the additional  
3.20 documentation submitted by the applicant. The applicant must be informed of the right to  
3.21 seek de novo review of the denial as provided in subdivision 13."

3.22 Page 7, line 6, before "If" insert "Except as provided for in section 624.7134, subdivision  
3.23 3, paragraph (e),"

3.24 Page 8, line 4, before "A" insert "(a)"

3.25 Page 8, strike lines 5 to 7 and insert "under subdivision 5 may appeal by petition to the  
3.26 district court having jurisdiction over the county or municipality where the application was  
3.27 submitted. The petition must list the applicable chief of police or sheriff as the respondent.  
3.28 The district court must hold a hearing at the earliest practicable date and in any event no  
3.29 later than 60 days following the filing of the petition for review. The court may not grant  
3.30 or deny any relief before the completion of the hearing. The record of the hearing must be  
3.31 sealed. The matter must be heard de novo without a jury."

3.32 Page 8, strike lines 8 to 10 and insert:

4.1 "(b) The court must issue written findings of fact and conclusions of law regarding the  
4.2 issues submitted by the parties. The court must issue its writ of mandamus directing that  
4.3 the permit be issued and order other appropriate relief unless the chief of police or sheriff  
4.4 establishes by clear and convincing evidence that:

4.5 (1) the applicant is disqualified under state or federal law from possession of firearms;

4.6 (2) there exists a substantial likelihood that the applicant is a danger to self or the public  
4.7 when in possession of a firearm. Incidents of alleged criminal misconduct that are not  
4.8 investigated and documented may not be considered; or

4.9 (3) the applicant is listed in the criminal gang investigative data system under section  
4.10 299C.091.

4.11 (c) If an application is denied because the proposed transferee is listed in the criminal  
4.12 gang investigative data system under section 299C.091, the proposed transferee may  
4.13 challenge the denial, after disclosure under court supervision of the reason for that listing,  
4.14 based on grounds that the person:

4.15 (1) was erroneously identified as a person in the data system;

4.16 (2) was improperly included in the data system according to the criteria outlined in  
4.17 section 299C.091, subdivision 2, paragraph (b); or

4.18 (3) has demonstrably withdrawn from the activities and associations that led to inclusion  
4.19 in the data system."

4.20 Page 9, after line 23, insert:

4.21 "(d) "Unlicensed person" means a person who does not hold a license under United  
4.22 States Code, title 18, section 923(a)."

4.23 Page 9, line 24, delete "A person who is not a firearms" and insert "An unlicensed person"

4.24 Page 9, line 25, delete "dealer" and delete "possession or ownership of"

4.25 Page 9, line 26, delete "person who is not a firearms dealer" and insert "unlicensed  
4.26 person" and after "unless" insert "": (1) the transfer is made through a firearms dealer as  
4.27 provided for in subdivision 3; or (2)"

4.28 Page 9, after line 28, insert:

4.29 "Subd. 3. **Background check conducted by federally licensed firearms dealer.** (a)  
4.30 Where both parties to a prospective transfer of a pistol or semiautomatic military-style  
4.31 assault weapon are unlicensed persons, the transferor and transferee may appear jointly

5.1 before a federally licensed firearms dealer with the firearm and request that the federally  
5.2 licensed firearms dealer conduct a background check on the transferee and facilitate the  
5.3 transfer.

5.4 (b) Except as otherwise provided in this section, a federally licensed firearms dealer  
5.5 who agrees to facilitate a transfer under this section shall:

5.6 (1) process the transfer as though transferring the firearm from the dealer's inventory to  
5.7 the transferee; and

5.8 (2) comply with all requirements of federal and state law that would apply if the firearms  
5.9 dealer were making the transfer, including at a minimum all background checks and record  
5.10 keeping requirements. The exception to the report of transfer process in section 624.7132,  
5.11 subdivision 12, clause (1), does not apply to transfers completed under this subdivision.

5.12 (c) If the transferee is prohibited by federal law from purchasing or possessing the  
5.13 firearm, or not entitled under state law to possess the firearm, neither the federally licensed  
5.14 firearms dealer nor the transferor shall transfer the firearm to the transferee.

5.15 (d) Notwithstanding any other law to the contrary, this section shall not prevent the  
5.16 transferor from:

5.17 (1) removing the firearm from the premises of the federally licensed firearms dealer, or  
5.18 the gun show or event where the federally licensed firearms dealer is conducting business,  
5.19 as applicable, while the background check is being conducted, provided that the transferor  
5.20 must return to the federally licensed firearms dealer with the transferee before the transfer  
5.21 takes place, and the federally licensed firearms dealer must take possession of the firearm  
5.22 in order to complete the transfer; and

5.23 (2) removing the firearm from the business premises of the federally licensed firearms  
5.24 dealer if the results of the background check indicate the transferee is prohibited by federal  
5.25 law from purchasing or possessing the firearm, or not entitled under state law to possess  
5.26 the firearm.

5.27 (e) A transferee who consents to participate in a transfer under this subdivision is not  
5.28 entitled to have the transfer report returned as provided for in section 624.7132, subdivision  
5.29 10.

5.30 (f) A firearms dealer may charge a reasonable fee for conducting a background check  
5.31 and facilitating a transfer between the transferor and transferee pursuant to this section."

5.32 Renumber the subdivisions in sequence

- 6.1 Page 9, line 29, before "When" insert "Unless a transfer is made through a firearms
- 6.2 dealer as provided for in subdivision 3," and delete "parties" and insert "unlicensed persons"
- 6.3 Page 9, line 30, delete "under subdivision 2"
- 6.4 Page 10, line 20, after "(a)" insert "Unless a transfer was completed under subdivision
- 6.5 3,"
- 6.6 Page 10, line 21, delete "this section" and insert "subdivision 4"
- 6.7 Page 10, line 29, delete "3" and insert "4"