

HOUSE RESEARCH

Bill Summary

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Overview

This bill legalizes the use of firearm suppressors that are lawfully possessed under federal law.

Section

- 1 Suppressors.** Eliminates the prohibition on the possession of silencers set forth in the fish and game statute (Ch. 97B) and establishes that no part of section 97B.031 (Use and Possession of Firearms for Hunting) limits the lawful use of suppressors as provided in section 3 of the bill.
- 2 Felony crimes; suppressors; reckless discharge.** Narrows the crime of possessing suppressors (silencers) from a flat prohibition to one that only applies in cases where the suppressor is NOT lawfully possessed under federal law. The federal National Firearms Act (NFA) requires that all suppressors be registered with the federal government. Federal law also requires the following of persons who wish to possess a suppressor:
 - use a Class 3 firearms dealer to gain possession;
 - complete required transfer paperwork;
 - obtain law enforcement signatures and be fingerprinted (certification);
 - pay a transfer tax;
 - be cleared to take possession of the suppressor; and
 - complete a required ATF form.Defines the term “suppressor.”
- 3 Chief law enforcement officer certification; certain firearms.** Adds a new subdivision to 609.66 (Dangerous weapons) that legalizes the possession of suppressors.

Section

Para (a). Defines “chief law enforcement officer,” “certification,” and “firearms” for purposes of this section.

Para (b). Imposes requirements for chief law enforcement officers in handling requests for certification required by federal law for citizens to possess suppressors and other restricted firearms and related items. Requires the chief law enforcement officer to certify a person eligible to possess the restricted items if the person is not prohibited from possessing firearms or subject to charges that would make them ineligible.

Para (c). Limits what information a chief law enforcement officer can request for purposes of certifying someone under paragraph (b). Creates a presumption that a person who holds a valid permit to carry is qualified to be certified under paragraph (b). Prohibits a chief law enforcement officer from requiring an applicant to grant access to private property to conduct an inspection as a condition of certification.

Para (d). Restricts the chief law enforcement officer’s authority to deny certification under this subdivision.

Para (e). Grants immunity to chief law enforcement officers and their employees who act in good faith when making a certification.

Para (f). Establishes due process rights for those whose request for certification is denied.

- 4 Repealer.** Repeals the current law that provides for limited exceptions to the ban on the possession and use of suppressors in the state. Current law permits law enforcement officers and conservation officers to use suppressors in limited circumstances. Also, the law allows for certain federally licensed firearms dealers to possess suppressors for limited purposes.