

Subject Firearms background checks

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## Overview

This bill requires that private transfers of pistols and semiautomatic military-style assault weapons be preceded by a firearms eligibility background check of the person receiving the firearm.

## Summary

Section	Description
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1	<b>Transferee permit; penalty.</b>
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**Subd. 1. Information.** No changes.

**Subd. 2. Information.** No changes.

**Subd. 3. Forms.** No changes.

**Subd. 4. Grounds for disqualification.** Grants a chief law enforcement officer the authority to deny an application for a transferee permit if there is a substantial likelihood that the person is a danger to self or the public when in possession of a firearm.

**Subd. 5. Granting of permits.** Allows chief law enforcement officers 30 days to process transferee permit applications. Contains additional clarifying, non-substantive changes.

**Subd. 6. Permits valid state wide.** No changes.

**Subd. 7. Permit voided; revocation.** Establishes a chief law enforcement officer's (CLEO's) obligations when the CLEO learns that a permit holder becomes ineligible. Establishes a protocol for when a permit holder becomes ineligible and must surrender the permit. Increases the penalty for failure to return a revoked permit from a misdemeanor to a gross misdemeanor. Also contains a clarifying change.

**Section Description**

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**Subd. 8. Hearing upon denial.** Establishes procedures and due process for appeals of denied permit applications.

**Subd. 9. Permit to carry.** Declares that a permit to carry is the equivalent of a transferee permit for purposes of this section, the transfer report section (624.7132), and the proposed private party transfer section (624.7134).

**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.

**Subd. 11. Penalty.** Increases the criminal penalty for making a false statement to obtain a transferee permit from a gross misdemeanor to a felony.

**Subd. 12. Local regulation.** No changes.

2 **Report of transfer.**

**Subd. 1. Required information.** No changes.

**Subd. 2. Investigation.** No changes.

**Subd. 3. Notification.** No changes.

**Subd. 4. Delivery.** Authorizes chief law officers up to 30 days to process a transfer report. Also contains clarifying and technical changes.

**Subd. 5. Grounds for disqualification.** Grants a chief law enforcement officer the authority to deny a transfer application if there is a substantial likelihood that the person is a danger to self or the public. Provides guidance on the process of denying and reconsidering an application for a report of transfer.

**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.

**Subd. 8. Report not required.** Eliminates the exception to the transfer report requirement for those who possess a transferee permit. A person who possesses a valid permit to carry is still exempt from the report of transfer process.

**Subd. 9. Number of firearms.** No changes.

**Subd. 10. Restriction on records.** Adds a reference to an exception to this subdivision created in section 3.

**Section Description**

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**Subd. 11. Forms; cost.** No changes.

**Subd. 12. Exclusions.** No changes.

**Subd. 13. Appeal.** Establishes procedures and due process for appeals of applications for a transfer report.

**Subd. 14. Transfer to unknown party.** Repeals language penalizing the transfer of firearms to unknown parties. This conduct is penalized elsewhere in statute and the bill.

**Subd. 15. Penalties.** No changes.

**Subd. 16. Local regulation.** No changes.

**3 Private party transfers; background check required.**

**Subd. 1. Definitions.** Defines “firearms dealer,” “state or federally issued identification,” and “unlicensed person.”

**Subd. 2. Background check and evidence of identity.** Requires that a private party who wishes to receive a pistol or semiautomatic military-style assault weapon from another private party present a valid transferee permit or permit to carry and government issued identification.

**Subd. 3. Background check conducted by federally licensed firearms dealer.** Creates an exception to the record of transfer process for unlicensed parties to transfer pistols and semiautomatic military-style assault weapons through a firearms dealer.

**Subd. 4. Record of transfer; required information.** Requires that private parties who transfer a pistol or semiautomatic military-style assault weapon complete a record of transfer unless they used a firearms dealer. Specifies the information that must be included in the record of transfer including the firearm’s serial number, type, manufacturer, and model. The document must also contain a copy of the transferee’s permit and ID. Both parties must retain a copy of the record of transfer and attachments for 20 years. The copy may be in digital format.

**Subd. 5. Compulsory production of a record of transfer; gross misdemeanor penalty.** Unless the transfer was completed under subdivision 3, requires both parties to a private pistol or semiautomatic military-style assault weapon 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.

**Section** **Description**

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**Subd. 6. Immunity.** Grants immunity from prosecution under this section to persons who present a valid record of transfer.

**Subd. 7. Exclusions.** Establishes exceptions to the background check requirements of this section for certain pistol and semiautomatic military-style assault weapon transfers. Transfers involving a firearms dealer or a law enforcement agency and transfers between immediate family members, among various other transfers, are excluded.



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