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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 469

01/23/2017 Authored by Cornish
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; amending the Minnesota Personal Protection Act; creating
1.3 lifetime permits to carry handguns; reducing the application fee for permits to
1.4 carry; amending Minnesota Statutes 2016, section 624.714, subdivisions 2a, 3, 7,
1.5 14.

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

1.7 Section 1. Minnesota Statutes 2016, section 624.714, subdivision 2a, is amended to read:

1.8 Subd. 2a. Training in safe use of a pistol. (a) An applicant must present evidence that
1.9 the applicant received training in the safe use of a pistol within one year of the date of an
1.10 original or renewal application. Training may be demonstrated by:

1.11 (1) employment as a peace officer in the state of Minnesota within the past year; or

1.12 (2) completion of a firearms safety or training course providing basic training in the safe
1.13 use of a pistol and conducted by a certified instructor.

1.14 (b) Basic training must include:

1.15 (1) instruction in the fundamentals of pistol use;

1.16 (2) successful completion of an actual shooting qualification exercise; and

1.17 (3) instruction in the fundamental legal aspects of pistol possession, carry, and use,
1.18 including self-defense and the restrictions on the use of deadly force.

1.19 (c) The certified instructor must issue a certificate to a person who has completed a
1.20 firearms safety or training course described in paragraph (b). The certificate must be signed
1.21 by the instructor and attest that the person attended and completed the course.

2.1 (d) A person qualifies as a certified instructor if the person is certified as a firearms  
2.2 instructor within the past five years by an organization or government entity that has been  
2.3 approved by the Department of Public Safety in accordance with the department's standards.

2.4 (e) A sheriff must accept the training described in this subdivision as meeting the  
2.5 requirement in subdivision 2, paragraph (b), for training in the safe use of a pistol. A sheriff  
2.6 may also accept other satisfactory evidence of training in the safe use of a pistol.

2.7 Sec. 2. Minnesota Statutes 2016, section 624.714, subdivision 3, is amended to read:

2.8 Subd. 3. **Form and contents of application.** (a) Applications for permits to carry must  
2.9 be an official, standardized application form, adopted under section 624.7151, and must set  
2.10 forth in writing only the following information:

2.11 (1) the applicant's name, residence, telephone number, if any, and driver's license number  
2.12 or state identification card number;

2.13 (2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and  
2.14 distinguishing physical characteristics, if any;

2.15 (3) the township or statutory city or home rule charter city, and county, of all Minnesota  
2.16 residences of the applicant in the last five years, though not including specific addresses;

2.17 (4) the township or city, county, and state of all non-Minnesota residences of the applicant  
2.18 in the last five years, though not including specific addresses;

2.19 (5) a statement that the applicant authorizes the release to the sheriff of commitment  
2.20 information about the applicant maintained by the commissioner of human services or any  
2.21 similar agency or department of another state where the applicant has resided, to the extent  
2.22 that the information relates to the applicant's eligibility to possess a firearm; and

2.23 (6) a statement by the applicant that, to the best of the applicant's knowledge and belief,  
2.24 the applicant is not prohibited by law from possessing a firearm.

2.25 (b) The statement under paragraph (a), clause (5), must comply with any applicable  
2.26 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect  
2.27 to consent to disclosure of alcohol or drug abuse patient records.

2.28 (c) An applicant must submit to the sheriff an application packet consisting only of the  
2.29 following items:

2.30 (1) a completed application form, signed and dated by the applicant;

3.1 (2) an accurate photocopy of the certificate described in subdivision 2a, paragraph (c),  
3.2 that is submitted as the applicant's evidence of training in the safe use of a pistol; and

3.3 (3) an accurate photocopy of the applicant's current driver's license, state identification  
3.4 card, or the photo page of the applicant's passport.

3.5 (d) In addition to the other application materials, a person who is otherwise ineligible  
3.6 for a permit due to a criminal conviction but who has obtained a pardon or expungement  
3.7 setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights,  
3.8 must submit a copy of the relevant order.

3.9 (e) Applications must be submitted in person.

3.10 (f) The sheriff may charge ~~a new~~ an application processing fee in an amount not to  
3.11 exceed the actual and reasonable direct cost of processing the application or ~~\$100~~ \$50,  
3.12 whichever is less. Of this amount, \$10 must be submitted to the commissioner and deposited  
3.13 into the general fund.

3.14 (g) This subdivision prescribes the complete and exclusive set of items an applicant is  
3.15 required to submit in order to apply for a ~~new or renewal~~ permit to carry. The applicant  
3.16 must not be asked or required to submit, voluntarily or involuntarily, any information, fees,  
3.17 or documentation beyond that specifically required by this subdivision. This paragraph does  
3.18 not apply to alternate training evidence accepted by the sheriff under subdivision 2a,  
3.19 paragraph (d).

3.20 (h) Forms for ~~new and renewal~~ applications must be available at all sheriffs' offices and  
3.21 the commissioner must make the forms available on the Internet.

3.22 (i) Application forms must clearly display a notice that a permit, if granted, is void and  
3.23 must be immediately returned to the sheriff if the permit holder is or becomes prohibited  
3.24 by law from possessing a firearm. The notice must list the applicable state criminal offenses  
3.25 and civil categories that prohibit a person from possessing a firearm.

3.26 (j) Upon receipt of an application packet and any required fee, the sheriff must provide  
3.27 a signed receipt indicating the date of submission.

3.28 Sec. 3. Minnesota Statutes 2016, section 624.714, subdivision 7, is amended to read:

3.29 Subd. 7. **Permit card contents; expiration; renewal.** (a) Permits to carry must be on  
3.30 an official, standardized permit card adopted by the commissioner, containing only the  
3.31 name, residence, and driver's license number or state identification card number of the  
3.32 permit holder, if any.

4.1 (b) The permit card must also identify the issuing sheriff ~~and state the expiration date~~  
4.2 ~~of the permit~~. The permit card must clearly display a notice that a permit, if granted, is void  
4.3 and must be immediately returned to the sheriff if the permit holder becomes prohibited by  
4.4 law from possessing a firearm.

4.5 (c) A permit to carry a pistol issued under this section ~~expires five years after the date~~  
4.6 ~~of issue. It may be renewed in the same manner and under the same criteria which the~~  
4.7 ~~original permit was obtained, subject to the following procedures:~~ does not expire and permit  
4.8 cards issued after August 1, 2017, must prominently state that the permit does not expire.

4.9 ~~(1) no earlier than 90 days prior to the expiration date on the permit, the permit holder~~  
4.10 ~~may renew the permit by submitting to the appropriate sheriff the application packet described~~  
4.11 ~~in subdivision 3 and a renewal processing fee not to exceed the actual and reasonable direct~~  
4.12 ~~cost of processing the application or \$75, whichever is less. Of this amount, \$5 must be~~  
4.13 ~~submitted to the commissioner and deposited into the general fund. The sheriff must process~~  
4.14 ~~the renewal application in accordance with subdivisions 4 and 6; and~~

4.15 ~~(2) a permit holder who submits a renewal application packet after the expiration date~~  
4.16 ~~of the permit, but within 30 days after expiration, may renew the permit as provided in~~  
4.17 ~~clause (1) by paying an additional late fee of \$10.~~

4.18 (d) ~~The renewal permit is effective beginning on the expiration date of the prior permit~~  
4.19 ~~to carry.~~

4.20 Sec. 4. Minnesota Statutes 2016, section 624.714, subdivision 14, is amended to read:

4.21 Subd. 14. **Records.** (a) A sheriff must not maintain records or data collected, made, or  
4.22 held under this section concerning any applicant or permit holder that are not necessary  
4.23 under this section to support a permit that is outstanding or eligible for renewal under  
4.24 subdivision 7, paragraph (b). Notwithstanding section 138.163, sheriffs must completely  
4.25 purge all files and databases by March 1 of each year to delete all information collected  
4.26 under this section concerning all persons who are no longer current permit holders ~~or~~  
4.27 ~~currently eligible to renew their permit.~~

4.28 (b) Paragraph (a) does not apply to records or data concerning an applicant or permit  
4.29 holder who has had a permit denied or revoked under the criteria established in subdivision  
4.30 2, paragraph (b), clause (1), or subdivision 6, paragraph (a), clause (3), for a period of six  
4.31 years from the date of the denial or revocation.

5.1      Sec. 5. **REPLACEMENT PERMITS TO CARRY.**

5.2           A person with a valid permit to carry a handgun issued under Minnesota Statutes, section  
5.3 624.714, prior to August 1, 2017, shall request a replacement permit card that conforms  
5.4 with the requirements of Minnesota Statutes, section 624.714, subdivision 7, paragraph (c),  
5.5 prior to the expiration date listed on the permit holder's card. The issuing sheriff may charge  
5.6 up to \$10 to issue a replacement card under this section.