



**Cass County Sheriff's Office**  
**Bryan Welk**  
**Sheriff**

**Cass County Attorney's Office**  
**Benjamin Lindstrom**  
**County Attorney**

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February 28, 2024

**Re: A statement from County Attorney Ben Lindstrom and Sheriff Bryan Welk on  
Proposed House Floor Bills 601 and 4300**

Honorable Representatives,

The Public Safety Committee of the House of Representatives is about to consider two bills that relate to the ownership and possession of firearms by law abiding citizens. We write to express our concern that these proposals will do nothing to impact the misuse of firearms and will only burden law-abiding citizens and local law enforcement with additional duties.

The policy goals purportedly underlying these proposals are already advanced by current Minnesota law. For example:

Minnesota Statute § 609.666 makes it a gross misdemeanor to negligently store or leave a loaded firearm where a person reasonably should know that a child is likely to gain access to it unless reasonable action is taken to secure the firearm against access by the child.

Minnesota Statute § 624.713 makes it a felony for a child to possess a pistol or semiautomatic military-style assault weapon without direct adult supervision. When coupled with Minnesota Statute 260B.425, it is a crime for an adult to contribute to the delinquency of a child by providing them with such firearms.

These statutes already protect children by requiring adults to limit their access to loaded firearms in the absence of adult supervision. HF 4300 on the other hand makes it a crime to own a firearm if it is not locked up or within immediate control. This is true even if you have no children and live alone. Likewise, this proposal will do nothing to prevent unauthorized access to firearms and will create financial burdens to ownership by law abiding citizens. By its very terms, HF 4300 permits compliance with the mere use of a trigger lock. Such a lock does nothing to prevent a bad actor from stealing a firearm and then transporting it to another location where the lock can be defeated, and the firearm freed for future use in crime. At the other end of the spectrum, a large quality safe can cost thousands of dollars, creating an insurmountable financial barrier to lawful firearms ownership.

A mandatory storage requirement also raises constitutional concerns. In 2021, the United States Supreme Court issued its decision in *New York State Rifle and Pistol Association v. Bruen*, where it struck down New York gun restrictions because they prevented law abiding citizens with ordinary self-defense needs from exercising their Second Amendment Right to keep and bear arms in public for self-defense.

HF 4300 does more than limit the right to self defense in public, it limits it inside one's very home. If this storage law passes, it will most certainly invite expensive litigation in any case where prosecution of a violation is attempted. In good times, a prosecutor's office must allocate finite resources across a spectrum of cases. That is, each criminal prosecution comes with thousands of dollars of potential litigation costs because people are constitutionally entitled to due process if they choose to exercise their rights. Budgets are such that only a fraction of this amount can be allocated to a given case on average. In the past few years, County Attorneys' Offices across this State have seen a hiring crisis. The Cass County Attorney's Office had a vacancy for roughly 15 months. That is a big deal in a small office. Criminalizing law-abiding gun owners and inviting expensive litigation does nothing to protect public safety and makes it more difficult to prosecute people who actually harm other people.

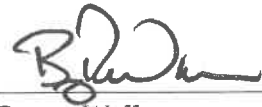
With respect to HF 601, it creates a duty to report lost or stolen firearms within 48 hours of their loss or theft. The proposed law can be read to impute knowledge of such thefts with its "reason to know" standard. This means criminal liability can be attached even when a person lacks actual knowledge of the loss or theft. This proposal on its face makes criminals out of victims. If criminal laws related to theft and burglary do not stop these crimes, how does punishing the victim stop them? In reality, a duty to report within 48 hours has the capacity to disincentivize reporting because it creates criminal liability if a report misses this narrow deadline.

If the legislature is looking for solutions to the problems of gun violence, it should look at giving law enforcement the tools and resources to deal with the laws already on the books. Expanded funding for corrections, mental health and substance abuse would do far more to solve problems than making criminals out of law-abiding gun owners.

Respectfully,



Benjamin T. Lindstrom  
Cass County Attorney  
P.O. Box 3000  
303 Minnesota Avenue W  
Walker, MN 56484  
218-547-7255



Bryan Welk  
Cass County Sheriff  
P.O. Box 1119  
303 Minnesota Avenue W  
Walker, MN 56484  
218-547-1424