

Subject Domestic Violence – Firearm Surrender Orders

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Overview

This bill seeks to create a standard firearm transfer process in cases where domestic violence offenders are ordered to surrender their firearms. The bill creates a uniform process by which offenders ordered to surrender firearms in child in need of protection or services (260C.201), domestic abuse (518B.01), domestic assault (609.2242), harassment/stalking (609.749), and pretrial release for crimes against the person (629.715) cases must transfer their firearms.

Summary

Section	Description
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| 1 | Who may file; required form.
Amends a subdivision of the child in need of protection or services statute (CHIPS) to require petitioners to identify the location of the respondent's firearms. |
| 2 | Domestic child abuse.
Amends the CHIPS statute by removing existing language governing firearm transfer orders. This language is recodified in section 6 of the bill. Requires a court to order persons subject to a CHIPS firearm restriction to also surrender any permits to carry or purchase firearms. |
| 3 | Order for protection.
Amends a subdivision of the Domestic Abuse Act to require petitioners to identify the location of the respondent's firearms. |
| 4 | Relief by the court.
Amends the Domestic Abuse Act by removing existing language governing firearm transfer orders. This language is recodified in section 6 of the bill. Requires a court to order persons subject to an order for protection firearm restriction to also surrender any permits to carry or purchase firearms. |

Section	Description
5	<p>Violation of an order for protection.</p> <p>Amends the subdivision of the Domestic Abuse Act governing violations of OFPs to:</p> <ul style="list-style-type: none">▪ clarify that an offender who is subject to a firearms restriction under this statute is prohibited from possessing all firearms, not just pistols; and▪ require sentencing courts to direct local law enforcement to take an offender's firearms into immediate possession upon conviction.
6	<p>Transfer of firearms from certain prohibited persons.</p> <p>Subd. 1. Definitions. Defines "subject" and "transfer order" for purposes of this section.</p> <p>Subd. 2. Transfer of firearms; documentation; storage; disposal. Establishes that firearm transfer orders issued in child in need of protection or services (260C.201), domestic abuse (518B.01), domestic assault (609.2242), harassment/stalking (609.749), and pretrial release for crimes against the person (629.715) cases are governed by this section.</p> <p>Requires that firearm transfers be completed within 24 hours and made only to the subject's local law enforcement agency or a federally licensed firearms dealer (FFL). Unless the subject is banned from possessing firearms for the rest of their life, a transfer can be temporary or permanent.</p> <p>Authorizes the party receiving a firearm to charge a reasonable storage fee for temporary transfers and for law enforcement to charge a processing fee for permanent transfers. Requires a party receiving a firearm to use due care to preserve the quality and function of the firearm.</p> <p>Subd. 3. Proof of transfer; filing. Requires a subject to file a proof of transfer of their firearms with the court or a declaration of nonpossession of firearms. The court is required to seal filings received under this subdivision.</p> <p>Subd. 4. Compliance hearing; arrest; sanctions; protections. Requires courts to hold compliance hearings within ten business days of issuing a transfer order. The court can waive the hearing requirement if sufficient evidence is provided to the court to establish that the subject complied with the transfer order.</p> <p>Places the burden on the subject to prove that he/she complied with the order. Failure to comply with the order or to attend the hearing can result in the subject being fined and/or arrested.</p> <p>Grants the subject limited immunity from criminal prosecution for complying with the order or providing testimony regarding compliance. If the subject</p>

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believes that this statutory immunity does not protect them from self-incrimination, the court can probe the subject's concerns in private and request that the prosecutor grant the subject additional immunity protection. If the prosecutor does not extend additional immunity to the subject, the court can modify the transfer order to exclude any firearms that implicate the subject's Fifth Amendment rights. Declares that a modified order does not excuse the subject from complying with the order or permit them to lawfully possess a firearm.

Subd. 5. Law enforcement-assisted transfer of firearms. Establishes the process that courts and law enforcement must follow when the court orders that law enforcement take a subject's' firearms involuntarily. Requires the court to issue a search warrant for the firearms. Directs law enforcement to grant the subject the opportunity to voluntarily surrender their firearms prior to execution of the search warrant. Provides that firearms seized pursuant to a search warrant can be transferred to an FFL upon the request of the subject of the transfer order.

7 **Domestic assaults; firearms.**

- Clarifies that an offender who is subject to a firearms restriction under this statute is prohibited from possessing all firearms, not just pistols;
- Requires sentencing courts to direct local law enforcement to take an offender's firearms into immediate possession upon conviction;
- Amends the domestic assault statute by removing existing language governing firearm transfer orders. This language is recodified in section 6; and
- Requires domestic assault offenders who incur a firearm prohibition to surrender any permits to carry or purchase firearms.

8 **Harassment; stalking; firearms.**

- Clarifies that an offender who is subject to a firearms restriction under this statute is prohibited from possessing all firearms, not just pistols; and
- Requires sentencing courts to direct local law enforcement to take an offender's firearms into immediate possession upon conviction.
- Amends the stalking/harassment statute by removing existing language governing firearm transfer orders. This language is recodified in section 6; and

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- Requires offenders who incur a firearm prohibition under this section to surrender any permits to carry or purchase firearms.

9 **Surrender of firearms.**

Amends the statute that authorizes courts to require persons charged with a crime against the person to surrender their firearms. Establishes that the firearm surrender process is governed by the process set out in section 6. Requires offenders who incur a firearm prohibition under this section to surrender any permits to carry or purchase firearms.



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