

SENATE BILL NO. 2344

Introduced by

Senators Dwyer, Larson, Meyer

Representatives Devlin, K. Koppelman

1 A BILL for an Act to amend and reenact section 37-17.1-29 of the North Dakota Century Code,
2 relating to governmental regulation of firearms and ammunition; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 37-17.1-29 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **37-17.1-29. Firearms in emergencies.**

7 1. ~~Notwithstanding any other law, a person acting on behalf or under the authority of the~~
8 ~~state or a political subdivision may not do any of the following during a declared~~
9 ~~emergency~~ a state agency, political subdivision, or elected or appointed official or
10 employee of this state or of a political subdivision may not, under governmental
11 authority or color of law, including any other statutorily authorized responses to
12 disaster, war, acts of terrorism, or emergencies of whatever kind or nature:

13 a. Close or limit the operating hours or any indoor or outdoor shooting range or any
14 entity engaged in the lawful selling or servicing of any firearm, including any
15 component or accessory; ammunition, including any component or accessory;
16 ammunition-reloading equipment and supplies; or personal weapons other than
17 firearms, unless the closing or limitation of hours applies equally to all forms of
18 commerce, use, recreation, enjoyment, or general activity within the jurisdiction;

19 b. Prohibit, regulate, or restrict ~~curtail~~ the otherwise lawful possession, defensive
20 use, carrying, transfer, transportation, storage, or display, or other lawful use of a
21 firearm or ammunition;

22 b. ~~Seize; or~~ seize, commandeer, or confiscate, ~~or authorize the seizure or~~
23 ~~confiscation of, any otherwise lawfully possessed firearm or ammunition unless~~
24 ~~the person acting on behalf of or under the authority of the state or political~~

- 1 ~~subdivision is defending that person or another from an assault, arresting an~~
2 ~~individual in actual possession of a firearm or ammunition for a violation of law, or~~
3 ~~seizing or confiscating the firearm or ammunition as evidence of a crime; or~~
4 e. ~~Require registration of any firearm or ammunition for which registration is not~~
5 ~~otherwise required by law~~ any firearm, including any component or accessory;
6 ammunition, including any component or accessory; ammunition-reloading
7 equipment and supplies; or personal weapons other than firearms.
8 c. Suspend or revoke a permit to carry a concealed pistol issued pursuant to
9 chapter 62.1-04, except as expressly authorized in that chapter;
10 d. Refuse to accept an application for a permit to carry a concealed pistol, provided
11 the application has been completed properly in accordance with chapter 62.1-04.
12 2. ~~Subdivision a of subsection 1 as it relates to transfer of a firearm or ammunition does~~
13 ~~not apply to the commercial sale of firearms or ammunition if an authorized authority~~
14 ~~has ordered an evacuation or general closure of businesses in the affected area.~~
15 3. Any individual aggrieved by a violation of this section may commence a civil action
16 against any person who subjects the individual, or causes the individual to be
17 subjected, to an action prohibited by this section.
18 4.3. In addition to any other remedy, an individual aggrieved by the seizure or confiscation
19 of a firearm or ammunition in violation of this section may bring an action for the return
20 of the firearm or ammunition, or the value of the firearm or ammunition, if the firearm
21 or ammunition is no longer available, in the district court of the county in which that
22 individual resides, in which the firearm or ammunition is located, or in which the
23 seizure or confiscation occurred.
24 5.4. In any action to enforce this section, the court shall award a prevailing plaintiff costs
25 and reasonable attorney's fees.