

## Schools and Firearms

### *General*

It is generally a crime to possess a dangerous weapon, including a firearm, while knowingly on school property (felony). [Minn. Stat. § 609.66](#), subd. 1d. It is also a crime to possess (gross misdemeanor) or “brandish” (felony) a replica firearm or a BB gun while knowingly on school property. There are many important exceptions and definitions to note, which are set out below.

### *School property*

For purposes of school-related firearm possession crimes, school property includes:

- the improved grounds of either a public or private school;
- the area inside a school bus when the bus is being used for school activities;
- any other building under the temporary, exclusive control of a school or association of schools if conspicuous signs are posted at each entrance giving notice of the school-related use; and
- a licensed child care center when children are present.

#### *Definition of a child care center*

A child care center is a facility that operates a child care program that is required to be licensed, but does not include family or group family day care housed in a private residence. A child care program is a system of activities to promote the development of a child for part of a day. In-home day care is not a child care center.

### *Possession by students*

It is generally a crime for students to possess firearms on school property—a felony-level offense in most cases. A student who brings a firearm to school is subject to a juvenile delinquency petition or possibly adult criminal charges, depending on the circumstances. [Minn. Stat. § 609.66](#), subd. 1d. Additionally, students have an additional consequence of a mandatory one-year minimum expulsion. The school board is authorized to modify the expulsion on a case-by-case basis. [Minn. Stat. § 121A.44](#). School boards must have policies to notify law enforcement officials when a pupil unlawfully brings a firearm to school. [Minn. Stat. § 121A.05](#).

### *Police and the courts: sharing information with schools*

A law enforcement agency must notify a juvenile’s school when the agency has probable cause to believe the juvenile committed an offense involving a dangerous weapon (including a firearm). A juvenile’s probation officer must give a copy of the juvenile’s disposition order to the school if the juvenile is adjudicated delinquent for an act involving a dangerous weapon (including a firearm). [Minn. Stat. § 260B.171](#).

***Persons with permits to carry pistols in public***

A person with a pistol permit is not allowed to carry a firearm on school property (misdemeanor). [Minn. Stat. § 609.66](#), subd. 1d. However, there is an exception for permit holders while in a motor vehicle or while placing a firearm in the trunk (or rear area of the vehicle).

***Exceptions***

The prohibition against carrying a firearm on school property does not apply to:

- on-duty peace officers;
- on-duty military personnel or students participating in military training;
- a person with the written permission of the principal (or director of a child care center);
- firearms legally stored in a motor vehicle (generally meaning they are unloaded and cased);
- a ceremonial color guard;
- firearm safety courses;
- gun shows held on school property; or
- a person on unimproved property owned by a school (unless the person knows children are present for school activities). [Minn. Stat. § 609.66](#), subd. 1d.

***Preemption***

A school district may not regulate firearm possession by nonstudents or nonemployees in a manner that is more restrictive or less restrictive than the statute that establishes the general rule and the exceptions listed above. [Minn. Stat. § 609.66](#), subd. 1d.