

Senator Marty from the Committee on Finance, to which was re-referred

S.F. No. 5153: A bill for an act relating to public safety; requiring a report on gun trafficking investigations and firearm seizures by the Bureau of Criminal Apprehension and Violent Crime Enforcement Teams; amending the definition of trigger activator; increasing penalties for transferring firearms to certain persons who are ineligible to possess firearms; amending Minnesota Statutes 2022, section 624.7141; Minnesota Statutes 2023 Supplement, sections 299A.642, subdivision 15; 609.67, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, delete subdivision 4 and insert:

"Subd. 4. **Affirmative defense.** (a) As used in this subdivision:

(1) "family or household member" has the meaning given in section 518B.01, subdivision 2, paragraph (b); and

(2) "substantial emotional distress" has the meaning given in section 609.749, subdivision 2, paragraph (a).

(b) If proven by a preponderance of the evidence, it is an affirmative defense to a violation of this section that the defendant committed the violation only under compulsion by the transferee, who by explicit or implicit threats or other acts created a reasonable apprehension in the mind of the defendant that the refusal of the defendant to participate in the violation would result in the transferee inflicting substantial bodily harm, substantial emotional distress, or death on the defendant or a family or household member of the defendant.

(c) The court may consider any evidence of past domestic abuse, domestic or non-domestic assault, criminal sexual conduct, sexual extortion, sex trafficking, labor trafficking, harassment or stalking, or any other violent crime, or threats to commit any of these crimes by the transferee toward the defendant or another when determining the applicability of this subdivision. Past prosecution is not required for the court to consider evidence of these crimes. Nothing in this paragraph limits the court's authority to consider other relevant evidence when determining the applicability of this subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.


.....
(Committee Chair)

April 18, 2024.....
(Date of Committee recommendation)