

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 184
Version: As introduced

DATE: February 4, 2013

Authors: Winkler

Subject: Public Safety; firearms; Establishment of a Voluntary Registry

Analyst: Jim Cleary

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill would create a centralized voluntary registry of the names of people who voluntarily prefer to be treated as ineligible to possess firearms for any self-determined period of time. The registry would be available to state and federal officials responsible for conducting background checks on prospective gun buyers, or when the person has come to the attention of law enforcement in some other manner.

The voluntary registry would be created, managed, and electronically maintained by the Department of Human Services. Licensed health care and mental health officials would be responsible for informing their clients and patients about the registry and to provide them with printed information about it from the DHS.

Upon voluntarily registering, a person may temporarily or permanently surrender a portion or all of their firearms and ammunition to their sheriff or police chief, who must accept them for safekeeping. The sheriff or police chief must reasonably store and return the firearms and ammunition to the person as directed according to rules to be established for that purpose. All information on surrender of items is private data on individuals under data privacy law.

A person whose name is on the register is prohibited from possessing firearms, although any penalties are withstood.

The commissioner must establish rules, including methods for removing one's name from the registry.

Section

- 1 Role of health care professionals; to inform the public about the voluntary registry.**
Licensed mental health professionals, as well as licensed physicians and nurses, must provide

Section

to each patient or client an information sheet developed by the commissioner of human services under section 245.0412 that:

- (1) describes the process by which the client or patient may voluntarily request placement of the person's own name on the registry, in order to be denied a firearms permit and be prohibited from purchasing firearms; and
- (2) informs the client or patient that the person may voluntarily surrender some or all of their firearms and ammunition to a chief of police or sheriff, either temporarily or permanently.

2 Use of information in background checks.

Para. (b) directs that upon an individual request basis by local law enforcement for purposes of a background check of a prospective firearms or explosives buyer, the commissioner of human services must determine and reveal whether a named person has voluntarily submitted a request to be listed on the voluntary register. The information would be sent by means of electronic data transfer from the Department of Human Services (DHS) through the Minnesota Crime Information System (MnCIS).

3 Central registry establishment; commissioner's duties.

Subd. 1. Central registry; establishment. Directs the Commissioner of Human Services to establish and maintain an electronic central registry of the names of adults who voluntarily submit a request to be denied a firearms permit and be prohibited from purchasing firearms.

Subd. 2. Commissioner's duties. Directs the commissioner:

- (a) to create forms for voluntary registration, and to distribute the forms to healthcare and mental healthcare providers, and to the public;
- (b) to create a corresponding information sheet for the same audience;
- (c) to establish a retention schedule and a process by which individuals can have their own name removed from the voluntary registry;
- (d) to provide access to the names on the registry for firearms background checks, electronically through MnCIS to local law enforcement on an individual request basis; and
- (e) to adopt rules governing the registry and processes.

4 Law Enforcement Role. Describes the role of the Chief of Police or Sheriff as follows:

(a) States that a registered person may surrender part or all of the person's firearms and ammunition for any period of time determined in writing by the person. The Chief or Sheriff must accept the articles, whether the person is from their jurisdiction or another jurisdiction. Any surrender of articles is voluntary and may be reversed with a written request. The time period for keeping the surrendered articles is determined in writing by the volunteer, and may be extended in writing by the person, as well. The person may also make the

Section

redemption contingent (e.g., by requiring a signature from a doctor or family member.)
Chiefs and Sheriff must develop policies for handling such matters.

(b) Directs that Chiefs and Sheriff's must develop policies for the secure storage and safekeeping of surrendered articles to ensure their quality and value for the owner, as well as to ensure their eventual return.

(c) Provides detailed direction for storing and returning surrendered items to the person who surrendered them, including the making of a background check of the person to ensure that he or she is eligible to possess firearms. At any time, the person may request that the items be assigned to another eligible person, including a federally licensed firearms dealer. Chiefs and Sheriffs are prohibited from charging any fee for these services.

(d) Directs that if the person surrendering the firearms is not the owner, then the owner may request to have the property returned, provided that the owner submits to and passes a background check.

(e) Directs that all information about any surrender is classified as private data on individuals under Minnesota Data Privacy Law.

(f) Provides liability protection for Chiefs and Sheriffs acting in good faith.

(g) Stipulates that nothing in this section is intended to supersede any other state or federal law governing the seizure and confiscation of firearms for just cause.

- 5** **Ineligible to possess; penalties withstood.** Affirms that a person becomes ineligible to possess firearms for as long as the person's name is on the voluntary register, but that any penalties for possession do not apply to a registered person who is not otherwise prohibited by law from possessing firearms.
- 6 - 9** **Permit to purchase a pistol; release and check.** Amends the Permit-to-Purchase application process by requiring the applicant's signature to allow a check of whether the person's name is in the register, and directs the Chief of Police to check the registry.
- 7 & 11** **Permit to carry a pistol; release and check.** Same for Permit-to-Carry a Pistol application process, with the directive to the Sheriff.
- 12** **Effective date.** July 1, 2012, for firearms background checks made that day and thereafter.