

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 3238  
**Version:** Third engrossment

**DATE:** May 2, 2014

**Authors:** Schoen

**Subject:** Firearms – Domestic Violence

**Analyst:** Jeff Diebel

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/](http://www.house.mn/hrd/).

---

### Overview

This bill establishes collateral firearm consequences for persons who are subject to certain orders for protection and persons who are convicted of domestic violence and stalking.

#### Section

- 1 Domestic child abuse.** Requires courts to order domestic child abusers to surrender their firearms if the court issues an order for protection after making certain findings. An abusing party must surrender their firearms to a law enforcement agency, a federally licensed firearms dealer, or a third party. An abusing party may transfer their firearms permanently or temporarily. The abusing party must provide proof to the court that his firearms were transferred. Proofs of transfer must include the serial number, make and model of the transferred firearms and are sealed by the court. For temporary transfers, the bill requires return of the firearms once the abusing party is eligible to possess them. If a court so orders, a law enforcement agency must take immediate possession of an abusing party's firearms. An abusing party must also surrender any permits to purchase or carry firearms to the sheriff.
- 2 Domestic violence; relief by court.** Requires courts to order domestic abusers to surrender their firearms if the court issues an order for protection after making certain findings. An abusing party must surrender their firearms to a law enforcement agency, a federally licensed firearms dealer, or a third party. An abusing party may transfer their firearms permanently or temporarily. The abusing party must provide proof to the court that his firearms were transferred. Proofs of transfer must include the serial number, make and model of the transferred firearms and are sealed by the court. For temporary transfers, the bill requires

## Section

return of the firearms once the abusing party is eligible to possess them. If a court so orders, a law enforcement agency must take immediate possession of an abusing party's firearms. An abusing party must also surrender any permits to purchase or carry firearms to the sheriff.

- 3**      **Domestic assault; firearms.** Requires courts to order persons convicted of domestic assault to surrender their firearms. A defendant must surrender their firearms to a law enforcement agency, a federally licensed firearms dealer, or a third party. A defendant may transfer their firearms permanently or temporarily. The defendant must provide proof to the court that his firearms were transferred. Proofs of transfer must include the serial number, make and model of the transferred firearms and are sealed by the court. For temporary transfers, the bill requires return of the firearms once the defendant is eligible to possess them. If a court so orders, a law enforcement agency must take immediate possession of a defendant's firearms. A defendant must also surrender any permits to purchase or carry firearms to the sheriff. Clarifies that the firearm restrictions apply to all firearms, not just pistols.
- 4**      **Stalking.** Requires courts to order persons convicted of stalking to surrender their firearms. A defendant must surrender their firearms to a law enforcement agency, a federally licensed firearms dealer, or a third party. A defendant may transfer their firearms permanently or temporarily. The defendant must provide proof to the court that his firearms were transferred. Proofs of transfer must include the serial number, make and model of the transferred firearms and are sealed by the court. For temporary transfers, the bill requires return of the firearms once the defendant is eligible to possess them. If a court so orders, a law enforcement agency must take immediate possession of a defendant's firearms. A defendant must also surrender any permits to purchase or carry firearms to the sheriff. Clarifies that the firearm restrictions apply to all firearms, not just pistols.
- 5**      **Ineligible persons.** Adds cross-references to the Minnesota statute that lists persons who are ineligible to possess firearms. The first reference incorporates federal law governing firearms disabilities for persons who are subject to orders for protection and offenders convicted of misdemeanor domestic violence. The second reference is to domestic abuse firearms disabilities. The third reference is to temporary firearms disabilities for orders for protection.