

Minnesota 2017 legislative session: Proposed gun laws:
HF 188 – Constitutional Carry
HF 469 Lifetime carry permits
HF 238 Stand Your Ground/Castle Doctrine

HF 188

A bill for an act

relating to public safety; providing for the right to carry without a permit; providing for an optional permit to carry; amending Minnesota Statutes 2016, section 624.714, subdivisions 2, 3, 7, 15, 20, 23, by adding subdivisions; repealing Minnesota Statutes 2016, sections 624.714, subdivisions 1a, 1b, 16; 624.7181.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1.

Minnesota Statutes 2016, section 624.714, is amended by adding a subdivision to read:

Subd. 1c.

No permit required.

(a) The legislature of the state of Minnesota recognizes and declares that the second amendment of the United States Constitution guarantees the fundamental, individual right to keep and bear arms.

(b) A person who is not prohibited from possessing a firearm by any law of this state or any federal law shall have the right to carry, hold, or possess a firearm in a motor vehicle, snowmobile, or boat, or on or about the person's clothes or the person, or otherwise in possession or control in a public place.

(c) For the purposes of this section, "public place" means property owned, leased, or controlled by a governmental unit and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use but does not include: a person's dwelling house or premises, the place of business owned or managed by the person, or land possessed by the person; a gun show, gun shop, or hunting or target shooting facility; or the woods, fields,

or waters of this state where the person is present lawfully for the purpose of hunting or target shooting or other lawful activity involving firearms.

Sec. 2.

Minnesota Statutes 2016, section 624.714, is amended by adding a subdivision to read:

Subd. 1d.

Optional carry permit.

A person may apply for an optional permit to carry a pistol as provided in this section.

Sec. 3.

Minnesota Statutes 2016, section 624.714, subdivision 2, is amended to read:

Subd. 2.

Where application made; authority to issue permit; criteria; scope.

(a)

Applications by Minnesota residents for optional permits to carry shall be made to the county sheriff where the applicant resides. Nonresidents, as defined in section [171.01, subdivision 42](#), may apply to any sheriff.

(b) Unless a sheriff denies a permit under the exception set forth in subdivision 6, paragraph (a), clause (3), a sheriff must issue a permit to an applicant if the person:

- (1) has training in the safe use of a pistol;
- (2) is at least 21 years old and a citizen or a permanent resident of the United States;
- (3) completes an application for a permit;
- (4) is not prohibited from possessing a firearm under the following sections:
 - (i) [518B.01, subdivision 14](#);
 - (ii) [609.224, subdivision 3](#);
 - (iii) [609.2242, subdivision 3](#);
 - (iv) [609.749, subdivision 8](#);
 - (v) [624.713](#);

(vi) [624.719](#);

(vii) [629.715, subdivision 2](#);

(viii) [629.72, subdivision 2](#); or

(ix) any federal law; and

(5) is not listed in the criminal gang investigative data system under section [299C.091](#).

(c) A permit to carry a pistol issued or recognized under this section is a state permit and is effective throughout the state.

(d) A sheriff may contract with a police chief to process permit applications under this section. If a sheriff contracts with a police chief, the sheriff remains the issuing authority and the police chief acts as the sheriff's agent. If a sheriff contracts with a police chief, all of the provisions of this section will apply.

Sec. 4.

Minnesota Statutes 2016, section 624.714, subdivision 3, is amended to read:

Subd. 3.

Form and contents of application.

(a) Applications for optional permits to carry must be an official, standardized application form, adopted under section [624.7151](#), and must set forth in writing only the following information:

(1) the applicant's name, residence, telephone number, if any, and driver's license number or state identification card number;

(2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and distinguishing physical characteristics, if any;

(3) the township or statutory city or home rule charter city, and county, of all Minnesota residences of the applicant in the last five years, though not including specific addresses;

(4) the township or city, county, and state of all non-Minnesota residences of the applicant in the last five years, though not including specific addresses;

(5) a statement that the applicant authorizes the release to the sheriff of commitment information about the applicant maintained by the commissioner of human services or any similar agency or department of another state where the applicant has resided, to the extent that the information relates to the applicant's eligibility to possess a firearm; and

(6) a statement by the applicant that, to the best of the applicant's knowledge and belief, the applicant is not prohibited by law from possessing a firearm.

- (b) The statement under paragraph (a), clause (5), must comply with any applicable requirements of Code of Federal Regulations, title 42, sections [2.31](#) to [2.35](#), with respect to consent to disclosure of alcohol or drug abuse patient records.
- (c) An applicant must submit to the sheriff an application packet consisting only of the following items:
- (1) a completed application form, signed and dated by the applicant;
 - (2) an accurate photocopy of the certificate described in subdivision 2a, paragraph (c), that is submitted as the applicant's evidence of training in the safe use of a pistol; and
 - (3) an accurate photocopy of the applicant's current driver's license, state identification card, or the photo page of the applicant's passport.
- (d) In addition to the other application materials, a person who is otherwise ineligible for a permit due to a criminal conviction but who has obtained a pardon or expungement setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights, must submit a copy of the relevant order.
- (e) Applications must be submitted in person.
- (f) The sheriff may charge a new application processing fee in an amount not to exceed the actual and reasonable direct cost of processing the application or \$100, whichever is less. Of this amount, \$10 must be submitted to the commissioner and deposited into the general fund.
- (g) This subdivision prescribes the complete and exclusive set of items an applicant is required to submit in order to apply for a new or renewal permit to carry. The applicant must not be asked or required to submit, voluntarily or involuntarily, any information, fees, or documentation beyond that specifically required by this subdivision. This paragraph does not apply to alternate training evidence accepted by the sheriff under subdivision 2a, paragraph (d).
- (h) Forms for new and renewal applications must be available at all sheriffs' offices and the commissioner must make the forms available on the Internet.
- (i) Application forms must clearly display a notice that a permit, if granted, is void and must be immediately returned to the sheriff if the permit holder is or becomes prohibited by law from possessing a firearm. The notice must list the applicable state criminal offenses and civil categories that prohibit a person from possessing a firearm.
- (j) Upon receipt of an application packet and any required fee, the sheriff must provide a signed receipt indicating the date of submission.

Sec. 5.

Minnesota Statutes 2016, section 624.714, subdivision 7, is amended to read:

Subd. 7.

Permit card contents; expiration; renewal.

(a) Optional permits to carry must

be on an official, standardized permit card adopted by the commissioner, containing only the name, residence, and driver's license number or state identification card number of the permit holder, if any.

(b) The permit card must also identify the issuing sheriff and state the expiration date of the permit. The permit card must clearly display a notice that a permit, if granted, is void and must be immediately returned to the sheriff if the permit holder becomes prohibited by law from possessing a firearm.

(c) A permit to carry a pistol issued under this section expires five years after the date of issue. It may be renewed in the same manner and under the same criteria which the original permit was obtained, subject to the following procedures:

(1) no earlier than 90 days prior to the expiration date on the permit, the permit holder may renew the permit by submitting to the appropriate sheriff the application packet described in subdivision 3 and a renewal processing fee not to exceed the actual and reasonable direct cost of processing the application or \$75, whichever is less. Of this amount, \$5 must be submitted to the commissioner and deposited into the general fund. The sheriff must process the renewal application in accordance with subdivisions 4 and 6; and

(2) a permit holder who submits a renewal application packet after the expiration date of the permit, but within 30 days after expiration, may renew the permit as provided in clause (1) by paying an additional late fee of \$10.

(d) The renewal permit is effective beginning on the expiration date of the prior permit to carry.

Sec. 6.

Minnesota Statutes 2016, section 624.714, subdivision 15, is amended to read:

Subd. 15.

Commissioner; contracts; database.

(a) The commissioner must maintain

an automated database of persons ~~authorized to carry pistols~~ issued an optional permit to

carry a pistol under this section that is available 24 hours a day, seven days a week, only to law enforcement agencies, including prosecutors carrying out their duties under subdivision 8a, to verify the validity of a permit.

(b) The commissioner may maintain a separate automated database of denied applications for optional permits to carry and of revoked permits that is available only to sheriffs performing their duties under this section containing the date of, the statutory basis for, and the initiating agency for any permit application denied or permit revoked for a period of six years from the date of the denial or revocation.

(c) The commissioner may contract with one or more vendors to implement the commissioner's duties under this section.

Sec. 7.

Minnesota Statutes 2016, section 624.714, subdivision 20, is amended to read:

Subd. 20.

Monitoring.

(a) By March 1, 2004, and each year thereafter, the commissioner must report to the legislature on:

(1) the number of optional permits applied for, issued, suspended, revoked, and denied, further categorized by the age, sex, and zip code of the applicant or permit holder, since the previous submission, and in total;

(2) the number of optional permits currently valid;

(3) the specific reasons for each suspension, revocation, and denial and the number of reversed, canceled, or corrected actions;

(4) without expressly identifying an applicant, the number of denials or revocations based on the grounds under subdivision 6, paragraph (a), clause (3), the factual basis for each denial or revocation, and the result of an appeal, if any, including the court's findings of fact, conclusions of law, and order;

(5) the number of convictions and types of crimes committed since the previous submission, and in total, by individuals with permits legally carrying pistols as provided by this section including data as to whether a firearm lawfully carried solely by virtue of a ~~permit~~ this section was actually used in furtherance of the crime;

(6) to the extent known or determinable, data on the lawful and justifiable use of firearms by ~~permit holders~~ individuals legally carrying pistols as provided by this section; and

(7) the status of the segregated funds reported to the commissioner under subdivision 21.

(b) Sheriffs and police chiefs must supply the Department of Public Safety with the basic data the department requires to complete the report under paragraph (a). Sheriffs and police chiefs may submit data classified as private to the Department of Public Safety under this paragraph.

(c) Copies of the report under paragraph (a) must be made available to the public at the actual cost of duplication.

(d) Nothing contained in any provision of this section or any other law requires or authorizes the registration, documentation, collection, or providing of serial numbers or other data on firearms or on firearms' owners.

Sec. 8.

Minnesota Statutes 2016, section 624.714, subdivision 23, is amended to read:

Subd. 23.

Exclusivity.

This section sets forth the complete and exclusive criteria and procedures for the issuance of optional permits to carry and establishes their nature and scope. No sheriff, police chief, governmental unit, government official, government employee, or other person or body acting under color of law or governmental authority may change, modify, or supplement these criteria or procedures, or limit the exercise of a permit the right to carry a firearm.

Sec. 9. REPEALER.

Minnesota Statutes 2016, sections 624.714, subdivisions 1a, 1b, and 16; and 624.7181, are repealed.

HF 469 (Lifetime Permits)

as introduced - 90th Legislature (2017 - 2018) Posted on 01/26/2017 05:01pm

A bill for an act

relating to public safety; amending the Minnesota Personal Protection Act; creating lifetime permits to carry handguns; reducing the application fee for permits to

carry;amending Minnesota Statutes 2016, section 624.714, subdivisions 2a, 3, 7, 14.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1.

Minnesota Statutes 2016, section 624.714, subdivision 2a, is amended to read:

Subd. 2a.

Training in safe use of a pistol.

(a) An applicant must present evidence that the applicant received training in the safe use of a pistol within one year of the date of an ~~deleted text begin original or renewal~~ deleted text end application. Training may be demonstrated by:

- (1) employment as a peace officer in the state of Minnesota within the past year; or
- (2) completion of a firearms safety or training course providing basic training in the safe use of a pistol and conducted by a certified instructor.

(b) Basic training must include:

- (1) instruction in the fundamentals of pistol use;
- (2) successful completion of an actual shooting qualification exercise; and
- (3) instruction in the fundamental legal aspects of pistol possession, carry, and use, including self-defense and the restrictions on the use of deadly force.

(c) The certified instructor must issue a certificate to a person who has completed a firearms safety or training course described in paragraph (b). The certificate must be signed by the instructor and attest that the person attended and completed the course.

(d) A person qualifies as a certified instructor if the person is certified as a firearms instructor within the past five years by an organization or government entity that has been approved by the Department of Public Safety in accordance with the department's standards.

(e) A sheriff must accept the training described in this subdivision as meeting the requirement in subdivision 2, paragraph (b), for training in the safe use of a pistol. A sheriff may also accept other satisfactory evidence of training in the safe use of a pistol.

Sec. 2.

Minnesota Statutes 2016, section 624.714, subdivision 3, is amended to read:

Subd. 3.

Form and contents of application.

(a) Applications for permits to carry must be an official, standardized application form, adopted under section [624.7151](#), and must set forth in writing only the following information:

- (1) the applicant's name, residence, telephone number, if any, and driver's license number or state identification card number;
- (2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and distinguishing physical characteristics, if any;
- (3) the township or statutory city or home rule charter city, and county, of all Minnesota residences of the applicant in the last five years, though not including specific addresses;
- (4) the township or city, county, and state of all non-Minnesota residences of the applicant in the last five years, though not including specific addresses;
- (5) a statement that the applicant authorizes the release to the sheriff of commitment information about the applicant maintained by the commissioner of human services or any similar agency or department of another state where the applicant has resided, to the extent that the information relates to the applicant's eligibility to possess a firearm; and
- (6) a statement by the applicant that, to the best of the applicant's knowledge and belief, the applicant is not prohibited by law from possessing a firearm.

(b) The statement under paragraph (a), clause (5), must comply with any applicable requirements of Code of Federal Regulations, title 42, sections [2.31](#) to [2.35](#), with respect to consent to disclosure of alcohol or drug abuse patient records.

(c) An applicant must submit to the sheriff an application packet consisting only of the following items:

- (1) a completed application form, signed and dated by the applicant;
- (2) an accurate photocopy of the certificate described in subdivision 2a, paragraph (c), that is submitted as the applicant's evidence of training in the safe use of a pistol; and
- (3) an accurate photocopy of the applicant's current driver's license, state identification card, or the photo page of the applicant's passport.

(d) In addition to the other application materials, a person who is otherwise ineligible for a permit due to a criminal conviction but who has obtained a pardon or expungement setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights, must submit a copy of the relevant order.

(e) Applications must be submitted in person.

(f) The sheriff may charge ~~deleted text begin~~~~new~~~~deleted text end~~~~new text begin~~new text end application processing fee in an amount not to exceed the actual and reasonable direct cost of processing the application or ~~deleted text begin~~~~\$100~~~~deleted text end~~~~new text begin~~\$50~~new text end~~, whichever is less. Of this amount, \$10 must be submitted to the commissioner and deposited into the general fund.

(g) This subdivision prescribes the complete and exclusive set of items an applicant is required to submit in order to apply for a ~~deleted text begin~~~~new or renewal~~~~deleted text end~~ permit to carry. The applicant must not be asked or required to submit, voluntarily or involuntarily, any information, fees, or documentation beyond that specifically required by this subdivision. This paragraph does not apply to alternate training evidence accepted by the sheriff under subdivision 2a, paragraph (d).

(h) Forms for ~~deleted text begin~~~~new and renewal~~~~deleted text end~~ applications must be available at all sheriffs' offices and the commissioner must make the forms available on the Internet.

(i) Application forms must clearly display a notice that a permit, if granted, is void and must be immediately returned to the sheriff if the permit holder is or becomes prohibited by law from possessing a firearm. The notice must list the applicable state criminal offenses and civil categories that prohibit a person from possessing a firearm.

(j) Upon receipt of an application packet and any required fee, the sheriff must provide a signed receipt indicating the date of submission.

Sec. 3.

Minnesota Statutes 2016, section 624.714, subdivision 7, is amended to read:

Subd. 7.

Permit card contents; expiration; renewal.

(a) Permits to carry must be on an official, standardized permit card adopted by the commissioner, containing only the

name, residence, and driver's license number or state identification card number of the permit holder, if any.

(b) The permit card must also identify the issuing sheriff ~~deleted text begin and state the expiration date of the permit deleted text end~~. The permit card must clearly display a notice that a permit, if granted, is void and must be immediately returned to the sheriff if the permit holder becomes prohibited by law from possessing a firearm.

(c) A permit to carry a pistol issued under this section ~~deleted text begin expires five years after the date of issue. It may be renewed in the same manner and under the same criteria which the original permit was obtained, subject to the following procedures: deleted text end~~ new text begin does not expire and permit cards issued after August 1, 2017, must prominently state that the permit does not expire.

new text end

~~deleted text begin (1) no earlier than 90 days prior to the expiration date on the permit, the permit holder~~

~~may renew the permit by submitting to the appropriate sheriff the application packet described in subdivision 3 and a renewal processing fee not to exceed the actual and reasonable direct cost of processing the application or \$75, whichever is less. Of this amount, \$5 must be submitted to the commissioner and deposited into the general fund. The sheriff must process the renewal application in accordance with subdivisions 4 and 6; and~~

~~deleted text end~~

~~deleted text begin (2) a permit holder who submits a renewal application packet after the expiration date~~

~~of the permit, but within 30 days after expiration, may renew the permit as provided in clause (1) by paying an additional late fee of \$10.~~

~~deleted text end~~

~~deleted text begin (d) The renewal permit is effective beginning on the expiration date of the prior permit~~

~~to carry.~~

~~deleted text end~~

Sec. 4.

Minnesota Statutes 2016, section 624.714, subdivision 14, is amended to read:

Subd. 14.

Records.

(a) A sheriff must not maintain records or data collected, made, or held under this section concerning any applicant or permit holder that are not necessary

under this section to support a permit that is outstanding or eligible for renewal under subdivision 7, paragraph (b). Notwithstanding section [138.163](#), sheriffs must completely purge all files and databases by March 1 of each year to delete all information collected under this section concerning all persons who are no longer current permit holders deleted text begin ~~currently eligible to renew their permit~~ deleted text end.

(b) Paragraph (a) does not apply to records or data concerning an applicant or permit holder who has had a permit denied or revoked under the criteria established in subdivision 2, paragraph (b), clause (1), or subdivision 6, paragraph (a), clause (3), for a period of six years from the date of the denial or revocation.

Sec. 5. new text begin

REPLACEMENT PERMITS TO CARRY.new text end

new text begin A person with a valid permit to carry a handgun issued under Minnesota Statutes, section

624.714, prior to August 1, 2017, shall request a replacement permit card that conforms with the requirements of Minnesota Statutes, section 624.714, subdivision 7, paragraph (c), prior to the expiration date listed on the permit holder's card. The issuing sheriff may charge up to \$10 to issue a replacement card under this section.

new text end

Line numbers 1.1 1.2 1.3 1.4 1.5 1.6

1.7 1.8 1.9 1.10 1.11 1.12 1.13 1.14 1.15 1.16 1.17 1.18 1.19 1.20 1.21 2.1 2.2 2.3 2.4 2.5 2.6

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5.1 5.2 5.3 5.4 5.5 5.6

HF 238 (Stand your Ground)

A bill for an act

relating to firearms; clarifying law on use of force in defense of home and person; codifying and extending Minnesota's self-defense and defense of home laws; eliminating the common law duty to retreat in cases of self-defense outside the home; expanding the boundaries of dwelling for purposes of self-defense; creating a presumption in the case of a person entering a dwelling or occupied vehicle by stealth or force; extending the rights available to a person in that person's dwelling to a person defending against entry of that person's occupied vehicle; amending Minnesota Statutes 2016, section 609.065.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1.

Minnesota Statutes 2016, section 609.065, is amended to read:

609.065 JUSTIFIABLE ~~TAKING OF LIFE~~ USE OF DEADLY FORCE IN DEFENSE OF HOME AND PERSON.

Subdivision 1.

Definitions.

~~The intentional taking of the life of another is not authorized by section 609.06, except when necessary in resisting or preventing an offense which the actor reasonably believes exposes the actor or another to great bodily harm or death, or preventing the commission of a felony in the actor's place of abode.~~ (a) For purposes of this section, the terms in this subdivision have the meanings given them.

(b) "Court order" means an order for protection issued under section 518B.01, a restraining order issued under section 609.748, a no contact order issued under section 629.75, or a substantively similar order issued by any court in this state, another state, the United States, or any subordinate jurisdiction of the United States.

(c) "Deadly force" means force used by an individual with the purpose of causing, or which the individual should reasonably know creates a substantial risk of causing, great bodily harm or death. The intentional discharge of a firearm by an individual at another

person, or at a vehicle in which another person is believed to be, constitutes deadly force. A threat to cause great bodily harm or death, by the production of a weapon or otherwise, constitutes reasonable force and not deadly force, when the individual's objective is limited to creating an expectation that the individual will use deadly force only if authorized by law.

(d) "Dwelling" means a building defined under section 609.556, subdivision 3, an overnight stopping accommodation of any kind, or a place of abode, that an individual temporarily or permanently is occupying or intending to occupy as a habitation or home. A dwelling includes, but is not limited to, a building or conveyance and that building's or conveyance's curtilage and any attached or adjacent deck, porch, appurtenance, or other structure, whether the building or conveyance is used temporarily or permanently for these purposes, is mobile or immobile, or is a motor vehicle, watercraft, motor home, tent, or the equivalent.

(e) "Forcible felony" means any crime punishable by imprisonment exceeding one year the elements of which include the use or threatened use of physical force or a deadly weapon against the person of another, including but not limited to: murder in the first degree under section 609.185; murder in the second degree under section 609.19; manslaughter in the first degree under section 609.20; assault in the first degree under section 609.221; assault in the second degree under section 609.222; assault in the third degree under section 609.223; criminal sexual conduct in the first degree under section 609.342; criminal sexual conduct in the second degree under section 609.343; arson in the first degree under section 609.561; burglary in the first, second, and third degrees under section 609.582; robbery under sections 609.24 and 609.245; and kidnapping under section 609.25.

(f) "Good faith" includes honesty in fact in the conduct of the act concerned.

(g) "Great bodily harm" has the meaning given in section 609.02, subdivision 8.

(h) "Imminent" means the actor infers from all the facts and circumstances that the course of conduct has commenced.

(i) "Substantial bodily harm" has the meaning given in section 609.02, subdivision 7a.

(j) "Vehicle" means a conveyance of any type.

Subd. 2.

Circumstances when authorized.

(a) The use of deadly force by an individual is justified under this section when the act is undertaken:

(1) to resist or prevent the commission of a felony in the individual's dwelling;

(2) to resist or prevent what the individual reasonably believes is an offense or attempted offense that imminently exposes the individual or another person to substantial bodily harm, great bodily harm, or death; or

(3) to resist or prevent what the individual reasonably believes is the commission or imminent commission of a forcible felony.

(b) The use of deadly force is not authorized under this section if the individual knows that the person against whom force is being used is a licensed peace officer from this state, another state, the United States, or any subordinate jurisdiction of the United States, who is acting lawfully.

Subd. 3.

Degree of force; retreat.

An individual taking defensive action pursuant to subdivision 2 may use all force and means, including deadly force, that the individual in good faith believes is required to succeed in defense. The individual may meet force with superior force when the individual's objective is defensive; the individual is not required to retreat; and the individual may continue defensive actions against an assailant until the danger has ended.

Subd. 4.

Presumptions.

(a) An individual using deadly force is presumed to possess a reasonable belief that there exists an imminent threat of substantial bodily harm, great bodily harm, or death to the individual or another person, if the individual knows or has reason to know that:

(1) the person against whom the defensive action is being taken is unlawfully entering or attempting to enter by force or by stealth, or has unlawfully entered by force or by stealth and remains within, the dwelling or occupied vehicle of the individual; or

(2) the person against whom the defensive action is being taken is in the process of removing, or attempting to remove, the individual or another person from the dwelling or occupied vehicle of the individual.

(b) An individual is not entitled to the benefit of the presumption in paragraph (a) if the individual knows that the person against whom the defensive action is being taken:

(1) is a lawful resident of the dwelling or a lawful possessor of the vehicle, or is otherwise lawfully permitted to enter the dwelling or vehicle; or

(2) is a person who has lawful custody of the person being removed from the dwelling or vehicle or whose removal from the dwelling or vehicle is being attempted. A person who is prohibited by a court order from contacting another individual or from entering a dwelling or possessing a vehicle of another individual is not a lawful resident of that individual's dwelling and is not a lawful possessor of that individual's vehicle.

(c) An individual using defensive force is not entitled to the benefit of the presumption in paragraph (a) if the individual is presently engaged in a crime or attempting to escape from the scene of a crime, or is presently using the dwelling or occupied vehicle in furtherance of a crime.

(d) An individual is not entitled to the benefit of the presumption in paragraph (a) if the individual knows or has reason to know that the person against whom the defensive action is being taken is a licensed peace officer from this state, another state, the United States, or any subordinate jurisdiction of the United States, who is acting lawfully.

Subd. 5.

Criminal investigation; immunity from prosecution.

(a) An individual who uses force, including deadly force, according to this section or as otherwise provided by law in defense of the individual, the individual's dwelling, or another individual is justified in using such force and is immune from any criminal prosecution for that act.

(b) A law enforcement agency may arrest an individual using force under circumstances described in this section only after considering any claims or circumstances supporting self-defense or lawful defense of another individual.

Subd. 6.

Justifiable use of force; burden of proof.

In a criminal trial, when there is any evidence of justifiable use of force under this section or section 609.06, the state has the burden of proving beyond a reasonable doubt that the defendant's actions were not justifiable.

Subd. 7.

Short title.

This section may be cited as the "Defense of Dwelling and Person Act of 2017."

EFFECTIVE DATE.

This section is effective August 1, 2017, and applies to uses of deadly force occurring on or after that date.