

Subject Firearm Background Checks

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Overview

This bill requires that most private firearm transfers be preceded by a firearms eligibility background check of the person receiving the firearm. The bill extends the requirement to complete a state background check to transfers of long guns and raises the age to receive a firearm in a private transfer from 18 to 21. The bill reduces the time a transferee permit is valid and limits transferee permits to use in a single firearm transfer.

Summary

Section	Description
1	<p>Transferee permit; penalty.</p> <p>Subd. 1. Information. Establishes that a person must be 21 years old to apply for a transferee permit (aka, permit to purchase).</p> <p>Subd. 2. Investigation. No changes.</p> <p>Subd. 3. Forms. No changes.</p> <p>Subd. 4. Grounds for disqualification. Clarifies the grounds for a chief law enforcement officer to deny an application for a transferee permit.</p> <p>Subd. 5. Granting of permits. Clarifying, non-substantive changes.</p> <p>Subd. 6. Permits valid state wide. Reduces the time period that a transferee permit is valid and that the permit is only valid to receive a single firearm. The permit will expire after 30 days or immediately after it is used to receive a firearm. (Current law permits a transferee permit holder to use the permit for as many firearms transfers as the holder wishes in a one year period.)</p> <p>Subd. 7. Permit voided. Contains a clarifying change.</p> <p>Subd. 8. Hearing upon denial. No change.</p> <p>Subd. 9. Permit to carry. Eliminates the provision that treats a permit to carry as the equivalent of a transferee permit.</p>

Section	Description
	<p>Subd. 10. Transfer report not required. Eliminates the exception to completing a transfer report under section 2 for firearms transfers where a transferee permit is proffered as proof of firearms eligibility.</p> <p>Subd. 11. Penalty. Increases the criminal penalty for making a false statement to obtain a transferee permit from a gross misdemeanor to a felony.</p> <p>Subd. 12. Local regulation. No changes.</p>
2	<p>Report of transfer.</p> <p>Subd. 1. Required information. Extends the requirement to file a transfer report to all firearms—not just for pistols and semiautomatic military-style assault weapon transfers.</p> <p>Subd. 2. Investigation. No change.</p> <p>Subd. 3. Notification. Conforming change.</p> <p>Subd. 4. Delivery. Conforming changes.</p> <p>Subd. 5. Grounds for disqualification. Conforming change.</p> <p>Subd. 6. Transferee permit. Eliminates the option for a person who is approved to receive a firearm through the report of transfer process to automatically receive a transferee permit.</p> <p>Subd. 8. Report not required. Eliminates the exception to the transfer report requirement for those who possess a transferee permit.</p> <p>Subd. 9. Number of firearms. Conforming changes.</p> <p>Subd. 10. Restriction on records. Conforming changes.</p> <p>Subd. 11. Forms; cost. No change.</p> <p>Subd. 12. Exclusions. Conforming changes.</p> <p>Subd. 13. Appeal. Conforming changes.</p> <p>Subd. 14. Transfer to unknown party. Repeals language about transferring firearms to unknown parties. This language will be obsolete if all firearm transfers require a background check.</p> <p>Subd. 15. Penalties. Conforming changes.</p> <p>Subd. 16. Local regulation. Conforming change.</p>

Section	Description
3	<p>Private party transfers; background check required.</p> <p>Subd. 1. Definitions. Defines “firearms dealer,” “state or federally issued identification,” and “relative” for purposes of this section.</p> <p>Subd. 2. Background check and evidence of identity. Requires that a private party who wishes to receive a firearm from another private party present a valid transferee permit and government issued identification.</p> <p>Subd. 3. Record of transfer; required information. Requires that private parties who transfer a firearm under subdivision 2 to complete a record of transfer. Specifies the information that must be included in the record of transfer including the firearm’s serial number, type, manufacturer, and model. The report must also contain a photocopy of the transferee’s permit and ID. Both parties must retain a copy of the record of transfer.</p> <p>Subd. 4. Compulsory production of a record of transfer; gross misdemeanor penalty. Requires both parties to a private firearms transfer to produce the record of transfer upon the request of a law enforcement officer who is investigating a crime. A person who refuses or is unable to produce a record of transfer upon request is guilty of a gross misdemeanor.</p> <p>Subd. 5. Immunity. Grants immunity from prosecution under this section to persons who present a valid record of transfer.</p> <p>Subd. 6. Exclusions. Establishes exceptions to the background check requirements of this section for certain firearm transfers. Transfers involving a firearms dealer or a law enforcement agency and transfers between immediate family members, among various other transfers, are excluded.</p>



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