

MINNESOTA PERMIT TO CARRY A FIREARM

THINGS YOU SHOULD KNOW

The Minnesota Citizens' Personal Protection Act (the MCPPA) requires Minnesota sheriffs to issue a permit to carry a firearm to any applicant who:

- Is 21 years old and a U.S. Citizen or permanent resident.
- Has successfully completed training by an instructor who is certified by a training organization listed with the Minnesota Department of Public Safety.
- Passes a background check conducted by the sheriff, confirming that the applicant is eligible to own a firearm; that they are not suffering from a mental illness or drug addiction; that they are not a gang member; and that they are not a danger to themselves or the public.
- Completes the application process described below.

Applying (must be done IN PERSON).

Minnesota residents must apply to the sheriff in the county in which they live; non-residents may apply to any sheriff (we'd suggest you go to Washington County which charges just \$75). Items to be submitted to the sheriff include:

- A completed and signed application.
- An accurate copy of your course completion certificate (the original must be signed by your instructor).
- An accurate copy of your driver's license, state ID or photo page of your passport.
- The application fee (\$100 in most counties).

Background Investigation. After accepting an application packet, the sheriff will conduct a background investigation using the Minnesota Crime Information System and to the extent necessary, the National Instant Check System.

30 Days to Issue or Deny. The sheriff has 30 days to issue or deny the application. If the sheriff fails to notify the applicant after 30 days, the permit is considered issued, however, our advice is that if you're reached the 25th day and haven't seen your permit, you should call the sheriff's office to determine its status.

Appealing Denials. Denials may be appealed to the appropriate district court where a hearing must be held at the earliest possible time (60 days at the latest). At the hearing (which is held without a jury), the sheriff will be required to justify the denial with documented and investigated evidence. If the court reverses the denial, the sheriff's office must pay the permit holder reasonable costs including attorney fees.

What the MCPPA Allows.

As a permit holder, you are authorized to possess a loaded handgun in public places (other than those places prohibited by law), carried exposed or concealed (the MCPPA doesn't even contain the word "concealed"). Permit holders are also exempted from the state statute prohibiting the carry of loaded rifles and shotguns in public. That said, TRANSPORTING a loaded rifle or shotgun is still prohibited, even for permit holders.

Permits are Good for Five Years. After that, you'll need to retake the "Permit to Carry" course, and reapply to your local sheriff. Your permit also acts as a permit to purchase.

Moving or Loss of Card.

If you move or your permit is lost or stolen, you must inform (you aren't obligated to get a replacement) your issuing sheriff within 30 days. Failure to do so is a petty misdemeanor. Our advice is to pay the \$10 (that's the limit on replacement fees written into the MCPPA) and get a new card.

Requirements to Show your Permit to the Police.

You are required to carry your permit and government issued ID when you are carrying, and you must produce both if a police officer requests it. You must also answer truthfully if asked whether or not you are carrying (you are not required to volunteer the information). A violation of this subdivision is a petty misdemeanor, however, the citation must be dismissed if you bring your permit to court or to the office of the arresting officer. The firearm is NOT subject to forfeiture.

Locations Where Carrying is Prohibited or Restricted.

- **School Property** which includes public or private K – 12 and licensed child care centers, including parking lots and improved grounds (which would include sports fields and bike trails), unless you have written permission from the school principal or the director of the child care center. School property also includes school buses while children are onboard, and the portion of a building that is under temporary, exclusive control of a school. The **ONLY** exception while on school property is if the firearm remains inside your vehicle (stored or under your control), or if you have stepped outside your vehicle to directly place the firearm in, or retrieve it from the trunk or rear area of the vehicle. Permit holders violating this statute are guilty of a misdemeanor.
- **Buildings on the State Capitol Grounds** unless you have informed the commissioner of public safety via a letter or email that you intend to carry in those buildings. Violating this statute is a felony!
- **County Court Houses** unless you have notified the appropriate sheriff via a letter or email. Violating this statute is a felony! Note that some metro area county judges have signed “court orders” banning firearms from their court rooms, effectively nullifying your right to carry.
- **Airports** (behind security).
- **State Correctional Facilities and State Hospitals** including parking lots and grounds.
- **County and City Jails.**
- **Federal Court Facilities.**
- **Post Offices** (including parking lots) and other **Federal Buildings** such as IRS offices. Violating this prohibition may result in federal charges, and imprisonment up to a year.

Locations Where Carrying CANNOT be Restricted.

- **State, County, and City Parks, Buildings and Land (Other than the Locations Identified Above).** Subdivision 23 of the MCPA states that “No sheriff, police chief, governmental unit, government official, government employee, or other person or body acting under color of law or governmental authority may... limit the exercise of a permit to carry.” That means that “postings” that you’ll occasionally see at city parks, county libraries, town halls, etc., have no legal meaning under the MCPA.
- **Landlords.** Subdivisions 17 of the MCPA states that “A landlord may not restrict the lawful carry or possession of firearms by tenants or their guests.” That means that *tenants* of malls, office buildings and apartment buildings may restrict carrying, but that “postings” by landlords have no legal meaning under the MCPA.
- **National Parks and National Wildlife Refuges.** These locations now follow the carry rules in the state in which they are located. However, federal law continues to prohibit the possession of firearms in designated “federal facilities” in national parks, for example, visitor centers, offices, and maintenance buildings.

Those “Bans Guns” Signs, and What They Really Mean.

The MCPA allows PRIVATE establishments (such as banks, retail stores, churches, etc.) to inform permit holders (criminals obviously ignore the signs) about their desire to ban firearms from their establishments. This aspect of the MCPA is based upon trespass law, and requires that two steps occur before a permit holder has violated this subdivision:

Step #1 is that the permit holder must be informed of the establishment’s policy either through a posted sign, **OR** being verbally informed of the policy.

Step #2 is that the permit holder must be requested to leave. If they do so, they cannot be charged under this subdivision. If they fail to leave, they may be charged with a petty misdemeanor, with a fine not exceeding \$25. The firearm is **NOT** subject to forfeiture.

Drinking While Carrying.

While the MCPA does not explicitly bar you from drinking while carrying, you **WILL** be charged with a crime if you are found carrying with a blood alcohol level greater than .04. Our advice is that if you go to a bar, you either give up drinking for the night, or give up carrying.

Your Obligations for Being Tested.

You are required to submit to a blood, breath, or urine test if requested and if probable cause exists. Refusing is grounds for the revocation of your permit for one year and a \$500 fine.

Blood Alcohol Content between .04 and .10

Your permit will be suspended for 180 days.

Blood Alcohol Content greater than .10 (or carrying under the influence of a controlled substance or chemical compound)
Your permit will be revoked, and you may **NOT** reapply for a permit for one year.

Negligent Storage of Firearms.

You may be charged with a gross misdemeanor for leaving or storing a loaded firearm in a location which you know (or should know) may be accessible to someone under the age of 18, unless you’ve taken reasonable steps to secure it.

The Rules Governing the Use of Deadly Force in Minnesota.

To be legally authorized to threaten or use deadly force, each of these rules must be in place, and must remain in place for the entire duration of an attack.

1. You must be reasonably in immediate fear of death or great bodily harm for yourself or another.
2. You must **NOT** be viewed as the aggressor, or as the person who started or escalated an incident.
3. You must have no reasonable means of retreat.
4. No lesser force will suffice to stop the threat.