

**FIRST ENGROSSMENT
with Senate Amendments**

ENGROSSED HOUSE BILL NO. 1588

Introduced by

Representatives Heinert, Dockter, Hauck, M. Ruby, Hagert

Senators Cory, Gerhardt

1 A BILL for an Act to amend and reenact subsection 1 of section 62.1-01-01, section 62.1-02-05,
2 subdivision d of subsection 1 of section 62.1-04-03, and section 62.1-04-04 of the North Dakota
3 Century Code, relating to dangerous weapons, the possession of a firearm or dangerous
4 weapon at a public gathering, testing for a license to carry a firearm or dangerous weapon
5 concealed, and producing a concealed carry license upon request; and to provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Subsection 1 of section 62.1-01-01 of the North Dakota
8 Century Code is amended and reenacted as follows:

- 9 1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,
10 stiletto, sword, dagger, or knife with a blade of ~~five inches [12.7 centimeters]~~six inches
11 [15.24 centimeters] or more; any throwing star, nunchaku, or other martial arts
12 weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any
13 slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is
14 readily capable of expelling, a projectile by the action of a spring, compressed air, or
15 compressed gas, including any such weapon, loaded or unloaded, commonly referred
16 to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object
17 containing or capable of producing and emitting any noxious liquid, gas, or substance.
18 "Dangerous weapon" does not include a spray or aerosol containing CS, also known
19 as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or
20 other irritating agent intended for use in the defense of an individual, nor does the term
21 include a device that uses voltage for the defense of an individual, unless the device
22 uses a projectile and voltage or the device uses a projectile and may be used to apply

1 multiple applications of voltage during a single incident, then the term includes the
2 device for an individual who is prohibited from possessing a firearm under this title.

3 **SECTION 2. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**

6 **Penalty - Application.**

7 1. An individual may not possess a firearm or dangerous weapon at:

8 a. A school or school-sponsored event on school property;

9 b. A church or other place of worship; or

10 c. A publicly owned or operated building.

11 2. This section does not apply to:

12 a. A law enforcement officer, or a correctional officer employed by the department of
13 corrections and rehabilitation or by a correctional facility governed by chapter
14 12-44.1. A correctional officer employed by the department of corrections and
15 rehabilitation may carry a firearm only as authorized in section 12-47-34. A
16 correctional officer employed by a correctional facility governed by chapter
17 12-44.1 may carry a firearm or dangerous weapon only as authorized in section
18 12-44.1-30;

19 b. An individual who is on an ambulance or firefighter crew while the individual is on
20 duty if:

21 (1) The individual has written permission from the governing body or owner of
22 the fire department or ambulance service;

23 (2) The individual possesses a valid class 1 concealed weapons license;

24 (3) The individual has successfully completed a weapons training course
25 developed by the North Dakota private investigative and security board; and

26 (4) The governing body or owner of the fire department or ambulance crew
27 provides written notice to the bureau of criminal investigation of the
28 individuals authorized or no longer authorized to carry a firearm or
29 dangerous weapon under this section, including that all training and
30 certification requirements have been satisfied;

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- 1 c. A member of the armed forces of the United States or national guard, organized
2 reserves, state defense forces, or state guard organizations, when on duty;
- 3 d. A competitor participating in an organized sport shooting event;
- 4 e. A gun or antique show;
- 5 f. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 6 g. A firearm or dangerous weapon carried in a temporary residence or motor
7 vehicle;
- 8 h. A student and an instructor at a hunter safety class;
- 9 i. Private and public security personnel while on duty;
- 10 j. A state or federal park;
- 11 k. An instructor, a test administrator, an official, or a participant in educational,
12 training, cultural, or competitive events involving the authorized use of a
13 dangerous weapon if the event occurs with permission of the person or entity
14 with authority over the function or premises in question;
- 15 l. An individual in a publicly owned or operated rest area or restroom;
- 16 m. An individual who is authorized under section 62.1-04-02 to carry a firearm or
17 dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1
18 authorizing the individual to carry a firearm or dangerous weapon concealed if
19 the individual is in a church building or other place of worship and the primary
20 religious leader or the governing body of the church or other place of worship
21 approves the individual or group of individuals to carry a firearm or dangerous
22 weapon through a policy or any other means;
- 23 n. AThe governor, a state, federal, or municipal court judge, a retired state or federal
24 judge, a district court magistrate judge or judicial referee, and a staff member of
25 the office of attorney general if the individual maintains the same level of firearms
26 proficiency as is required by the peace officer standards and training board for
27 law enforcement officers. A local law enforcement agency shall issue a certificate
28 of compliance under this section to an individual who is proficient;
- 29 o. An individual's storage of a firearm or dangerous weapon in a building that is
30 owned or managed by the state or a political subdivision, provided:
- 31 (1) The individual resides in the building;

- 1 (2) The storage is inside the individual's assigned residential unit; and
- 2 (3) The storage has been consented to by the state, the governing board, or a
- 3 designee; and
- 4 p. An individual authorized to carry a concealed weapon on school property under
- 5 section 62.1-02-14.
- 6 3. This section does not prevent any political subdivision or the state board of higher
- 7 education from enacting an ordinance or policy that is less restrictive than this section
- 8 relating to the possession of firearms or dangerous weapons at a public gathering. An
- 9 enacted ordinance or policy supersedes this section within the jurisdiction of the
- 10 political subdivision or state board of higher education.
- 11 4. Notwithstanding any other provision of law, a church or place of worship may not be
- 12 held liable for any injury or death or damage to property caused by an individual
- 13 permitted to carry a dangerous weapon concealed under this section.
- 14 5. This section does not prevent the governing body of a school or the entity exercising
- 15 control over a publicly owned or operated building or property from authorizing the use
- 16 of a less than lethal weapon as part of the security plan for the school, building, or
- 17 property.
- 18 6. An individual who knowingly violates this section is guilty of ~~an infraction~~ a noncriminal
- 19 offense punishable by a fee of one hundred dollars.

20 **SECTION 3. AMENDMENT.** Subdivision d of subsection 1 of section 62.1-04-03 of the

21 North Dakota Century Code is amended and reenacted as follows:

- 22 d. The applicant has successfully completed the testing procedure conducted by a
- 23 certified test administrator. The person conducting the testing may assess a
- 24 charge of up to ~~fifty~~ one hundred dollars for conducting this testing. The attorney
- 25 general may certify a test administrator based upon criteria and guidelines
- 26 prescribed by the director of the bureau of criminal investigation;

27 **SECTION 4. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is

28 amended and reenacted as follows:

29 **62.1-04-04. Producing license upon request - Penalty.**

- 30 1. ~~Every~~ An individual ~~while~~ carrying a concealed firearm or dangerous weapon, for which
- 31 a license to carry concealed is required, shall have on ~~one's~~ the individual's person the

- 1 license issued by this or another state or a digital image of ~~one's~~the individual's
2 concealed firearm or dangerous weapon license issued by this state on an electronic
3 device and shall give ~~it~~the license or digital image of the license to ~~any active~~a law
4 enforcement officer for an inspection upon request by the officer. The failure of ~~any~~an
5 individual to give the license or digital image of the license to the officer is prima facie
6 evidence the individual is illegally carrying a firearm or dangerous weapon concealed.
- 7 2. ~~Every~~An individual carrying a concealed firearm under the authority granted in
8 subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the
9 ~~individual's possession of a concealed weapon upon the initiation of a traffic stop or~~
10 ~~any other in-person contact initiated by a law enforcement~~firearm if the officer inquires
11 about the individual possession of a concealed firearm.
- 12 3. ~~Every~~An individual carrying a concealed firearm under the authority granted in
13 subsection 2 of section 62.1-04-02 shall have on ~~one's~~the individual's person a valid
14 driver's license or nondriver identification card issued by the department of
15 transportation or by the individual's state or territory of residence, or a digital image of
16 ~~one's~~the individual's valid driver's license or nondriver identification card on a mobile
17 device and shall provide the license or card to ~~any~~a law enforcement officer for
18 inspection upon request by the officer.
- 19 4. An individual who violates this section is guilty of a noncriminal offense punishable by
20 a fee of twenty dollars.