

**City Council Agenda Item 3.A
Meeting of July 20, 2026**



Title: Gun Violence Prevention

Report from: Erik Nilsson, City Attorney

Submitted through: Mike Funk, City Manager

Presenter: Erik Nilsson, City Attorney

Action Requested: Receive information and provide feedback.

Summary Statement

During the fall of 2025, former Minnetonka mayor Brad Wiersum participated in a coalition of Twin Cities metro area mayors calling on the state legislature to give cities the legal authority to adopt local gun violence prevention measures. Following up on this work, the city council requested information about the current state of municipal initiatives in this area.

Strategic Plan Relatability

Safe & Healthy Community

Background

State Preemption

In Minnesota, it is unlawful for a person other than a peace officer to carry a firearm in public unless that person has a permit. Minn. Stat. 624.714, subd. 1a (pistols); Minn. Stat. 624.7181, subds. 1(b) & 2 (rifles, shotguns). However, Minnesota is a "shall issue" state and the law says that the sheriff "must" issue a permit to carry certain firearms (either concealed or openly) to any person who qualifies. Minn. Stat. 624.714, subd. 2(b). This statute is commonly referred to as the "conceal and carry" law.

Persons possessing valid permits to carry are required to comply with state laws governing where firearms may be carried, but the city is expressly preempted from enacting additional city-specific firearms restrictions by several different state laws. Chapter 624 of state law is part of the criminal code and governs firearms. Minn. Stat. 624.717 states, "[s]ections 624.711 to 624.716 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols" The referenced sections set forth a detailed scheme for who is eligible to purchase a firearm, how firearms are purchased and transferred, and who is eligible to carry a firearm and under what circumstances.

Chapter 624 contains another statement of preemption in Minn. Stat. 624.714, which describes in detail the state's scheme for issuing permits to carry. Subdivision 23 states, "[n]o 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 to carry."

Minn. Stat. 609.67, subd. 6, preempts local ordinances regulating machine guns, machine gun conversion kits, and short-barreled shotguns.

Finally and most directly, in the laws addressing municipal powers generally, Minn. Stat. 471.633 states (emphasis added):

The legislature preempts all authority of a home rule charter or statutory city . . . to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that:

(a) a governmental subdivision may regulate the discharge of firearms; and

(b) a governmental subdivision may adopt regulations identical to state law.

Local regulation inconsistent with this section is void.

City Response

After several instances of gun violence in the state, including the tragic shooting at Annunciation Church & School in Minneapolis, and with an eye to the 2026 state legislative session, several cities sought to take some sort of official action regarding firearms. Three cities, including Saint Paul, Edina, and Minneapolis, adopted ordinances in slightly varying forms that all seek to ban assault weapons, large-capacity magazines, binary triggers, and "ghost guns." Acknowledging that local regulation in this area is currently prohibited by state law, each ordinance includes an effective date provision providing that the ordinance will not take effect unless or until the state legislature changes or repeals these laws.

Saint Paul was the first city to adopt an ordinance in November 2025 and it was subsequently sued by the Minnesota Gun Owners Caucus. The lawsuit alleges that Saint Paul violated state preemption by adopting an illegal ordinance and that the ordinance is unconstitutional on its face and "void for vagueness" because of the uncertainty regarding when the various parts of the ordinance would take effect. Saint Paul's motion to dismiss the lawsuit was denied by the presiding judge and the city has appealed that decision to the Minnesota Court of Appeals. The litigation remains ongoing. The Gun Owners Caucus has threatened to take similar legal action against Edina and Minneapolis.

In 2022, prior to this most recent ordinance, Saint Paul adopted a "safe storage" ordinance that requires gun owners to store firearms unloaded and secured in a locked container or with a locking device. The ordinance was seemingly adopted under the theory that it was a statutorily permissible regulation of the "discharge of firearms." It does not appear that the ordinance has ever been enforced to date. Minneapolis' ordinance includes similar safe storage provisions, but they are contingent and will not be effective unless state law is amended or the relevant preemption repealed.

As opposed to adopting an ordinance that is clearly preempted, unenforceable, and potentially subject to legal challenge, other cities have adopted resolutions that call on the state legislature to change state law in this area and allow cities to pass reasonable gun violence prevention measures. These resolutions urge the legislature to consider many of the same regulatory measures and prohibitions contained in the adopted (but not in effect) ordinances noted above. If the desire of the council is take an official position on this issue while correspondingly demanding change at the level of government with policymaking authority - the state legislature - then a resolution accomplishes all of the same goals as an ordinance without the threat of potential litigation.

During the 2026 state legislative session, the Senate passed a gun violence bill that included a ban on assault weapons and high capacity magazines, but the companion bill in the House of Representatives failed to advance on a party-line vote.

Discussion Questions

1. Does the council have any questions?
2. Does the city council have any additional direction for staff?