

# MINNESOTA DEPARTMENT OF PUBLIC SAFETY BUREAU OF CRIMINAL APPREHENSION

## CHANGES TO MINNESOTA GUN LAWS

The Minnesota Legislature made several changes to Minnesota's gun laws during the 2023 session. This document provides an overview of those changes and actions required by the Bureau of Criminal Apprehension (BCA). In addition, it provides an update on litigation surrounding permit to carry minimum age requirements.

### The Adult-Use Cannabis Act

A variety of laws were passed as part of the Adult-Use Cannabis bill regarding firearm possession, ownership, or carry by lawful cannabis users. Under Minnesota law, a person may not be denied the right to own, possess or carry firearms based on their status as a patient in the medical cannabis registry program or on the basis that the person is 21 years of age or older and uses adult-use cannabis products. The use or possession of marijuana remains unlawful under federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in Minnesota. The BCA recognizes this conflict in the law. Law enforcement agencies should consult with their city or county attorney.

The BCA updated permit to carry and permit to purchase/transfer forms to reflect the change in Minnesota law. The forms are available [on the BCA website](#).

### Changes to transferee permit and report of transfer laws

Changes to the [transferee permit](#) and [report of transfer](#) statutes require a chief of police or sheriff to deny a transferee permit application or a report of transfer if the firearm recipient is (1) listed in the criminal gang investigative data system under Minn. Stat. § 299C.091 or (2) determined to be a danger to self or the public when in possession of firearms. An applicant denied as a danger to self or the public is prohibited from reapplying for six months. Additionally, the timeframe for a chief of police or sheriff to grant or deny a transferee permit or report of transfer will be extended to 30 days.

The amended permit to purchase/transfer form will be available to the public when these changes go into effect on Aug. 1, 2023.

### Private party firearm transfers

Certain [private party transfers](#) of pistol or semi-automatic military-style assault weapons will now require background checks. A background check is conducted in one of two ways:

- 1) The transferee undergoes a background check when obtaining a transferee permit.
- 2) The parties to the transfer jointly appear before a federally licensed firearms dealer who conducts a background check on the transferee.

Private parties who transfer a pistol or semi-automatic military-style assault without the assistance of a federally licensed firearms dealer must maintain a record of transfer for ten years. The record must include:

- A copy of both parties' identification
- A copy of the transferee's permit
- A description of the weapon including the manufacturer-assigned serial number
- Each page of the record must contain the parties' signatures and the weapon's serial number

Numerous exceptions to this statute include transfers between immediate family members, which means spouses, domestic partners, parents, children, siblings, grandparents and grandchildren.

The BCA created a "Private Party Record of Transfer" form which will be available to the public when these changes go into effect on Aug. 1, 2023.



## Extreme Risk Protection Orders

The Minnesota legislature passed what is commonly known as a “red flag law.” This law allows the court to issue extreme risk protection orders which prohibit the subject of the order from possessing or purchasing firearms while the order is in effect.

This new restriction will be added to the permit to carry and permit to purchase/transfer forms when the law goes into effect on Jan. 1, 2024.

## Update on Permit to Carry Minimum Age

On March 31, 2023, a federal district court judge issued an order prohibiting the state from enforcing the minimum age requirement of the Minnesota Citizens' Personal Protection Act in the matter of *Worth v. Harrington*, 21-CV-1348. The order effectively reduced the minimum age for obtaining a carry permit from 21 to 18. The Department of Public Safety (DPS) brought a motion to prevent the order from taking effect pending appeal. The motion for a stay was granted, and an appeal is currently pending. As a result, the minimum age to obtain a permit to carry continues to be 21.