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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3498

1.1 A bill for an act

1.2 relating to public safety; increasing the penalty for transferring a firearm to an

1.3 unauthorized person; establishing a mandatory minimum sentence for certain

1.4 transfers of a firearm to an ineligible person; removing an affirmative defense;

1.5 amending Minnesota Statutes 2024, section 624.7141, subdivisions 1, 2; repealing

1.6 Minnesota Statutes 2024, section 624.7141, subdivision 4.

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

1.8 Section 1. Minnesota Statutes 2024, section 624.7141, subdivision 1, is amended to read:

1.9 Subdivision 1. **Transfer prohibited.** (a) A person is guilty of a felony and may be

1.10 sentenced to imprisonment for up to ~~two~~ three years and to payment of a fine of not more

1.11 than \$10,000 if the person intentionally transfers a firearm to another and the person knows

1.12 or reasonably should know that the transferee:

1.13 (1) has been denied a permit to carry under section 624.714 because the transferee is

1.14 not eligible under section 624.713 to possess a pistol or semiautomatic military-style assault

1.15 weapon or any other firearm;

1.16 (2) has been found ineligible to possess a pistol or semiautomatic military-style assault

1.17 weapon by a chief of police or sheriff as a result of an application for a transferee permit

1.18 or a transfer report; or

1.19 (3) is disqualified under section 624.713 from possessing a pistol or semiautomatic

1.20 military-style assault weapon or any other firearm.

1.21 (b) Paragraph (a) does not apply to the transfer of a firearm other than a pistol or

1.22 semiautomatic military-style assault weapon to a person under the age of 18 who is not

1.23 disqualified from possessing any other firearm.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.2 Sec. 2. Minnesota Statutes 2024, section 624.7141, subdivision 2, is amended to read:

2.3 Subd. 2. **Aggravated offense.** A person who violates this section may be sentenced to
2.4 imprisonment for up to five years and to payment of a fine of not more than \$20,000 if the
2.5 transferee possesses or uses the weapon within one year after the transfer in furtherance of
2.6 a felony crime of violence. A person sentenced under this subdivision shall be committed
2.7 to the commissioner of corrections for not less than three years or the presumptive fixed
2.8 sentence under the Minnesota Sentencing Guidelines, whichever is greater.

2.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.10 Sec. 3. **REPEALER.**

2.11 Minnesota Statutes 2024, section 624.7141, subdivision 4, is repealed.

2.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

624.7141 TRANSFER TO INELIGIBLE PERSON.

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

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

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