

**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**

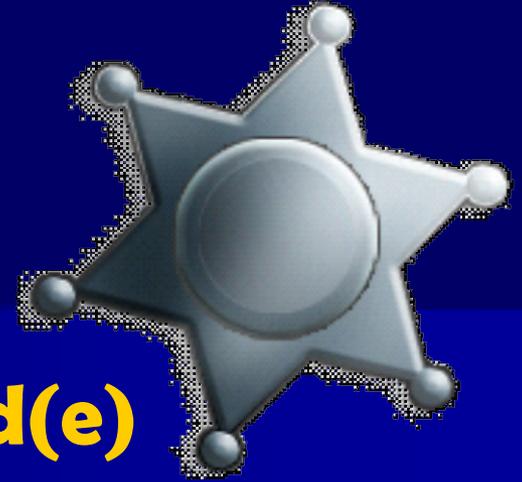


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**law also includes areas in school bus used by school to transport students, including curricular, co-curricular, non-curricular, extra-curricular and supplementary activities**



**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**



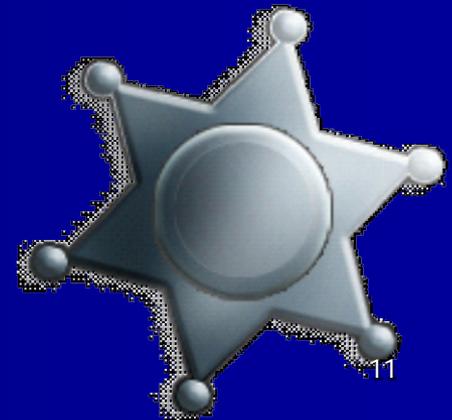
**There is preemption that prohibits school districts from regulating firearms, ammunition or their components when possessed or carried by non-students or non-employees in manner that is inconsistent with this subdivision**



**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 can not be prohibited  
from carrying gun in other  
public buildings**



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**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  
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**



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**Violation is misdemeanor**

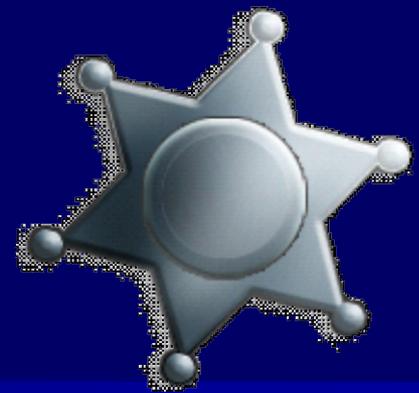
**Second or subsequent conviction is gross misdemeanor except in cases where violation is for a BAC of .04 to .10 in which case it remains misdemeanor**

# CARRY PERMIT PROCESSING



**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 data  
base**



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**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**



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**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**





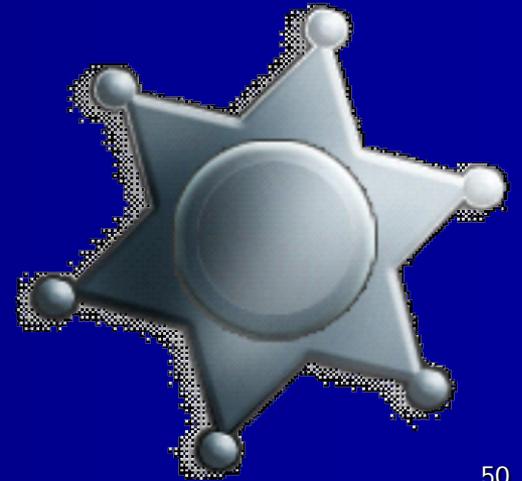
**sheriff of county where application was submitted or county of permit holder's current residence may file petition in court to revoke permit**

**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 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**

**data base must be available 24  
hours a day, 7 days a week for law  
enforcement  
and prosecutors**



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# 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 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**



# Contact Information

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