

**TESTIMONY OF
MARC C. OLIVIER
FOR COMMITTEE HEARINGS ON
HF14 AND HF15**

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HF 14, the Universal Background Check / Gun Owner Registration bill.

The bill has language that should it make it unfit for further consideration, on its face. **Subdivision 5 Grounds For Disqualification, removes due process adjudications, thereby circumventing the Courts, and subjects individual rights to administrative fiat by law enforcement.** Disqualification can be made on the basis of “documented past contact”. Why is this statement kept so vague in the body of the bill? That contact could be anything, and the 'documentation' could be notes on a computer screen. **AGAIN, This doesn't even come close to a adjudication by the Courts, and thus violates due process rights.**

Section 2, Subdivision 10 Restriction on Records: Should LE determine there are no grounds to decline the application for transfer, the bill describes that scenario, and **vaguely requires the application to be returned to the transferee as soon as possible. It says NOTHING about the original gun owner -the transferor- or whether and how that individual's data is to be retained, processed or otherwise handled.**

As a reminder, the **Secretary of State** arbitrarily changed ballot collection procedures on his own. **The Minnesota Supreme Court ruled he overstepped his authority**, and took over a role assigned by the State Constitution to the Legislature. A court challenge – **probably under SCOTUS Bruen Decision-** appears guaranteed to develop if HF 14 becomes law

The process described in the bill calls for LE to approve or decline an application for a transfer. That application by its very existence is a gun **and gun owner registry**. Once compiled, the data in that registry is subject to whoever has access to it, whether there are proscriptive laws for handling that data or not. History has shown abuses of protected data by employees of State agencies.

The Minnesota Legislature held a Public Safety Committee hearing on February 27, 2019 for that session's HF 8. The video of that hearing can be found at this link: [House Public Safety and Criminal Justice Reform Finance and Policy Division - part 2 2/27/19 - YouTube](#) . As a rebuttal to testimony from now-former Hennepin County Attorney Mike Freeman, Rep. Brian Johnson directed attention to State of Minnesota statistics showing that from 2013 through February 2019, **NOT ONE PERSON WAS CHARGED FOR TRANSFERRING A GUN ILLEGALLY FROM 2013 TO 2019.**

From the at least 2019 through to the present, records obtained by @CrimeWatchMpls (on Twitter and Patreon), show that even when charges ARE filed against people, they are pleaded down before sentencing, or stayed sentences are issued, or sentences for these **AND OTHER CRIMES** are handed down to be served **CONCURRENTLY** (at the same time). Despite months and years of bringing this to attention of various government officials, nothing has changed. **HF 14 DOES NOT ADDRESS THE STATE DEFICIENCY IN YOUR SYSTEM!**

I urge the committee to vote against HF 14, and stop it from proceeding any further.

HF 15 – Extreme Risk Protection Order (Red Flag) Bill

Briefly, this bill is a waste of time, effort, and should not exist. If someone is threatened to degree they would file a petition against someone else, because of apparent mental instability, then confiscating the accused's property won't stop the behavior that gave cause for concern. The property way to address such situations is using resources to evaluate said person in-house, as an inpatient, under Minnesota's existing 72-hour mental health hold. If that cannot be done, then the fault lies with lawmakers who created unfunded mandates.

PROVIDE RESOURCES FOR INPATIENT MENTAL HEALTH EVALUATIONS UNDER EXISTING MINNESOTA LAW - Minnesota Statutes section 253B.05, subdivision 2. If further action is needed, due process demands a Court hearing adjudicating next steps be done.