

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 308
Version: As introduced

DATE: February 8, 2013

Authors: Simonson

Subject: Body Armor

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/.

Overview

This bill establishes a permit system for citizens who wish to own, possess, or use body armor. The bill establishes criminal penalties for violations of the law.

Section

1 Body armor.

Subd. 1. Definitions. Defines the terms “body armor,” “crime of violence,” “peace officer,” and “correctional officer” for purposes of this bill.

Subd. 2. Permit required; penalty.

Para. (a). Establishes a misdemeanor penalty for a person other than a peace officer, correctional officer, corrections agent who purchases, owns, possesses, or uses body armor without a permit.

Para. (b). Establishes a gross misdemeanor penalty for subsequent violations of this section.

Para. (c). Establishes a felony penalty for persons who violate this section after having been convicted of a crime of violence.

Subd. 3. Display of permit; penalty. Requires body armor permit holders to have their permit and government issued identification with them while purchasing or possessing body armor. Violation is a petty misdemeanor. Upon request of a peace officer, a permit holder must disclose if they are wearing body armor.

Section

Subd. 4. Application for permit. Directs permit applications to the chief of police. Directs the chief to issue a permit if the applicant is likely to use the body armor in a safe and lawful manner and has a reasonable need for body armor. Authorizes the chief to assess a reasonable application fee not too exceed \$100.

Subd. 5. Permit renewal. Requires permit holders to renew their permits every five years.

Subd. 6. Revocation. Establishes grounds and procedures for the revocation of a permit issued under this section.

Subd. 7. Appeal. Establishes appellate rights and procedures for persons who have their permit application denied or their permit revoked.

Subd. 8. Investigation. Sets forth the background check requirements for issuance of a permit under this section.

Subd. 9. Exceptions. Creates exceptions to the permit requirement for the following uses of body armor:

- (1) when worn by a person in police custody for the person's safety;
- (2) when worn by confidential informants or a witness in a criminal proceeding;
and
- (3) a member of the military while engaged in official military duties.