

CHAPTER 268—S.F.No. 2339

An act relating to public safety; increasing the criminal penalty for possessing dangerous weapons on school property while lowering the criminal penalty for brandishing, using, or possessing replica firearms and BB guns on school property; amending Minnesota Statutes 2008, section 609.66, subdivision 1d.

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

Section 1. Minnesota Statutes 2008, section 609.66, subdivision 1d, is amended to read:

Subd. 1d. **Possession on school property; penalty.** (a) Except as provided under paragraphs ~~(c)~~ (d) and ~~(e)~~ (f), whoever possesses, stores, or keeps a dangerous weapon ~~or uses or brandishes a replica firearm or a BB gun~~ while knowingly on school property is guilty of a felony and may be sentenced to imprisonment for not more than ~~two~~ five years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.

(b) Whoever uses or brandishes a replica firearm or a BB gun while knowingly on school property is guilty of a gross misdemeanor.

~~(b)~~ (c) Whoever possesses, stores, or keeps a replica firearm or a BB gun while knowingly on school property is guilty of a ~~gross~~ misdemeanor.

~~(c)~~ (d) Notwithstanding paragraph (a) ~~or~~, (b), or (c), it is a misdemeanor for a person authorized to carry a firearm under the provisions of a permit or otherwise to carry a firearm on or about the person's clothes or person in a location the person knows is school property. Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not subject to forfeiture.

~~(d)~~ (e) As used in this subdivision:

(1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter;

(2) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;

(3) "replica firearm" has the meaning given it in section 609.713; and

(4) "school property" means:

(i) a public or private elementary, middle, or secondary school building and its improved grounds, whether leased or owned by the school;

(ii) a child care center licensed under chapter 245A during the period children are present and participating in a child care program;

(iii) the area within a school bus when that bus is being used by a school to transport one or more elementary, middle, or secondary school students to and from school-related activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary activities; and

(iv) that portion of a building or facility under the temporary, exclusive control of a public or private school, a school district, or an association of such entities where conspicuous signs are prominently posted at each entrance that give actual notice to persons of the school-related use.

~~(e)~~ (f) This subdivision does not apply to:

- (1) active licensed peace officers;
- (2) military personnel or students participating in military training, who are on-duty, performing official duties;
- (3) persons authorized to carry a pistol under section 624.714 while in a motor vehicle or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or rear area of the vehicle;
- (4) persons who keep or store in a motor vehicle pistols in accordance with section 624.714 or 624.715 or other firearms in accordance with section 97B.045;
- (5) firearm safety or marksmanship courses or activities conducted on school property;
- (6) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
- (7) a gun or knife show held on school property;
- (8) possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
- (9) persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.

~~(f)~~ (g) Notwithstanding section 471.634, a school district or other entity composed exclusively of school districts may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with this subdivision.

EFFECTIVE DATE. This section is effective August 1, 2010, and applies to crimes committed on or after that date.

Presented to the governor April 19, 2010

Signed by the governor April 22, 2010, 12:37 p.m.