



Mayor Carter
St. Paul City Council

April 16th, 2023

Mr. Mayor and Councilmembers,

The Minnesota Gun Owners Caucus is Minnesota's largest state-based advocacy organization protecting the right to keep and bear arms. In that capacity, we advocate for the safe and legal use of firearms, and strong public safety policies surrounding the possession and use of firearms. As an organization dedicated to protecting the Second Amendment rights of citizens in Minnesota, we are writing to express our deep concern and opposition to the proposed amendments to Section 225.01 and Section 225.06 of the Saint Paul Legislative Code.

The proposed ordinance, which seeks to regulate the storage of firearms, violates both Minnesota Statute 471.633 and the Second Amendment of the U.S. Constitution. We urge the City of St. Paul to reconsider this ordinance and refrain from infringing upon the rights of law-abiding gun owners.

If the city moves forward with this ordinance, we are prepared to challenge it in court.

1. Violation of Minnesota Statutes 471.633

MN Statute 471.633 preempts local governments from regulating firearms, ammunition, or their respective components, with two narrow exceptions. The proposed ordinance falls outside the scope of these exceptions, as it attempts to regulate firearm storage rather than discharge and creates new regulations not covered by state law. The proposed ordinance is, therefore, inconsistent with MN Statute 471.633 and would be considered void.

The City of St. Paul cannot circumvent the Minnesota legislature's preemption on firearm regulations by attempting to redefine a regulation on the storage of firearms as a regulation on the discharge of firearms. Doing so is a disingenuous attempt to bypass the clear legislative intent of MN Statute 471.633, which seeks to maintain consistent statewide regulation of firearms and prevent a patchwork of conflicting local regulations. The storage of firearms and the discharge of firearms are distinct concepts, and attempting to conflate the two would undermine the state's preemption law and lead to confusion and potential infringement on the rights of peaceable gun owners.

The City of St. Paul must respect the boundaries set by state law and focus on addressing the root causes of gun violence rather than adopting ordinances that encroach upon the rights of responsible gun owners and conflict with the state's preemption statute.



2. Violation of Second Amendment Rights

The proposed ordinance also infringes upon the Second Amendment rights of visitors to St. Paul and the city's residents. The U.S. Supreme Court, in *District of Columbia v. Heller* (2008), held that the Second Amendment protects an individual's right to possess a firearm for self-defense within the home. Requiring individuals to secure their firearms with a locking device and store ammunition separately, as proposed in the ordinance, would render firearms inaccessible or inoperable in emergencies. This directly conflicts with the Heller decision, which explicitly rejected a Washington D.C. ordinance that required firearms to be *"disassembled or bound by a trigger lock at all times, rendering it inoperable."*

The proposed ordinance restricts the constitutional rights of law-abiding citizens and fails to address the real issue of criminal misuse of firearms. It would penalize responsible gun owners without addressing the root causes of gun violence. Furthermore, even if the city were to adopt this proposal, enforcing this ordinance would likely necessitate allowing law enforcement or other government agents to search homes and vehicles, which raises significant privacy concerns and potential civil liberties violations. Moreover, such enforcement would disproportionately affect communities with increased police contacts, including economically disadvantaged and BIPOC communities, further exacerbating existing inequalities and tensions in these areas.

As a Second Amendment advocacy organization, we cannot stand idly by while the City of St. Paul attempts to infringe upon the rights of law-abiding gun owners. We remain committed to protecting the rights of Minnesota gun owners and will take any necessary legal action to do so. We strongly urge the City of St. Paul to reconsider the proposed ordinance and to respect the Second Amendment rights of its residents and guests.

Please let us know if you have any questions or require further information on this matter.

In Liberty,

Rob Doar
Senior Vice President
Minnesota Gun Owners Caucus