

HOUSE RESEARCH

Bill Summary

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Overview

This bill repeals Minnesota's requirement for a person wishing to purchase a handgun or semiautomatic military-style assault weapon from a federally licensed firearms dealer to first acquire a *Permit-to-Purchase*. Currently, the *Permit-to-Purchase* may be obtained, without charge, through application to the person's Chief of Police. The only basis for denial of an application would be that the person is prohibited by law from possessing firearms. (See Minnesota Statutes, section 624.7131.)

Under a separate statute also being repealed (Minnesota Statutes, section 624.7132), a Minnesota *Permit-to-Purchase* may also be obtained by alternatively applying to the Chief of Police *indirectly through the firearms dealer*.

Either way, the application process for the *Permit-to-Purchase* has a built-in 7-day waiting period. Upon being granted by the Chief, a permit is valid statewide for a period of one-year. However, the *Permit-to-Purchase* becomes void if the permit-holder becomes prohibited from possessing a firearm at any time for any reason.

Apart from the 7-day waiting period for issuance of the *Permit-to-Purchase*, there is no waiting period required at the time of purchase (i.e., time of *transfer of ownership*) for any firearm. Nevertheless, if the purchase is of a pistol or semiautomatic military-style assault weapon from a federally-licensed firearms dealer (i.e., an *FFL*), the purchaser must show proof of having a valid *Permit-to-Purchase* (in accordance with Minnesota law), and must also submit to a criminal and mental health background check through a phone call by the dealer to the FBI's *National Instant Check System (NICS)*. This *NICS* background check is required at the time of purchase for the purchase of *any type of firearm*. (Firearms transfers between federally licensed dealers, except for their personal use, are exempted under both federal and State law.)

A federally-licensed firearms dealer (i.e., the *FFL*) must keep record for 25 years of the FBI's approval (or denial) for the requested firearm sale, as well as identifying information on the buyer and the specific firearm(s) purchased in the transaction. Government agencies themselves are generally prohibited by federal law from keeping data bases of firearms owners, although the FBI and federal BATF have authority to inspect dealers' files for the purpose of performing compliance checks and for tracing guns recovered from crime scenes.

Transfers of firearms between private individuals who are not federally-licensed firearms dealers - including transfers of pistols and semiautomatic military-style assault weapons - are not subject to the *Permit-to-Purchase* or federal *NICS* background checks. However, it is a crime for any person to transfer a firearm to another person (i.e., a *transferee*) if the person knows that the transferee is prohibited by law from possessing firearms, or if it was reasonably foreseeable at the time of

transfer that the transferee was likely to use the firearm in furtherance of a felony crime of violence.

Minnesota law governing *the carrying of firearms in public places* is not affected by this bill (except to strike a crossreference, through the Revisor's instruction). However, the *carry law* exempts the holder of a valid *Permit-to-Carry* (i.e., a *concealed-carry* permit) from the requirement for having a *Permit-to-Purchase* for the purpose of purchasing a handgun or semiautomatic military-style assault weapon. Notwithstanding that fact, the holder of a valid *Permit-to-Carry* remains, like any other person who is not a firearms dealer, subject to the federal requirement for the *NICS* background check at the time of purchase of any firearm.

Minnesota Statute 624.713 lists the categories of persons who are prohibited from possessing firearms in Minnesota. The list includes persons who are prohibited from firearms possession for any reason under federal law, as well.

- 1 **Gross misdemeanor; transferring firearm.** Deletes a reference to a repealed section of Statutes. Adds a *mens rea* requirement for the crime of *knowingly* transferring a firearm to a prohibited person.
- 2 **Transfer prohibited.** Strikes (in clause 2) a reference to the repealed provision. Strikes (in clause 1) duplicative language prohibiting the transfer of a firearm to a person the transferor knows is a firearms prohibited person.
- 3 **Revisor's Instruction.** Directs the Revisor of Statutes to delete any other references to the repealed sections of Statutes beyond those noted in the bill.
- 4 **Repealer.** Repeals sections of Statutes requiring that any person (other than a licensed dealer) wishing to purchase a pistol (i.e., any *handgun*) or a semiautomatic military-style assault weapon from a federally-licensed firearms dealer (i.e., an *FFL*) must first obtain a *Minnesota Permit to Purchase*. Also repeals the Statute directing the BCA to develop standardized forms pertaining to the *Permit-to-Purchase*.
- 5 **Effective date.** August 1, 2011.