



Three Gun-control Bills in Minnesota Legislature

WCCO, the CBS affiliate in Minneapolis-St. Paul, Minnesota, reported on February 15 that more people in Minnesota are carrying guns than ever before, but the crime rate remains relatively low. Minnesota's violent crime rate hit a 50-year low in 2016, according to the FBI — yet in 2017, the North Star State set a new record for firearms background checks.



Despite this apparent favorable effect of gun ownership on reducing crime, some members of the Minnesota legislature would like to see more restrictions on gun ownership. A report in the Twin Cities *Pioneer Press* on February 15 summarized the gun-related bills currently drafted in the Minnesota state legislature. While two of them support a citizen's right to keep and bear arms, the other three would serve to do exactly what the Second Amendment prohibits — infringe on that right.

Both pro-gun right bills were introduced by Representative Jim Nash (R-Waconia) in the House. The first of these, the "Defense of Dwelling and Person Act of 2017" (HF 238) — commonly referred to as the "stand your ground" bill — expands the types of situations in which it is legal to take another person's life. While HF 238 is technically not a Second Amendment bill, it is often debated as such, as "stand your ground" incidents typically involve firearms.

One section of the bill addresses an individual's right to use deadly force in defense of his own home, stating: "An individual taking defensive action ... may use all force and means, including deadly force, that the individual in good faith believes is required to succeed in defense.... The individual is not required to retreat."

Nash sponsored another bill, HF 188, that provides for the right to carry a firearm without a permit. The bill states as justification for guaranteeing this right, "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."

As noted earlier, the other three bills in the legislature would restrict a citizen's right to keep and bear arms.

The first of these, SF 1262, sponsored by Senator Ron Latz (Democratic-Farmer-Labor Party-St. Louis Park) would allow law enforcement and family members to petition a court to prohibit a person from possessing firearms if they pose "a significant danger of bodily injury to self or to other persons by possessing a firearm." While the bill may appear to be a reasonable attempt to keep guns out of the hands of mentally unstable people and says that the court would require a "preponderance of the



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evidence” to issue the order, in reality, this evidence can be highly subjective. It would be easy for someone with a grudge to bear or with a personal agenda to fabricate evidence that could be used to deny a falsely accused person of their right to keep and bear arms.

Moreover, as the *The New American* noted about the obviously mentally deranged shooter in Florida, we are nevertheless on constitutionally shaky ground whenever we attempt to brand someone too dangerous to possess a firearm: “The problem with giving government the power to determine who is crazy, as some are suggesting, is the risk that the government eventually declares everyone crazy and therefore no one is entitled to exercise their Second Amendment rights.”

Senator Latz also introduced another bill, SF 1261, that calls for universal background checks for all persons buying guns in transactions between private parties — including intrastate sales online, and using platforms such as Craigslist and Armslist — that currently require no background check. Under the proposed law, if neither the buyer nor the seller is a federally licensed arms dealer, they would both be required to appear before such a dealer, who would be required to conduct the check and fill out and keep a record of the transaction on a federal form.

A third bill, HF 2781, filed last week by Representative John Considine (DFL-Mankato) would make “bump stocks” illegal, by classifying them as “trigger activators,” which are currently defined under state law as devices that increase the rate at which a gun’s trigger may be pulled.

Such devices became demonized in the eyes of gun-control advocates after they were found on rifles used by Stephen Paddock, the gunman in the Las Vegas massacre last October.

In an article published by *The New American* last October, “[Why I Oppose Banning Bump Stocks](#),” we provided sound reasons why the devices should not be outlawed. The basis for our argument is that the definition required for such a ban would be so arbitrary that it could be expanded as justification to ban countless other weapons, thus threatening the right to keep and bear arms in many ways.

Last week’s tragic shooting at Marjory Stoneman Douglas High School in Parkland, Florida, that resulted in 17 deaths has predictably caused many people to demand more gun laws as the solution to preventing further mass shootings. However, these knee-jerk-reaction calls for more gun control are futile attempts to blame inanimate objects for the actions of people who are either evil or crazy.

A reporter in Minnesota’s *Star-Tribune* wrote in a February 20 article that when legislators enter the state’s House and Senate chambers at the start of the legislative session, gun-control activists will be there, handing them fliers printed by a group called Moms Demand Action. The fliers will read, “Welcome back. Will you vote for common sense gun safety this year?”

While the group did not explain what they meant by “common sense gun safety,” they apparently mean the three gun-control bills currently under consideration in the legislature.

The report noted that Erin Zamoff, Minnesota chapter leader of Moms Demand Action, wants Minnesota legislators to join the few states that allow a court to temporarily seize someone’s guns if they are determined by the court to be a danger to themselves or others.

“Our volunteers are feeling this very deeply,” Zamoff said of the school shooting. “We want them to take action this year, and we’re tired of waiting, frankly.”

However, Senate Majority Leader Paul Gazelka, a Republican, said his prime concern is improving security at schools.

“I’m very sympathetic to why people are pointing the finger, trying to find a solution,” Gazelka said.



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“But where I want to point the finger is: Let’s deal with the fact that people are violent, how do we stop them from harming or killing our kids?”

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