



May 1<sup>st</sup>, 2023

**Re: SF 2909 - The Omnibus Public Safety & Judiciary Finance Bill**

Members of the SF2909 Conference Committee,

The Minnesota Gun Owners Caucus, the trusted voice of Minnesota's gun owners to defend and restore the right to keep and bear arms, opposes the House version of Senate File 2909, which contains both Red Flag Firearm Confiscation and Universal Background Checks/Gun Owners Registration.

Our opposition is grounded in the challenges with the provisions in this combined bill, as outlined below:

Red Flag Firearm Confiscations:

1. Deprives individual due process of law by seizure of firearms without an adversarial hearing, criminal act, or judicial finding of mental incompetence, putting both the individual and law enforcement at risk.
2. Does not address the actual risk - the individual - by only removing firearms, the underlying crisis is remains unresolved.
3. Minnesota already has tools for addressing imminent danger and mental health crises.
4. The penalty for making false allegations in the red flag gun confiscation order process is insufficient, and the burden of proof is unreachable.

Universal Background Checks/Gun Owners Registration:

1. Imposes additional hurdles for law-abiding citizens while not addressing the criminal, illicit gun market.
2. Creates a de facto registry of firearms and their owners, which can be accessed without a warrant or subpoena.
3. Grants police broad power to deny purchase permits, without accountability, which will disenfranchise marginalized populations.
4. Requires gun owners to complete and maintain records of firearm transfers for 20 years, without the need for a subpoena or court order for access.
5. Creates a financial burden on law-abiding gun owners, making it more difficult for economically disadvantaged or marginalized communities to exercise constitutional rights.
6. Firearms used in crime are rarely obtained via private sales, rendering this bill ineffective.
7. California's comprehensive universal background checks have had no impact on homicide or suicide rates.



Furthermore, New York State's red flag gun confiscation order law was struck down as unconstitutional due to insufficient protection of citizens' rights (G.W. v C.N. 2022 NY Slip Op 22392). Judge Ho's concurrence in US v Rahimi (21-11001, United States Court of Appeals for the Fifth Circuit) emphasizes that the government must respect fundamental constitutional protections when detaining and disarming individuals.

Rights protected by the Second Amendment cannot be treated as second-class rights. Senate File 2909, which includes Red Flag Firearm Confiscation and Universal Background Checks/Gun Owners Registration, fails to adequately protect constitutional rights and therefore, should not be passed.

Not a single state that has passed this legislation has seen a reduction in suicide rates.

Not a single state that has passed these laws can attribute any causal link to reduction in violent crime.

The Minnesota Gun Owners Caucus remains committed to working with legislators on initiatives that directly address the underlying causes of firearm-related deaths.

The provisions in this bill adopt broad measures that unjustly impact peaceable gun owners, particularly within marginalized communities, without effectively tackling the crucial issues we all care about: reducing firearm-related suicides and instances of violent crime involving firearms.

These provisions should be tabled – instead, the House & Senate committees should work with us to solve real issues, not playing politics with the Second Amendment.

We are confident that by working together, we can develop targeted legislation that both addresses these pressing concerns and safeguards the rights of responsible citizens.

On behalf of our members,

A blue ink signature of Bryan Strawser, written in a cursive style.

Bryan Strawser  
Chair

A black ink signature of Robert T. Doar, written in a cursive style.

Robert T. Doar  
Senior Vice President, Government Relations