



March 28<sup>th</sup>, 2023

**Re: Senate File 2909 – Public Safety Omnibus Finance & Policy Bill**

Members of the Senate Judiciary and Public Safety Committee.

The Minnesota Gun Owners Caucus, the trusted voice of Minnesota's gun owners to defend and restore the right to keep and bear arms, opposes the gun control provisions of Senate File 2909.

Our opposition is grounded in the following challenges with the bill:

**Universal Background Checks**

- House File 2890 imposes additional hurdles for law-abiding citizens who wish to exercise their Second Amendment right to purchase and possess firearms for self-defense while not doing anything to stop the flow of firearms in the criminal, illicit gun market that operates in Minnesota.
- This legislation creates a paperwork trail with law enforcement, firearm dealers, or private citizens that amounts to a de facto registry of firearms and their owners, which can then be accessed by law enforcement without obtaining any warrant or subpoena.
- This bill gives police broad power to deny a purchase permit which may disenfranchise marginalized populations from exercising their constitutional rights.

**Red Flag Gun Confiscation Provisions**

- This bill violates due process. The seizure of property without a warrant, especially property explicitly protected by the Second Amendment, violates civil rights, and puts the individual and law enforcement at risk.

New York State's red flag gun confiscation order law was recently struck down in December of last year, holding that the law "did not sufficiently protect a citizen's rights and therefore is unconstitutional." (*G.W. v C.N. 2022 NY Slip Op 22392*).

As Judge Ho wrote in his concurrence in *US v Rahimi (21-11001, United States Court of Appeals for the Fifth Circuit)*, "when the government detains – and thereby disarms – a member of our community, it must do so consistent with the fundamental protections that our Constitution affords to those accused of a crime."

Rights protected by the Second Amendment are not second-class rights and cannot be treated differently than other individually held rights. A law that allows firearms to be seized without appropriate due process cannot be constitutional.

On behalf of our members,

Bryan Strawser  
Chair

Robert T. Doar  
Senior Vice President, Government Relations