



Providing nonpartisan legal, research, and fiscal analysis services to the Minnesota Senate

S.F. No. 4312 – 1st Engrossment – Safe and Secure Storage of Firearms

Author: Senator Heather Gustafson

Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396)

Date: March 28, 2024

S.F. No. 4312 imposes requirements on the storage of firearms.

Under current law, it is a crime to store or leave a loaded firearm in a location where the person knows, or should know, that a child is likely to gain access to the firearm unless the person takes reasonable action to prevent a child from accessing it. **S.F. No. 4312** replaces this with a broader requirement (one that is not directly tied to potential access by children) to store firearms either unloaded with a locking device, or loaded or unloaded in a firearm storage unit or a gun room.

Section 1 prohibits a person from storing, keeping, or leaving a firearm in any place unless the firearm is: (1) unloaded and equipped with a locking device; or (2) loaded or unloaded in a locked firearm storage unit or a locked gun room. This requirement applies only when the firearm is not under the direct physical control or reach of the person. The base violation for this crime is a misdemeanor. Penalties rise to a gross misdemeanor or felony depending on whether a child is present, or the firearm is accessed improperly. Provides exceptions to the crime for: transportation in a motor vehicle in accordance with Minnesota Statutes, section 97B.045; use at a sports shooting event or facility; use by a peace officer; and use at a police or sheriff's station. Defines key terms including "locking device," "gun room," and "firearm storage unit."

Section 2 provides that a violation of the new gross misdemeanor crime (failure to secure, child present) in **section 1** will also result in the person being ineligible to possess a firearm for three years from the date of conviction. (Of note, the two felony crimes in **section 1** will also result in ineligibility to possess during the period that the person is under sentence. No special language is required to effectuate this. **Section 1's** misdemeanor penalty does not result in any period of ineligibility.)