



Request for City Council Committee Action from the Department of Intergovernmental Relations

Date: 1/30/2007
To: IGR Committee

Subject: Potential legislation regarding firearms.

Recommendation: Consider support for the Lost or Stolen Firearm Reporting Act and/or the Universal Background Check Act. Consider adding support of a firearm-theft reporting requirement to the 2007 Legislative Agenda.

Previous Directives: The City Council passed the 2007 Legislative Agenda on December 22, 2007.

Prepared by: Ben Hecker – 673-3199 Approved by: Presenters in Committee: Karen Lowry-Wagner

Financial Impact

- No financial impact

Supporting Information:

Attached:

The Lost or Stolen Firearm Reporting Act

The Universal Background Check Act

Resolution supporting legislation requiring the reporting of all firearm thefts.

LOST OR STOLEN FIREARM REPORTING ACT

Section 1. (a) Any person who possesses a firearm, as defined in section 609.666^[1], that is stolen from such person or that such person loses shall report such theft or loss to the organized full time police department of the municipality in which the theft or loss occurred or to the county sheriff of the county in which the theft or loss occurred if there is no such local chief of police, not later than 48 hours after such person knew or reasonably should have known of such theft or loss. Such department or sheriff shall forthwith forward a copy of such report to the Commissioner of Public Safety.

(b) Any person who fails to make a report required by subsection (a) of this section within the prescribed time period shall be guilty of a misdemeanor for the first offense and a gross misdemeanor for any subsequent offense, except that, if such person intentionally fails to make such report within the prescribed time period, such person shall be guilty of a gross misdemeanor for the first offense and a felony for any subsequent offense.

¹ “‘Firearm’ means a device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion.”

UNIVERSAL BACKGROUND CHECK ACT

Section 1. Section 624.7131, Subdivision 10 is hereby repealed.²

Section 2. Section 624.7132, Subdivision 1 is amended by repealing, "Except as provided in this section and section 624.7131, every" and replacing it with "Every".³

Section 3. Section 624.7132, Subdivision 8 is hereby repealed.⁴

Section 4. Section 624.7132, Subdivision 10 is hereby repealed⁵ and replaced with the following:

Recordkeeping. All reports of transfer shall be maintained in a manner, as determined by the Department of Public Safety, that facilitates efficient crime gun tracing and ensures that the records are available for all lawful purposes, including being available to Federal, State and local law enforcement agencies for purposes of civil or criminal law enforcement investigations.

Section 5. Section 624.7132, Subdivision 12(a) is hereby repealed.⁶

Section 6. Section 624.7132, Subdivision 7 is added as follows:

Transfer by or to licensed dealers only. No person shall transfer a pistol or semiautomatic military-style assault weapon unless the transferor or the transferee is a federally licensed firearms dealer. Where neither party to a prospective pistol or semiautomatic military-style assault weapon transfer is a federally licensed firearms dealer, the parties shall complete the transfer through a federally licensed firearms dealer as follows:

- (a) The transferor shall deliver the pistol or semiautomatic military-style assault weapon to a federally licensed firearms dealer, who shall retain possession of that pistol or semiautomatic military-style assault weapon until the transaction is completed or as provided in subsection (c).
- (b) The federally licensed dealer shall comply with the provisions of this section and Federal law as if the dealer had agreed to directly transfer the pistol or semiautomatic military-style assault weapon to the proposed transferee.
- (c) If the dealer cannot legally deliver the pistol or semiautomatic military-style assault weapon to the proposed transferee or otherwise chooses not to complete the transaction, the dealer shall conduct a background check in accordance with Federal law and file a report of transfer to transfer the pistol or semiautomatic military-style assault weapon back to the original transferor. If the original transferor is prohibited by Federal law or section 624.713 from possessing a pistol or semiautomatic military-style assault weapon, the dealer shall transfer the firearm to the chief of police or sheriff within 24 hours.

² This repeals a provision exempting persons selling to someone possessing a transferee permit or concealed carry permit from having to file a report of transfer.

³ This repeals another provision exempting persons selling to someone possessing a transferee permit or concealed carry permit from having to file a report of transfer, thus requiring everyone transferring a pistol or semiautomatic military-style assault weapon to submit a report of transfer.

⁴ This repeals yet another provision exempting persons selling to someone possessing a transferee permit or concealed carry permit from having to file a report of transfer.

⁵ This repeals a prohibition on government agencies maintaining records of reports of transfer.

⁶ This repeals an exemption from having to file reports of transfer for a transfer by a person other than a federally licensed firearms dealer, so that all pistol and semiautomatic military-style assault weapon transfers require a report of transfer.

- (d) The dealer may require the proposed transferee to pay a fee not to exceed \$10 per firearm.

**DRAFT Resolution
of the
City of Minneapolis**

By Hodges

Supporting legislation requiring that all firearms thefts be reported to local law enforcement authorities in a timely manner.

Whereas, more than half a million guns are stolen every year in the United States; and

Whereas, all stolen guns are available to criminals; and

Whereas, stolen guns are a source of weapons for criminals; and

Whereas, the source of one-quarter of the guns investigated for illegal trafficking was theft from legal owners; and

Whereas, in order to avoid prosecution, those who abet gun traffickers, such as straw purchasers and a few “bad apple” licensed dealers, often use the excuse that the guns they sold or transferred illegally were stolen; and

Whereas, the City of Minneapolis is committed to stopping the illegal trafficking of firearms;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis supports legislation that will require that all firearms thefts be reported to local law enforcement authorities in a timely manner.