



## HF 3402 & HF 3433 Analysis

### Executive Summary

HF 3402 and HF 3433 are unlikely to produce the public-safety outcomes their proponents promise. Minnesota’s own crime data show that rifles account for a very small share of homicide weapons, while broader violent and property crime trends declined before, during, and long after the 1994 federal ban. The leading federal evaluation could not attribute measurable reductions in overall gun violence to that ban, and systematic reviews continue to rate the homicide evidence as inconclusive.

At the same time, both bills impose sweeping felony prohibitions, forced-disposition requirements, and inspection-conditioned certification systems that present substantial constitutional and administrative risk. A more durable and evidence-aligned approach would prioritize targeted interventions; school threat assessment, crisis response capacity, focused deterrence, and improved enforcement against violent offenders, that directly address the behaviors and circumstances driving harm in Minnesota. Public safety is best advanced by policies that are empirically grounded, constitutionally sound, and tailored to the actual patterns of violence reflected in Minnesota’s own data.

- HF 3402 would create a statewide felony ban on possession of “large-capacity magazines” (>10 rounds) with a forced-disposition deadline. [1]
- HF 3433 would ban possession/transfer of defined “semiautomatic military-style assault weapons,” while creating a limited certification system for some current owners that includes storage rules and an inspection condition. [2]
- In the FBI’s active-shooter dataset, handguns appear more often than rifles; rifles are not the predominant firearm category in that dataset. [4]
- Minnesota homicide weapon data show rifles are rare. In the last three published BCA UCR reports, “Rifle” appears 2 times (2022), 5 times (2023), and 3 times (2024) statewide, compared to dozens of “Handgun” entries each year. [30] [36] [37]
- In Minnesota, firearms are not the leading cause of death for ages 1–17; for 2024, motor-vehicle traffic deaths (35) exceeded firearm deaths (24). [24]
- The leading federal evaluation (NIJ) could not clearly attribute the nation’s gun-violence decline to the 1994 ban and cautioned any measurable effects were likely small; RAND’s systematic review rates the homicide evidence as inconclusive. FBI UCR and BJS trend data show crime declines began before the ban and continued for years after it expired. [6] [13] [31] [33]
- Evidence-supported violence-reduction options exist with clearer prevention mechanisms than broad firearm- and magazine-design bans—especially for school safety (threat assessment/reporting) and crisis response. [21] [28] [29]
- Both bills are likely to face immediate constitutional challenges under the Supreme Court’s modern Second Amendment framework (Heller/Bruen). HF 3433 also raises Fourth Amendment issues by conditioning possession on home-inspection consent, and both bills’ forced-disposition provisions invite Takings Clause claims. [8-9, 14-17]



## I. Bill Summaries

### A. HF 3402 (Large-Capacity Magazines)

- HF 3402 adds a new statutory definition of “large-capacity magazine” and creates a broad criminal prohibition on manufacture, importation, sale/transfer, and possession. [1]
- The definition is capacity-based (more than 10 rounds) and includes “conversion kit” and “combination of parts” language. [1]
- The bill includes limited exceptions (e.g., permanently altered devices, certain .22 tubular devices, and certain lever-action tubular magazines). [1]
- HF 3402 includes a mandatory disposition requirement (surrender, sale/transfer, permanent alteration, or removal from Minnesota) by the statutory deadline, with felony penalties for violations. [1]
- Key dates: HF 3402’s definition section is effective July 1, 2026, and persons who possessed covered magazines before July 1, 2026 must complete disposition by July 1, 2027. [1]

### B. HF 3433 (Semiautomatic “Military-Style Assault Weapons” + Certification/Inspection)

- HF 3433 defines “semiautomatic military-style assault weapon” using a combination of (1) feature tests tied to detachable magazines and (2) lists of enumerated models/types. [2]
- The bill creates a broad ban on possession, transfer, and sale of defined weapons, paired with a limited certification pathway for certain current possessors. [2]
- The certification pathway includes storage requirements, renewals, fees, and an express consent-to-inspection condition that expands litigation risk beyond the core Second Amendment question. [2]

## II. Annunciation Shooting as Legislative Impetus

Supporters cite the August 27, 2025 shooting at the Church of the Annunciation in Minneapolis as the principal motivating event for HF 3402 and HF 3433. [3] Any legislative response should begin by acknowledging the victims and community trauma, and then asking a hard question: *What specific prevention mechanism does a proposal use to stop the next attack?*

Public reporting and official updates indicate the assailant possessed multiple firearms during the attack; two handguns, one rifle, and one shotgun, and fired at least the rifle and shotgun. City updates report “116 rifle casings, three shotgun shell casings and one live pistol round” were recovered, and surveillance “appears to confirm that the shooter did not enter the church.” [3] A later court filing described in press coverage cited a video “showing a rifle, a shotgun, a semiautomatic handgun and a revolver.” [39]

Those facts matter. When an attacker brings (or can access) multiple firearm types—including handguns and a shotgun—policy that targets only one “style” of firearm (or a single design feature) does not address the broader risk of harm or the potential for substitution. **The Annunciation incident is a warning about access, intent, and behavioral warnings—not just hardware.** [3] [39]



Legislative analysis should accurately test whether statewide felony bans and inspection-conditioned certification are:

- (a) empirically supported, and
- (b) narrowly matched to prevention mechanisms.

School-shooting-specific datasets provide additional context that complicates attempts to generalize from a single high-profile incident to a statewide ban on broad categories of semiautomatic firearms.

- GAO’s review of 318 K-12 school shootings (school years 2009-10 through 2018-19) found that shootings more often occurred outside the school building than inside (about 60% outside). [19]
- In the same GAO analysis, dispute/grievance-related shootings occurred most often, while school-targeted shootings were less frequent but produced disproportionate harm (over half of fatalities and more than one-third of those wounded). [19]
- CDC surveillance of firearm-involved school-associated youth homicides (1994-2018) reports that handguns were the predominant firearm type in both single-victim incidents (69.0% of firearms) and multiple-victim incidents (52.5%); semi-automatic rifles were 2.3% of firearms in single-victim incidents and 14.8% in multiple-victim incidents. [20]
- U.S. Secret Service analysis of 67 averted school-attack plots reports that most plots were detected through communications of intent (75% detected solely because of what plotters communicated), highlighting prevention leverage through reporting systems and threat-assessment intervention rather than firearm-feature bans. [21]

Relatedly, NCES cautions that school-shooting and school-violence indicators vary by definition and data source; comparisons across datasets should be made carefully. [22] CDC’s school-associated homicide surveillance also notes multi-firearm incidents, underscoring that some attackers do not rely on a single weapon type. [20]

Taken together, these findings point to prevention leverage upstream: robust reporting channels, multidisciplinary threat assessment, and rapid crisis intervention. **Those measures address the mechanism repeatedly identified in school-attack research—warning signs and communicated intent—regardless of firearm type.** [21] [23]

### III. Evidence-Based Responses to Claims

#### Mass shootings are not mainly committed with rifles/‘assault weapons.’

“Mass shooting” is not a single standardized measurement; datasets vary by selected thresholds (e.g. killed vs. shot), whether incidents are in public places, and whether gang/domestic incidents are included. Different definitions can produce different “most common weapon” answers.

Utilizing the FBI’s objective “active shooter” definitions (four or more killed not including the perpetrator), FBI data shows handguns are used significantly more often than rifles in those incidents. [4]



Even outside mass-shooting datasets, the broader firearm-violence burden (homicides and nonfatal victimizations) is dominated by handguns. [5]

CDC’s school-associated homicide surveillance reports that in firearm-involved school-associated youth homicides, handguns were the predominant firearm type; **semi-automatic rifles were 2.3% of firearms in single-victim incidents and 14.8% in multiple-victim incidents.** [20]

If the goal is to reduce gun violence generally, a policy that targets a firearm category used far less often than handguns will have limited leverage, especially when imposed as a felony possession ban. *See* Section VI for more direct, evidence-supported prevention options.

### Firearms are not the leading cause of death for Minnesota children.

This talking point is often made using national aggregates and broad age bands, then applied to Minnesota without adjustment. State-specific mortality data are available and allow direct comparison of injury mechanisms for Minnesota youth.

For Minnesota residents ages 1-17 in 2024, CDC WONDER’s Underlying Cause of Death data show motor-vehicle traffic deaths exceeded firearm deaths (35 vs. 24), with corresponding crude rates of 2.8 vs. 1.9 deaths per 100,000. [24]

Mechanism	Code	Deaths	Population	Crude rate (per 100,000)
Motor Vehicle Traffic	GRINJ-008	35	1,237,644	2.8
Firearm	GRINJ-006	24	1,237,644	1.9
Suffocation	GRINJ-017	15	1,237,644	1.2
Poisoning	GRINJ-015	13	1,237,644	1.1
Total (selected)		87	1,237,644	7.0

A Johns Hopkins Center for Gun Violence Solutions Minnesota factsheet (citing CDC data) likewise states firearms were the fourth leading cause of death among Minnesota children and teens ages 1-17 in 2023. [25]

This does not minimize any firearm death. It does show that rhetoric claiming firearms are Minnesota’s leading cause of death for children is not supported by Minnesota’s own mortality counts. It also matters for policy design: in Minnesota, **most firearm deaths are suicides**, not homicides. The Minnesota Department of Health reports that **from 2018–2021, 73.1% of firearm deaths were suicide** (23.6% homicide). Suicide prevention requires different tools and strategies than violent-crime reduction—especially upstream interventions like crisis response capacity, voluntary safe-storage practices, and rapid pathways to care—rather than firearm-category bans aimed at criminal misuse.

### Rifle (including ‘assault weapon’) homicides are common exceptionally rare in Minnesota.

If HF 3433 is justified as a response to Minnesota’s overall homicide patterns, Minnesota’s own UCR data show rifles are rarely implicated in criminal homicides compared to handguns. [30] [36] [37] Across recent Minnesota UCR reports, rifles (**which includes ALL rifle platforms**) are consistently a small fraction of homicide weapons. For example: [30] [36] [37]



- 2022: 182 criminal homicide victims; “Rifle” = 2; “Handgun” = 46; [37]
- 2023: 181 criminal homicide victims; “Rifle” = 5; “Handgun” = 61; [36]
- 2024: 170 criminal homicide victims; “Rifle” = 3; “Handgun” = 60; [30]

Even if each “Rifle” entry corresponded to a distinct homicide victim, the share would be low—about 1.1% (2/182) in 2022, 2.8% (5/181) in 2023, and 1.8% (3/170) in 2024. [30] [36] [37]

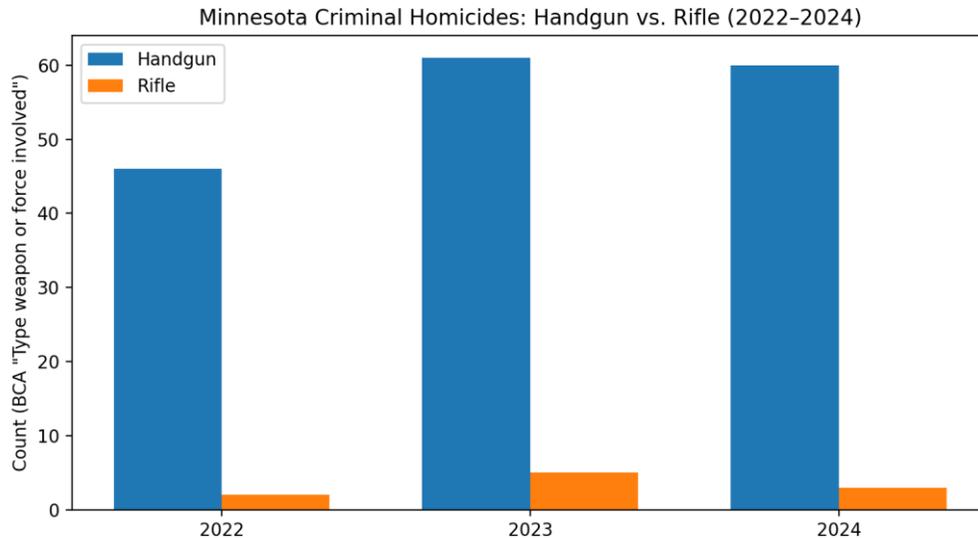


Figure 1. Minnesota criminal homicide “type weapon or force involved” tabulations: handgun vs. rifle (2022–2024). [30] [36] [37]

This does not minimize rare, high-profile incidents. It does show that a broad felony prohibition on common rifles is not aligned with the weapon profile of Minnesota’s homicides, which is dominated by handguns and unspecified firearm entries. [30] [36] [37]

If the target category accounts for a small share of homicide weapons in Minnesota’s own data, legislators should demand unusually strong causal evidence before adopting a felony possession ban, especially when enforcement costs and collateral consequences will be borne broadly.

### **Magazine-capacity limits and ‘assault weapon’ bans have no evidence of causal effectiveness.**

A consistent challenge is causal inference: mass shootings are rare relative to overall violence, and many studies are observational with definitional and methodological limits. Legislators should not accept a claim of settled causation unless proponents can identify strong designs that isolate the law’s effect from trends and confounders.

A useful synthesis source is RAND’s Gun Policy in America project (systematic review). RAND rates the evidence for high-capacity-magazine bans as limited with respect to mass shootings and fatalities. [7]

**The 1994 Federal Assault Weapons Ban Was Not A Success: Correlation Is Not Causation.**

The principal federal evaluation often invoked in these debates is the National Institute of Justice’s 2004 “Updated Assessment” of the 1994 ban. Its core bottom-line conclusion is not that the ban produced a large or clearly measurable reduction in gun violence.

The NIJ evaluation reports that any benefits from reduced use of banned assault weapons were offset by continued use of non-banned semiautomatics, and it found no discernible reduction in indicators of gun-crime lethality/injuriousness. [6]

NIJ also notes the ban’s potential impact is constrained by substitution and grandfathering: offenders can shift to non-banned firearms, and millions of pre-ban items remained in circulation. [6]

RAND’s systematic review likewise concludes the evidence for assault-weapon bans affecting homicide is inconclusive. [13]

The National Academies’ National Research Council has also cautioned that the research and data on firearms and violent crime are too weak to settle policy debates. [18]

FBI UCR data show violent and property crime rates were already falling before the ban (1993→1994) and continued falling during and after it. Violent crime rate fell from 747.1 (1993) to 713.6 (1994), then from 684.5 (1995) to 463.2 (2004); property crime rate fell from 4,740.0 (1993) to 4,660.2 (1994) to 4,590.5 (1995) and 3,514.1 (2004). [38] [31]

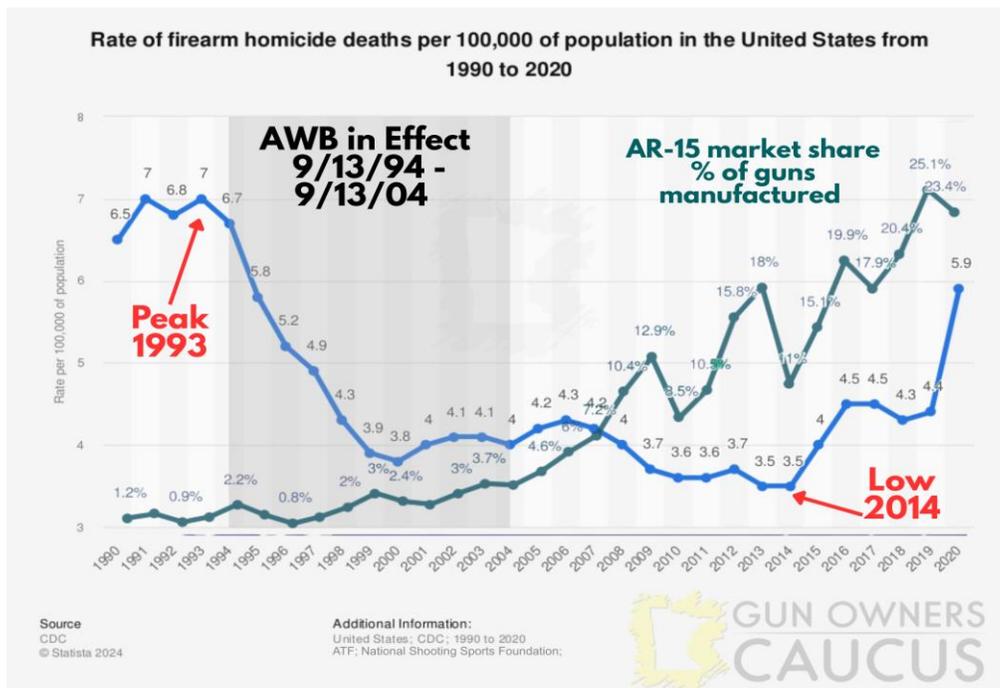


Figure 2. FBI UCR: firearm homicide rates (1990–2020), with the 1994–2004 federal ban period shaded. [38] [31]



After the ban sunset in 2004, those declines continued: by 2014, the violent crime rate was 365.5 per 100,000 and the property crime rate was 2,596.1 per 100,000 [31] while sales of the previously restricted arms grew tremendously. [34] [35]

BJS summarizes CDC mortality data similarly: the firearm homicide rate (per 100,000 persons age 12 or older) declined from 8.4 in 1993 to 4.0 in 2014, and “the firearm homicide rate of 4.0 in 2014 was the lowest annual rate from 1993 to 2018.” [33]

Meanwhile, the stock of rifles was not shrinking. ATF manufacturing reports show U.S. production of rifles distributed into commerce more than doubled after the ban: 1,610,923 rifles in 2007 and 4,239,335 rifles in 2016. [34] [35]

These parallel trends do not prove the 1994 ban had zero effect. They do undercut the claim that a raw decline during 1994–2004 demonstrates causation—particularly when the best federal evaluation could not detect a large, reliably measurable effect on overall gun violence. [6] [13]

FBI UCR and BJS/CDC data show the national decline in violent crime and firearm homicide began before the ban took effect in September 1994 and continued well after the ban expired in 2004. [31] [33]

A downward trend during a statute’s effective years does not establish causation; the leading federal evaluation did not find large, reliably measurable effects attributable to the ban.

## **IV. Constitutional Litigation Risk**

### **A. Bruen’s Burden on the Government**

Under Bruen, if the Second Amendment’s plain text covers the regulated conduct, the government bears the burden to justify the regulation by showing consistency with the Nation’s historical tradition of firearm regulation. [8]

### **B. Heller’s “Common Use” Principle**

Heller frames the protected class of arms in terms of weapons in common lawful use and distinguishes that from historically regulable “dangerous and unusual” weapons. [9]

### **C. Application to HF 3402 and HF 3433**

HF 3433 is a categorical felony ban on a defined class of semiautomatic firearms combined with a narrow, inspection-conditioned certification program. Litigation will likely focus on whether the covered arms are “in common use” for lawful purposes and whether Minnesota can identify historical analogues for a broad possession ban. [8-9]

HF 3402 similarly bans possession of magazines above 10 rounds, which are standard equipment for many commonly owned firearms. Challenges will likely argue these magazines are integral to commonly used arms and that the State lacks historical analogues for a categorical cap. [8-9]



Independent of the Second Amendment claim, HF 3433's explicit consent-to-inspection condition expands litigation risk into Fourth Amendment and unconstitutional-conditions doctrines. [2]

#### **D. Fourth Amendment and Warrantless Entry Risk (HF 3433 Inspection Condition)**

HF 3433 conditions continued possession of a covered firearm on inspection-conditioned certification. The bill requires certified owners to agree to storage inspections by the "appropriate law enforcement agency." [2]

Warrantless entry into a home is presumptively unreasonable under the Fourth Amendment; the Supreme Court has described physical home entry as the "chief evil" targeted by the Amendment. [15]

Even in the regulatory context, the Supreme Court has held that administrative inspections of residences are generally "unreasonable" without a warrant absent valid consent. [14]

HF 3433's structure invites litigation over whether conditioning possession of a constitutionally protected arm on consent to inspection is a valid form of consent, and whether it functions as an unconstitutional condition. [2, 14-15]

If the State seeks to verify compliance with storage requirements, it can pursue inspection under traditional warrant procedures; HF 3433 instead attempts to pre-authorize warrantless inspections through a certification condition. [2, 14]

#### **E. Takings Clause Risk (Forced Dispossession / Destruction)**

Both bills compel existing owners to permanently alter, destroy, or remove lawfully acquired property. HF 3402 requires current owners of covered magazines to surrender them for destruction, render them permanently inoperable, permanently alter them, or remove them from Minnesota by a set deadline. [1]

HF 3433 similarly requires non-certifying owners to surrender covered firearms for destruction, render them permanently inoperable, or remove them from the state. [2]

A compelled physical surrender of personal property can trigger Takings Clause scrutiny. The Supreme Court has held that the Fifth Amendment protects personal property and imposes a categorical duty to pay just compensation when the government takes it. [16]

Courts also treat government-authorized physical invasions or appropriations of the right to exclude as per se takings. [17]

The State will argue these measures are exercises of the police power rather than compensable takings, but the forced-surrender structure (especially surrender for destruction) increases litigation risk under both the U.S. Constitution and Minn. Const. art. I, § 13. [16-17]



## F. Practical Expectation

Given national post-Bruen litigation over similar laws, Minnesota should expect immediate lawsuits, preliminary-injunction motions, expedited appeals, and significant litigation costs. [8-9]. Numerous cases addressing the very policies being proposed in HF 3433 and HF 3402 have been distributed to SCOTUS this term.

## V. Practical and Administrative Concerns

- Scale of compliance: HF 3402 regulates magazines that are common in ordinary commerce and creates a forced-disposition timeline with felony penalties. [1]
- Definition/enforcement complexity: HF 3433's feature-based definition and parts/kits language create line-drawing and proof problems. [2]
- Deadline clarity: HF 3433's current-owner timelines (including January 1, 2027 and May 1, 2027) may create compliance ambiguity and due-process concerns unless clarified. [2]
- Administrative structure: HF 3433 requires a certification, renewal, and inspection system that must be built and enforced statewide. [2]
- Resource allocation: enforcement directed at broad possession bans can divert resources from targeted investigations of violent offenders and trafficking.

## VI. Violence-Reduction Options More Directly Targeted to Harm

- School-safety threat assessment and reporting systems paired with intervention protocols and due-process protections. [19] [21] [23]
- Behavioral-health crisis response and suicide-prevention capacity (including mobile crisis teams and linkage to ongoing care). [29]
- Focused deterrence / group-violence intervention programs aimed at high-risk repeat violent offenders and networks (systematic reviews report overall crime reductions). [28]
- Straw-purchase and trafficking enforcement support, including tracing capacity and prosecution resources.
- Safe-storage incentives and theft-prevention measures that reduce unauthorized access without conditioning ordinary possession on home inspections.
- Improved speed and completeness of disqualifying records reporting to NICS (where applicable).

### A. School Safety: Threat Assessment, Reporting, and Intervention

Federal school-violence prevention research emphasizes early identification, reporting, and intervention rather than relying on firearm-design bans as a primary prevention tool. The Secret Service's analysis of 67 averted school-attack plots found that most plots were detected through communications of intent, highlighting the preventive value of reporting systems and multidisciplinary threat-assessment response. [21]

GAO's review of K-12 shootings similarly indicates that many incidents occur outside school buildings and often arise from disputes or grievances. These patterns point toward layered prevention (people, process, and place): supervision and environmental design for outdoor areas, conflict-resolution capacity, and rapid intervention when warning signs appear. [19]



CDC's School-Associated Violent Death Study also reports that firearms used in school-associated homicides and suicides most commonly come from the perpetrator's home or from friends or relatives. That finding supports policies that strengthen lawful adult storage practices and encourage earlier help-seeking and reporting when warning signs are present. [23]

## B. Crisis Response and Suicide Prevention

Public safety gains are not limited to criminal-law changes. Behavioral-health crisis capacity can reduce harm by meeting people at the point of crisis and connecting them to care. SAMHSA summarizes that the main outcome objective of mobile crisis teams is to reduce psychiatric hospitalizations, and its review identifies empirical studies suggesting mobile crisis services can divert people in crisis from hospitalization and improve linkage to outpatient services. [29]

In the school context, crisis response capacity complements threat assessment: when peers, families, or staff report concerning communications, communities need a reliable, rapid-response pathway that can assess risk and connect individuals to appropriate services. [21]

## C. Focused Deterrence and Group Violence Intervention

For serious violence concentrated among a relatively small number of high-risk people and networks, broad firearm-design bans are poorly tailored. A Campbell Collaboration systematic review of focused deterrence strategies reports that the available evidence suggests an overall reduction in crime when focused deterrence strategies are used and found no significant displacement effects in surrounding areas. [28]

These findings support a practical policy direction: prioritize interventions that focus enforcement and services on repeat violent offenders and groups driving a disproportionate share of shootings, while maintaining due process and measurable performance evaluation. [28]

## D. Legislative Action Should Prioritize Measurable Safety Outcomes Over Political Posturing

Opposition to HF 3402 and HF 3433 is not opposition to public safety. It is a recognition that the Legislature's duty is to enact measures that are effective, durable, and consistent with constitutional limits. A legislative agenda that invests in school threat assessment, crisis-response capacity, and targeted violence interventions offers a clearer and more defensible causal pathway to prevention than banning broad classes of commonly possessed arms and magazines. Even assuming, **unrealistically**, that a prohibition could completely eliminate the covered firearms and magazines from circulation, such a measure **would not address the broader dynamics of school safety**, including access to other firearm types, substitution effects, or the behavioral precursors consistently identified in school-violence research. [21] [28] [29]

The Legislature should prioritize policies that align with Minnesota's actual patterns of harm and with the strongest available evidence. Research-backed approaches—early warning systems, multidisciplinary threat assessment teams, focused deterrence strategies, and strengthened crisis infrastructure—have demonstrated measurable impact and have attracted bipartisan support because they can be evaluated, refined, and scaled over time.



The Legislature should not elevate politically polarizing, constitutionally uncertain, and administratively complex proposals above solutions that are empirically grounded and broadly supported. Laws that are politically unviable, constitutionally dubious, and unlikely to achieve their stated outcomes risk years of litigation and diverted resources, while delaying adoption of reforms that can measurably improve the safety of Minnesota’s schools and communities.

Minnesota’s path forward should be practical, constitutional, data driven, and results oriented.

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