

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Cornish and others

**Subject:** Permits to Carry Pistols; Possession of Firearms by Violent Felons; DNR Administrative Provisions

**Analyst:** Joe Cox [joe.cox@house.mn]

[This bill was signed by the governor; see the Act Summary of Chapter 28 for more information.]

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### Overview

Article I of this bill makes various changes to the laws regulating DNR policies, practices, licensing, reciprocity agreements, and administration.

Article II of this bill establishes a "shall issue" policy for permits to carry a pistol in public. Essentially, it reverses the presumption on the issuance of permits to carry a pistol. Under current law, a person must demonstrate "an occupation or personal safety hazard" that requires a permit. Issuance of a permit is discretionary and a permit may be limited in its scope. Under the article, a sheriff is required to issue a permit to a person unless the person is disqualified under specific, listed factors.

Article III of this bill imposes a lifetime ban on firearm possession for persons who commit felony-level crimes of violence. Under current law, the possession restriction ends ten years after discharge from sentence for violent felons. It establishes a process by which a person can petition the court to restore firearm possession rights. It modifies the definition of "crime of violence." It also makes other related changes.

## Article 1

- 1 **1** **Legislative approval for fees.** Provides that the commissioner of the DNR may establish state park fees and charges without legislative approval.
- 1 **Employees; delegation.** Provides that the commissioner of the DNR may appoint up to three assistant commissioners. Current law provides for exactly three.
- 2 **Contracts and grants for provision of natural resources services.** Authorizes the DNR to enter into contractual or grant agreements for the provision of DNR services.
- 3 **Off-highway motorcycle safety courses; reciprocity with other states.** Authorizes the DNR to enter into reciprocity agreements with other states regarding off-highway motorcycle safety education programs or otherwise certify programs from other states as substantially similar.
- 4 **Authority to award grants.** Authorizes the DNR to award grants to private individuals or organizations.
- 5 **Snowmobile registration.** Technical changes to snowmobile registration procedures.
- 6 **All-terrain vehicle safety courses; reciprocity with other states.** Authorizes the DNR to enter into reciprocity agreements with other states regarding all-terrain vehicle safety education programs or otherwise certify programs from other states as substantially similar.
- 7 **Snowmobile safety course certificates issued in other states.** Provides that snowmobile safety courses from other states are equal to in state courses if the DNR recognizes the course under a reciprocity agreement.
- 8 **Boat safety education program; reciprocity with other states.** Authorizes the DNR to enter into reciprocity agreements with other states regarding boat safety education programs or otherwise certify programs from other states as substantially similar.
- 9 **Littering; penalty.** Makes technical and clarifying changes to the law prohibiting littering on state lands and waters.
- 10 **Exemption.** Provides that purchases made from the state parks working capital fund are exempt from competitive bidding.
- 11 **Firearms safety certificate required.** Authorizes the DNR to recognize hunter safety courses from other states as substantially similar to our own even if there is no reciprocity agreement.
- 12 **Watercraft licensing applications.** Technical changes to watercraft licensing procedures.
- 13 **Fines and forfeited bail.** Provides that the commissioner may, as opposed to must, reimburse counties for certain costs.
- 14 **Fish house identification.** Authorizes fish house owners to display the owner's DNR license ID number on the outside of a fish house in lieu of the owner's name and address or driver's license number.
- 15 **License required.** Technical changes to fish house licensing requirements.
- 16 **Dangerous object on highway.** Adds cigarette filters and debris from fireworks to the list of specific debris that constitutes litter.
- 17 **Civil liability imposed.** Conforming change to section 0.
- 18 **Littering.** Conforming change.
- 19 **Repealer.** Repeals a subdivision of law requiring the DNR to annually compile the laws and rules relating to wild animals. Repeals a subpart of rules pertaining to the location required for hanging a fish house ID tag.

## Article 2

- 1 **1** **Pistol permit data.** Conforming amendment to the data practices chapter clarifying that a

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- sheriff may share certain data on permit holders with the department of public safety (DPS).
- 2 Possession on school property.** Provides that it is a misdemeanor for a person with a permit to carry a pistol to carry on school property. An exception is made for people in motor vehicles and for placing a firearm in, or retrieving it from, the trunk of a vehicle. Provides that a violation does not subject the firearm to forfeiture. Also makes the following changes:
- ▶ Provides that, in relation to the current law prohibiting possession of dangerous weapons on school property, a person must know he or she is on school property to be guilty of the crime.
  - ▶ The definition of school property is clarified and expanded, specifically including buildings under temporary school control. Also adds child care centers to the definition.
  - ▶ Certain other exceptions in current law, such as having written permission from the principal, also apply and have been modified.
  - ▶ Provides that a school district may not regulate firearms carried by non-students or non-employees in a manner inconsistent with this subdivision.
- 3 Commissioner.** Defines "commissioner" as the commissioner of public safety for the carry permit section, and related sections, of law.
- 4 Permit required; penalty.** (a) Similar to current law. Provides that a person may not carry a pistol in a public place without a permit to do so. Does not apply to law enforcement officers. Provides that a violation is a gross misdemeanor. Second and subsequent violations are felonies. (Note: current law provides certain exceptions to the general prohibition, such as carrying a pistol from the place of purchase to home. This article does not change the exceptions.)
- 5 Display of permit; penalty.** (a) Requires permit holders to have the permit card and other government issued photo-ID in possession at all times when carrying a pistol. Permit holders must show the card and other ID to a peace officer upon lawful demand. Provides that a violation is a petty misdemeanor. The fine for a first offense must not exceed \$25. Provides that a firearm is not subject to forfeiture for violating this paragraph.
- (b) Provides that a citation must be dismissed if a person demonstrates that he or she had a valid permit at the time of the alleged violation.
- (c) Requires a permit holder to provide a sample signature to aid in identification.
- 6 Where application made; authority to issue permit; criteria; scope.** (a) Vests authority to issue permits with sheriffs. Residents apply to the sheriff in the county where the person resides. Nonresidents may apply to any sheriff.
- (b) Provides that a permit must be issued if a person:
- ▶ has training in the safe use of a pistol,
  - ▶ is at least 21 and a citizen or permanent resident of the U.S.,
  - ▶ completes a permit application,
  - ▶ is not otherwise prohibited from possessing a firearm under law, and

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- ▶ is not listed in the criminal gang investigative data system.

(A more detailed list of persons ineligible for a permit to carry a pistol under this article is included at the end of this summary.)

(c) Provides that a permit is a statewide permit.

(d) Allows a sheriff to contract with a police chief to issue permits.

**7 Training in the safe use of a pistol.** (a) Requires an applicant to present evidence of being trained in the safe use of a pistol within one year of an original or renewal application. Training may be demonstrated by employment as a peace officer in Minnesota within the past year or completion of a basic training course conducted by a certified instructor.

(b) Basic training must include:

- ▶ instruction in the fundamentals of pistol use,
- ▶ successful completion of a shooting exercise, and
- ▶ legal instruction on pistol possession, carry, and use, including self-defense.

(c) Instructors may be certified within the last five years. The following organizations may certify instructors:

- ▶ the bureau of criminal apprehension, training and development section
- ▶ the Minnesota Association of Law Enforcement Firearms Instructors
- ▶ the National Rifle Association
- ▶ the American Association of Certified Firearms Instructors
- ▶ the POST board or a similar agency of another state, and
- ▶ the DPS or a similar agency of another state.

(d) Requires a sheriff to accept the training described in this subdivision. Allows a sheriff to accept other satisfactory evidence of training in the safe use of a pistol.

**8 Form and contents of application.** (a) Requires applications to be on a standard form. Provides that only information required by statute may be requested on the form. In addition to items such as name and date of birth, requires an applicant to list all states of residence in the last ten years, requires authorizing the release of civil commitment information, and requires an applicant to state that, to the best of the applicant's knowledge, he or she is not prohibited from possessing a firearm.

(c) Outlines the required contents of an application packet:

- ▶ a signed and dated application
- ▶ documentation of pistol training, and
- ▶ an accurate photocopy of government issued ID.

(d) Applicants who would otherwise be ineligible for a permit due to a criminal conviction, but whose rights are restored by court order or pardon, must submit a copy of the relevant order with the application.

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(e) Requires applications to be submitted in person.

(f) Sets the application fee at actual cost or \$100, whichever is less. Of that amount \$10 is transferred to the state general fund to cover the state costs of permitting. [Note, however, that under section 0 of this article the amount transferred to the general fund is \$21.50 until July 1, 2004.]

(g) Provides that no additional information or fees may be required of an applicant.

(h) Requires sheriffs to make new and renewal applications available. Requires DPS to make forms available on the internet.

(i) Requires application forms to display a notice that a permit is void if the permit holder becomes prohibited from possessing a firearm. Requires the notice to list applicable criminal offenses and civil categories.

(j) Requires sheriffs to provide a signed receipt when an application is filed.

**9 Investigation.** (a) Requires sheriffs to conduct background checks on applicants by electronic means in state databases and the federal National Instant Check System. The sheriff must also make a reasonable effort to check other available, relevant databases.

(b) Requires the sheriff to notify the police chief, if any, of the municipality where the applicant resides. The chief may supply the sheriff with information relevant to permit issuance.

(c) Requires sheriffs to update background checks yearly. Allows additional checks at any time.

**10 Granting and denial of permits.** (a) Requires a sheriff to act on a permit application within 30 days. Provides that, in addition to failing to meet the requirements under section 0, a permit may be denied if there is a substantial likelihood that the applicant is a danger to self or the public if given a permit to carry a pistol.

(b) Provides that the failure to notify an applicant of a denial constitutes the issuance of a permit. Requires denials to be in writing and to set forth a factual basis for the denial. Provides procedures for reconsideration.

(c) Requires sheriffs to provide laminated permit cards. Requires the sheriff to notify DPS to include the permit holder in the state database.

(d) Requires sheriffs to notify DPS when a permit is suspended or revoked.

(e) Allows the sheriff to suspend the application process if certain charges are pending against the applicant.

**11 Permit card contents; expiration; renewal.** (a) Requires permit cards to be uniform. Specifies the information that must be present on permit cards.

(b) Requires permit cards to identify the issuing sheriff and state an expiration date. Requires permit cards to display a notice that a permit is void and must be returned if the permit holder becomes ineligible to possess a firearm.

(c) Provides that permits expire after five years. Provides that permits may be renewed under the same criteria as an original permit, subject to certain renewal procedures. The renewal fee is actual costs, but not to exceed \$75. Of that, \$5 is submitted to DPS and deposited in the

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general fund.

(d) Provides that a renewal permit is effective on the day the prior permit expires.

**12 Change of address; loss or destruction of permit.** (a) Requires permit holders to notify the sheriff within 30 days of changing address, or losing or destroying a permit card. Provides that a violation is a petty misdemeanor and the fine for a first offense may not exceed \$25. Provides that a firearm is not subject to forfeiture for a violation.

(b) Provides for replacement of permit cards upon change of address, loss, or destruction. Provides for a \$10 fee. Requires completion of a specialized application and a notarized statement if the card was lost or destroyed.

**13 Permit to carry voided.** (a) Similar to current law. Provides that a permit is void and must be revoked if a permit holder becomes ineligible to possess a firearm. Requires the permit holder to return the permit card.

(b) Requires the court to take possession of a permit card if the permit holder is convicted of a disqualifying offense.

(c) Allows the issuing sheriff or the sheriff of the county of current residence to petition for the revocation of a permit if the sheriff believes the permit holder has demonstrated dangerousness to the public. If the sheriff's petition is denied, the sheriff must pay the permit holder's costs and attorney fees.

(d) Requires permit revocations to be promptly reported to the issuing sheriff.

**14 Prosecutor's duty.** Requires prosecutor's to determine whether a person charged with a disqualifying offense is a permit holder. If the defendant is a permit holder, the prosecutor must notify the sheriff of the charges and the final disposition of the case. (Section 0of the article governs the suspension of the permit as a condition of release.)

**15 False representations.** Amends current law to provide that false information given in an application must be material to constitute a criminal violation.

**16 Emergency issuance of permits.** Allows a sheriff to issue an emergency permit to a person when the person's safety is at immediate risk. Requires completion of an application and affidavit. Does not require evidence of training. Provides that an emergency permit is valid for 30 days, may not be renewed, and may be revoked without a hearing. Prohibits a fee. Provides that an emergency permit holder may seek a regular permit subject to the regular procedures.

**17 Hearing upon denial or revocation.** (a) Allows an applicant to appeal the denial or revocation of a permit. The sheriff is the respondent. The court must hold a hearing as soon as possible, but not later than 60 days. Requires the record to be sealed.

(b) Requires the court to order issuance of a permit unless the sheriff establishes by clear and convincing evidence that the applicant does not meet the basic statutory criteria (e.g.; 21 years old, trained in the use of a pistol) or that there is a substantial likelihood that the applicant is a danger to self or the public if authorized to carry a pistol. The court must issue written findings and conclusions of law. Incidents of alleged criminal misconduct that were not investigated and documented, and incidents for which the applicant was acquitted, may not be considered.

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(c) If a person is denied a permit for being in the BCA gang database, the person may appeal on the grounds of misidentification, improper inclusion, or by showing withdrawal from gang activities.

(d) Requires the court to award costs and attorney fees to a successful applicant.

**18 Suspension as condition of release.** Allows the court to suspend a permit as a condition of release pursuant to the same criteria as the surrender of firearms under Minn. Stat. ' 629.715 if a permit holder is charged with a violent crime. The court must report a suspension to the issuing sheriff or to DPS.

**19 Records.** (a) Prohibits a sheriff from maintaining permit application data not necessary to support an outstanding permit. Requires sheriffs to purge unnecessary information yearly.

(b) Notwithstanding paragraph (a), information on a permit holder whose permit was denied or revoked for cause may be kept for six years.

**20 Commissioner of public safety; contracts.** Requires DPS to maintain a database of persons with valid carry permits. Provides that DPS may also maintain a separate database of persons who were denied permits or who had permit revoked. Allows DPS to contract with an outside source to fulfill this duty.

**21 Recognition of permits from other states.** (a) Requires DPS to establish and publish a list of states that have laws governing carry permits that are not substantially similar to Minnesota's. A person with a license or permit from a state not on the list may use it in Minnesota subject to Minnesota law.

(b) Notwithstanding paragraph (a), provides that an out of state permit is not valid if the permit holder is, or becomes, prohibited from possessing a firearm.

(c) Provides that a sheriff may file a petition against an out of state permit holder under section 0of the article.

(d) Requires DPS to execute reciprocity agreements with other states when necessary.

**22 Posting; Trespass.** (a) Establishes a petty misdemeanor offense for failing to leave private property while possessing a firearm if the property is posted and the owner asks the person to leave.

(b) Defines "reasonable request" and "private establishment." Provides specific requirements for signs.

(c) Provides that owners or operators of private property may not restrict the lawful possession of firearms in a parking facility.

(d) Provides that this section does not apply to private residences. The possessor of a private residence may prohibit firearms in any lawful manner.

(e) Provides that a landlord may not restrict the lawful possession of firearms by tenants or their guests.

(f) Provides that this section overrides any policies relating to similar conduct in the trespass

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law.

- (g) Provides an exception for on-duty police officers and security guards.
- 23 Employers; public colleges and universities.** Clarifies that public and private employers may establish policies that restrict firearm possession by employees. Provides that public colleges and universities may establish policies that restrict firearm possession by students while on campus. Prohibits lawyers and public colleges from restricting the lawful possession of firearms in parking facilities.
- 24 Immunity.** Provides immunity to sheriffs, sheriff's employees, and certified instructors for acts committed by permit holders, unless the sheriff, employee, or instructor had actual knowledge that an applicant was disqualified from possessing a pistol.
- 25 Monitoring.** Requires DPS to report to the legislature on permits to carry pistols. Requires sheriffs to supply necessary information to DPS. Provides that copies of reports must be available to the public for the cost of duplication. Provides that nothing in this law requires or allows the registration of firearms.
- 26 Use of fees.** Provides that permit fees may only be used to pay costs related to permits, specifically including any attorney fees the sheriff is ordered to pay on behalf of applicants and the reasonable costs of the county attorney. Requires fee money to be maintained in a segregated fund. Requires sheriffs to report to the commissioner annually on fund revenues, expenditures, and balances.
- 27 Short title; construction; severability.** Minnesota Citizens' Personal Protection Act of 2003. Makes certain legislative declarations regarding intent and construction. Provides that if one section is deemed invalid, the remaining sections are not invalid.
- 28 Exclusivity.** Provides that no additional or different criteria or procedures for the issuance of permits to carry pistols may be utilized and provides that no other government official may limit permits in any way.
- 29 Carrying while under the influence of alcohol or a controlled substance.**

**Subd. 1. Acts prohibited.** Prohibits carrying a pistol in public when under the influence of a controlled substance, a hazardous substance, alcohol, or a combination. Prohibits carrying when BAC is .10 or more, or when BAC is between .04 and .10 (a distinction is made between .04 and .10 because different penalties apply depending on the BAC level).

**Subd. 2. Arrest.** An arrest for a violation of subd. 1 may be made upon probable cause, without regard to whether it was committed in the officer's presence.

**Subd. 3. Preliminary screening test.** Provides that an officer with reason to believe a person has violated subd. 1 may require the person to provide a breath sample for an in-field screening device. The results may be used to determine whether an arrest should be made and further testing required. The results of the preliminary test have limited admissibility in court.

**Subd. 4. Evidence.** Provides that admission of evidence relating to a person's BAC is governed by section 169A.45 (in Minnesota's DWI laws).

**Subd. 5. Suspension.** Provides the court may suspend a person's authority to carry a pistol as a condition of release for a violation of this section.

**Subd. 6. Penalties.** (a) and (c) Provides that a violation for BAC over .10 or a



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controlled or hazardous substance is a misdemeanor. A second violation is a gross misdemeanor. Provides that the authority to carry a pistol is revoked and the person may not reapply for 1 year.

(b) and (d) A violation for BAC of .04 to .10 is a misdemeanor. The maximum penalty is not increased for subsequent violations. The authority to carry a pistol is suspended for 180 days.

(e) Provides that for a violation with a BAC of .04 to .10, a firearm is not subject to forfeiture.

**Subd. 7. Reporting.** Provides that suspensions and revocations must be reported to the sheriff or to DPS.

### 30 **Chemical testing.**

**Subd. 1. Mandatory chemical testing.** Requires a person carrying a pistol in public to submit to a chemical test when an officer has probable cause to believe the person violated section 0 and the person was arrested, the person was involved in a firearms-related accident, the person refused a preliminary screening test, or the screening test indicated a BAC of .04 or more.

**Subd. 2. Penalties; refusal; revocation.** Provides that if a person refuses to take a test, a court may impose a civil penalty of \$500 and may revoke the authority to carry a pistol in public for one year. Provides that the person must be given notice and an opportunity to be heard.

**Subd. 3. Rights and obligations.** Lists certain things about which a person must be informed when a test is requested.

**Subd. 4. Requirement of blood or urine test.** Provides that a blood or urine test may be required after a blood test if there is reason to believe the person is impaired by a controlled substance.

**Subd. 5. Chemical tests.** Chemical tests are governed by section 169A.51 (in Minnesota's DWI laws).

31 **Appropriation.** Appropriates \$1,071,000 in FY 2004 and \$119,000 in FY 2005 from the general fund to DPS for implementation. Provides that money not spent in FY 2004 carries over to FY 2005.

32 **Temporary fee provision.** Provides that until July 1, 2004, \$21.50 of a permit fee goes to the general fund to cover DPS start-up costs. After July 1, 2004, the amount of the transfer per permit reverts to \$10.

33 **Grandfather clause.** Provides that current permits remain valid until they expire.

34 **Revisor's instruction.** Instructs the Revisor to change the term "commissioner of public safety" to "commissioner" in the laws relating to carry permits. "Commissioner" is defined in section 0 of the article.

35 **Repealer.** Repeals sections of law that are replaced by sections in this article.

36 **Effective date.** The effective date for the article is 30 days after final enactment, except that the attorney general must promulgate the list required under section 0 within 60 days of final enactment and the database required in section 20 must be operational within 180 days of the effective date.

### Article 3

- 1 **1 Crimes of violence; ineligibility to possess firearms.** Conforming change relating to orders of discharge from a criminal sentence. Provides that orders of discharge for persons who committed crimes of violence must state that the person is not entitled to possess firearms for the remainder of the person's lifetime, unless the right is specially restored.
- 2 **Juvenile adjudications.** Conforming change relating to juveniles adjudicated delinquent for, or extended jurisdiction juveniles convicted of, crimes of violence. Provides that such persons may not possess firearms for the remainder of the person's lifetime, unless the right is specially restored.
- 3 **Certain convicted felons ineligible to possess firearms.** Conforming change again providing that an order of discharge from a criminal sentence must state that a person convicted of a crime of violence must not possess a firearm for the remainder of the person's lifetime, unless the right is specially restored.
- 4 **Violation and penalty.** Provides that it is a felony for a person convicted of a crime of violence to ship, transport, possess, or receive a firearm. No time limit applies. Under current law, the prohibition ends ten years after discharge from sentence. Clarifies that a conviction under this section bars a conviction for the same conduct under section 624.713, subdivision 2, since constitutional provisions prohibiting double jeopardy would apply. Provides that the penalty does not apply to a person whose rights are specially restored.
- 5 **Judicial restoration of ability to possess a firearm by a felon.** Establishes a process for a person prohibited by state law from possessing a firearm to petition a court to restore the right. Allows the court to grant relief if the person shows good cause to do so and the person has been released from physical confinement. If a petition is denied, a person may not re-petition for three years, unless the court allows otherwise.
- 6 **Order concerning crimes of violence.** Conforming change relating the expungement process. Under current law, an expungement for a crime of violence still does not restore firearm possession rights. This extends that policy to a lifetime ban for crimes of violence, unless rights are specially restored.
- 7 **Crime of violence.** Modifies the definition of "crime of violence". Removes from the definition all gross misdemeanor and misdemeanor offenses that were previously included. Provides that felony convictions for the stated offenses are "crimes of violence." Note that the gross misdemeanor offenses removed from the definition are addressed by some of the changes in the following section.
- 8 **Ineligible persons.** This section of law, both currently and as amended, provides a list of persons who are ineligible to possess certain firearms. There are three primary changes to this section from current law.

First, for persons who commit crimes of violence, the ten-year limit on firearm possession restrictions is removed, leaving instead a lifetime ban.

Second, the gross misdemeanor offenses that were removed from the crime of violence definition are reinserted here. Provides that persons who commit these gross misdemeanor offenses may not possess a firearm for three years from the date of conviction. A violation is a gross misdemeanor.

Third, it provides that the lifetime prohibition for crime of violence offenders applies to offenders discharged from sentence on or after August 1, 1993. The practical effect of this provision is that a person whose right to possess a firearm was restored *prior to* the effective

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date of this legislation will not have that right taken away. However, if a person's right to possess a firearm was *not yet* restored, the possession ban will continue for life (or at least until the person has his or her rights specially restored).

- 9 Penalties.** Modifies the penalty section relating to violations of section 0. Provides that violations do not apply to persons whose rights are specially restored by either court order or under a certain federal provision.
- 10 Notice.** Conforming change. Requires the court to notify an offender when the person is prohibited from possessing a pistol for life.
- 11 Pardons.** Makes a policy change relating to the board of pardons. Removes the presumption that a person receiving a pardon for a crime of violence may nevertheless not possess firearms "unless the board expressly provides otherwise in writing by unanimous vote".
- 12 Effective date.** Sections 1 to 11 are effective August 1, 2003. Provides that the lifetime ban on firearm possession for violent felons applies to offenders discharged from sentence on or after August 1, 1993.

### Persons Ineligible for Permits to Carry Pistols

The people listed below are prohibited from possessing a pistol or firearm under state law as amended by this legislation (some exceptions may apply B statute and case law must be consulted to determine eligibility in any specific case). Under the policies outlined in Articles II and III, the people listed below are not eligible for a permit to carry a pistol in public.

#### General/Civil Status:

- Persons who have been committed as mentally ill, mentally retarded, or mentally ill and dangerous
- Persons who have been found incompetent to stand trial or not guilty by reason of mental illness
- Persons currently committed as chemically dependent
- Peace officers informally admitted to treatment facilities for chemical dependency
- Fugitives from justice
- Illegal aliens
- Persons dishonorably discharged from the armed forces
- Persons who have renounced U.S. citizenship

#### Criminal History Status:

The following crimes are defined by law as crimes of violence. Persons convicted of felony-level offenses for these crimes (or an attempt to commit them) are ineligible for permits to carry a pistol (or to possess any firearm) for life unless those rights are specially restored. Conviction for a similar crime in another state also applies:

- Murder
- Manslaughter

- Aiding suicide or attempted suicide
- First through fourth degree assault
- Crimes committed for the benefit of a gang
- Use of drugs to injure or to facilitate crime
- Simple or aggravated robbery
- Kidnapping
- False imprisonment
- Criminal sexual conduct in the first through fourth degrees
- Malicious punishment of a child
- Neglect or endangerment of a child
- Commission of a crime while wearing or possessing a bullet-resistant vest
- Firearm theft
- Motor vehicle unauthorized use
- Theft/looting
- Theft of a controlled substance, an explosive, or an incendiary device
- First or second degree arson
- Burglary in the first through third degree
- Drive-by shooting
- Unlawfully owning, possessing, or operating a machine gun or short-barreled shotgun
- Riot
- Terroristic threats
- Harassment and stalking
- Shooting at a public transit vehicle or facility
- Violations of the controlled substance laws

**Other felonies.** A person convicted of any other felony is ineligible for a permit to carry a pistol until the person's civil rights are restored. The time period may be longer for persons expressly prohibited from possessing a firearm as a condition of a pardon, expungement, or restoration of civil rights. Certain antitrust and other business practice violations are excluded.

**Specified gross misdemeanors.** A person convicted of the following crimes as a gross misdemeanor is not entitled to possess a firearm for three years from the date of conviction: crime committed for the benefit of a gang, assaults motivated by bias, false imprisonment, neglect or endangerment of a child, burglary in the fourth degree, setting a spring gun, riot, harassment and stalking.

**Other controlled substance crimes.** A person convicted of a misdemeanor or gross misdemeanor controlled substance crime, or hospitalized or committed for controlled substance abuse, is ineligible for a permit to carry a pistol unless the person obtains a doctor's certificate, or other satisfactory proof, that the person has not abused a controlled substance for two years.

**Domestic assault/Order for protection violation/Stalking/Harassment.** A person convicted of domestic assault, an OFP violation, stalking, or harassment may not possess a *pistol* for three years from the date of conviction. If the person used a firearm in committing the crime, the court may extend the restriction to *any* type of firearm for a period from three years to life. (Note: under federal law, a person in Minnesota convicted of misdemeanor domestic assault may not possess a firearm unless the conviction has been expunged or a pardon has been granted.)

**Other assault crimes (non-domestic).** A person who is convicted of assault twice in three years may not possess a *pistol* for three years from the date of the second conviction.

**Person charged with felony.** A person charged with a felony may not receive, ship, or transport a pistol or assault weapon.

**Others.** A firearm may not be possessed by a person:

- charged with a *crime of violence* and placed in a pretrial diversion program;
- who flees from a state to avoid prosecution or testifying; or
- who "is an unlawful user" of a controlled substance.

### **Places Where Pistols are Off-Limits or Restricted even with a Permit to Carry**

Despite the general rule that permits to carry pistols are valid statewide, pistols, or other firearms, are nevertheless restricted or not allowed in the following places:

- Correctional facilities or state hospitals (Minn. Stat. ' 243.55)
- County jails (Minn. Stat. ' 641.165)
- Courthouse complexes, unless the sheriff is notified (Minn. Stat. ' 609.66)
- The Capitol area, unless the commissioner of public safety is notified (Minn. Stat. ' 609.66); "capitol area" is defined in Minn. Stat. § 15.50, subdivision 2.
- Afield while hunting big game by archery, except bear (Minn. Stat. ' 97B.211)

Additionally, firearms are not permitted in federal court facilities or other federal facilities (Title 18 U.S.C. ' 930). This is just one of many federal laws regulating firearms. Federal law must also be consulted to ensure compliance with all applicable firearms laws.