

1.1 moves to amend S.F. No. 2980 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[245.9901] GUN VIOLENCE PROTECTIVE ORDERS.**

1.4 Subdivision 1. **Definitions.** As used in sections 245.9901 to 245.9908, the term
1.5 "family or household members" has the meaning given in section 518B.01, subdivision 2.

1.6 Subd. 2. **Court jurisdiction.** An application for relief under this section may be
1.7 filed in the county of residence of either party. There are no residency requirements that
1.8 apply to a petition for a gun violence protective order. Actions under this section shall be
1.9 given docket priorities by the court.

1.10 Subd. 3. **Information on petitioner's location or residence.** Upon the petitioner's
1.11 request, information maintained by the court regarding the petitioner's location or
1.12 residence is not accessible to the public and may be disclosed only to court personnel
1.13 or law enforcement for purposes of service of process, conducting an investigation, or
1.14 enforcing an order.

1.15 Subd. 4. **Generally.** (a) There shall exist an action known as a petition for a gun
1.16 violence protective order for protection from gun violence, which order shall enjoin and
1.17 prohibit the respondent from possessing firearms for a fixed period.

1.18 (b) A petition for relief under sections 245.9901 to 245.9908 may be made by any
1.19 family or household members, or by the chief law enforcement officer, or his or her
1.20 designee, or a city or county attorney, or by a guardian as defined in section 524.1-201,
1.21 clause (26).

1.22 (c) A petition for relief shall allege that the respondent poses a significant danger
1.23 of bodily injury to self or to other persons by possessing a firearm, and shall allege that
1.24 less restrictive alternatives are inadequate or inappropriate to the circumstances. The
1.25 petition shall be accompanied by an affidavit made under oath stating specific facts and
1.26 circumstances forming a basis to allege that a gun violence protective order should be

2.1 granted. The affidavit may include, but is not limited to, evidence showing any of the
2.2 factors described in subdivision 3.

2.3 (d) A petition for emergency relief under section 245.9904 shall additionally allege
2.4 that the respondent presents an immediate and present danger of bodily injury.

2.5 (e) A petition for relief must state whether there is an existing order in effect under
2.6 sections 245.9901 to 245.9908, or chapter 260C or 518B governing the respondent and
2.7 whether there is a pending lawsuit, complaint, petition, or other action between the parties
2.8 under sections 245.9901 to 245.9908, or chapter 257, 518, 518A, 518B, or 518C. The
2.9 court administrator shall verify the terms of any existing order governing the parties. The
2.10 court may not delay granting relief because of the existence of a pending action between
2.11 the parties or the necessity of verifying the terms of an existing order. A petition for relief
2.12 may be granted whether or not there is a pending action between the parties.

2.13 (f) Where the sole evidence to support the issuance of a gun violence protective
2.14 order would also allow for the issuance of an order under chapter 518B, the petitioner
2.15 must either be the victim of domestic abuse or the petitioner must obtain the consent of
2.16 the victim of domestic abuse to petition.

2.17 (g) A petition for relief must describe, to the best of the petitioner's knowledge,
2.18 the types and location of any firearms believed by the petitioner to be possessed by the
2.19 respondent.

2.20 (h) The court shall provide simplified forms and clerical assistance to help with the
2.21 writing and filing of a petition under this section.

2.22 (i) The state court administrator shall create all forms necessary under sections
2.23 245.9901 to 245.9908.

2.24 (j) The court shall advise a petitioner of the right to file a motion and affidavit and to
2.25 sue in forma pauperis, pursuant to section 563.01, and shall assist with the writing and
2.26 filing of the motion and affidavit.

2.27 (k) The court shall advise the petitioner under X of the right to serve the respondent
2.28 by published notice under X, if the respondent is avoiding personal service by concealment
2.29 or otherwise, and shall assist in the writing and filing of the affidavit.

2.30 (l) The court shall advise the petitioner of the right to request a hearing under section
2.31 245.9904, paragraph (b). If the petitioner does not request a hearing, the court shall advise
2.32 the petitioner that the respondent may request a hearing and that notice of the hearing date
2.33 and time will be provided to the petitioner by mail at least five days before the hearing.

2.34 (m) A gun violence protective order issued under sections 245.9901 to 245.9908
2.35 applies throughout the state.

3.1 (n) Any proceeding under sections 245.9901 to 245.9908 shall be in addition to
3.2 other civil or criminal remedies.

3.3 (o) All health records and other health information provided in a petition or
3.4 considered as evidence in a proceeding under sections 245.9901 to 245.9908 shall be
3.5 protected from public disclosure but may be provided to law enforcement agencies as
3.6 described in this section.

3.7 (p) Any gun violence protective order or subsequent extension issued under sections
3.8 245.9901 to 245.9908 shall be forwarded by the court administrator within 24 hours to
3.9 the local law enforcement agency with jurisdiction over the residence of the respondent.
3.10 Each appropriate law enforcement agency shall make available to other law enforcement
3.11 officers, through a system for verification, information as to the existence and status of any
3.12 gun violence protective order issued under sections 245.9901 to 245.9908.

3.13 Sec. 2. **[245.9902] GUN VIOLENCE PROTECTIVE ORDERS ISSUED AFTER
3.14 HEARING.**

3.15 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing,
3.16 the court shall order a hearing which shall be held not later than 14 days from the date
3.17 of the order for hearing.

3.18 (b) The court shall advise the petitioner of the right to request an emergency gun
3.19 violence protective order under section 245.9904 separately from or simultaneously with
3.20 the petition under this subdivision.

3.21 (c) The petitioning law enforcement agency shall be responsible for service of a gun
3.22 violence protective order issued by the court and shall further be the agency responsible
3.23 for the execution of any legal process required for the seizure and storage of guns subject
3.24 to the order. Nothing in this provision limits the ability of the law enforcement agency of
3.25 record cooperating with other law enforcement entities. When the petitioner is a family
3.26 member, the primary law enforcement agency serving the jurisdiction of residency of the
3.27 respondent shall be responsible for the execution of any legal process required for the
3.28 seizure and storage of guns subject to the order.

3.29 (d) Personal service of notice for the hearing may be made upon the respondent at
3.30 any time up to 12 hours prior to the time set for the hearing, provided that the respondent
3.31 at the hearing may request a continuance of up to five days if the respondent is served
3.32 fewer than five days prior to the hearing, which continuance shall be granted unless there
3.33 are compelling reasons not to do so. If the court grants the requested continuance, and
3.34 an existing emergency order under section 245.9904 will expire due to the continuance,

4.1 the court shall also issue a written order continuing the emergency order pending the new
4.2 time set for the hearing.

4.3 (e) Service on the respondent may be made by one-week published notice, as
4.4 provided under section 645.11, provided the petitioner files with the court an affidavit
4.5 stating that an attempt at personal service made by a law enforcement officer was
4.6 unsuccessful because the respondent is avoiding service by concealment or otherwise, and
4.7 that a copy of the petition and notice of hearing has been mailed to the respondent at the
4.8 respondent's residence or that the residence is not known to the petitioner. Service under
4.9 this paragraph is complete seven days after publication. The court shall set a new hearing
4.10 date if necessary to allow the respondent the 12-hour minimum notice period required
4.11 under paragraph (c) or if the respondent is not served within five days before the hearing
4.12 and requests a continuance under paragraph (c).

4.13 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by a
4.14 preponderance of the evidence that:

4.15 (1) the respondent poses a significant danger of bodily injury to self or other persons
4.16 by possessing a firearm; and

4.17 (2) less-restrictive alternatives are inadequate or inappropriate to the circumstances.

4.18 (b) In determining whether to grant the order after a hearing, the court shall consider
4.19 evidence of the following whether or not the petitioner has provided evidence of the same:

4.20 (1) a history of threats or acts of violence by the respondent directed toward the
4.21 respondent's self or another person;

4.22 (2) the history of use, attempted use, or threatened use of physical force by the
4.23 respondent against another person;

4.24 (3) a violation of any court order including, but not limited to, orders issued under
4.25 sections 245.9901 to 245.9908, or chapter 260C or 518B;

4.26 (4) a prior arrest for a felony offense;

4.27 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking
4.28 offense under section 609.749, or for domestic assault under section 609.2242;

4.29 (6) a conviction for an offense of cruelty to animals under chapter 343;

4.30 (7) the unlawful and reckless use, display, or brandishing of a firearm by the
4.31 respondent; and

4.32 (8) evidence of controlled substances or alcohol abuse factored against
4.33 countervailing evidence of recovery from abuse of controlled substances or alcohol.

4.34 (c) In determining whether to grant the order after a hearing, the court may consider
4.35 any other evidence that bears on whether the respondent poses a danger to the respondent's
4.36 self or others.

5.1 (d) If the court finds there is a preponderance of the evidence to issue a gun violence
5.2 protective order, the court shall issue the order prohibiting the person from possessing
5.3 a firearm for the duration of the order. The court shall inform the respondent that the
5.4 respondent is prohibited from possessing firearms and shall issue a transfer order under
5.5 section 245.9905. The court shall also give notice to the civil attorneys office which may
5.6 take such action as it deems appropriate.

5.7 (e) The order shall have a fixed period, to be determined by the court, of not less
5.8 than six months and not more than two years, subject to renewal or extension under
5.9 section 245.9903.

5.10 (f) If there is no existing emergency order under section 245.9904 at the time an
5.11 order is granted under this section, the court shall determine by a preponderance of the
5.12 evidence whether the respondent presents an immediate and present danger of bodily
5.13 injury. If the court so determines, the transfer order shall include the provisions described
5.14 in section 245.9905, paragraph (c).

5.15 (g) If, after a hearing, the court does not issue an order of protection, the court shall
5.16 vacate any emergency gun violence protective order currently in effect.

5.17 **Sec. 3. [245.9903] SUBSEQUENT EXTENSIONS AND TERMINATION.**

5.18 (a) Upon application by any party entitled to petition for an order under section
5.19 245.9902, and after notice to the respondent and a hearing, the court may extend the relief
5.20 granted in an existing order granted after a hearing under section 245.9902. Application
5.21 for an extension may be made any time within the three months before the expiration of
5.22 the existing order. The order may be extended for a fixed period of at least six months and
5.23 not to exceed two years, if the court makes the same findings by a preponderance of the
5.24 evidence as required for granting of an initial order under section 245.9902, subdivision
5.25 2, paragraph (d). The court shall consider the same types of evidence as required for the
5.26 initial order under section 245.9902, subdivision 2, paragraphs (b) and (c).

5.27 (b) Upon application by the respondent to an order issued under section 245.9902,
5.28 the court may terminate an order after a hearing at which the respondent shall bear
5.29 the burden of proving by clear and convincing evidence that the respondent does not
5.30 pose a significant danger of bodily injury to the respondent's self or to other persons by
5.31 possessing a firearm, or that less restrictive alternatives are appropriate and adequate to
5.32 the circumstances. Application may be made for termination one time for each year an
5.33 order is in effect. If an order has been issued for a period of six months, the respondent
5.34 may apply for termination one time.

6.1 Sec. 4. **[245.9904] EMERGENCY ISSUANCE OF GUN VIOLENCE**

6.2 **PROTECTIVE ORDER.**

6.3 (a) In determining whether to grant an emergency gun violence protective order
6.4 the court shall consider evidence of all facts identified in section 245.9902, subdivision
6.5 2, paragraphs (b) and (c).

6.6 (b) The court shall advise the petitioner of the right to request an order after a hearing
6.7 under section 245.9902, separately from or simultaneously with the petition.

6.8 (c) If the court finds there is reasonable grounds that (1) respondent poses a
6.9 significant danger of bodily injury to the respondent's self or to other persons by
6.10 possessing a firearm, (2) less restrictive alternatives are inappropriate or inadequate to the
6.11 circumstances, and (3) respondent presents an immediate and present danger of bodily
6.12 injury, the court shall issue an ex parte emergency order prohibiting the respondent from
6.13 possessing a firearm for the duration of the order. The order shall inform the respondent
6.14 that the respondent is prohibited from possessing firearms and shall issue a transfer order
6.15 under section 245.9905, paragraph (c).

6.16 (d) A finding by the court that there is a basis for issuing an emergency gun violence
6.17 protective order constitutes a finding that sufficient reasons exist not to require notice
6.18 under applicable court rules governing applications for ex parte relief.

6.19 (e) The emergency order shall have a fixed period of 14 days, unless a hearing is
6.20 set under section 245.9902 on an earlier date, in which case the order shall expire upon a
6.21 judge's finding that no order is issued under section 245.9902.

6.22 (f) Except as provided in paragraph (g), the respondent shall be personally served
6.23 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
6.24 is requested by the petitioner under section 245.9902, notice of the date set for the hearing.
6.25 If the petitioner does not request a hearing under section 245.9902, an order served on a
6.26 respondent under this subdivision must include a notice advising the respondent of the
6.27 right to request a hearing challenging the issuance of the emergency order, and must be
6.28 accompanied by a form that can be used by the respondent to request a hearing.

6.29 (g) Service of the emergency order may be made by published notice, as provided
6.30 under section 245.9902, subdivision 1, paragraph (d), provided that the petitioner files
6.31 the affidavit required under that subdivision. If the petitioner does not request a hearing
6.32 under section 245.9902, the petition mailed to the respondent's residence, if known, must
6.33 be accompanied by the form for requesting a hearing described in paragraph (f).

6.34 Sec. 5. **[245.9905] TRANSFER OF FIREARMS.**

7.1 (a) Upon issuance of a gun violence protective order, the court shall direct the
7.2 respondent to transfer any firearms the person possesses, within 24 hours, to a federally
7.3 licensed firearms dealer, a law enforcement agency, or third party. The transfer may be
7.4 permanent or temporary. A temporary firearm transfer only entitles the receiving party to
7.5 possess the firearm and does not transfer ownership or title. If the respondent makes a
7.6 temporary transfer, a federally licensed firearms dealer or law enforcement agency may
7.7 charge the respondent a reasonable fee to store the firearms and may establish policies
7.8 for disposal of abandoned firearms, provided these policies require that the respondent be
7.9 notified prior to disposal of abandoned firearms. If a respondent permanently transfers
7.10 the respondent's firearms to a law enforcement agency, the agency is not required to
7.11 compensate the respondent and may charge the respondent a reasonable processing fee. A
7.12 law enforcement agency is not required to accept a respondent's firearm under this section.

7.13 (b) The respondent must file proof of transfer as provided in this paragraph.

7.14 (1) A law enforcement agency or federally licensed firearms dealer accepting
7.15 transfer of a firearm pursuant to this section shall provide proof of transfer to the
7.16 respondent. The proof of transfer must specify whether the firearms were permanently or
7.17 temporarily transferred and must include the name of the respondent, date of transfer, and
7.18 the serial number, manufacturer, and model of all transferred firearms. If transfer is made
7.19 to a federally licensed firearms dealer, the respondent shall, within two business days after
7.20 being served with the order file a copy of proof of transfer with the law enforcement
7.21 agency, and attest that all firearms owned or possessed at the time of the order have been
7.22 transferred in accordance with this section and that the person currently does not possess
7.23 any firearms. If the respondent claims not to own or possess firearms, the respondent shall
7.24 file a declaration of nonpossession with the law enforcement agency attesting that, at the
7.25 time of the order, the respondent neither owned nor possessed any firearms, and that the
7.26 respondent currently neither owns nor possesses any firearms.

7.27 (2) If the transfer is made to a third party, the third party must sign an affidavit
7.28 under oath before a notary public either acknowledging that the respondent permanently
7.29 transferred the abusing party's firearms to the third party or agreeing to temporarily
7.30 store the abusing party's firearms until such time as the respondent is legally permitted
7.31 to possess firearms. The affidavit shall indicate the serial number, make, and model of
7.32 all firearms transferred by the abusing party to the third party. The third party shall
7.33 acknowledge in the affidavit that the third party may be held criminally and civilly
7.34 responsible under section 624.7144 if the respondent gains access to a transferred firearm
7.35 while the firearm is in the custody of the third party. The respondent shall provide the

8.1 law enforcement agency with a signed and notarized affidavit as described in this section
8.2 within two business days of the firearms transfer.

8.3 (3) The court shall seal affidavits, proofs of transfer, and declarations of
8.4 nonpossession filed pursuant to paragraph (b).

8.5 (c) If a court issues an emergency order under section 245.9904, or makes a finding
8.6 of immediate and present danger under section 245.9902, subdivision 2, paragraph (e), the
8.7 court shall issue a search warrant to the local law enforcement agency to take immediate
8.8 possession of all firearms in the respondent's possession if there is probable cause to show
8.9 the types and location of firearms in the respondent's possession. The local law enforcement
8.10 agency shall, upon written notice from the respondent, transfer the firearms to a federally
8.11 licensed firearms dealer. Before a local law enforcement agency transfers a firearm under
8.12 this paragraph, the agency shall require the federally licensed firearms dealer receiving
8.13 the firearm to submit a proof of transfer that complies with the requirements for proofs of
8.14 transfer established in paragraph (b). The agency shall file all proofs of transfer received
8.15 with the court within two business days of the transfer. A federally licensed firearms dealer
8.16 who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs
8.17 (a) and (b) as if accepting transfer directly from the respondent. If the law enforcement
8.18 agency does not receive written notice from the respondent within three business days, the
8.19 agency may charge a reasonable fee to store respondent's firearms. A law enforcement
8.20 agency may establish policies for disposal of abandoned firearms, provided these policies
8.21 require that the respondent be notified prior to disposal of abandoned firearms.

8.22 (d) After a nonemergency gun violence protective order is issued, the court may, upon
8.23 request of the respondent and consent of the petitioner or other person duly authorized by
8.24 the court, grant the respondent limited access to firearms for the purpose of participation
8.25 in a sporting or recreational activity only. In the circumstances under this paragraph, an
8.26 authorized family member or person authorized in the order, may temporarily grant access
8.27 to a firearm for purposes of engagement in the recreational activity. Access to the firearm
8.28 shall be with the written consent of the respondent's treating physician and only for the
8.29 time period in which the sporting or recreational activity is being undertaken.

8.30 Sec. 6. **[245.9906] RETURN OF FIREARMS.**

8.31 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
8.32 temporary transfer of firearms under section 245.9905, the local law enforcement agency
8.33 shall return the firearms to the respondent upon request after the expiration of the order,
8.34 provided the respondent is not otherwise prohibited from possessing firearms under state
8.35 or federal law.

9.1 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted
9.2 temporary transfer of firearms under section 245.9905 shall return the transferring firearms
9.3 to the respondent upon request after the expiration of the order, provided the respondent is
9.4 not otherwise prohibited from possessing firearms under state or federal law. A federally
9.5 licensed firearms dealer returning firearms shall comply with state and federal law as
9.6 though transferring a firearm from the dealer's own inventory.

9.7 Subd. 3. **Third party.** A local law enforcement agency shall inform the third party
9.8 that accepted transfer under section 245.9905 that he or she may return firearms to the
9.9 respondent upon request after the expiration of the order, provided the respondent is not
9.10 otherwise prohibited from possessing firearms under state or federal law.

9.11 Sec. 7. **[245.9907] OFFENSES.**

9.12 Subdivision 1. **False information or harassment.** A person who petitions for a gun
9.13 violence protective order under section 245.9902 or 245.9904, knowing any information
9.14 in the petition to be materially false or with the intent to harass, abuse, or threaten, is
9.15 guilty of a misdemeanor.

9.16 Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should
9.17 have known that the person is prohibited from doing so by a gun violence protective order
9.18 under section 245.9902 or 245.9904, or by an order of protection granted by a judge or
9.19 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor
9.20 and shall be prohibited from possessing firearms for a period of five years. Each gun
9.21 violence protective order granted under this chapter must contain a conspicuous notice to
9.22 the respondent regarding the penalty for violation of the order.

9.23 Sec. 8. **[245.9908] LIABILITY PROTECTION.**

9.24 Subdivision 1. **Liability protection for petition.** A chief law enforcement officer,
9.25 or his or her designee who, in good faith, decides not to petition for a gun violence
9.26 protective order or emergency gun violence protective order shall be immune from
9.27 criminal or civil liability.

9.28 Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency
9.29 shall be immune from civil or criminal liability for any damage or deterioration of
9.30 firearms, ammunition, or weapons stored or transported pursuant to section 245.9905.
9.31 This subdivision shall not apply if the damage or deterioration occurred as a result of
9.32 recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

10.1 Sec. 9. Minnesota Statutes 2015 Supplement, section 624.713, subdivision 1, is
10.2 amended to read:

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

10.6 (1) a person under the age of 18 years except that a person under 18 may possess
10.7 ammunition designed for use in a firearm that the person may lawfully possess and may
10.8 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
10.9 presence or under the direct supervision of the person's parent or guardian, (ii) for the
10.10 purpose of military drill under the auspices of a legally recognized military organization
10.11 and under competent supervision, (iii) for the purpose of instruction, competition, or target
10.12 practice on a firing range approved by the chief of police or county sheriff in whose
10.13 jurisdiction the range is located and under direct supervision; or (iv) if the person has
10.14 successfully completed a course designed to teach marksmanship and safety with a pistol
10.15 or semiautomatic military-style assault weapon and approved by the commissioner of
10.16 natural resources;

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

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

10.28 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
10.29 gross misdemeanor violation of chapter 152, unless three years have elapsed since the
10.30 date of conviction and, during that time, the person has not been convicted of any other
10.31 such violation of chapter 152 or a similar law of another state; or a person who is or has
10.32 ever been committed by a judicial determination for treatment for the habitual use of a
10.33 controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the
10.34 person's ability to possess a firearm and ammunition has been restored under subdivision 4;

10.35 (5) a person who has been committed to a treatment facility in Minnesota or
10.36 elsewhere by a judicial determination that the person is chemically dependent as defined

11.1 in section 253B.02, unless the person has completed treatment or the person's ability to
11.2 possess a firearm and ammunition has been restored under subdivision 4. Property rights
11.3 may not be abated but access may be restricted by the courts;

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

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

11.13 (8) except as otherwise provided in clause (9), a person who has been convicted in
11.14 another state of committing an offense similar to the offense described in section 609.224,
11.15 subdivision 3, against a family or household member or section 609.2242, subdivision
11.16 3, unless three years have elapsed since the date of conviction and, during that time, the
11.17 person has not been convicted of any other violation of section 609.224, subdivision 3, or
11.18 609.2242, subdivision 3, or a similar law of another state;

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

11.23 (10) a person who:

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

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

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

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

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

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

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

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

12.3 (11) a person who has been convicted of the following offenses at the gross
12.4 misdemeanor level, unless three years have elapsed since the date of conviction and, during
12.5 that time, the person has not been convicted of any other violation of these sections: section
12.6 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults
12.7 motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a
12.8 child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring
12.9 gun); 609.71 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified
12.10 gross misdemeanor convictions include crimes committed in other states or jurisdictions
12.11 which would have been gross misdemeanors if conviction occurred in this state;

12.12 (12) a person who has been convicted of a violation of section 609.224 if the court
12.13 determined that the assault was against a family or household member in accordance with
12.14 section 609.2242, subdivision 83 (domestic assault), unless three years have elapsed since
12.15 the date of conviction and, during that time, the person has not been convicted of another
12.16 violation of section 609.224 or a violation of a section listed in clause (11); or

12.17 (13) a person who is subject to an order for protection as described in section
12.18 260C.201, subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

12.19 (14) a person who is subject to a gun violence protective order as described in
12.20 section 245.9902 or 245.9904.

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

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

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

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

12.34 Sec. 10. **EFFECTIVE DATE.**

13.1 Sections 1 to 9 are effective January 1, 2017, and apply to firearm permit background
13.2 checks made on or after that date."

13.3 Delete the title and insert:

13.4 "A bill for an act
13.5 relating to public safety; enabling law enforcement and family members to
13.6 petition a court to prohibit people from possessing firearms if they pose a
13.7 significant danger to themselves or others by possessing a firearm; amending
13.8 Minnesota Statutes 2015 Supplement, section 624.713, subdivision 1; proposing
13.9 coding for new law in Minnesota Statutes, chapter 245."