

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 2357**

(SENATE AUTHORS: COHEN)

DATE	D-PG	OFFICIAL STATUS
03/08/2016		Introduction and first reading Referred to Judiciary

A bill for an act

1.1  
 1.2 relating to public safety; prohibiting persons named on the consolidated terrorist  
 1.3 watchlist from possessing firearms; amending Minnesota Statutes 2014, section  
 1.4 624.712, by adding a subdivision; Minnesota Statutes 2015 Supplement, section  
 1.5 624.713, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2014, section 624.712, is amended by adding a  
 1.8 subdivision to read:

1.9 Subd. 13. **Consolidated terrorist watchlist.** "Consolidated terrorist watchlist"  
 1.10 means the database of identifying information about those known or reasonably suspected  
 1.11 of being involved in terrorist activity maintained by the terrorist screening center under  
 1.12 the administration of the Federal Bureau of Investigation.

1.13 Sec. 2. Minnesota Statutes 2015 Supplement, section 624.713, subdivision 1, is  
 1.14 amended to read:

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

1.18 (1) a person under the age of 18 years except that a person under 18 may possess  
 1.19 ammunition designed for use in a firearm that the person may lawfully possess and may  
 1.20 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual  
 1.21 presence or under the direct supervision of the person's parent or guardian, (ii) for the  
 1.22 purpose of military drill under the auspices of a legally recognized military organization  
 1.23 and under competent supervision, (iii) for the purpose of instruction, competition, or target  
 1.24 practice on a firing range approved by the chief of police or county sheriff in whose

2.1 jurisdiction the range is located and under direct supervision; or (iv) if the person has  
2.2 successfully completed a course designed to teach marksmanship and safety with a pistol  
2.3 or semiautomatic military-style assault weapon and approved by the commissioner of  
2.4 natural resources;

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

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

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

2.23 (5) a person who has been committed to a treatment facility in Minnesota or  
2.24 elsewhere by a judicial determination that the person is chemically dependent as defined  
2.25 in section 253B.02, unless the person has completed treatment or the person's ability to  
2.26 possess a firearm and ammunition has been restored under subdivision 4. Property rights  
2.27 may not be abated but access may be restricted by the courts;

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

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

3.1 (8) except as otherwise provided in clause (9), a person who has been convicted in  
3.2 another state of committing an offense similar to the offense described in section 609.224,  
3.3 subdivision 3, against a family or household member or section 609.2242, subdivision  
3.4 3, unless three years have elapsed since the date of conviction and, during that time, the  
3.5 person has not been convicted of any other violation of section 609.224, subdivision 3, or  
3.6 609.2242, subdivision 3, or a similar law of another state;

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

3.11 (10) a person who:

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

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

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

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

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

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

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

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

3.27 (11) a person who has been convicted of the following offenses at the gross  
3.28 misdemeanor level, unless three years have elapsed since the date of conviction and, during  
3.29 that time, the person has not been convicted of any other violation of these sections: section  
3.30 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults  
3.31 motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a  
3.32 child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring  
3.33 gun); 609.71 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified  
3.34 gross misdemeanor convictions include crimes committed in other states or jurisdictions  
3.35 which would have been gross misdemeanors if conviction occurred in this state;

4.1 (12) a person who has been convicted of a violation of section 609.224 if the court  
4.2 determined that the assault was against a family or household member in accordance with  
4.3 section 609.2242, subdivision 8 (domestic assault), unless three years have elapsed since  
4.4 the date of conviction and, during that time, the person has not been convicted of another  
4.5 violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

4.6 (13) a person who is subject to an order for protection as described in section  
4.7 260C.201, subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

4.8 (14) a person named on the consolidated terrorist watchlist.

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

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

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

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

4.22 **EFFECTIVE DATE.** This section is effective 60 days after the federal government  
4.23 grants state law enforcement officers access to the consolidated terrorist watchlist.