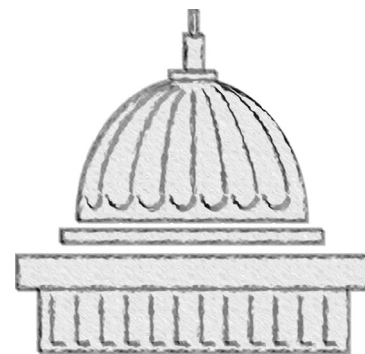


# *F. NRA / ILA Firearms Laws for*

## MINNESOTA

(As of July 2005)



Compiled by:

*NRA-Institute for Legislative Action  
11250 Waples Mill Road  
Fairfax, Virginia 22030  
(800) 392-8683  
[www.nraila.org](http://www.nraila.org)*

### A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

#### QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	Yes
Registration of Firearms	No	No
Licensing of Owners	No	No
Permit to Carry	No	Yes*

\*concealed

#### PREEMPTION

State law supersedes municipal or county regulation of firearms.

#### PURCHASE

A handgun or semiautomatic military-style assault weapon may be sold by a dealer to a person who presents a handgun transferee permit or carry permit, or to a person who has undergone a seven (7) day waiting period where a transfer report has been filed.

A transferee permit may be obtained at no cost from the police chief of a municipality or the county sheriff. The information requested consists of name, residence, telephone number, driver's license number or non-qualification certificate number, sex, date of birth, height, weight, eye color, and a statement attesting that the transferee does not fall into any of the disqualifying categories listed under POSSESSION.

The police chief or sheriff investigates the applicant and must issue or deny the transferee permit within seven (7) days. The only basis for a denial is if the applicant falls into any of the disqualifying categories listed under POSSESSION. A transferee permit is good statewide for one year to purchase one or more handguns either at one time or at intervals throughout the year.

A person without a transferee permit or carry permit

must utilize a transfer report in order to purchase a handgun or semiautomatic military-style assault weapon. The transfer report contains the identification information and statement attesting qualification as required in the transferee permit, and must be signed by the transferor and the proposed recipient. The transferor must deliver the report to the police chief or sheriff no later than three (3) days after the date of the agreement to transfer, excluding weekends and legal holidays. No fee is charged for the transfer report. Upon receipt of a transfer report, the police chief or sheriff investigates the potential recipient. A handgun or assault weapon cannot be delivered until five (5) days until after the agreement to transfer is delivered to the police chief sheriff. The police may waive all or part of the seven (7) day waiting period. At the end of five (5) days, the handgun or assault weapon may be transferred if the transferor hears nothing unfavorable from the police. There is no restriction on the number of handguns or assault weapons a person may acquire as part of a single transfer report.

Once a police determination has been made that a handgun or assault weapon recipient is not prohibited from possessing a handgun or assault weapon, the recipient may, within 30 days after the determination, apply to the police chief or sheriff for a handgun or assault weapon transferee permit, and the permit shall be issued.

A person transferring a handgun or assault weapon to a person exhibiting a transferee permit or carry permit is not required to file a handgun or assault weapon transfer report.

After a determination has been made that the person receiving a handgun or assault weapon is not precluded from possessing one, the person may request that no record be kept of the fact that he is the recipient of a handgun or assault weapon. The police chief or sheriff shall sign the transfer report and return it to the person receiving the handgun or assault weapon. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the person who received the

handgun or assault weapon.

The requirements of a transferee permit, permit to carry, or report of transfer and a seven (7) day waiting period do not apply to transfers between federally licensed firearm dealers or transfers of antique firearms acquired as curiosities or for their historical significance or value.

No person shall transfer a handgun or assault weapon to another who is not personally known to the transferor unless the proposed recipient presents evidence of his identity.

Each firearm dealer shall display a warning in block letters stating, "IT IS UNLAWFUL TO STORE OR LEAVE A LOADED FIREARM WHERE A CHILD CAN OBTAIN ACCESS."

## POSSESSION

No state permit is required to possess a rifle, shotgun, or handgun. The following persons may not possess a handgun or "semiautomatic military style assault weapon," or any other firearm:

- Any person under 18, unless there are in the actual presence of or under the direct supervision of his parent or guardian; for purpose of a military drill; for purpose of a supervised instruction, competition or target practice on a police approved firing range; or if the person has completed a course on handgun or semiautomatic military-style assault weapon marksmanship and safety approved by the Commissioner of Natural Resources.
- A person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence.
- A person who has ever been confined or committed as mentally ill, mentally retarded or mentally ill and dangerous to the public, to a treatment facility, or who has ever been found incompetent to stand trial or found not guilty by reason of insanity, unless he possesses a doctor's certificate or other satisfactory proof that he is no longer suffering from this disability.
- A person convicted of a misdemeanor or gross misdemeanor drug violation or who is or ever has been hospitalized or committed for treatment for the habitual use of a controlled substance, unless possessing a doctor's certificate or other satisfactory proof that he has not abused a controlled substance during the previous 2 years.
- A person who has been confined or committed to a treatment facility as chemically dependant, unless the person has completed treatment.
- A peace officer who is informally admitted to a treatment facility for chemical dependency, unless the officer has a certificate from the head of the treatment facility discharging the officer from the treatment facility.
- A person who has been charged with committing

a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge has been dismissed.

- A person who is a prohibited under federal law.
- A person who has been convicted of assault in the fifth degree against a family or household member, if the conviction was within three years of an earlier conviction of assault, cannot possess a handgun until three years has passed since the last conviction with no further violations.
- A person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault.
- A person who has been convicted in this state or elsewhere of a gross misdemeanor involving crimes benefiting a gang, assaults motivated by bias, false imprisonment, neglect or endangerment of a child, burglary, setting a spring gun, riot, or harassment and stalking, within the proceeding three years.
- A person who:
  - Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one (1) year;
  - Is a fugitive from justice;
  - Is an unlawful user of any controlled substance;
  - Has been judicially committed to a treatment facility in Minnesota or elsewhere as a person who is mentally ill, mentally retarded, or mentally ill and dangerous to the public;
  - Is an alien who is illegally or unlawfully in the United States
  - Has been discharged from the armed forces of the United States under dishonorable conditions; or
  - Has renounced the person's citizenship having been a citizen of the United States.

It is unlawful to furnish a child under the age of 14 a firearm or airgun of any kind, or any ammunition or explosive without the parent or guardian's permission. It is also unlawful for such child to handle or use a firearm or airgun of any kind or any kind of ammunition or explosive outside of a parent or guardian's presence without permission. These prohibitions apply in any municipality of this state unless written consent of a parent or guardian or of the police department or magistrate of such municipality is obtained first.

A nonresident alien may not possess a firearm except to take game as a nonresident under the game laws.

It is unlawful to possess, store, or keep a deadly weapon, BB gun or, or replica firearm on school property or a school bus.

## CARRYING

Any person carrying a loaded BB gun, rifle, or shotgun on or about their person, not expressly to or from the place where the firearms are bought, sold, traded, displayed, or where hunting, target shooting, or other lawful activity occurs, is guilty of a gross misdemeanor. It is also a misdemeanor to carry a handgun on or about their person while under the influence of alcohol or any controlled substance.

It is unlawful for a person authorized to carry a firearm under the provisions of a permit in a location a person knows to be school property. However, a person may keep or store a firearm in a motor vehicle in accordance with state law, participate in lawful gun safety or marksmanship courses or activities, gun shows, ceremonial color guard, or with the school principal's written permission, on school grounds.

Generally, a concealed carry permit is not required of a person:

- To keep or carry a handgun about the person's place of business, dwelling, house, premises, or on land possessed by the person.
- To keep or carry from a place of purchase to his dwelling, house or place of business, or from his dwelling, house or place of business to or from a place where repair is done to have the handgun repaired.
- To carry a handgun between his dwelling house and his place of business.
- To carry in the woods or fields or upon the waters for hunting or target shooting in a safe area.
- To transport in a motor vehicle, snowmobile or boat if the firearm is unloaded and in a closed and fastened case, gun box or securely tied package.
- To carry on guard duty or otherwise engaged in an assigned duty while on guard at an adult correctional institution.

Application for a permit to carry concealed by a Minnesota resident is made to the local Sheriff. Nonresidents may apply to any Sheriff. Application is made on a statewide standardized form. The application must include applicants name, residence, telephone number, driver's license number or state identification number, physical characteristics, date of birth and a list of the applicant's past ten (10) year residency history. Applications include an authorization for the release of information from the Commissioner of Human Services regarding any commitment history of the applicant.

The application fee shall not exceed \$100. Applications must be submitted in person. A permit shall be issued or denied within 30 days of application. Applicants must be

21 or older, be citizen of the United States or a permanent resident, not fall into any of the disqualifying factors listed above under POSSESSION and demonstrate evidence of firearms safety training. A basic firearms training course offered by a certified instructor must include:

- Instruction in the fundamentals of handgun use.
- Successful completion of an actual shooting qualification exercise.
- Instruction in the fundamental legal aspects of handgun possession, carry and use including self-defense and the restrictions on the use of deadly force.

Certified instructors include any person who is certified in the past five years by an organization or government entity that has been approved by the Department of Public Safety in accordance with the department's standards.

Concealed carry is prohibited in certain locations. These include:

- All school properties, which are defined as public, private, elementary, middle or secondary school buildings or grounds, including properties under the temporary exclusive control of a school.
- Any licensed childcare center during a time when children are present.
- Any private property where the owner or operator has posted a notice which reads, "(the owners name) BANS GUNS IN THESE PREMISES."
- Any other location prohibited by federal or state law.

Upon the request of a peace officer, a permit holder must disclose to the officer whether or not the permit holder is currently carrying a firearm.

The firearm carrying restrictions do not apply to antique firearms carried or possessed as curiosities or for their historical significance or value. Except for handguns carried pursuant to a carrying permit, rifles and shotguns transported in a motor vehicle, airplane, or snowmobile must be unloaded in both barrel and magazine and cased unloaded in a car trunk or the rearmost location of the vehicle.

Except when engaged in lawful hunting or when at a target range operating under a permit from the Department of Natural Resources, it is unlawful to be in possession of a rifle or shotgun outdoors unless it is unloaded and either cased or broken down.

## ANTIQUES AND REPLICAS

Antique firearm means any firearm, including any handgun, with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured before 1899 and any replica of any firearm described therein if such

replica is not designed or redesigned, made or remade, or intended to fire conventional rimfire or centerfire ammunition or uses conventional rimfire or centerfire ammunition which is not readily available in the ordinary channels of commercial trade.

## MACHINE GUNS

A machine gun is any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger. The following persons may own or possess a machine gun or machine gun conversion kit or trigger activating device increasing the rate of fire to that of a machine gun or a shotgun with a barrel less than 18 inches or an overall length of less than 26 inches:

- Law enforcement officers or armed forces personnel for use in the course of their duties.
- Wardens of correctional facilities and authorized personnel, for use in the course of their duties.
- Persons possessing machine guns or short-barreled shotguns which, although designed as weapons, have been determined by the superintendent of the Bureau of Criminal Apprehension or his delegate by reason of the date of manufacture, value, design, or other characteristics to be primarily collectors items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and are not likely to be used as weapons.
- Manufacturers of ammunition who use and possess machine guns for testing ammunition to be used by law enforcement agencies and correctional facilities.
- Federally licensed dealers and manufacturers who use such weapons to train peace officers or sell to law enforcement agencies.

A person owning or possessing a machine gun or short-barreled shotgun shall, within ten (10) days after acquiring ownership or possession, file a written report with the Bureau of Criminal Apprehension showing his name, address, official title and position, if any, a full description of the arm, the purpose for which it is owned or possessed, and such further information as the Bureau may reasonably require.

## MISCELLANEOUS

A person is guilty of a gross misdemeanor who negligently stores or leaves a loaded firearm in a location

where the persons knows, or reasonably should know, that a child is likely to gain access, unless reasonable action is taken to secure the firearm against access by the child.

It shall be unlawful to take any wild animal by means of discharging any firearm from a motor vehicle. A special permit may be acquired, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a person who has a permanent physical disability. Game wardens may confiscate firearms used in unlawful hunting.

SOURCE: Minn. Stat. Ann. §§ 609.66 et seq, 624.711 et seq

### Definitions

1. A handgun includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle. BB guns of .18 caliber or less are exempt.

2. Semiautomatic military-style assault weapon means Avtomat Kalashnikov (AK47), Beretta AR-70 and BM-59, Colt AR-15, Daewoo Max-1 and Max-2, Famas MAS, Fabrique Nationale FN-LAR and FN-FNC, Galil, Heckler & Koch HK 91, HK-93 & HK-94, Sigarms SIG 550SP & 551SP, SKS with detachable magazine, Steyr AUG, and Valmet M76 & M78; Intratec TEC-9 handgun type; Ingram MAC-10 and MAC-11 and Uzi handgun and carbine types; Street Sweeper & Striker-12 revolving cylinder shotgun types and USAS12 semi-automatic shotgun type; another model or version of the listed firearms by the same manufacturer or under a license to another manufacturer or seller. The superintendent of the bureau of criminal apprehension shall annually publish a list of firearms included in the definition of semiautomatic military-style assault weapon.

**CAUTION:** Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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