

Request for City Council Committee Action from the Department of Intergovernmental Relations

Date: January 22, 2013

To: Council Member Elizabeth Glidden, Chair, Intergovernmental Relations Subcommittee and Members of the Committee

Referral to: Committee of the Whole

Subject: Proposed amendment to the City of Minneapolis' State Legislative Agenda

regarding firearms.

Recommendation: Amend the 2013 Legislative Agenda

Department Information

Prepared by: Melissa Lesch, Department of Intergovernmental Relations Approved by: Gene Ranieri, Department of Intergovernmental Relations

Presenters in Committee: Melissa Lesch, Department of Intergovernmental Relations and

Relevant City department staff

Financial Impact

No financial impact

Background

The Minneapolis Intergovernmental Relations Department has engaged in conversations with the Minneapolis City Attorney's Office, Minneapolis Police Department, City Council offices, and our partners such as other cities, Protect Minnesota and the Minnesota Chiefs of Police Association Legislative Committee to identify potential amendments to the City's state and federal legislative agendas as they pertain to firearms. The following recommendations reflect these discussions.

The City's current state legislative agenda includes several firearms related items. These items are grouped according to context, such as domestic abuse, rather than grouped together in one firearms section. My first recommendation is to regroup these items into one single unified firearms section and to place this section in the Priority section of the City's agenda to more accurately depict the importance to the elected leaders, public safety personnel, and residents of the City of Minneapolis.

Current items should be amended as follows:

- 1. Prohibit carrying a pistol with a blood-alcohol concentration of .08 or more. (Delete: encompassed in new time as a gross misdemeanor).
- 2. Legislation supporting significant gun control measures including the mandatory reporting of any lost or stolen firearm, strengthening laws regulating the transfer of firearms, the

- prohibition of possessing replica guns in public, and measures to stop the flow of handguns to youth. (Move to Priority section, possible as an overarching intro statement).
- 3. Legislation disqualifying an offender who violates a domestic abuse no contact order or interferes with an emergency call from owning or possessing a pistol. (Move to Priority section).

Priority:

Reducing Gun Violence

- 1. Amend Minnesota statute to require those with a permit to carry a firearm in public to conceal their weapon. "Conceal and Carry," rather than simply "Carry," which is current Minnesota law
- 2. Create a gross misdemeanor offense for carrying a firearm while under the influence.
- 3. Reduced access to firearms and revoke firearms permits for those who have experienced a mental health incident that required the intervention of law enforcement, such as a 72-hour hold. Current law restricts access to firearms for those having been adjudicated as having a mental health limitation.
- 4. Amend Minnesota law to clarify the definition of a "public place" for those carrying a pistol without a permit. In State v. Yang (2012) the Minnesota Supreme Court identified the need for this clarification when they found carrying a pistol without a permit in a private yard is not carrying a pistol in public, even when the person is not the owner of the property and was not invited by the owner.

This clarification would also resolve an inconsistency in law regarding the proper transport of a rifle, BB gun or shotgun.

5. Amendment to the state law that preempts the ability of local jurisdictions to implement firearms safety ordinances appropriate to that community.

Support:

Reducing Gun Violence

- 1. Prohibit those convicted of actual or attempted domestic abuse by strangulation from possessing a firearm.
- 2. Increased discretionary power for municipalities to grant or deny firearm permits.
- 3. Creation of a legislatively mandated, multi-disciplinary gun violence policy committee to look in-depth at Minnesota's gun laws, and to make recommendations to the legislature.
- 4. Require the reporting of lost or stolen firearms.

Federal:

Support the Obama Administration's plan, "Now is the Time: The President's plan to protect our children and our communities by reducing gun violence" as announced in January, 2013 including:

- 1. Closing background check loopholes to keep guns out of dangerous hands
 - Require criminal background checks for all gun sales
 - Strengthen the background check system
- 2. Banning military-style assault weapons and high-capacity magazines and taking other common-sense steps to reduce gun violence
 - Get military-style assault weapons and high-capacity magazines off the street
 - Give law enforcement additional tools to prevent and prosecute gun crime
 - End the freeze on gun violence research
 - Preserve the rights of health care providers to protect their patients and communities from gun violence
 - Encourage gun owners to live up to their responsibility to store guns safely
- 3. Making Schools Safer
 - Put up to 1,000 more school resource officers and counsellors in schools and help schools invest in safety
 - Ensure every school has a comprehensive emergency management plan
 - Create a safer climate at schools across the country
- 4. Improving mental health services
 - Make sure students and young adults get treatment for mental health issues
 - Ensure coverage of mental health treatment