

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2959

(SENATE AUTHORS: LATZ)

DATE
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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; raising the minimum age requirement to possess a
1.3 semiautomatic military-style assault weapon; expanding the definition of
1.4 semiautomatic military-style assault weapon; specifically criminalizing the transfer
1.5 of semiautomatic military-style assault weapons to underage persons; amending
1.6 Minnesota Statutes 2016, sections 624.712, subdivision 7, by adding subdivisions;
1.7 624.713, subdivision 1; 624.7132, subdivision 15; 624.7141, subdivision 1.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2016, section 624.712, subdivision 7, is amended to read:

1.10 Subd. 7. **Semiautomatic military-style assault weapon.** (a) "Semiautomatic
1.11 military-style assault weapon" means:

1.12 (1) any of the following firearms:

1.13 (i) Avtomat Kalashnikov (AK-47) semiautomatic rifle type;

1.14 (ii) Beretta AR-70 and BM-59 semiautomatic rifle types;

1.15 (iii) Colt AR-15 semiautomatic rifle type;

1.16 (iv) Daewoo Max-1 and Max-2 semiautomatic rifle types;

1.17 (v) Famas MAS semiautomatic rifle type;

1.18 (vi) Fabrique Nationale FN-LAR and FN-FNC semiautomatic rifle types;

1.19 (vii) Galil semiautomatic rifle type;

1.20 (viii) Heckler & Koch HK-91, HK-93, and HK-94 semiautomatic rifle types;

1.21 (ix) Ingram MAC-10 and MAC-11 semiautomatic pistol and carbine types;

- 2.1 (x) Intratec TEC-9 semiautomatic pistol type;
- 2.2 (xi) Sigarms SIG 550SP and SIG 551SP semiautomatic rifle types;
- 2.3 (xii) SKS with detachable magazine semiautomatic rifle type;
- 2.4 (xiii) Steyr AUG semiautomatic rifle type;
- 2.5 (xiv) Street Sweeper and Striker-12 revolving-cylinder shotgun types;
- 2.6 (xv) USAS-12 semiautomatic shotgun type;
- 2.7 (xvi) Uzi semiautomatic pistol and carbine types; or
- 2.8 (xvii) Valmet M76 and M78 semiautomatic rifle types;
- 2.9 (2) any firearm that is another model made by the same manufacturer as one of the
- 2.10 firearms listed in clause (1), and has the same action design as one of the listed firearms,
- 2.11 and is a redesigned, renamed, or renumbered version of one of the firearms listed in clause
- 2.12 (1), or has a slight modification or enhancement, including but not limited to a folding or
- 2.13 retractable stock; adjustable sight; case deflector for left-handed shooters; shorter barrel;
- 2.14 wooden, plastic, or metal stock; larger clip size; different caliber; or a bayonet mount; and
- 2.15 (3) any firearm that has been manufactured or sold by another company under a licensing
- 2.16 agreement with a manufacturer of one of the firearms listed in clause (1) entered into after
- 2.17 the effective date of Laws 1993, chapter 326, to manufacture or sell firearms that are identical
- 2.18 or nearly identical to those listed in clause (1), or described in clause (2), regardless of the
- 2.19 company of production or country of origin.

2.20 The weapons listed in clause (1), except those listed in items (iii), (ix), (x), (xiv), and

2.21 (xv), are the weapons the importation of which was barred by the Bureau of Alcohol,

2.22 Tobacco, and Firearms of the United States Department of the Treasury in July 1989.

2.23 Except as otherwise specifically provided in ~~paragraph (d)~~ this subdivision, a firearm is

2.24 not a "semiautomatic military-style assault weapon" if it is generally recognized as

2.25 particularly suitable for or readily adaptable to sporting purposes under United States Code,

2.26 title 18, section 925, paragraph (d)(3), or any regulations adopted pursuant to that law.

2.27 (b) Semiautomatic military-style assault weapon also includes any:

2.28 (1) semiautomatic rifle that has the capacity to accept a detachable magazine and has

2.29 one or more of the following:

2.30 (i) a pistol grip or thumbhole stock;

3.1 (ii) any feature capable of functioning as a protruding grip that can be held by the
3.2 nontrigger hand;

3.3 (iii) a folding or telescoping stock; or

3.4 (iv) a shroud attached to the barrel, or that partially or completely encircles the barrel,
3.5 allowing the bearer to hold the firearm with the nontrigger hand without being burned, but
3.6 excluding a slide that encloses the barrel;

3.7 (2) semiautomatic pistol, or any semiautomatic, centerfire, or rimfire rifle with a fixed
3.8 magazine, that has the capacity to accept more than seven rounds of ammunition;

3.9 (3) semiautomatic pistol that has the capacity to accept a detachable magazine and has
3.10 one or more of the following:

3.11 (i) any feature capable of functioning as a protruding grip that can be held by the
3.12 nontrigger hand;

3.13 (ii) a folding, telescoping, or thumbhole stock;

3.14 (iii) a shroud attached to the barrel, or that partially or completely encircles the barrel,
3.15 allowing the bearer to hold the firearm with the nontrigger hand without being burned, but
3.16 excluding a slide that encloses the barrel; or

3.17 (iv) the capacity to accept a detachable magazine at any location outside of the pistol
3.18 grip;

3.19 (4) semiautomatic shotgun that has one or more of the following:

3.20 (i) a pistol grip or thumbhole stock;

3.21 (ii) any feature capable of functioning as a protruding grip that can be held by the
3.22 nontrigger hand;

3.23 (iii) a folding or telescoping stock;

3.24 (iv) a fixed magazine capacity in excess of seven rounds; or

3.25 (v) an ability to accept a detachable magazine;

3.26 (5) shotgun with a revolving cylinder; or

3.27 (6) conversion kit, part, or combination of parts, from which an assault weapon can be
3.28 assembled if those parts are in the possession or under the control of the same person.

3.29 The term does not include any firearm described in this paragraph that has been made
3.30 permanently inoperable.

4.1 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 4.2 committed on or after that date.

4.3 Sec. 2. Minnesota Statutes 2016, section 624.712, is amended by adding a subdivision to
 4.4 read:

4.5 Subd. 13. **Detachable magazine.** "Detachable magazine" means an ammunition feeding
 4.6 device that can be loaded or unloaded while detached from a firearm and readily inserted
 4.7 into a firearm.

4.8 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 4.9 committed on or after that date.

4.10 Sec. 3. Minnesota Statutes 2016, section 624.712, is amended by adding a subdivision to
 4.11 read:

4.12 Subd. 14. **Fixed magazine.** "Fixed magazine" means an ammunition feeding device
 4.13 contained in, or permanently attached to, a firearm in such a manner that the device cannot
 4.14 be removed without disassembly of the firearm action.

4.15 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 4.16 committed on or after that date.

4.17 Sec. 4. Minnesota Statutes 2016, section 624.713, subdivision 1, is amended to read:

4.18 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
 4.19 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
 4.20 (1), any other firearm:

4.21 (1) a person under the age of ~~18~~ 21 years except that:

4.22 (i) a person ~~under 18~~ who is 18 years of age or older may possess a pistol;

4.23 (ii) a person under the age of 21 years may possess ammunition designed for use in a
 4.24 firearm that the person may lawfully possess ~~and~~;

4.25 (iii) a person under the age of 18 years may carry or possess a pistol ~~or semiautomatic~~
 4.26 ~~military-style assault weapon (i)~~;

4.27 (A) in the actual presence or under the direct supervision of the person's parent or
 4.28 guardian;

4.29 (ii) (B) for the purpose of military drill under the auspices of a legally recognized military
 4.30 organization and under competent supervision;

5.1 ~~(iii)~~ (C) for the purpose of instruction, competition, or target practice on a firing range
5.2 approved by the chief of police or county sheriff in whose jurisdiction the range is located
5.3 and under direct supervision; or

5.4 ~~(iv)~~ (D) if the person has successfully completed a course designed to teach marksmanship
5.5 and safety with a pistol or semiautomatic military-style assault weapon and approved by
5.6 the commissioner of natural resources; and

5.7 (iv) a person under the age of 21 years may carry or possess a semiautomatic
5.8 military-style assault weapon:

5.9 (A) in the actual presence or under the direct supervision of the person's parent or
5.10 guardian;

5.11 (B) for the purpose of military drill under the auspices of a legally recognized military
5.12 organization and under competent supervision;

5.13 (C) if the person is a member of the armed forces of the United States or the state National
5.14 Guard, or a peace officer, to the extent the person possesses the weapon while acting within
5.15 the scope of the person's official duties; or

5.16 (D) if the person has been honorably discharged from the armed forces of the United
5.17 States;

5.18 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
5.19 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
5.20 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
5.21 includes crimes in other states or jurisdictions which would have been crimes of violence
5.22 as herein defined if they had been committed in this state;

5.23 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
5.24 determination that the person is mentally ill, developmentally disabled, or mentally ill and
5.25 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
5.26 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
5.27 the person's ability to possess a firearm and ammunition has been restored under subdivision
5.28 4;

5.29 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
5.30 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
5.31 of conviction and, during that time, the person has not been convicted of any other such
5.32 violation of chapter 152 or a similar law of another state; or a person who is or has ever
5.33 been committed by a judicial determination for treatment for the habitual use of a controlled

6.1 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
6.2 to possess a firearm and ammunition has been restored under subdivision 4;

6.3 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
6.4 by a judicial determination that the person is chemically dependent as defined in section
6.5 253B.02, unless the person has completed treatment or the person's ability to possess a
6.6 firearm and ammunition has been restored under subdivision 4. Property rights may not be
6.7 abated but access may be restricted by the courts;

6.8 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
6.9 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
6.10 of the treatment facility discharging or provisionally discharging the officer from the
6.11 treatment facility. Property rights may not be abated but access may be restricted by the
6.12 courts;

6.13 (7) a person, including a person under the jurisdiction of the juvenile court, who has
6.14 been charged with committing a crime of violence and has been placed in a pretrial diversion
6.15 program by the court before disposition, until the person has completed the diversion program
6.16 and the charge of committing the crime of violence has been dismissed;

6.17 (8) except as otherwise provided in clause (9), a person who has been convicted in
6.18 another state of committing an offense similar to the offense described in section 609.224,
6.19 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
6.20 unless three years have elapsed since the date of conviction and, during that time, the person
6.21 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
6.22 subdivision 3, or a similar law of another state;

6.23 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
6.24 household member and who was found by the court to have used a firearm in any way
6.25 during commission of the assault is prohibited from possessing any type of firearm or
6.26 ammunition for the period determined by the sentencing court;

6.27 (10) a person who:

6.28 (i) has been convicted in any court of a crime punishable by imprisonment for a term
6.29 exceeding one year;

6.30 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
6.31 for a crime or to avoid giving testimony in any criminal proceeding;

6.32 (iii) is an unlawful user of any controlled substance as defined in chapter 152;

7.1 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
7.2 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
7.3 public, as defined in section 253B.02;

7.4 (v) is an alien who is illegally or unlawfully in the United States;

7.5 (vi) has been discharged from the armed forces of the United States under dishonorable
7.6 conditions;

7.7 (vii) has renounced the person's citizenship having been a citizen of the United States;
7.8 or

7.9 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
7.10 922(g)(8) or (9), as amended through March 1, 2014;

7.11 (11) a person who has been convicted of the following offenses at the gross misdemeanor
7.12 level, unless three years have elapsed since the date of conviction and, during that time, the
7.13 person has not been convicted of any other violation of these sections: section 609.229
7.14 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
7.15 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
7.16 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
7.17 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified gross misdemeanor
7.18 convictions include crimes committed in other states or jurisdictions which would have
7.19 been gross misdemeanors if conviction occurred in this state;

7.20 (12) a person who has been convicted of a violation of section 609.224 if the court
7.21 determined that the assault was against a family or household member in accordance with
7.22 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
7.23 the date of conviction and, during that time, the person has not been convicted of another
7.24 violation of section 609.224 or a violation of a section listed in clause (11); or

7.25 (13) a person who is subject to an order for protection as described in section 260C.201,
7.26 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).

7.27 A person who issues a certificate pursuant to this section in good faith is not liable for
7.28 damages resulting or arising from the actions or misconduct with a firearm or ammunition
7.29 committed by the individual who is the subject of the certificate.

7.30 The prohibition in this subdivision relating to the possession of firearms other than
7.31 pistols and semiautomatic military-style assault weapons does not apply retroactively to
7.32 persons who are prohibited from possessing a pistol or semiautomatic military-style assault
7.33 weapon under this subdivision before August 1, 1994.

8.1 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
8.2 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
8.3 (2), applies only to offenders who are discharged from sentence or court supervision for a
8.4 crime of violence on or after August 1, 1993.

8.5 For purposes of this section, "judicial determination" means a court proceeding pursuant
8.6 to sections 253B.07 to 253B.09 or a comparable law from another state.

8.7 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
8.8 committed on or after that date.

8.9 Sec. 5. Minnesota Statutes 2016, section 624.7132, subdivision 15, is amended to read:

8.10 Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who
8.11 does any of the following is guilty of a gross misdemeanor:

8.12 (1) transfers a pistol or semiautomatic military-style assault weapon in violation of
8.13 subdivisions 1 to 13;

8.14 (2) transfers a pistol or semiautomatic military-style assault weapon to a person who
8.15 has made a false statement in order to become a transferee, if the transferor knows or has
8.16 reason to know the transferee has made the false statement;

8.17 (3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

8.18 (4) makes a false statement in order to become a transferee of a pistol or semiautomatic
8.19 military-style assault weapon knowing or having reason to know the statement is false.

8.20 (b) A person who does either of the following is guilty of a felony:

8.21 (1) transfers a pistol ~~or semiautomatic military-style assault weapon~~ to a person under
8.22 the age of 18 or a semiautomatic military-style assault weapon to a person under the age of
8.23 21, in violation of subdivisions 1 to 13; or

8.24 (2) transfers a pistol ~~or semiautomatic military-style assault weapon~~ to a person under
8.25 the age of 18 or a semiautomatic military-style assault weapon to a person under the age of
8.26 21, who has made a false statement in order to become a transferee, if the transferor knows
8.27 or has reason to know the transferee has made the false statement.

8.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
8.29 committed on or after that date.

9.1 Sec. 6. Minnesota Statutes 2016, section 624.7141, subdivision 1, is amended to read:

9.2 Subdivision 1. **Transfer prohibited.** A person is guilty of a gross misdemeanor who
9.3 intentionally transfers a pistol or semiautomatic military-style assault weapon to another if
9.4 the person knows that the transferee:

9.5 (1) has been denied a permit to carry under section 624.714 because the transferee is
9.6 not eligible under section 624.713 to possess a pistol or semiautomatic military-style assault
9.7 weapon;

9.8 (2) has been found ineligible to possess a pistol or semiautomatic military-style assault
9.9 weapon by a chief of police or sheriff as a result of an application for a transferee permit
9.10 or a transfer report; ~~or~~

9.11 (3) is disqualified under section 624.713 from possessing a pistol or semiautomatic
9.12 military-style assault weapon; or

9.13 (4) is under the age of 21 years and the firearm transferred is a semiautomatic
9.14 military-style assault weapon

9.15 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
9.16 committed on or after that date.