

Firearm Possession Restrictions Under Minnesota Law

Definitions

Disclaimer: The information contained in this paper is a summary only. To determine how the law applies in a particular case, you must consult the statutes and case law. Additionally, this paper does not address the many federal laws that relate to firearm possession restrictions.

Pistol: Weapon with a barrel less than 18 inches designed to be fired with one hand.

Assault Weapon or Semiautomatic Military-Style Assault Weapon: AK-47 rifle, TEC-9 pistol, Street Sweeper shotgun, Uzi pistol, and other similar firearms.

Firearm: A weapon that discharges a projectile by means of an explosive, a gas, or compressed air; "firearm" includes pistols, assault weapons, and almost all other "guns."

When considering the firearm possession laws, it is important to note the firearm type to which a restriction, privilege, or right applies.

Restrictions Relating to Youth

Generally. Until age 14, a minor must be supervised when handling a firearm. At ages 14 and 15, a minor may possess a shot-gun or rifle (and therefore may hunt, for example) without supervision if the minor has a firearms safety certificate. At age 16 and 17, a minor may possess a shotgun or rifle without supervision or a certificate. A minor of any age generally may not possess a pistol or assault weapon unless supervised. More specifically:

<p>A minor under 16 may not possess any firearm without being accompanied by a parent unless the minor:</p> <ul style="list-style-type: none"> • is on the parent's residential property; • is participating in supervised target shooting; • is participating in a firearms safety program; or • is 14 or 15 years old and has a firearms safety certificate 	<p>A minor under 18 may not possess a <i>pistol or assault weapon</i> unless the minor:</p> <ul style="list-style-type: none"> • is directly supervised by a parent; • is engaged in a military drill; • is using the weapon in an approved and supervised practice range; or • has completed a state-approved marksmanship and safety program
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Criminal Offender Restrictions

Violent Criminals. Generally, a person convicted of a *crime of violence* may not possess a firearm until ten years after the sentence has expired. The "sentence" *includes* any period of probation or supervised release. [For a definition of "crime of violence," see Minn. Stat. § 624.712, subd. 5. Alternatively, the following link to the House Research web site focuses on crime of violence definitions: <http://www.house.leg.state.mn.us/hrd/issinfo/covdef.htm>.

Other felons. Regardless of the offense type, *all felons* may not possess a firearm until the sentence has expired, *including* any period of probation or supervised release.

Drug offenders. *All drug offenders*, even misdemeanor offenders, may not possess a firearm until obtaining a doctor's certification that the person has been clean for two years.

Assault Offenses/Nondomestic. A person who is convicted of assault twice in three years may not possess a *pistol* for three years from the date of the second conviction.

Stalking and Harassment. A person convicted of stalking or harassment may not possess a *pistol* for three years from the date of conviction. However, if the court finds that the person used a *firearm* in committing the crime, the court may extend the restriction to *any* type of firearm for a period from three years to life.

Domestic Assault/Order for Protection Violation. A person convicted of domestic assault or an OFP violation may not possess a *pistol* for three years from the date of conviction. If the person used a firearm in committing the crime, the court may extend the restriction to *any* type of firearm for a period from three years to life.

Person Charged with Felony. A person *charged with* a felony may not *receive, ship, or transport* a pistol or assault weapon.

Others. A firearm may not be possessed by a person:

- charged with a *crime of violence* and placed in a pretrial diversion program;
- who flees from a state to avoid prosecution or testifying; or
- who “is an unlawful user” of a controlled substance (not a thoroughly defined concept).

***Restrictions
Relating to
Civil (as
opposed to
Criminal)
Status***

Mental Illness. A person who has been committed as mentally ill, mentally retarded, or mentally ill and dangerous may not possess a firearm. Likewise, a person found incompetent to stand trial or found not guilty due to mental illness may not possess a firearm. These prohibitions may be overcome by obtaining a doctor’s certificate or “other satisfactory proof” that the person is no longer mentally ill.

Chemical Dependency (Noncontrolled Substance). A person who has been committed or confined for chemical dependency may not possess a firearm until completing treatment. A peace officer informally admitted for treatment may not possess a firearm until being discharged, either fully or provisionally, by the head of the treatment facility.

Drug Dependency. A person hospitalized or committed for *controlled substance* addiction may not possess a firearm. This prohibition may be overcome by obtaining a doctor’s certificate, or “other satisfactory proof,” that the person has been clean for two years.

Nonresident Alien. A nonresident alien, here lawfully, may only possess a firearm to take game as a nonresident under our game and fish laws.

Others. A firearm may not be possessed by a person:

- who is an illegal alien;
- dishonorably discharged from the U.S. armed forces; or
- who has renounced U.S. citizenship.

***Carrying a
Pistol Without
a Permit***

General and Exceptions. A person may not carry a pistol in a motor vehicle or in a public place without obtaining a “permit to carry.” There are several exceptions. The first exception is for law enforcement officers and on-duty state prison guards. For the general public, a permit is not required:

- in one’s home;
- in one’s place of business;
- on one’s land;
- when traveling between one’s home, one’s business, the place of purchase, and a repair shop;
- when in the woods, fields, or on the waters of this state for hunting or target shooting in a safe area; or
- in a car, snowmobile, or boat, if the pistol is unloaded and cased.

For more information: See the House Research publication *Minnesota Firearms Laws*, January 1999.

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