MINNESOTA
CITIZEN’S
PERSONAL
PROTECTION ACT:
BASICS OF THE
STATUTE

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The Act, commonly and incorrectly referred to as “Conceal and Carry Law”, was adopted in 2003.

As result of legal action for period of time it was declared invalid but was quickly revived in 2005.
In addition to changes in Handgun Law legislation impacts Minn. Stat. § 609.66 concerning possession of firearms at certain locations, particularly schools.

Minn. Stat. § 609.66 makes it felony to possess firearm on school property unless covered by one of exceptions in statute.
Minn. Stat. § 609.66, subd. 1d provides two layers of offense

- If person has permit to carry firearm and brings it onto school property in violation of statute offense is misdemeanor
- If person does not have permit to carry is felony
prohibition of firearms on school property includes licensed child care centers when children are present and participating in child care program
law also includes areas in school bus used by school to transport students, including curricular, co-curricular, non-curricular, extra-curricular and supplementary activities
It includes portion of building or facility under temporary exclusive control of public or private school if conspicuous signs are permanently posted at each entrance to give actual notice this is school related use.
Minn. Stat. § 609.66, subd. 1d(e) provides some exceptions to general rule regarding not carrying firearms on school property

One exception is for active licensed peace officers
person may carry pistol while in motor vehicle or outside of motor vehicle to directly place firearm in or retrieve it from trunk or rear vehicle area
There is preemption that prohibits school districts from regulating firearms, ammunition or their components when possessed or carried by non-students or non-employees in manner that is inconsistent with this subdivision.
law prohibits possession of firearm in courthouse complex

There is exception if person has permit and notifies sheriff

law requires notice but does not require sheriff to consent
Courts may prohibit guns in court area enforced through contempt of court

If person has carry permit it is not violation of Minn. Stat. 609.066 to carry gun into courthouse
If person has carry permit they cannot be prohibited from carrying gun in other public buildings.
MINN. STAT. § 624.715, subd. 1b requires holder of carry permit to have it and government issued photo identification in immediate possession at all times when carrying pistol

Person must display permit and identification upon lawful demand by peace officer

Violation is petty misdemeanor; fine for first offense may not exceed $25
Citation must be dismissed if person demonstrates in court or office of officer person was authorized to carry at time of alleged violation

If officer has doubts as to person’s identity permit holder must write sample signature in officer’s presence to verify identity
MINN. STAT. § 624.714, subd. 17- posting and trespass provisions

Person carrying firearm who remains at private establishment knowing operator has made reasonable requests that firearms not be brought into establishment may be ordered to leave

Person who fails to leave when requested is guilty of petty misdemeanor; fine for first offense may not exceed $25
To prove reasonable request to leave request must have included prominently posted and conspicuous sign at every entrance containing notice operator bans guns

In alternative requestor or its agent may personally inform person of posted request and demand compliance
Sign must be readily visible within 4 feet laterally of entrance with bottom of sign at height of 4 to 6 feet above floor Must be in black Arial typeface at least 1½ inches in height and against bright contrasting background color at least 187 square inches in area
operator of private establishment may not prohibit lawful carrying or possession of firearm in parking area

This does not apply to private residences and private residence may prohibit firearms in any lawful manner

Landlord may not restrict lawful carrying or possession of firearm by tenants or guests
These provisions do not apply to licensed peace officers or security guards acting in course and scope of employment.

Also consider HR 218 to trump state carry laws.
County Attorneys

Under Minn. Stat. § 388.054
County Attorneys and assistants may carry on duty
Must have permit
County Attorney can say no
Colleges and universities

Under Minn. Stat. § 624.714, subd. 18, a school of higher education may restrict possession of firearms by its students.

Academic sanctions for violation

Employers may establish policies that restrict possession of firearms by employees and sanctions are employment sanctions.
MINN. STAT. § 624.7142 concerns carrying while under the influence of alcohol or controlled substance
statute and Minn. Stat. § 624.7143 creates implied consent procedure. Sanction for test refusal is revocation of carry permit for one year from date of refusal and $500.00 civil penalty. Prohibitions and procedures are similar to DWI legislation but threshold for violation is .04 or more.
officer may make probable cause arrest for violation and may demand preliminary screening test on probable cause basis but it may not be used to prove violation

Court may suspend permit while charges are pending
Violation is misdemeanor

Second or subsequent conviction is gross misdemeanor except in cases where violation is for a BAC of .04 to .10 in which case it remains misdemeanor
MINN. STAT. § 624.714, subd. 2 separates the process for residents and nonresidents

- Minnesota residents apply with county sheriff where they reside

- Nonresident may apply to any MN sheriff
Sheriff must issue permit if applicant has training in safe use of pistol, is at least 21 years old, is citizen or permanent resident, completes permit application is not prohibited from possessing firearm and is not listed in the criminal gang investigative system or is a danger to self or public.
In determining whether to issue permit and whether person has been properly trained use MINN. STAT. § 624.714, subd. 2a. Applicant must present evidence that received training in safe use of pistol within one year of date of original or renewal application.
Training can be proven in several different ways including employment as a peace officer within past year, completion of firearm course by certified instructor or other proof acceptable to sheriff.

BCA has list of certified trainers on its website.
MINN. STAT. § 624.714, subd. 3 dictates form and contents of application

Application must be on official standardized form
Applicant must submit completed application form signed and dated by applicant.

Must include accurate photograph, photocopy of certificate, affidavit or other documentation of evidence of training and accurate photocopy of driver’s license or state identification card.

Person otherwise ineligible due to criminal conviction but who had conviction set aside must submit evidence of that set aside.
When sheriff receives completed application packet sheriff must provide signed dated receipt
MINN. STAT. § 624.714, subd. 4 describes investigation sheriff conducts

Must check by means of electronic data transfer, criminal records, warrant information and related sources for criminal check

Must make reasonable effort to check other available federal, state and local records & obtain commitment information from the Department of Human Services or similar agency of another state
Must notify chief of police where applicant resides

Police may but are not required to provide any data relevant to issuance of permit
Must conduct background check by means of electronic data transfer on permit holder to Minnesota Crime Information System and use National Instant Check System on at least annual basis to check on continued eligibility to possess permit.
MINN. STAT. § 624.714, subd. 6 outlines process for issuance of permit

Within 30 days after receipt of application either issue permit, deny it solely on grounds applicant failed to qualify on criteria set forth in statute or deny on grounds there is substantial likelihood applicant is danger to self or public if authorized to carry pistol

Failure to notify applicant of denial within 30 days constitutes issuance
To deny permit sheriff must provide applicant written notice of denial and specific facts for denial.

Sheriff must inform applicant of right to submit within 20 business days any additional documentation relating to denial.

If sheriff receives additional documentation sheriff must reconsider denial and inform applicant within 15 business days of results.
applicant must be informed of right to seek *de novo* review of denial
If sheriff issues permit sheriff must provide laminated card by first class mail or personal delivery.

Within 5 business days sheriff must submit information to BCA for inclusion in state database.
Within 5 business days of learning that permit to carry has been suspended or revoked sheriff must submit that information to BCA
Sheriff has authority to suspend application process if charge is pending against applicant that if it results in conviction would prohibit applicant from possessing gun.
MINN. STAT. § 624.714, subd. 7 specifies content of permit card

Permits must be on official standardized permit card adopted by Commissioner of Public Safety
permit is good 5 years and may be renewed in same manner as original permit was obtained.

If renewal is sought it is done no earlier than 90 days prior to expiration of permit and by submitting application packet to sheriff and renewal fee.
MINN. STAT. § 626.714, subd. 7a provides within 30 days after changing permanent address or having lost or destroyed permit card holder must notify issuing sheriff of change, loss or destruction

Violation is petty misdemeanor with the fine for the first offense not exceeding $25

permit holder may obtain replacement card by paying $10 fee to sheriff
MINN. STAT. § 624.714, subd. 8 provides permit can be voided and revoked if holder becomes prohibited from possessing a firearm.

If permit holder is convicted of crime that prohibits possession of firearm, court must revoke the permit and if it is available take possession and send to issuing sheriff.
sheriff of county where application was submitted or county of permit holder’s current residence may file petition in court to revoke permit

That order shall be issued only if sheriff meets burden of proof justifying revocation, which is clear and convincing evidence.
If request to revoke is denied, court must award permit holder reasonable costs and expenses including attorney’s fees.
When permit is revoked that must be promptly reported to issuing sheriff
MINN. STAT. § 624.714, subd. 8a places duty on prosecutors

If person is charged with an offense that would upon conviction prohibit possessing a firearm, prosecutor must determine whether person is permit holder.

If person is permit holder prosecutor must notify issuing sheriff person has been charged.

Prosecutor must notify sheriff of final disposition.
MINN. STAT. § 624.714, subd. 12 establishes procedures used if person believes wrongfully denied permit or it has been wrongfully voided.

Person may appeal by filing petition in court having jurisdiction over county where application was submitted.
court must hold hearing at earliest practical date but not later than 60 days following filing of petition
heard by court without jury
court must issue written findings and conclusions of law
court must issue writ of mandamus directing permit be issued and order other appropriate relief unless sheriff proves by clear and convincing evidence applicant is disqualified or there exists substantial likelihood applicant is danger to self or public if authorized to carry pistol under permit
Incidents of alleged criminal conduct that are not investigated and documented and incidents for which applicant was acquitted may not be considered.
If court grants petition, court shall also award applicant or permit holder reasonable costs and expenses including attorney's fees.
Under MINN. STAT. § 624.714, subd. 12a if person is charged with crime court may order suspension of application process or suspension of permit as condition of pretrial release

suspension must be promptly reported to issuing sheriff

If permit holder has out of state permit court must promptly report suspension to BCA for inclusion in records
MINN. STAT. § 624.714, subd. 14 covers records retention.

Sheriff must not maintain data collected under this section concerning any applicant or permit holder not necessary to support permit that is outstanding or eligible for renewal.

Must completely purge all records by March 1 of each year to delete all data concerning persons no longer current permit holders or eligible to renew a permit.

does not apply to records concerning applicant or permit holder who had permit denied or revoked for period of six years from date of denial or revocation.
MINN. STAT. § 624.714, subd. 15 requires Public Safety to maintain an automated data base of permit holders. The data base must be available 24 hours a day, 7 days a week for law enforcement and prosecutors.
Data Practices

- Whether a person has a carry or purchase permit is private data on that person
MINN. STAT. § 624.714, subd. 16 provides for reciprocity with some states.

BCA must annually publish list of other states that have laws governing issuance of permits to carry weapons that are substantially similar to this section.

The list must be available on internet.
No license or permit from another state is valid in this state if the holder is or becomes prohibited by law from possessing firearm.
sheriff or chief of police may file petition seeking order suspending or revoking an out-of-state permit holder’s authority to carry in Minnesota.

order shall be issued only if petitioner meets clear and convincing evidence burden of proof and criteria in statute.
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