

# INTRODUCTION

## What This Book Is All About

So, you want to carry a handgun in Minnesota?

Are you sure?

Don't be too quick to decide.

There are lots of reasons not to, after all—particularly if you listen to the often well-intentioned people who bandy about phrases like “there’s already too many guns on the street,” “every fender-bender will turn into a gunfight,” “what if there’s a pistol in that parka?” Even if you listen to people in the self-defense-rights movement, you’ll hear that getting a carry permit may not be right—for you.

Because that's what you've got to decide.

Not: *is allowing citizens to get carry permits a good idea?*

Not even, yet: *Do I want to carry a handgun in public?*

But:

*Should I get a carry permit?* After you decide that, then you have other decisions to make.

The Minnesota Citizens Personal Protection Act of 2003 changed the law in Minnesota about what's formally known as a “Minnesota State Permit to Carry a Handgun,” and usually just called a “carry permit.”

Until it was passed, Minnesota was one of the minority of “may-issue” states—those states where handgun carry permits *may* be issued at the discretion of government officials. In some Minnesota counties, permits were issued to any adult who applied for one; in some cities, they were issued only to security guards, or to nobody at all.



Minnesota is now part of the majority: it's a “shall-issue” state, where any objectively qualifying adult can get a carry permit simply by taking and passing the appropriate training, filling out and filing a form with the local sheriff, and paying a fee. It's like a driver's license—if you qualify, you can receive a carry permit.

And it's like a driver's license in another way: a driver's license allows you to drive a car; it doesn't require you to.

There's an important distinction between getting a carry permit and carrying a handgun in public. Some people who don't ever plan on carrying a handgun may well get a carry permit—a permit gives you a choice about carrying a handgun, not an obligation. But, just as with a driver's license and driving a car, having a carry permit and carrying a handgun is a responsibility you should take very seriously.

It wouldn't be accurate to say that it's easy to get a handgun permit in Minnesota, just as it wouldn't be accurate to say that it's easy to get a driver's license: you have to train and qualify for either. There's work involved, and some expense—although not a lot—and there should be some careful thought, as well.

And about the only thing we can promise you about carrying a handgun is this—and it's a theme we'll return to regularly in this book:

*A gun never solves problems.*

Really.

At best, the *proper* use of a handgun can substitute lesser—but very real—problems for more serious ones. If you so much as brandish a handgun in public—even in an unambiguous circumstance, where your only other choice is to be the victim of assault, rape, or murder, and where you've got abundant witnesses to that effect—you can expect to be arrested<sup>1</sup>. If you are one of those rare permit holders who actually fires a handgun anywhere off the range, you're likely to be sued, as well as arrested, and quite possibly prosecuted.

Yes, that's better than being assaulted, raped, or murdered. But it's better to avoid the whole problem in the first place—and yes, we'll be returning to that, too.

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1. This is particularly true in the city of Minneapolis. While it's nowhere in any city ordinance or Minneapolis Police Department regulation, the actual policy in Minneapolis is, and has been for years, to “arrest the gun,” which means to “arrest the person with a gun, no matter who appears to be at fault.” If a firearm is displayed or used by a civilian, no matter what the facts appear to be, the police are instructed to arrest the person displaying or using the firearm.

## Who this book is for

While there are quite a few very good books on issues of the carrying of handguns, *Everything You Need to Know about (Legally) Carrying a Handgun in Minnesota* is different: it's about carrying a handgun in Minnesota.

Most of the principles involved apply anywhere; staying alert in Minnesota isn't different than staying alert in Oregon, after all. But Minnesota is different from every other state. "Minnesota Nice" is part of our culture, and this book was written with that in mind. Even more importantly, the Minnesota statutes and case law involving the carrying of handguns and of the use or threat of deadly force are different, in significant ways, than those of other states.

Just to take one minor example, Minnesota law—unlike that of most states—doesn't distinguish between "open" carry, where a handgun is worn visibly, and "concealed" carry. If you're going to carry a handgun in Minnesota, you should know both what's sensible—which is pretty much the same, from state to state—and what's legal.

And it's not just the law as written in the statutes, or the "case law"—the way that the laws are interpreted by courts. See the footnote about "arresting the gun" in Minneapolis. That's hardly the only issue. We'll get to them.

If you've been reading about the changes in the permit law in Minnesota and wonder what they mean, this book is for you—whether or not you decide to apply for a carry permit. That's particularly true if you've been wondering what's involved in getting a permit, and carrying a handgun, both in legal and practical terms.

If you already have a personal safety concern—a stalker, say, or an abusive ex-spouse, or work or live in a bad neighborhood—this book is for you.

If you're considering taking a job where you may be required to carry a handgun as a civilian—a security guard, for example—this book is for you.

If you've been wondering about what kind of training and equipment you'll need, you'll learn that in these pages.

Even if you haven't been wondering about all the other issues—the legal, moral, and practical ones—you'll learn about those, too.

You *don't* need to be an experienced gun owner, or even have ever so much as held a firearm, in order to benefit from this book. You don't have to like guns, or any other tools and machinery.

If you're an experienced gun owner, this book is for you, too; many people who have owned guns for most of their lives have yet to deal with either the laws or details of day-to-day carrying of a handgun.

If you're a police officer, wondering whether or not you should be worried about the changes in the law, and what it means to you, this book is for you, as well. For now, think about this: while there are millions of permit holders in the US, there's not been one—*not one*—reported incident of a permit holder so much as pointing a handgun at a police officer, although there are numerous reports of permit holders saving police officers' lives. Short form: you don't need to worry about permit holders; they're the good guys.

Even if you're a passionate gun control advocate—even if you think that all handguns should be banned—this book is for you, too. You should know about the issues involved, as somewhere upwards of 100,000 Minnesotans will eventually have carry permits. If you're worried about that, that's fine, for now. By the time you're finished reading this book, we hope you'll be reassured that it's going to be okay<sup>2</sup>.

If you're somewhere in the middle, this book is for you, as well. Regardless of how you feel about firearms, or about people carrying handguns in public, there are some changes that have been made, and you should know about them.

This book is also for those people—a small number, we hope—who think that carrying a handgun around in public is fun and cool, who think that the change in Minnesota's permit laws means that they can now strut around in public, pushing people around, not taking any nonsense from anybody, because, well, they've got a gun.

We hope to, and we expect to, talk them out of that.

## Who we are

The American Association of Certified Firearms Instructors (AACFI) is dedicated to providing outstanding training in firearms safety, storage, and basic firearms handling, as well as permit to carry and advanced defensive carry instruction.

This book and the AACFI training materials and courses were written by Tim Fleming Grant, Joseph E. Olson, and Joel Rosenberg.

*Joseph E. Olson*, the President of AACFI, is Professor of Law at Hamline University, as well as a longtime political activist involved in 2<sup>nd</sup> Amendment issues, and a former national Board member of the National Rifle Association. A former federal prosecutor and experienced defense

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2. If not, you could consider moving to the shrinking number of states and cities where carry permits are difficult or impossible to get. The bad news, though, is that places where carry permits are difficult-to-impossible to get, like New York, Chicago, or Washington DC, top the list of high-crime destinations.

counsel, he's licensed to practice law in Minnesota and California. In addition to being a NRA Certified Firearms Instructor since 1985, Olson is a graduate of Judicious Use of Deadly Force Course, the Lethal Threat Management for Civilians Course, and the LFE Refresher Course at the Lethal Force Institute; the Tactical Pistol course at Gunsite Training Center; the Urban Rifle Course at Thunder Ranch Training Center; the Advanced Pistolcraft Course at Chapman Academy; the Arizona Concealed Carry Course at the Urban Firearms Institute; and the Nevada Concealed Carry Course at Armed and Safe, Inc. Olson has been issued carry permits in Arizona, Florida, Maine, Massachusetts, Minnesota, New Hampshire, and Washington state. Olson is the President of the American Association of Certified Firearms Instructors, an organization dedicated to training civilians not only on the law and technicalities of carrying a handgun for personal protection, but on strategies and tactics for avoiding any necessity of the use of a handgun for personal protection. He holds Counselor, Certifier, and Instructor ratings from AACFI.

*Joel Rosenberg* is a professional writer of nonfiction, science fiction, fantasy, and mysteries, and, as one of the very few Minneapolis residents ever granted a carry permit under the previous law “for personal safety, as needed,” has been licensed to carry a handgun for more than five years. He holds both Certifier and Instructor ratings from AACFI.

*Tim Fleming Grant*, the Vice President of AACFI, is a political activist and marketing professional. Grant's interest in firearms and self-defense began in February of 1996 when his cousin was killed in a drive by shooting in Golden Valley Minnesota. After four years of committed part-time work on the leadership team of CCRN, Grant left his position as National Sales Manager for Norstan and Siemens to focus more time on changing Minnesota's carry laws. As CCRN's lead strategic planner and elections manager, Grant played a key role in developing and guiding the Minnesota Personal Protection Act through the Minnesota Legislature. Grant holds an MBA from the University of St. Thomas, graduate credits from St. Paul Seminary and a Bachelor of Arts degree in Political Science and Economics from the University of Minnesota. He also holds both Instructor and Certifier ratings from AACFI.

Between the three of them, they own a few firearms.

None of them has ever so much as pointed a firearm at another human being—much less shot one—and all three of them like it that way.

## Our orientation

Let's start at the beginning. When developing both the AACFI training courses and this book, we did a lot of reading and research. One of the things that we found irritating about much writing on handgun self-defense matters is that it assumed a lot of familiarity with the issues, and with firearms themselves.

Transportation and cars aren't only for roadway design engineers, mechanics, and automotive hobbyists; medical care isn't just for doctors and nurses; self-defense and personal safety aren't just for people who already know a lot about firearms.

Whether or not you should apply for a carry permit has a lot more to do with your own personality and situation than it does with whether or not you know a lot about firearms, or want to know a lot about firearms. A carry permit isn't a necessary accessory for a firearms hobbyist. Contrariwise, it's entirely reasonable to have no interest at all in firearms beyond personal protection and choose to take out a carry permit.

While we've not skimmed on the needs of more experienced people, our recommendations—where we give them—are largely for people new to the possession and particularly the carrying of handguns.

And not just for people new to firearms, either. While we have nothing against other legitimate uses of guns—hunting, target shooting, etc.—the focus of both AACFI's Minnesota training courses and this book is on the day-to-day and emergency issues of people carrying handguns, usually concealed handguns *in Minnesota*. That's an important distinction, we think—and not just because Minnesota law is different, in significant ways, from the laws of other states, although that's certainly part of it.

Even many people who have owned guns for years may never have carried one in public at all, much less on a daily basis. They haven't had to think through the many issues involved—and there are a lot of them, from day-to-day matters of how to carry a handgun, to routine encounters with police, to the thankfully rare situations where a handgun must be taken out in public.

And far too many people—including some who have owned guns all of their lives—have picked up a lot of misinformation from television and newspapers. Very few people—even very experienced gun owners—have more than the vaguest idea of what the laws involving self-defense are, or practical matters involving the carrying of a handgun as a civilian.

That's what this book is all about.

## A carry permit and handgun are insurance

Probably the best place to start is this: the vast majority of people who carry a handgun will never have an occasion to take the gun out in public.

That's a good thing.

A carry permit—and the accompanying training, and equipment—should be thought of as something like the fire insurance you carry for your home. When you buy fire insurance, you hope that you never have to use it, you expect that you'll not have to use it, but you also know—or should know—that, should your house burn down, a good insurance policy will make what will be a horrible incident at least a little less horrible than it otherwise would be. And fire insurance is only one of the things a prudent homeowner buys in order to protect himself—or herself—and family: smoke detectors are every bit as important, and so are good locks on the door.

And so it is with handguns and carry permits. Taking out a permit and buying a handgun for carry are only a small part of seeing to your personal protection.

Which is as it should be.

## Humor

While carrying a handgun in public is a serious matter, and must be taken seriously, that doesn't mean that a little humor, every now and then, is a bad idea—in fact, we think it's essential, and we hope that the occasional touches of humor in this book will be appreciated, and not misunderstood.

There are, however, things we don't joke about, and among them is pointing a handgun at a human being. Among the other issues that we find utterly unfit for jokes are safety issues involving handling of firearms.

## Keeping it simple

Another part of our orientation is this: we believe in keeping things simple, whenever possible. There are sound psychological, legal, and physiological reasons for that when it comes to life-threatening encounters—before, during, and after.

That doesn't mean that we've tried to oversimplify issues, honest. Some of the matters we touch on in here are complicated, and while we've tried to boil them down, the simple truth is that anything involving law or human behavior isn't simple. We've tried to strike a balance here.

## What a permit changes

Even before you decide whether or not to take training and apply for a carry permit, you should understand what it does and doesn't change.

Legally speaking, it changes one thing and one thing only: *a carry permit allows you to carry a handgun in public in some situations where it would otherwise be unlawful to do so.*

Period.

It doesn't change the law of self-defense—in or out of the home. It doesn't change whether or not you're allowed to own firearms—although people who aren't lawfully entitled to possess firearms aren't eligible for permits. It doesn't change the laws involved in keeping handguns at home, or at your place of business.

Let's look at it in tabular form. (It's not quite as simple as this, granted, but it's a close approximation.)

<b>Rights</b>	<b>Non permit holders</b>	<b>Permit Holders</b>
Owning firearms	Yes	Yes
Carrying loaded/unloaded firearms at home	Yes	Yes
Carrying loaded/unloaded firearms at place of business	Yes	Yes
Carrying firearms, unloaded, in a case in the trunk of the car	Yes	Yes
Use of lethal force in self-defense	Yes	Yes
Performing citizen's arrest	Yes	Yes
Carrying a firearm in most public places	No	<b>Yes</b>
Carrying a firearm in the passenger compartment of a car	Sometimes	Yes
Carrying firearms into schools	No	No
Carrying firearms into state prisons, hospitals, jails, Federal buildings, airport security areas	No	No
Acting as a police officer	No	No

The important thing to note is that the *only* significant thing that a permit changes is the right to carry a handgun in public. It doesn't change the existing right, under Minnesota law, to carry a loaded handgun at home, on land you own or possess, at your place of business, or when traveling between your home and place of business<sup>3</sup>—see Minn. Stat. 624.714, Subdivision 9.

It isn't a “junior G-man badge.”

It doesn't change—one way or another—the legal right that people have to self-defense under Minnesota law.

The only important thing it changes, legally, is the right to carry a firearm in public.

Period.

Of course, it's not quite as simple as that. If it was, you wouldn't need to read on.

*And remember: a gun never solves problems.*

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3. Throughout this book, we'll be referring to various laws and court decisions, using their usual abbreviations. “Minn. Stat. 624.714, Subdivision 9,” for example, means “Subdivision 9 of Chapter 624.714 of the Minnesota Statutes.” While this book is intended for a general audience, rather than just for lawyers, we decided to do that because some of the things we say here about the law aren't generally known, and we want to make it easy for you to check it, or to show it to your attorney and have him or her do it for you.