

Impact of Minnesota State Legislature's New Firearms Bill on Auctioneers

The recent introduction of a new bill (H.F. No. 4300) in the Minnesota State Legislature concerning the storage and handling of firearms has sparked significant interest and concern among various stakeholders, including auctioneers engaged in selling firearms at auctions. This proposed legislation aims to impose stricter regulations on the storage and handling of firearms, with the goal of enhancing public safety and reducing the risk of firearm-related incidents. For auctioneers specializing in the sale of firearms, compliance with existing and new regulations is crucial to ensuring legal operations and maintaining the trust of customers and the community. The proposed bill could potentially bring about several changes and challenges for auctioneers in Minnesota. The bill, as introduced, (Minnesota House Research Department) is as follows:

Overview- 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 the firearm.

This bill expands the requirements related to the storage of firearms to say that a person must either store a firearm unloaded and equipped with a locking device or else store the firearm in a firearm storage unit. Failure to store firearms as required is a crime that may be punished by a misdemeanor, gross misdemeanor, or felony sentence. The bill also provides that a person who commits the offense of negligent storage of firearms at the gross misdemeanor level is prohibited from possessing a firearm for three years.

Summary- Section Description- Negligent storage of firearms. Subd. 1. *Definitions.* Adds definitions for “authorized user,” “firearm storage unit,” and “locking device,” and amends the definition of “firearm.” Subd. 2. *Access to firearms.* Establishes that a person who owns or possesses a firearm must secure the firearm when it is not in the person’s direct physical control by either (1) unloading and equipping it with a locking device or (2) placing it in a locked firearm storage unit. Provides that a person who violates the section is guilty of a crime and may be sentenced as provided in subdivision. Subd. 2a. *Penalties.* Establishes a misdemeanor penalty for a person who violates subdivision 2 and is not subject to any of the other penalties in the section. Establishes a gross misdemeanor penalty for a person if the firearm is both loaded and unsecured. Establishes a felony penalty with a maximum period of imprisonment of two years if a loaded, unsecured firearm is accessed by a child or a person who is prohibited from possessing firearms. Establishes a felony penalty with a maximum period of imprisonment of five years if an unsecured firearm is used in certain crimes. Subd. 3. *Limitations.* Provides that subdivisions 2 and 2a do not apply to an unauthorized person’s access to firearms that was obtained as a result of an unlawful entry. *Ineligible persons.* Establishes that a person convicted of a gross misdemeanor crime involving the storage of firearms is prohibited from possessing a firearm for three years.

One of the key provisions of the bill may involve requirements for secure storage of firearms before, during, and after auctions. Auctioneers may need to invest in additional security measures such as trigger locks, safes, lockboxes, etc. to comply with these regulations. This could increase operational costs for auction businesses and necessitate adjustments to their existing infrastructure and practices. These measures aim to prevent unauthorized individuals from handling firearms at auctions and reduce the likelihood of firearms falling into the wrong hands. In addition to operational and procedural

changes, auctioneers may also face heightened legal and regulatory scrutiny under the new legislation. Compliance with the proposed regulations will be paramount, and auctioneers may need to allocate resources for staff training, legal counsel, and ongoing compliance monitoring to ensure adherence to the law.

Despite the potential challenges posed by the new bill, there may also be opportunities for auctioneers to adapt and thrive in the evolving regulatory landscape. By proactively embracing the proposed regulations and implementing robust compliance measures, auctioneers can demonstrate their commitment to safety and responsibility in firearm sales. This could enhance their reputation, attract discerning buyers who prioritize safety, and contribute to a more secure and transparent auction environment.

In conclusion, the Minnesota State Legislature's new bill on the storage and handling of firearms is likely to have implications for auctioneers involved in selling firearms at auction. While the proposed regulations may introduce challenges in terms of compliance, operational adjustments, and increased scrutiny, they also present opportunities for auctioneers to enhance safety standards, build trust with stakeholders, and adapt to the changing regulatory landscape. With careful planning, investment in resources, and a commitment to compliance, auctioneers can navigate these changes successfully and continue to contribute to the responsible and lawful sale of firearms in Minnesota. I am committed to staying up to date for the membership on these changes and will update as needed.

Kaija Kokesh

MSAA Board of Directors