

Subject Firearms background checks

Authors Pinto

Analyst Jeff Diebel

Date January 23, 2023

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
---------	-------------

- | | |
|---|---|
| 1 | <p>Transferee permit; penalty.</p> <p>Subd. 1. Information. No changes.</p> <p>Subd. 2. Information. No changes.</p> <p>Subd. 3. Forms. No changes.</p> <p>Subd. 4. Grounds for disqualification. Grants a chief law enforcement officer the authority to deny an application for a transferee permit if the person is a danger to self or others.</p> <p>Subd. 5. Granting of permits. Clarifying, non-substantive changes.</p> <p>Subd. 6. Permits valid state wide. No changes.</p> <p>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.</p> <p>Subd. 8. Hearing upon denial. No changes.</p> |
|---|---|

Section	Description
---------	-------------

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. Clarifies that the waiting period for a record of transfer is five business days. Also contains technical changes.

Subd. 5. Grounds for disqualification. Grants a chief law enforcement officer the authority to deny a transfer application if the person is a danger to self or others.

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 exempt from the report of transfer process.

Subd. 9. Number of firearms. No changes.

Subd. 10. Restriction on records. No changes.

Subd. 11. Forms; cost. No changes.

Subd. 12. Exclusions. No changes.

Subd. 13. Appeal. No changes.

Section	Description
	<p>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.</p> <p>Subd. 15. Penalties. No changes.</p> <p>Subd. 16. Local regulation. No changes.</p>
3	<p>Private party transfers; background check required.</p> <p>Subd. 1. Definitions. Defines “firearms dealer” and “state or federally issued identification.”</p> <p>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.</p> <p>Subd. 3. Record of transfer; required information. Requires that private parties who transfer a pistol or semiautomatic military-style assault weapon under subdivision 2 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 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.</p> <p>Subd. 4. Compulsory production of a record of transfer; gross misdemeanor penalty. 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.</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 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.</p>



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155