

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 4294

(SENATE AUTHORS: WESTLIN)

DATE
03/09/2026

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Introduction and first reading
 Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to public safety; establishing a uniform procedure for imposition,

1.3 implementation, and oversight of firearm restrictions resulting from certain criminal

1.4 convictions and judicial orders; amending Minnesota Statutes 2024, sections

1.5 260C.201, subdivision 3; 518B.01, subdivisions 6, 14; 609.2242, subdivision 3;

1.6 609.749, subdivision 8; 629.715, subdivision 2; Minnesota Statutes 2025

1.7 Supplement, sections 260C.141, subdivision 1; 518B.01, subdivision 4; proposing

1.8 coding for new law in Minnesota Statutes, chapter 518B.

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

1.10 Section 1. Minnesota Statutes 2025 Supplement, section 260C.141, subdivision 1, is

1.11 amended to read:

1.12 Subdivision 1. **Who may file; required form.** (a) Any reputable person, including but

1.13 not limited to any agent of the commissioner of children, youth, and families, having

1.14 knowledge of a child in this state or of a child who is a resident of this state, who appears

1.15 to be in need of protection or services or neglected and in foster care, may petition the

1.16 juvenile court in the manner provided in this section.

1.17 (b) A petition for a child in need of protection filed by an individual who is not a county

1.18 attorney or an agent of the commissioner of children, youth, and families shall be filed on

1.19 a form developed by the state court administrator and provided to court administrators.

1.20 Copies of the form may be obtained from the court administrator in each county. The court

1.21 administrator shall review the petition before it is filed to determine that it is completed.

1.22 The court administrator may reject the petition if it does not indicate that the petitioner has

1.23 contacted the responsible social services agency.

1.24 An individual may file a petition under this subdivision without seeking internal review

1.25 of the responsible social services agency's decision. The court shall determine whether there

is probable cause to believe that a need for protection or services exists before the matter is set for hearing. If the matter is set for hearing, the court administrator shall notify the responsible social services agency by sending notice to the county attorney.

The petition must contain:

(1) a statement of facts that would establish, if proven, that there is a need for protection or services for the child named in the petition;

(2) a statement that petitioner has reported the circumstances underlying the petition to the responsible social services agency, and protection or services were not provided to the child;

(3) a statement whether there are existing juvenile or family court custody orders or pending proceedings in juvenile or family court concerning the child;

(4) a statement of the relationship of the petitioner to the child and any other parties; ~~and~~

(5) a statement whether the petitioner has inquired of the parent or parents of the child, the child, and relatives about the child's heritage, including the child's Tribal lineage pursuant to section 260.761 and the child's race, culture, and ethnicity pursuant to section 260.63, subdivision 10; and

(6) a description, to the best of the petitioner's knowledge, of the types and locations of any firearms believed by the petitioner to be possessed by the abusing party or otherwise in the home of the child, if the abusing party lives with the child.

The court may not allow a petition to proceed under this paragraph if it appears that the sole purpose of the petition is to modify custody between the parents. A court may not dismiss a petition if the petitioner does not provide a description of firearms or the locations of firearms owned by the respondent as required in clause (6).

Sec. 2. Minnesota Statutes 2024, section 260C.201, subdivision 3, is amended to read:

Subd. 3. **Domestic child abuse.** (a) If the court finds that the child is a victim of domestic child abuse, as defined in section 260C.007, subdivision 13, it may order any of the following dispositions of the case in addition to or as alternatives to the dispositions authorized under subdivision 1:

(1) restrain any party from committing acts of domestic child abuse;

(2) exclude the abusing party from the dwelling which the family or household members share or from the residence of the child;

(3) on the same basis as is provided in chapter 518, establish temporary visitation with regard to minor children of the adult family or household members;

(4) on the same basis as is provided in chapter 518 or 518A, establish temporary support or maintenance for a period of 30 days for minor children or a spouse;

(5) provide counseling or other social services for the family or household members; or

(6) order the abusing party to participate in treatment or counseling services.

Any relief granted by the order for protection shall be for a fixed period not to exceed one year.

(b) No order excluding the abusing party from the dwelling may be issued unless the court finds that:

(1) the order is in the best interests of the child or children remaining in the dwelling;

(2) a remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party; and

(3) the local welfare agency has developed a plan to provide appropriate social services to the remaining family or household members.

(c) Upon a finding that the remaining parent is able to care adequately for the child and enforce an order excluding the abusing party from the home and that the provision of supportive services by the responsible social services agency is no longer necessary, the responsible social services agency may be dismissed as a party to the proceedings. Orders entered regarding the abusing party remain in full force and effect and may be renewed by the remaining parent as necessary for the continued protection of the child for specified periods of time, not to exceed one year.

(d) An order granting relief that was issued after a hearing of which the abusing party received actual notice and at which the abusing party had the opportunity to participate, shall prohibit the abusing party from possessing firearms for the length the order is in effect if the order (1) restrains the abusing party from harassing, stalking, or threatening the child or restrains the abusing party from engaging in other conduct that would place the child in reasonable fear of bodily injury, and (2) includes a finding that the abusing party represents a credible threat to the physical safety of the child or prohibits the abusing party from using, attempting to use, or threatening to use physical force against the child. The order shall inform the abusing party of that party's prohibited status. Except as provided in paragraph ~~(f)~~ (e), the court shall order the abusing party to transfer any firearms that the person possesses, ~~within three business days, to a federally licensed firearms dealer, a law~~

enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. An abusing party may not transfer firearms to a third party who resides with the abusing party. If an abusing party makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the abusing party a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to an abusing party shall comply with state and federal law. If an abusing party permanently transfers the abusing party's firearms to a law enforcement agency, the agency is not required to compensate the abusing party and may charge the abusing party a reasonable processing fee. A law enforcement agency is not required to accept an abusing party's firearm under this paragraph. as provided for in section 518B.03 and direct the person to surrender all permits to carry and purchase firearms to the court or the issuing law enforcement agency as required under sections 624.7131, subdivision 7, and 624.714, subdivision 8. If the court does not take immediate possession of an abusing party's permit to carry or permit to purchase, the abusing party must surrender the permits to the court within 24 hours.

(e) An abusing party who is ordered to transfer firearms under paragraph (d) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the abusing party permanently transferred the abusing party's firearms to the third party or agreeing to temporarily store the abusing party's firearms until such time as the abusing party is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the abusing party to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the abusing party gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the abusing party. The proof of transfer must specify whether the firearms were permanently or temporarily

transferred and include the name of the abusing party, date of transfer, and the serial number, make, and model of all transferred firearms. The abusing party shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

~~(f)~~ (e) When a court issues an order containing a firearms restriction provided for in paragraph (d), the court shall determine by a preponderance of evidence if an abusing party poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the abusing party's possession as provided for in section 518B.03, subdivision 5. ~~The local law enforcement agency shall exercise due care to preserve the quality and function of the abusing party's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the abusing party, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (e). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (d) and (e) as if accepting transfer from the abusing party. If the law enforcement agency does not receive written notice from the abusing party within three business days, the agency may charge a reasonable fee to store the abusing party's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the abusing party be notified via certified mail prior to disposal of abandoned firearms.~~

Sec. 3. Minnesota Statutes 2025 Supplement, section 518B.01, subdivision 4, is amended to read:

Subd. 4. **Order for protection.** There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

6.1 (a) A petition for relief under this section may be made by any family or household
6.2 member personally or by a family or household member, a guardian as defined in section
6.3 524.1-201, clause (28), or, if the court finds that it is in the best interests of the minor, by
6.4 a reputable adult age 25 or older on behalf of minor family or household members. A minor
6.5 age 16 or older may make a petition on the minor's own behalf against a spouse or former
6.6 spouse, or a person with whom the minor has a child in common, if the court determines
6.7 that the minor has sufficient maturity and judgment and that it is in the best interests of the
6.8 minor.

6.9 (b) A petition for relief shall allege the existence of domestic abuse, and shall be
6.10 accompanied by an affidavit made under oath stating the specific facts and circumstances
6.11 from which relief is sought.

6.12 (c) A petition for relief must state whether the petitioner has ever had an order for
6.13 protection in effect against the respondent.

6.14 (d) A petition for relief must state whether there is an existing order for protection in
6.15 effect under this chapter governing both the parties and whether there is a pending lawsuit,
6.16 complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B,
6.17 or 518C. The court administrator shall verify the terms of any existing order governing the
6.18 parties. The court may not delay granting relief because of the existence of a pending action
6.19 between the parties or the necessity of verifying the terms of an existing order. A subsequent
6.20 order in a separate action under this chapter may modify only the provision of an existing
6.21 order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition
6.22 for relief may be granted, regardless of whether there is a pending action between the parties.

6.23 (e) A petition for relief must describe, to the best of the petitioner's knowledge, the types
6.24 and locations of any firearms believed by the petitioner to be possessed by the respondent.

6.25 ~~(e)~~ (f) A petition for relief must state whether the petitioner has any minor children and,
6.26 if so, must provide the name of any custodian of the minor children and must identify the
6.27 location or residence of the custodian. If any custodian is a program participant as defined
6.28 in section 5B.02, paragraph (g), the location or residence of the custodian is the address
6.29 designated by the secretary of state as the address of the program participant. A petition
6.30 must not be rejected or denied for failure to identify any custodian.

6.31 ~~(f)~~ (g) The court shall provide simplified forms and clerical assistance to help with the
6.32 writing and filing of a petition under this section.

~~(g)~~ (h) The court shall advise a petitioner under paragraph ~~(f)~~ (g) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.

~~(h)~~ (i) The court shall advise a petitioner under paragraph ~~(f)~~ (g) of the right to serve the respondent by published notice under subdivision 5, paragraph (b), if the respondent is avoiding personal service by concealment or otherwise, and shall assist with the writing and filing of the affidavit.

~~(i)~~ (j) The court shall advise the petitioner of the right to seek restitution under the petition for relief.

~~(j)~~ (k) The court shall advise the petitioner of the right to request a hearing under subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner and the custodian of any of the petitioner's minor children by mail at least five days before the hearing.

~~(k)~~ (l) The court shall advise the petitioner of the right to request supervised parenting time, as provided in section 518.175, subdivision 1a.

Sec. 4. Minnesota Statutes 2024, section 518B.01, subdivision 6, is amended to read:

Subd. 6. **Relief by court.** (a) Upon notice and hearing, the court may provide relief as follows:

(1) restrain the abusing party from committing acts of domestic abuse;

(2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

(3) exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order;

(4) award temporary custody or establish temporary parenting time with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. In addition to the primary safety considerations, the court may consider particular best interest factors that are found to be relevant to the temporary custody and parenting time award. Findings under section 257.025, 518.17, or 518.175 are not required with respect to the particular best interest factors not considered by the court. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted parenting time, the court shall condition or restrict parenting time as to time,

place, duration, or supervision, or deny parenting time entirely, as needed to guard the safety of the victim and the children. The court's decision on custody and parenting time shall in no way delay the issuance of an order for protection granting other relief provided for in this section. The court must not enter a parenting plan under section 518.1705 as part of an action for an order for protection;

(5) on the same basis as is provided in chapter 518 or 518A, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518A;

(6) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;

(7) order the abusing party to participate in treatment or counseling services, including requiring the abusing party to successfully complete a domestic abuse counseling program or educational program under section 518B.02;

(8) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;

(9) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment;

(10) order the abusing party to have no contact with the petitioner whether in person, by telephone, mail, or electronic mail or messaging, through a third party, or by any other means;

(11) order the abusing party to pay restitution to the petitioner;

(12) order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation;

(13) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or other law enforcement or corrections officer as provided by this section;

(14) direct the care, possession, or control of a pet or companion animal owned, possessed, or kept by the petitioner or respondent or a child of the petitioner or respondent; and

(15) direct the respondent to refrain from physically abusing or injuring any pet or companion animal, without legal justification, known to be owned, possessed, kept, or held by either party or a minor child residing in the residence or household of either party as an indirect means of intentionally threatening the safety of such person.

(b) Any relief granted by the order for protection shall be for a period not to exceed two years, except when the court determines a longer period is appropriate. When a referee presides at the hearing on the petition, the order granting relief becomes effective upon the referee's signature.

(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

(d) An order granting the relief authorized in paragraph (a), clause (2) or (3), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

(f) An order for restitution issued under this subdivision is enforceable as civil judgment.

(g) An order granting relief shall prohibit the abusing party from possessing firearms for the length the order is in effect if the order (1) restrains the abusing party from harassing, stalking, or threatening the petitioner or restrains the abusing party from engaging in other conduct that would place the petitioner in reasonable fear of bodily injury, and (2) includes a finding that the abusing party represents a credible threat to the physical safety of the petitioner or prohibits the abusing party from using, attempting to use, or threatening to use physical force against the petitioner. The order shall inform the abusing party of that party's prohibited status. Except as provided in paragraph ~~(i)~~ (h), the court shall order the abusing party to transfer any firearms that the person possesses, ~~within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. An abusing party may not transfer firearms to a third party~~

~~who resides with the abusing party. If an abusing party makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the abusing party a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to an abusing party shall comply with state and federal law. If an abusing party permanently transfers the abusing party's firearms to a law enforcement agency, the agency is not required to compensate the abusing party and may charge the abusing party a reasonable processing fee. A law enforcement agency is not required to accept an abusing party's firearm under this paragraph. as provided for in section 518B.03 and direct the person to surrender all permits to carry and purchase firearms to the court or the issuing law enforcement agency as required under sections 624.7131, subdivision 7, and 624.714, subdivision 8. If the court does not take immediate possession of an abusing party's permit to carry or permit to purchase, the abusing party must surrender the permits to the court within 24 hours.~~

(h) ~~An abusing party who is ordered to transfer firearms under paragraph (g) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the abusing party permanently transferred the abusing party's firearms to the third party or agreeing to temporarily store the abusing party's firearms until such time as the abusing party is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the abusing party to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the abusing party gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the abusing party. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the abusing party, date of transfer, and the serial number, make, and model of all transferred firearms. The abusing party shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two~~

11.1 ~~business days of the firearms transfer. The court shall seal affidavits and proofs of transfer~~
11.2 ~~filed pursuant to this paragraph.~~

11.3 ~~(i) (h)~~ When a court issues an order containing a firearms restriction provided for in
11.4 paragraph (g), the court shall determine by a preponderance of evidence if an abusing party
11.5 poses an imminent risk of causing another person substantial bodily harm. Upon a finding
11.6 of imminent risk, the court shall order that the local law enforcement agency take immediate
11.7 possession of all firearms in the abusing party's possession as provided for in section 518B.03,
11.8 subdivision 5. ~~The local law enforcement agency shall exercise due care to preserve the~~
11.9 ~~quality and function of the abusing party's firearms and shall return the firearms to the~~
11.10 ~~person upon request after the expiration of the prohibiting time period, provided the person~~
11.11 ~~is not otherwise prohibited from possessing firearms under state or federal law. The local~~
11.12 ~~law enforcement agency shall, upon written notice from the abusing party, transfer the~~
11.13 ~~firearms to a federally licensed firearms dealer or a third party who may lawfully receive~~
11.14 ~~them. Before a local law enforcement agency transfers a firearm under this paragraph, the~~
11.15 ~~agency shall require the third party or federally licensed firearms dealer receiving the firearm~~
11.16 ~~to submit an affidavit or proof of transfer that complies with the requirements for affidavits~~
11.17 ~~or proofs of transfer established in paragraph (h). The agency shall file all affidavits or~~
11.18 ~~proofs of transfer received with the court within two business days of the transfer. The court~~
11.19 ~~shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally~~
11.20 ~~licensed firearms dealer or third party who accepts a firearm transfer pursuant to this~~
11.21 ~~paragraph shall comply with paragraphs (g) and (h) as if accepting transfer from the abusing~~
11.22 ~~party. If the law enforcement agency does not receive written notice from the abusing party~~
11.23 ~~within three business days, the agency may charge a reasonable fee to store the abusing~~
11.24 ~~party's firearms. A law enforcement agency may establish policies for disposal of abandoned~~
11.25 ~~firearms, provided such policies require that the abusing party be notified via certified mail~~
11.26 ~~prior to disposal of abandoned firearms.~~

11.27 Sec. 5. Minnesota Statutes 2024, section 518B.01, subdivision 14, is amended to read:

11.28 Subd. 14. **Violation of an order for protection.** (a) A person who violates an order for
11.29 protection issued by a judge or referee is subject to the penalties provided in paragraphs (b)
11.30 to (d).

11.31 (b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for
11.32 protection is granted by a judge or referee or pursuant to a similar law of another state, the
11.33 United States, the District of Columbia, tribal lands, United States territories, Canada, or a
11.34 Canadian province, and the respondent or person to be restrained knows of the existence

of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court's treatment order, the court must impose and execute the stayed jail sentence. A violation of an order for protection shall also constitute contempt of court and be subject to the penalties provided in chapter 588.

(c) A person is guilty of a gross misdemeanor who violates this subdivision within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person violates this subdivision:

(1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; or

(2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, United States territories, Canada, or a Canadian province restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The probable cause required under this paragraph includes probable cause that the person knows of the existence of the order. If

13.1 the order has not been served, the officer shall immediately serve the order whenever
13.2 reasonably safe and possible to do so. An order for purposes of this subdivision, includes
13.3 the short-form order described in subdivision 8a. When the order is first served upon the
13.4 person at a location at which, under the terms of the order, the person's presence constitutes
13.5 a violation, the person shall not be arrested for violation of the order without first being
13.6 given a reasonable opportunity to leave the location in the presence of the peace officer. A
13.7 person arrested under this paragraph shall be held in custody for at least 36 hours, excluding
13.8 the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or
13.9 judicial officer. A peace officer acting in good faith and exercising due care in making an
13.10 arrest pursuant to this paragraph is immune from civil liability that might result from the
13.11 officer's actions.

13.12 (f) If the court finds that the respondent has violated an order for protection and that
13.13 there is reason to believe that the respondent will commit a further violation of the provisions
13.14 of the order restraining the respondent from committing acts of domestic abuse or excluding
13.15 the respondent from the petitioner's residence, the court may require the respondent to
13.16 acknowledge an obligation to comply with the order on the record. The court may require
13.17 a bond sufficient to deter the respondent from committing further violations of the order
13.18 for protection, considering the financial resources of the respondent, and not to exceed
13.19 \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation
13.20 or post a bond under this paragraph, the court shall commit the respondent to the county
13.21 jail during the term of the order for protection or until the respondent complies with the
13.22 order under this paragraph. The warrant must state the cause of commitment, with the sum
13.23 and time for which any bond is required. If an order is issued under this paragraph, the court
13.24 may order the costs of the contempt action, or any part of them, to be paid by the respondent.
13.25 An order under this paragraph is appealable.

13.26 (g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested
13.27 party designated by the court, alleging that the respondent has violated any order for
13.28 protection granted pursuant to this section or a similar law of another state, the United States,
13.29 the District of Columbia, tribal lands, United States territories, Canada, or a Canadian
13.30 province, the court may issue an order to the respondent, requiring the respondent to appear
13.31 and show cause within 14 days why the respondent should not be found in contempt of
13.32 court and punished therefor. The hearing may be held by the court in any county in which
13.33 the petitioner or respondent temporarily or permanently resides at the time of the alleged
13.34 violation, or in the county in which the alleged violation occurred, if the petitioner and
13.35 respondent do not reside in this state. The court also shall refer the violation of the order

14.1 for protection to the appropriate prosecuting authority for possible prosecution under
14.2 paragraph (b), (c), or (d).

14.3 (h) If it is alleged that the respondent has violated an order for protection issued under
14.4 subdivision 6 or a similar law of another state, the United States, the District of Columbia,
14.5 tribal lands, United States territories, Canada, or a Canadian province, and the court finds
14.6 that the order has expired between the time of the alleged violation and the court's hearing
14.7 on the violation, the court may grant a new order for protection under subdivision 6 based
14.8 solely on the respondent's alleged violation of the prior order, to be effective until the hearing
14.9 on the alleged violation of the prior order. If the court finds that the respondent has violated
14.10 the prior order, the relief granted in the new order for protection shall be extended for a
14.11 fixed period, not to exceed one year, except when the court determines a longer fixed period
14.12 is appropriate.

14.13 (i) The admittance into petitioner's dwelling of an abusing party excluded from the
14.14 dwelling under an order for protection is not a violation by the petitioner of the order for
14.15 protection.

14.16 A peace officer is not liable under section 609.43, clause (1), for a failure to perform a
14.17 duty required by paragraph (e).

14.18 (j) When a person is convicted under paragraph (b) or (c) of violating an order for
14.19 protection and the court determines that the person used a firearm in any way during
14.20 commission of the violation, the court may order that the person is prohibited from possessing
14.21 any type of firearm for any period longer than three years or for the remainder of the person's
14.22 life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of
14.23 the conviction, the court shall inform the defendant whether and for how long the defendant
14.24 is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this
14.25 paragraph. The failure of the court to provide this information to a defendant does not affect
14.26 the applicability of the firearm possession prohibition or the gross misdemeanor penalty to
14.27 that defendant.

14.28 (k) Except as otherwise provided in paragraph (j), when a person is convicted under
14.29 paragraph (b) or (c) of violating an order for protection, the court shall inform the defendant
14.30 that the defendant is prohibited from possessing ~~a pistol~~ firearms for three years from the
14.31 date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The
14.32 failure of the court to provide this information to a defendant does not affect the applicability
14.33 of the ~~pistol~~ firearms possession prohibition or the gross misdemeanor penalty to that
14.34 defendant.

(l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a ~~pistol~~ firearms if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a ~~pistol~~ firearm in violation of this paragraph is guilty of a gross misdemeanor.

(m) If the court determines that a person convicted under paragraph (b) or (c) of violating an order for protection owns or possesses a firearm and used it in any way during the commission of the violation, it shall order that the firearm and all other firearms possessed by the person be summarily forfeited under section 609.5316, subdivision 3. The court must direct the local law enforcement agency to take the person's firearms into immediate possession. If the person does not surrender the person's firearms within 24 hours, the court must issue a search warrant authorizing the local law enforcement agency to secure the person's firearms. Execution of a search warrant issued under this paragraph must comply with section 518B.03, subdivision 5.

Sec. 6. [518B.03] TRANSFER OF FIREARMS FROM CERTAIN PROHIBITED PERSONS.

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Subject" means a person who is subject to a court order prohibiting the person from possessing firearms issued pursuant to section 260C.201, 518B.01, 609.2242, 609.749, or 629.715.

(c) "Transfer order" is a court order requiring that a person transfer any firearms that the person possesses to comply with a firearms prohibition imposed pursuant to section 260C.201, 518B.01, 609.2242, 609.749, or 629.715.

Subd. 2. Transfer of firearms; documentation; storage; disposal. (a) Firearm transfers ordered pursuant to section 260C.201, 518B.01, 609.2242, 609.749, or 629.715 must comply with this section.

(b) Except as provided in paragraph (e), upon issuance of a transfer order, the court must direct the subject to transfer any firearms the person possesses as soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed firearms dealer or a law enforcement agency. If the subject elects to transfer the subject's firearms to a law

16.1 enforcement agency, the agency must accept the transfer. Transfers may be permanent or
16.2 temporary except that transfers required pursuant to a lifetime firearms ban are permanent.
16.3 A temporary firearm transfer only entitles the receiving party to possess the firearm and
16.4 does not transfer ownership or title.

16.5 (c) A federally licensed firearms dealer or law enforcement agency may charge the
16.6 subject a reasonable fee to store temporarily transferred firearms. A dealer or agency may
16.7 establish policies for disposal of abandoned firearms, provided these policies require that
16.8 the subject be notified via certified mail prior to disposal of abandoned firearms. For
16.9 temporary firearm transfers under this subdivision, a law enforcement agency or federally
16.10 licensed firearms dealer must exercise due care to preserve the quality and function of the
16.11 transferred firearms. If a subject permanently transfers the person's firearms to a law
16.12 enforcement agency, the agency is not required to compensate the subject and may charge
16.13 the subject a reasonable processing fee.

16.14 (d) A law enforcement agency must return temporarily transferred firearms to the subject
16.15 upon request after the expiration of the prohibiting time period, provided the subject is not
16.16 otherwise prohibited from possessing firearms under state or federal law. The return of
16.17 temporarily transferred firearms to a subject must comply with state and federal law.

16.18 (e) A subject may transfer any antique firearm, as defined in United States Code, title
16.19 18, section 921(a)(16), as amended, or a curio or relic as defined in Code of Federal
16.20 Regulations, title 27, section 478.11, as amended, to a relative who does not live with the
16.21 subject in compliance with section 624.7134.

16.22 Subd. 3. **Proof of transfer; filing.** (a) The subject must file proof of transfer as provided
16.23 for in this subdivision.

16.24 (b) A law enforcement agency or federally licensed firearms dealer accepting transfer
16.25 of a firearm pursuant to this section must provide proof of transfer to the subject. The proof
16.26 of transfer must specify whether the firearms were permanently or temporarily transferred
16.27 and must include the name of the subject, the date of transfer, and the serial number,
16.28 manufacturer, and model of all transferred firearms. If transfer is made to a federally licensed
16.29 firearms dealer, the subject must, within two business days after being served with the order,
16.30 file a copy of the proof of transfer with the local law enforcement agency and attest that all
16.31 firearms owned or possessed at the time of the order have been transferred in accordance
16.32 with this section and that the person currently does not possess any firearms.

16.33 (c) If the subject claims not to own or possess firearms, the subject must file a declaration
16.34 of nonpossession with the local law enforcement agency within 24 hours attesting that, at

17.1 the time of the order, the subject neither owned nor possessed any firearms and that the
17.2 subject currently neither owns nor possesses any firearms.

17.3 (d) If the transfer is made to a relative pursuant to subdivision 2, paragraph (e), the
17.4 relative must sign an affidavit under oath before a notary public either acknowledging that
17.5 the subject permanently transferred the subject's antique firearms, curios, or relics to the
17.6 relative or agreeing to temporarily store the subject's antique firearms, curios, or relics until
17.7 the subject is legally permitted to possess firearms. To the extent possible, the affidavit must
17.8 indicate the serial number, make, and model of all antique firearms, curios, or relics
17.9 transferred by the subject to the relative. The subject must file the affidavit with the local
17.10 law enforcement agency. A relative may not return to the subject a firearm transferred under
17.11 subdivision 2, paragraph (e), until the subject is eligible to possess firearms, and the return
17.12 transfer must comply with section 624.7134.

17.13 (e) The subject must file with the court all affidavits, proofs of transfer, and declarations
17.14 of nonpossession, and the court must seal the documents.

17.15 Subd. 4. **Compliance hearing; arrest; sanctions; protections.** (a) To ensure that all
17.16 firearms have been transferred, the court issuing a transfer order must hold a compliance
17.17 hearing within ten business days of issuing the order. The court may waive the hearing
17.18 requirement on its own motion or upon request of either the prosecutor or subject if the
17.19 court determines that the subject has complied with the transfer order, including filing of a
17.20 proof of transfer or affidavit of transfer, or otherwise submitted a credible declaration of
17.21 nonpossession.

17.22 (b) If the court finds that there is probable cause to believe that the subject is not in
17.23 compliance with a transfer order or fails to appear at a compliance hearing, the court must
17.24 take appropriate action under the circumstances, including but not limited to issuing a
17.25 warrant for the subject's arrest. The court may also initiate a contempt proceeding under
17.26 section 588.01, subdivision 3, to impose remedial sanctions on its own motion, or upon the
17.27 motion of the prosecutor, and issue an order requiring the subject to appear, with additional
17.28 sanctions for failure to appear; provide proof of compliance with the order; and show cause
17.29 why the subject should not be held in contempt of court.

17.30 (c) The act of voluntarily surrendering firearms, providing testimony relating to the
17.31 surrender of firearms, or complying with a transfer order, and any information directly or
17.32 indirectly derived from such act or testimony, may not be used against the subject in any
17.33 criminal prosecution, except a prosecution for perjury, giving a false statement, or otherwise

18.1 failing to comply with the transfer order. Every transfer order must contain language
18.2 consistent with the statutory immunity set forth in this subdivision.

18.3 (d) If a subject invokes the privilege against self-incrimination at the time of issuance
18.4 of the order or at a subsequent hearing, the court may afford the subject an opportunity to
18.5 demonstrate that compliance with a transfer order would expose that person to a realistic
18.6 threat of self-incrimination in a subsequent or pending criminal proceeding. The court may
18.7 conduct this portion of the proceeding ex parte or receive evidence in camera, without the
18.8 presence of the prosecuting attorney.

18.9 (e) If the subject establishes such a realistic threat of self-incrimination regarding possible
18.10 criminal prosecution that is not addressed by the immunity from prosecution set forth in
18.11 paragraph (c), the court must afford the relevant prosecuting attorney an opportunity to offer
18.12 an immunity agreement tailored specifically to the firearms implicated by the potential
18.13 self-incrimination. To achieve the purposes of this section, any immunity offered should
18.14 be narrowly tailored to address any realistic threat of self-incrimination while ensuring that
18.15 any other firearms not implicated are surrendered.

18.16 (f) Any immunity from prosecution beyond the immunity set forth in paragraph (c) may
18.17 only be extended by the prosecuting attorney. If the prosecuting attorney declines to extend
18.18 immunity such that the subject cannot fully comply with the transfer order without facing
18.19 a realistic threat of self-incrimination, the court's order must provide for the surrender of
18.20 every firearm and firearm permit that does not implicate a realistic threat of
18.21 self-incrimination. The order's prohibition on firearms possession remains in effect.

18.22 (g) Nothing in this section shall be interpreted as diminishing the requirement that the
18.23 subject fully comply with the order issued by the court. The burden remains on the subject
18.24 to prove compliance.

18.25 Subd. 5. **Law enforcement-assisted transfer of firearms.** (a) When a court determines
18.26 that a subject's firearms must be taken into immediate possession by a law enforcement
18.27 agency pursuant to section 260C.201, subdivision 3, paragraph (e); 518B.01, subdivision
18.28 6, paragraph (h); 609.2242, subdivision 3, paragraph (g); 609.749, subdivision 8, paragraph
18.29 (f); or 629.715, or summarily forfeited to a law enforcement agency pursuant to section
18.30 518B.01, subdivision 14, paragraph (m); 609.2242, subdivision 3, paragraph (b); or 609.749,
18.31 subdivision 8, paragraph (d), the court must issue a search warrant to the local law
18.32 enforcement agency to take possession of all firearms in the subject's possession as soon
18.33 as practicable.

(b) The chief law enforcement officer, or the chief's designee, must notify the subject of the option to voluntarily comply with the order by immediately surrendering the subject's firearms to a law enforcement agency. If the subject refuses or fails to voluntarily comply with the order to surrender the subject's firearms within 12 hours, the officer or officers tasked with serving the search warrant must execute the warrant.

(c) If an officer executing the warrant takes possession of the subject's firearms without the subject's compliance, the law enforcement agency must, upon written notice from the subject, transfer the firearms to a federally licensed firearms dealer. Before a law enforcement agency transfers a firearm under this subdivision, the agency must require the federally licensed firearms dealer receiving the firearm to submit a proof of transfer that complies with the requirements for proofs of transfer established in subdivision 2. The agency must file a proof of transfer with the court within two business days of receiving the document. A federally licensed firearms dealer who accepts a firearm transfer pursuant to this subdivision must comply with subdivision 2, as if accepting transfer directly from the subject.

Sec. 7. Minnesota Statutes 2024, section 609.2242, subdivision 3, is amended to read:

Subd. 3. **Domestic assaults; firearms.** (a) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, the court shall determine and make written findings on the record as to whether:

(1) the assault was committed against a family or household member, as defined in section 518B.01, subdivision 2;

(2) the defendant owns or possesses a firearm; and

(3) the firearm was used in any way during the commission of the assault.

(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order that the firearm and all other firearms possessed by the person be summarily forfeited under section 609.5316, subdivision 3. The court shall direct the local law enforcement agency to take the person's firearms into immediate possession. If the person does not surrender the person's firearms within 24 hours, the court must issue a search warrant authorizing the agency to secure the person's firearms. Execution of a search warrant issued under this paragraph shall comply with section 518B.03, subdivision 5.

(c) When a person is convicted of assaulting a family or household member and is determined by the court to have used a firearm in any way during commission of the assault,

the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(d) Except as otherwise provided in paragraph (c), when a person is convicted of a violation of this section or section 609.224 and the court determines that the victim was a family or household member, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(e) Except as otherwise provided in paragraph (c), a person is not entitled to possess a ~~pistol~~ firearms if the person has been convicted after August 1, 1992, or a ~~firearm~~ if a person has been convicted on or after August 1, 2014, of domestic assault under this section or assault in the fifth degree under section 609.224 and the assault victim was a family or household member as defined in section 518B.01, subdivision 2, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section or section 609.224. Property rights may not be abated but access may be restricted by the courts. A person who possesses a firearm in violation of this paragraph is guilty of a gross misdemeanor.

(f) Except as otherwise provided in paragraphs (b) and ~~(h)~~ (g), when a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247 and the court determines that the assault was against a family or household member, the court shall order the defendant to transfer any firearms that the person possesses, ~~within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary, unless the court prohibits the person from possessing a firearm for the remainder of the person's life under paragraph (c). A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. A defendant may not transfer firearms to a third party who resides with the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the defendant a reasonable fee to store the person's firearms and may~~

21.1 ~~establish policies for disposal of abandoned firearms, provided such policies require that~~
21.2 ~~the person be notified by certified mail prior to disposal of abandoned firearms. For temporary~~
21.3 ~~firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms~~
21.4 ~~dealer, or third party shall exercise due care to preserve the quality and function of the~~
21.5 ~~transferred firearms and shall return the transferred firearms to the person upon request after~~
21.6 ~~the expiration of the prohibiting time period imposed under this subdivision, provided the~~
21.7 ~~person is not otherwise prohibited from possessing firearms under state or federal law. The~~
21.8 ~~return of temporarily transferred firearms to a person shall comply with state and federal~~
21.9 ~~law. If a defendant permanently transfers the defendant's firearms to a law enforcement~~
21.10 ~~agency, the agency is not required to compensate the defendant and may charge the defendant~~
21.11 ~~a reasonable processing fee. A law enforcement agency is not required to accept a person's~~
21.12 ~~firearm under this paragraph. The court shall order that the person surrender all permits to~~
21.13 ~~carry and purchase firearms to the sheriff. as provided for in section 518B.03 and direct the~~
21.14 ~~person to surrender all permits to carry and purchase firearms to the court or issuing law~~
21.15 ~~enforcement agency as required under sections 624.7131, subdivision 7, and 624.714,~~
21.16 ~~subdivision 8. If the court does not take immediate possession of a defendant's permit to~~
21.17 ~~carry or permit to purchase, the defendant must surrender the permit to the court within 24~~
21.18 ~~hours.~~

21.19 (g) ~~A defendant who is ordered to transfer firearms under paragraph (f) must file proof~~
21.20 ~~of transfer as provided for in this paragraph. If the transfer is made to a third party, the third~~
21.21 ~~party must sign an affidavit under oath before a notary public either acknowledging that~~
21.22 ~~the defendant permanently transferred the defendant's firearms to the third party or agreeing~~
21.23 ~~to temporarily store the defendant's firearms until such time as the defendant is legally~~
21.24 ~~permitted to possess firearms. The affidavit shall indicate the serial number, make, and~~
21.25 ~~model of all firearms transferred by the defendant to the third party. The third party shall~~
21.26 ~~acknowledge in the affidavit that the third party may be held criminally and civilly~~
21.27 ~~responsible under section 624.7144 if the defendant gains access to a transferred firearm~~
21.28 ~~while the firearm is in the custody of the third party. If the transfer is to a law enforcement~~
21.29 ~~agency or federally licensed firearms dealer, the law enforcement agency or federally~~
21.30 ~~licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer~~
21.31 ~~must specify whether the firearms were permanently or temporarily transferred and include~~
21.32 ~~the name of the defendant, date of transfer, and the serial number, make, and model of all~~
21.33 ~~transferred firearms. The defendant shall provide the court with a signed and notarized~~
21.34 ~~affidavit or proof of transfer as described in this section within two business days of the~~
21.35 ~~firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this~~
21.36 ~~paragraph.~~

~~(h)~~ (g) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, and the court determines that the assault was against a family or household member, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession as provided for in section 518B.03, subdivision 5. ~~The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (g). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (f) and (g) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.~~

Sec. 8. Minnesota Statutes 2024, section 609.749, subdivision 8, is amended to read:

Subd. 8. **Harassment; stalking; firearms.** (a) When a person is convicted of harassment or stalking under this section and the court determines that the person used a firearm in any way during commission of the crime, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect

23.1 the applicability of the firearm possession prohibition or the gross misdemeanor penalty to
23.2 that defendant.

23.3 (b) Except as otherwise provided in paragraph (a), when a person is convicted of
23.4 harassment or stalking under this section, the court shall inform the defendant that the
23.5 defendant is prohibited from possessing a firearm for three years from the date of conviction
23.6 and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court
23.7 to provide this information to a defendant does not affect the applicability of the firearm
23.8 possession prohibition or the gross misdemeanor penalty to that defendant.

23.9 (c) Except as otherwise provided in paragraph (a), a person is not entitled to possess a
23.10 ~~pistol~~ firearms if the person has been convicted after August 1, 1996, of harassment or
23.11 stalking under this section, or ~~to possess a firearm~~ if the person has been convicted on or
23.12 after August 1, 2014, of harassment or stalking under this section, unless three years have
23.13 elapsed from the date of conviction and, during that time, the person has not been convicted
23.14 of any other violation of this section. Property rights may not be abated but access may be
23.15 restricted by the courts. A person who possesses a firearm in violation of this paragraph is
23.16 guilty of a gross misdemeanor.

23.17 (d) If the court determines that a person convicted of harassment or stalking under this
23.18 section owns or possesses a firearm and used it in any way during the commission of the
23.19 crime, it shall order that the firearm and all other firearms possessed by the person be
23.20 summarily forfeited under section 609.5316, subdivision 3. The court shall direct the local
23.21 law enforcement agency to take the person's firearms into immediate possession. If the
23.22 person does not surrender the person's firearms within 24 hours, the court must issue a
23.23 search warrant authorizing the agency to secure the person's firearms. Execution of a search
23.24 warrant issued under this paragraph shall comply with section 518B.03, subdivision 5.

23.25 (e) Except as otherwise provided in paragraphs (d) and ~~(g)~~ (f), when a person is convicted
23.26 of harassment or stalking under this section, the court shall order the defendant to transfer
23.27 any firearms that the person possesses, ~~within three business days, to a federally licensed~~
23.28 ~~firearms dealer, a law enforcement agency, or a third party who may lawfully receive them.~~
23.29 ~~The transfer may be permanent or temporary. A temporary firearm transfer only entitles~~
23.30 ~~the receiving party to possess the firearm. A temporary transfer does not transfer ownership~~
23.31 ~~or title. A defendant may not transfer firearms to a third party who resides with the defendant.~~
23.32 ~~If a defendant makes a temporary transfer, a federally licensed firearms dealer or law~~
23.33 ~~enforcement agency may charge the defendant a reasonable fee to store the person's firearms~~
23.34 ~~and may establish policies for disposal of abandoned firearms, provided such policies require~~
23.35 ~~that the person be notified via certified mail prior to disposal of abandoned firearms. For~~

24.1 ~~temporary firearms transfers under this paragraph, a law enforcement agency, federally~~
24.2 ~~licensed firearms dealer, or third party shall exercise due care to preserve the quality and~~
24.3 ~~function of the transferred firearms and shall return the transferred firearms to the person~~
24.4 ~~upon request after the expiration of the prohibiting time period imposed under this~~
24.5 ~~subdivision, provided the person is not otherwise prohibited from possessing firearms under~~
24.6 ~~state or federal law. The return of temporarily transferred firearms to a defendant shall~~
24.7 ~~comply with state and federal law. If a defendant permanently transfers the defendant's~~
24.8 ~~firearms to a law enforcement agency, the agency is not required to compensate the defendant~~
24.9 ~~and may charge the defendant a reasonable processing fee. A law enforcement agency is~~
24.10 ~~not required to accept a person's firearm under this paragraph. The court shall order that the~~
24.11 ~~person surrender all permits to carry and purchase firearms to the sheriff. as provided for~~
24.12 ~~in section 518.03 and direct the person to surrender all permits to carry and purchase firearms~~
24.13 ~~to the court or issuing law enforcement agency as required under sections 624.7131,~~
24.14 ~~subdivision 7, and 624.714, subdivision 8. If the court does not take immediate possession~~
24.15 ~~of a defendant's permit to carry or permit to purchase, the defendant must surrender the~~
24.16 ~~permit to the court within 24 hours.~~

24.17 (f) ~~A defendant who is ordered to transfer firearms under paragraph (e) must file proof~~
24.18 ~~of transfer as provided for in this paragraph. If the transfer is made to a third party, the third~~
24.19 ~~party must sign an affidavit under oath before a notary public either acknowledging that~~
24.20 ~~the defendant permanently transferred the defendant's firearms to the third party or agreeing~~
24.21 ~~to temporarily store the defendant's firearms until such time as the defendant is legally~~
24.22 ~~permitted to possess firearms. The affidavit shall indicate the serial number, make, and~~
24.23 ~~model of all firearms transferred by the defendant to the third party. The third party shall~~
24.24 ~~acknowledge in the affidavit that the third party may be held criminally and civilly~~
24.25 ~~responsible under section 624.7144 if the defendant gains access to a transferred firearm~~
24.26 ~~while the firearm is in the custody of the third party. If the transfer is to a law enforcement~~
24.27 ~~agency or federally licensed firearms dealer, the law enforcement agency or federally~~
24.28 ~~licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer~~
24.29 ~~must specify whether the firearms were permanently or temporarily transferred and include~~
24.30 ~~the name of the defendant, date of transfer, and the serial number, make, and model of all~~
24.31 ~~transferred firearms. The defendant shall provide the court with a signed and notarized~~
24.32 ~~affidavit or proof of transfer as described in this section within two business days of the~~
24.33 ~~firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this~~
24.34 ~~paragraph.~~

~~(g) (f)~~ When a person is convicted of harassment or stalking under this section, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession as provided for in section 518B.03, subdivision 5. ~~The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (f). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (e) and (f) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.~~

Sec. 9. Minnesota Statutes 2024, section 629.715, subdivision 2, is amended to read:

Subd. 2. **Surrender of firearms.** (a) The judge may order as a condition of release that the person surrender to the local law enforcement agency all firearms, destructive devices, or dangerous weapons owned or possessed by the person, and may not live in a residence where others possess firearms. If ordered to surrender firearms, the person must also surrender all permits to carry and purchase firearms to the court or the issuing law enforcement agency as required under sections 624.7131, subdivision 7, and 624.714, subdivision 8. If the court does not take immediate possession of a person's permit to carry or permit to purchase, the person must surrender the permit to the court within 24 hours.

(b) Except as otherwise provided for in this section, the surrender of firearms under this section must comply with section 518B.03.

26.1 (c) Any firearm, destructive device, or dangerous weapon surrendered under this
26.2 subdivision shall be inventoried and retained, with due care to preserve its quality and
26.3 function, by the local law enforcement agency, and must be returned to the person upon the
26.4 person's acquittal, when charges are dismissed, or if no charges are filed. If the person is
26.5 convicted, the firearm must be returned when the court orders the return or when the person
26.6 is discharged from probation and restored to civil rights.

26.7 (d) If the person is convicted of a designated offense as defined in section 609.531, the
26.8 firearm is subject to forfeiture as provided under that section.

26.9 (e) This condition may be imposed in addition to any other condition authorized by rule
26.10 6.02 of the Rules of Criminal Procedure.