

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3367

- 1.1A bill for an act
- 1.2relating to public safety; reenacting the 2024 changes to the crime of transferring
- 1.3a firearm to an ineligible person with certain amendments; repealing the affirmative
- 1.4defense for certain transfers of a firearm to an ineligible person by family or
- 1.5household members; repealing Minnesota Statutes 2024, section 624.7141,
- 1.6subdivision 4.
- 1.7BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8Section 1. **REENACTMENT OF CHANGES TO STRAW PURCHASE CRIMES.**
- 1.9Laws 2024, chapter 127, article 36, section 3, is reenacted retroactively and without
- 1.10interruption from August 1, 2024.
- 1.11**EFFECTIVE DATE.** This section is effective the day following final enactment.
- 1.12Sec. 2. **REPEALER.**
- 1.13Minnesota Statutes 2024, section 624.7141, subdivision 4, is repealed.
- 1.14**EFFECTIVE DATE.** This section is effective the day following final enactment.

624.7141 TRANSFER TO INELIGIBLE PERSON.

Subd. 4. **Affirmative defense.** (a) As used in this subdivision, "family or household member" has the meaning given in section 518B.01, subdivision 2, paragraph (b).

(b) If proven by clear and convincing evidence, it is an affirmative defense to a violation of this section that the defendant was a family or household member of the transferee and committed the violation only under compulsion by the transferee who, by explicit or implicit threats or other acts, created a reasonable apprehension in the mind of the defendant that the refusal of the defendant to participate in the violation would result in the transferee inflicting substantial bodily harm or death on the defendant or a family or household member of the defendant.

(c) The fact finder may consider any evidence of past acts that would constitute domestic abuse, domestic or nondomestic assault, criminal sexual conduct, sexual extortion, sex trafficking, labor trafficking, harassment or stalking, or any other crime that is a crime of violence as defined in section 624.712, subdivision 5, or threats to commit any of these crimes by the transferee toward the defendant or another when determining if the defendant has proven the affirmative defense. Past prosecution is not required for the fact finder to consider evidence of these acts. Nothing in this paragraph limits the ability of the fact finder to consider other relevant evidence when determining if the defendant has proven the affirmative defense.