

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3865

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DATE
03/02/2020

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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; expanding the information collected and scope of
1.3 background check conducted for noncitizen permit to carry applicants; amending
1.4 Minnesota Statutes 2018, section 624.714, subdivisions 3, 4.

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

1.6 Section 1. Minnesota Statutes 2018, section 624.714, subdivision 3, is amended to read:

1.7 Subd. 3. **Form and contents of application.** (a) Applications for permits to carry must
1.8 be an official, standardized application form, adopted under section 624.7151, and must set
1.9 forth in writing only the following information:

1.10 (1) the applicant's name, residence, telephone number, if any, and driver's license number
1.11 or state identification card number;

1.12 (2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and
1.13 distinguishing physical characteristics, if any;

1.14 (3) the township or statutory city or home rule charter city, and county, of all Minnesota
1.15 residences of the applicant in the last five years, though not including specific addresses;

1.16 (4) the township or city, county, and state of all non-Minnesota residences of the applicant
1.17 in the last five years, though not including specific addresses;

1.18 (5) a statement that the applicant authorizes the release to the sheriff of commitment
1.19 information about the applicant maintained by the commissioner of human services or any
1.20 similar agency or department of another state where the applicant has resided, to the extent
1.21 that the information relates to the applicant's eligibility to possess a firearm; ~~and~~

2.1 (6) a statement by the applicant that, to the best of the applicant's knowledge and belief,
2.2 the applicant is not prohibited by law from possessing a firearm; and

2.3 (7) if the applicant is not a United States citizen, the applicant's country of birth and
2.4 alien number or alien admission number.

2.5 (b) The statement under paragraph (a), clause (5), must comply with any applicable
2.6 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
2.7 to consent to disclosure of alcohol or drug abuse patient records.

2.8 (c) An applicant must submit to the sheriff an application packet consisting only of the
2.9 following items:

2.10 (1) a completed application form, signed and dated by the applicant;

2.11 (2) an accurate photocopy of the certificate described in subdivision 2a, paragraph (c),
2.12 that is submitted as the applicant's evidence of training in the safe use of a pistol; and

2.13 (3) an accurate photocopy of the applicant's current driver's license, state identification
2.14 card, or the photo page of the applicant's passport.

2.15 (d) In addition to the other application materials, a person who is otherwise ineligible
2.16 for a permit due to a criminal conviction but who has obtained a pardon or expungement
2.17 setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights,
2.18 must submit a copy of the relevant order.

2.19 (e) Applications must be submitted in person.

2.20 (f) The sheriff may charge a new application processing fee in an amount not to exceed
2.21 the actual and reasonable direct cost of processing the application or \$100, whichever is
2.22 less. Of this amount, \$10 must be submitted to the commissioner and deposited into the
2.23 general fund.

2.24 (g) This subdivision prescribes the complete and exclusive set of items an applicant is
2.25 required to submit in order to apply for a new or renewal permit to carry. The applicant
2.26 must not be asked or required to submit, voluntarily or involuntarily, any information, fees,
2.27 or documentation beyond that specifically required by this subdivision. This paragraph does
2.28 not apply to alternate training evidence accepted by the sheriff under subdivision 2a,
2.29 paragraph (d).

2.30 (h) Forms for new and renewal applications must be available at all sheriffs' offices and
2.31 the commissioner must make the forms available on the Internet.

3.1 (i) Application forms must clearly display a notice that a permit, if granted, is void and
3.2 must be immediately returned to the sheriff if the permit holder is or becomes prohibited
3.3 by law from possessing a firearm. The notice must list the applicable state criminal offenses
3.4 and civil categories that prohibit a person from possessing a firearm.

3.5 (j) Upon receipt of an application packet and any required fee, the sheriff must provide
3.6 a signed receipt indicating the date of submission.

3.7 Sec. 2. Minnesota Statutes 2018, section 624.714, subdivision 4, is amended to read:

3.8 Subd. 4. **Investigation.** (a) The sheriff must check, by means of electronic data transfer,
3.9 criminal records, histories, and warrant information on each applicant through the Minnesota
3.10 Crime Information System and the National Instant Criminal Background Check System.
3.11 In addition, if the applicant is not a United States citizen, the sheriff must ensure that an
3.12 Immigration Alien Query (IAQ) check is performed on the applicant. The sheriff shall also
3.13 make a reasonable effort to check other available and relevant federal, state, or local
3.14 record-keeping systems. The sheriff must obtain commitment information from the
3.15 commissioner of human services as provided in section 245.041 or, if the information is
3.16 reasonably available, as provided by a similar statute from another state.

3.17 (b) When an application for a permit is filed under this section, the sheriff must notify
3.18 the chief of police, if any, of the municipality where the applicant resides. The police chief
3.19 may provide the sheriff with any information relevant to the issuance of the permit.

3.20 (c) The sheriff must conduct a background check by means of electronic data transfer
3.21 on a permit holder through the Minnesota Crime Information System and the National
3.22 Instant Criminal Background Check System at least yearly to ensure continuing eligibility.
3.23 The sheriff may also conduct additional background checks by means of electronic data
3.24 transfer on a permit holder at any time during the period that a permit is in effect.