

Domestic Violence and Firearms Surrender Task Force

MEETING MINUTES

Wednesday November 20, 2024, 12:30 – 2:00 pm
Virtual meeting via Teams

Task force members present: Colleen Myhre, Judge Jean E. Burdorf, Doug Carlson, Jenna Peterson, Brady Juell, Kyle Burton, David Lamb, Ana Negrete for Juliet Rudie. Absent: Guadalupe Lopez.

DPS staff: Kate Weeks, Biiftuu Ibrahim Adam (facilitator), Kim Babine, Suzanne Elwell

Wilder Foundation staff: Melissa Sarafin, Nora Johnson

Guests: Representative Kelly Moller, Zach Meinerts, Ellen McDaniel

Overview of Firearms Statutes in Minnesota

Rana Alexander, Assistant Hennepin County Attorney, did a presentation on firearms statutes. Using a flowchart, she discussed firearms prohibitions starting with federal law then state law. The statutory scheme is very complicated, and restrictions and prohibitions emerged from both criminal convictions and orders for protections. The flow chart was distributed to the group.

Some observations shared during the discussion:

- There is not a lot of information about how the ERPO process is going in Hennepin County because the required form is submitted to the local law enforcement agency and not the court.
- Regarding the firearms restoration provision, they have found that if the court grants the petition, the feds follow suit. However, in some circumstance, the state can restore, but they can't take rights that were taken away by federal law.
- The Minnesota Supreme Court ruled that you can't apply prohibition laws for violating firearms laws.
- Some laws apply just to pistols. This is problematic because other guns are just as dangerous.
- Numbers shared in another ERPO-related meeting: 119 ERPOs have been issued, most for crimes of violence. Half are domestic related, with 81% of those coming from intimate partner violence.

Task force discussion

Wilder has mapped out the proposed sections and subsections of the report to the legislature. Melissa Sarafin lead the discussion of the subsections of the best practices section, adding to the pieces discussed at the October meeting. The group discussed storage, follow-up and assessing compliance, and firearm return.

Points brought up included:

- What data do we want available?
- In any new statutory language:
 - If funds are provided to law enforcement agencies related to guns surrender, make it clear that the purpose of the allocation is for the law enforcement agency for a public safety purpose (not other general purpose).
 - Address liability.
 - Law enforcement agencies should not be required to purchase guns that have been surrendered.
- Probation officers – what role can they play? In general, search warrants require probable cause, but agents have search authority.
- During a law enforcement escort for victims to retrieve belongings—can we use this opportunity to take guns that are subject to firearm prohibition or surrender?
- There is a need to provide better information to the respondent at the time of conviction or when an OFP has been issued. Right now, the information provided by the court following an OFP is just basic info about the prohibition but nothing about how to comply. It would be good to present information on court forms/documents in better fashion:
 - Need to have information prominently placed on the court forms (on top not bottom).
 - Needs to be written in a third-grade level. It should be accessible to the average person.
 - Create standard fliers/information sheets about how to transfer a firearm.
- Judges should emphasize the firearms restrictions/prohibitions at the end of the hearing (not all judges give good explanations).
- Other statutory possibilities:
 - Have the ERPO form filed with the court and not law enforcement.
 - Currently, with DV surrender, you are not even required to file the document.
Some options:
 - Require filing the transfer/surrender form.
 - Set standard compliance hearings or set hearings if form not filed by a certain date

- Have a consequence/penalty for not filing an affidavit of firearm transfer.

NOTE: It was noted that adding a filing requirement would be a big deal.

- There is a need for a centralized database of orders and their status.
- Strong consensus from group on the need for training on all levels, especially judges, and that the training should be mandated.
- There are so many different procedures for the various firearms statutes. There needs to be consistency in process for all firearm surrenders, whether consolidating statutes or cleaning them up. In addition, there needs to be consistency in penalties applied.

What's Next

Wilder staff will collect all of the notes from the discussion and consolidate them into one document. These will be available prior to the meeting and task force members are asked to review in advance.

At the next meeting, Wilder will be able to talk about the findings from their literature review.

Closing

The two remaining meetings are:

December 16, 2024, 10:30 am – 12:00 pm

January TBD

TASK FORCE MEMBERS

Colleen Myhre
Assistant Special Agent in Charge
Minnesota Bureau of Criminal Apprehension

Julie Rudie
Director
Missing and Murdered Indigenous Relatives Office

The Honorable Jean E. Burdorf
Fourth Judicial District

Doug Carlson
Chief Public Defender (7th and 8th Judicial Districts)

Jenna Peterson
Redwood County Attorney
Brady Juell
Chief, Savage Police Department

Kyle Burton
Mille Lacs County Sheriff

Guadalupe Lopez
Violence Free Minnesota

David Lamb
Gun Violence Prevention Law Clinic
University of Minnesota Law School

Michael LaRoque
Secretary-Treasurer
White Earth Nation's
(Appointed after the November meeting)