MN HOUSE RESEARCH

Bill Summary

H.F. 2609

First Engrossment

Subject	**Amending the crime of transferring a firearm to an ineligible person, requiring reports, and amending the definition of "trigger activator"**
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Overview

Under current law, the commissioner of public safety must report to the legislature on how funds appropriated for violent crime reduction strategies are used. This bill adds a requirement that the report include specific information regarding firearms.

Under current law, firearms cannot include a "trigger activator." A trigger activator can be a device attached to a firearm that allows the rate of fire to increase to that of a machine gun or a device that allows a semiautomatic firearm to shoot more than one shot either (1) with a single pull of the trigger, or (2) by harnessing the energy of the firearm to continue firing without additional physical manipulation of the trigger. This bill clarifies that a trigger activator includes a device that allows a semiautomatic firearm to shoot more than one shot with a single pull and release of the trigger. This type of trigger is commonly known as a "binary trigger" or "binary firing system."

Under current law, a person is guilty of a crime if the person transfers a pistol or semiautomatic military-style assault weapon (SAMSAW) to another and the person making the transfer knows that the person receiving the firearm is ineligible to possess that type of firearm. This type of transfer is sometimes referred to as a "straw purchase." The penalty is a gross misdemeanor unless the person receiving the firearm uses that firearm to commit a felony crime of violence within a year. In that case, the penalty is a felony with a maximum sentence of five years, a fine of $10,000, or both. Section 624.713, subdivision 1, lists the situations in which a person is ineligible to possess firearms. With one exception, the prohibitions apply to pistols, SAMSAWs, and other firearms. The exception is that a person under the age of 18 can legally possess a firearm other than a pistol or SAMSAW under the restrictions listed in section 97B.021. This bill expands the current crime to include the transfer of all firearms to an ineligible person, not only the transfer of a pistol or SAMSAW. It amends the mental status

required to prove this crime to include cases where the person making the transfer "should have known" that the person receiving the firearm was ineligible to receive the firearm. It creates an exception for the transfer of firearms other than a pistol or SAMSAW to a minor if that person is eligible to receive that type of firearm (this will most commonly mean the transfer of hunting rifles or shotguns). The bill increases the penalty for a transfer to an ineligible person from a gross misdemeanor to a felony with a maximum sentence of two years and increases the maximum fine for an aggravated violation from $10,000 to $20,000.

Summary

Section	Description
1	**Required reports.** Amends the reports to the legislature on Violent Crime Enforcement Teams (VCETs) submitted by the commissioner of public safety to require reporting about actions taken by the Bureau of Criminal Apprehension and VCETs that received funding from the department. The report must include the number of firearms seized, number of gun trafficking investigations conducted, and a summary of the types of investigations conducted.
2	**Definitions.** Amends the definition of "trigger activator" to specify that a trigger activator includes a device that allows a semiautomatic firearm to shoot more than one shot with a single pull and release of the trigger. The change goes into effect on January 1, 2025.
3	**Transfer to ineligible person.** Increases the penalty for transferring a firearm to an ineligible person from a gross misdemeanor to a felony with a maximum sentence of two years of imprisonment. Amends the crime to include the transfer of any firearm, not just a pistol or semiautomatic military-style assault weapon (SAMSAW). Amends the standard of proof to include situations where the transferring party reasonably should know that the transferee is ineligible to possess a firearm. Specifies that the prohibition does not apply to the transfer of a firearm other than a pistol or SAMSAW to a juvenile who is eligible to possess the type of firearm received. Specifies that the penalty for an aggravated violation is a felony that can be punished by up to five years of imprisonment, a fine of $20,000, or both.

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