

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 5006

04/16/2026

Authored by Pinto

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; requiring a peace officer to conduct certain testing of a

1.3 person suspected of carrying a firearm while under the influence; increasing the

1.4 penalty for carrying a firearm with an elevated blood alcohol concentration;

1.5 increasing the length of time a person is prohibited from carrying a firearm

1.6 following certain convictions; amending Minnesota Statutes 2024, section 624.7142,

1.7 subdivisions 3, 6.

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

1.9 Section 1. Minnesota Statutes 2024, section 624.7142, subdivision 3, is amended to read:

1.10 Subd. 3. **Preliminary screening test.** When an officer authorized under subdivision 2

1.11 to make arrests has reason to believe that the person may be violating or has violated

1.12 subdivision 1, the officer ~~may~~ must require the person to provide a breath sample for a

1.13 preliminary screening test using a device approved by the commissioner for this purpose.

1.14 The results of the preliminary screening test must be used for the purpose of deciding whether

1.15 an arrest should be made under this section and whether to require the chemical tests

1.16 authorized in section 624.7143, but may not be used in any court action except: (1) to prove

1.17 that the test was properly required of a person under section 624.7143, or (2) in a civil action

1.18 arising out of the use of the pistol. If the results of the preliminary screening test indicate

1.19 that the person is violating subdivision 1, the officer must require the chemical tests

1.20 authorized in section 624.7143. Following the preliminary screening test, additional tests

1.21 may be required of the person as provided under section 624.7143. A person who refuses

1.22 a breath sample is subject to the provisions of section 624.7143 unless, in compliance with

1.23 that section, the person submits to a blood, breath, or urine test to determine the presence

1.24 of alcohol or a controlled substance.

2.1 Sec. 2. Minnesota Statutes 2024, section 624.7142, subdivision 6, is amended to read:

2.2 Subd. 6. **Penalties.** (a) A person who violates a prohibition under subdivision 1, clauses
2.3 (1) to ~~(5)~~ (4) or (6), is guilty of a misdemeanor. ~~A second or subsequent violation is~~ If the
2.4 person was previously convicted of violating this section, the person is guilty of a gross
2.5 misdemeanor. If the person has two or more previous convictions for violating this section,
2.6 the person is guilty of a felony and may be sentenced to imprisonment for not more than
2.7 five years or a fine of not more than \$10,000, or both.

2.8 (b) A person who violates subdivision 1, clause ~~(6)~~ (5), is guilty of a gross misdemeanor.
2.9 If the person was previously convicted of violating this section, the person is guilty of a
2.10 felony and may be sentenced to imprisonment for not more than five years or a fine of not
2.11 more than \$10,000, or both.

2.12 (c) In addition to the penalty imposed under paragraph (a), if a person violates subdivision
2.13 1, clauses (1) to ~~(5)~~ (4) or (6), the person's authority to carry a pistol in a public place on or
2.14 about the person's clothes or person under the provisions of a permit or otherwise is revoked
2.15 and the person may not reapply for:

2.16 (1) a period of one year from the date of conviction if the person has no prior convictions
2.17 for a violation of this section;

2.18 (2) a period of five years from the date of conviction if the person has one prior conviction
2.19 for a violation of this section; or

2.20 (3) for the person's lifetime if the person has two or more prior convictions for a violation
2.21 of this section.

2.22 (d) In addition to the penalty imposed under paragraph (b), if a person violates subdivision
2.23 1, clause ~~(6)~~ (5), the person's authority to carry a pistol in a public place on or about the
2.24 person's clothes or person under the provisions of a permit or otherwise is ~~suspended for~~
2.25 ~~180 days~~ revoked and the person may not reapply for a period of five years from the date
2.26 of conviction. If the person violates subdivision 1, clause (6), and the person has at least
2.27 one prior conviction for a violation of this section, the person's authority to carry a pistol
2.28 in a public place on or about the person's clothes or person under the provisions of a permit
2.29 or otherwise is revoked and the person is not eligible to reapply.

2.30 (e) Notwithstanding section 609.531, a firearm carried in violation of subdivision 1,
2.31 clause (6), is not subject to forfeiture unless the violation is a second or subsequent offense.

2.32 **EFFECTIVE DATE.** This section is effective August 1, 2026, and applies to crimes
2.33 committed on or after that date.