

HOUSE BILL NO. 1339

Introduced by

Representatives Koppelman, Cory, Henderson, Mock, Novak, M. Ruby

Senators Boehm, Hogue, Larson, Meyer, Myrdal, K. Roers

1 A BILL for an Act to amend and reenact sections 62.1-02-10, 62.1-03-01, 62.1-04-02,
2 62.1-04-03, and 62.1-04-04 of the North Dakota Century Code, relating to carrying a loaded
3 firearm in a vehicle, carrying a handgun, carrying a concealed firearm, a license to carry a
4 concealed firearm, and producing a license upon request; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 62.1-02-10 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **62.1-02-10. Carrying loaded firearm in certain vehicles prohibited - Penalty -**

9 **Exceptions.**

10 An individual may not keep or carry a loaded firearm in or on any motor vehicle, including
11 an off-highway vehicle or snowmobile in this state. An individual violating this section is guilty of
12 an infraction. This prohibition does not apply to:

- 13 1. A member of the armed forces of the United States or national guard, organized
14 reserves, state defense forces, or state guard organizations while possessing the
15 firearm issued to the member by the organization and while on official duty.
- 16 2. A law enforcement officer.
- 17 3. An individual possessing a valid concealed weapons license from this state or who
18 has reciprocity under section 62.1-04-03.1 with a handgun.
- 19 4. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping,
20 and possesses a valid concealed weapons license from this state or has reciprocity
21 under section 62.1-04-03.1.
- 22 5. An individual in the field engaged in lawful hunting or trapping of nongame species or
23 fur-bearing animals.
- 24 6. A security guard or private investigator properly licensed to carry firearms.

1 7. An individual possessing a valid special permit issued pursuant to section 20.1-02-05.

2 8. An individual with a handgun who is not otherwise precluded from possessing a
3 class 2 firearm and dangerous weapon license under chapter 62.1-04 and who ~~has~~
4 ~~possessed for at least thirty days~~possesses a valid driver's license or nondriver
5 identification card issued by the department of transportation or by the individual's
6 state or territory of residence.

7 9. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping,
8 and is not otherwise precluded from possessing a class 2 firearm and dangerous
9 weapon license under chapter 62.1-04 and ~~has possessed for at least thirty~~
10 ~~days~~possesses a valid driver's license or nondriver identification card issued by the
11 department of transportation or by the individual's state or territory of residence.

12 **SECTION 2. AMENDMENT.** Section 62.1-03-01 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **62.1-03-01. Carrying handgun - Limitations - Exceptions.**

15 1. Unless otherwise prohibited by law, an individual may carry a handgun if the handgun
16 is unloaded and in plain view or secured.

17 2. A limitation under subsection 1 does not apply to:

18 a. An individual possessing a valid concealed weapons license from this state, an
19 individual not otherwise precluded from possessing a class 2 firearm and
20 dangerous weapon license under chapter 62.1-04 and who ~~has possessed for at~~
21 ~~least thirty days~~possesses a valid driver's license or nondriver identification card
22 issued by the department of transportation; or by the individual's state or territory
23 of residence, or an individual who has reciprocity under section 62.1-04-03.1.

24 b. An individual on that person's land, or in that individual's permanent or temporary
25 residence, or fixed place of business.

26 c. An individual while lawfully engaged in target shooting.

27 d. An individual while in the field engaging in the lawful pursuit of hunting or
28 trapping. However, nothing in this exception authorizes the carrying of a loaded
29 handgun in a motor vehicle.

- 1 e. An individual permitted by law to possess a firearm while carrying the handgun
- 2 unloaded and in a secure wrapper from the place of purchase to that person's
- 3 home or place of business, or to a place of repair or back from those locations.
- 4 f. Any North Dakota law enforcement officer.
- 5 g. Any law enforcement officer of any other state or political subdivision of another
- 6 state who possesses active law enforcement credentials.
- 7 h. Any armed security guard or investigator as authorized by law when on duty or
- 8 going to or from duty.
- 9 i. Any member of the armed forces of the United States when on duty or going to or
- 10 from duty and when carrying the handgun issued to the member.
- 11 j. Any member of the national guard, organized reserves, state defense forces, or
- 12 state guard organizations, when on duty or going to or from duty and when
- 13 carrying the handgun issued to the member by the organization.
- 14 k. Any officer or employee of the United States duly authorized to carry a handgun.
- 15 l. An individual engaged in manufacturing, repairing, or dealing in handguns or the
- 16 agent or representative of that individual possessing, using, or carrying a
- 17 handgun in the usual or ordinary course of the business.
- 18 m. Any common carrier, but only when carrying the handgun as part of the cargo in
- 19 the usual cargo carrying portion of the vehicle.

20 **SECTION 3. AMENDMENT.** Section 62.1-04-02 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **62.1-04-02. Carrying concealed firearms or dangerous weapons - License**
23 **distinctions.**

- 24 1. An individual, other than a law enforcement officer, may not carry a firearm or
- 25 dangerous weapon concealed unless the individual is licensed to do so or exempted
- 26 under this chapter.
- 27 2. An individual who is not otherwise precluded from possessing a class 2 firearm and
- 28 dangerous weapon license under this chapter and who ~~has possessed for at least~~
- 29 ~~thirty days~~ possesses a valid driver's license or nondriver identification card issued by
- 30 the department of transportation or by the individual's state or territory of residence
- 31 may carry a firearm concealed under this chapter.

- 1 3. An individual may carry a firearm concealed under this chapter if the individual
2 qualifies for reciprocity under section 62.1-04-03.1 and the individual has the
3 equivalent of a class 2 firearm and dangerous weapon license from the state in which
4 the individual is a resident.
- 5 4. For purposes of this chapter, the difference between a class 1 and class 2 firearm and
6 dangerous weapon license is only the extent to which a holder of either license may
7 be eligible to receive reciprocal rights in other jurisdictions. A class 1 firearm and
8 dangerous weapon licenseholder is eligible to receive reciprocal rights in more
9 jurisdictions than a class 2 firearm and dangerous weapon licenseholder. The rights
10 and privileges conveyed by a class 1 or class 2 firearm and dangerous weapon
11 license within the state are identical.

12 **SECTION 4. AMENDMENT.** Section 62.1-04-03 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **62.1-04-03. License to carry a firearm or dangerous weapon concealed - Class 1**
15 **firearm license and class 2 firearm and dangerous weapon license. (Contingent**
16 **expiration date - [See note](#))**

- 17 1. The director of the bureau of criminal investigation shall issue a license to carry a
18 firearm or dangerous weapon concealed upon review of an application submitted to
19 the director if the following criteria are met:
- 20 a. The applicant is at least twenty-one years of age for a class 1 firearm license or
21 at least eighteen years of age for a class 2 firearm and dangerous weapon
22 license;
- 23 b. The applicant can demonstrate that the applicant is a resident of this state by
24 providing a copy of a valid driver's license or state-issued identification card from
25 this state that establishes personal identification through photographic means
26 and shows the applicant's name associated with a valid residential street address
27 in this state or the applicant possesses a valid driver's license or nondriver
28 identification from the applicant's state or territory of residence that establishes
29 personal identification through photographic means and shows the applicant's
30 name associated with a valid residential street address ~~and a valid concealed~~

1 ~~weapons license from the applicant's state of residence, which state has~~
2 ~~reciprocity with this state under section 62.1-04-03.1;~~

3 c. The applicant is not an individual specified in section 62.1-02-01 and for a class 1
4 firearm license the applicant:

5 (1) Has not been convicted of a felony;

6 (2) Has not been convicted of a crime of violence;

7 (3) Has not been convicted of an offense involving the use of alcohol within
8 three years prior to the date of application;

9 (4) Has not been convicted of a misdemeanor offense involving the unlawful
10 use of narcotics or other controlled substances within ten years prior to the
11 date of application;

12 (5) Has not been convicted of an offense involving moral turpitude;

13 (6) Has not been convicted of an offense involving domestic violence;

14 (7) Has not been adjudicated by a state or federal court as mentally
15 incompetent, unless the adjudication has been withdrawn or reversed; and

16 (8) Is qualified to purchase and possess a firearm under federal law;

17 d. The applicant has successfully completed the testing procedure conducted by a
18 certified test administrator. The person conducting the testing may assess a
19 charge of up to fifty dollars for conducting this testing. The attorney general may
20 certify a test administrator based upon criteria and guidelines prescribed by the
21 director of the bureau of criminal investigation;

22 e. The applicant satisfactorily completes the bureau of criminal investigation
23 application form and has successfully passed the criminal history records check
24 conducted by the bureau of criminal investigation and the federal bureau of
25 investigation. The applicant shall provide all documentation relating to any
26 court-ordered treatment or commitment for mental health or substance abuse.
27 The applicant shall provide the director of the bureau of criminal investigation
28 written authorizations for disclosure of the applicant's mental health or substance
29 abuse evaluation and treatment records. The bureau may deny approval for a
30 license if the bureau has reasonable cause to believe that the applicant or
31 licenseholder has been or is a danger to self or others as demonstrated by

1 evidence, including past pattern of behavior involving unlawful violence or threats
2 of unlawful violence; past participation in incidents involving unlawful violence or
3 threats of unlawful violence; or conviction of a weapons offense. In determining
4 whether the applicant or licenseholder has been or is a danger to self or others,
5 the bureau may inspect expunged or sealed records of arrests and convictions of
6 adults and juvenile court records; and

7 f. The applicant is not prohibited under federal law from owning, possessing, or
8 having a firearm under that individual's control.

9 2. The attorney general shall offer class 1 firearm and class 2 firearm and dangerous
10 weapon licenses to carry a firearm or dangerous weapon concealed under the
11 following requirements:

12 a. An applicant for a class 1 firearm license shall successfully participate in a
13 classroom instruction that sets forth weapon safety rules and the deadly force law
14 of North Dakota, complete an open book test based upon a manual, demonstrate
15 familiarity with a firearm, and complete an actual shooting or certified proficiency
16 exercise. Evidence of familiarity with a firearm to be concealed may be satisfied
17 by one of the following:

18 (1) Certification of familiarity with a firearm by an individual who has been
19 certified by the attorney general, which may include a law enforcement
20 officer, military or civilian firearms instructor, or hunter safety instructor;

21 (2) Evidence of equivalent experience with a firearm through participation in an
22 organized shooting competition, law enforcement, or military service;

23 (3) Possession of a license from another state to carry a firearm, concealed or
24 otherwise, which is granted by that state upon completion of a course
25 described in paragraphs 1 and 2; or

26 (4) Evidence that the applicant, during military service, was found to be
27 qualified to operate a firearm.

28 b. An applicant for a class 2 firearm and dangerous weapon license is required to
29 successfully complete the open book test offered for the class 1 firearm license.

- 1 c. A North Dakota resident who has a valid class 1 firearm license also may carry a
2 class 2 dangerous weapon without any further testing required. Class 1 and
3 class 2 permits are equally valid in this state.
- 4 d. Additional testing is not required to renew a class 2 firearm and dangerous
5 weapon license. A class 1 firearm license may be renewed upon successful
6 completion of the class 1 firearm requirements within thirty days before
7 submission of the application for renewal.
- 8 e. An individual who has a valid class 2 firearm license may apply to upgrade to a
9 class 1 firearm license within five years from the date the class 2 firearm license
10 was issued and upon successful completion of the requirements under this
11 chapter. An individual who has a valid class 1 firearm license may request to
12 convert the license to a class 2 firearm license before the expiration of the class 1
13 firearm license.
- 14 3. The director of the bureau of criminal investigation shall send by mail to a holder of a
15 license a notice of the procedures for renewal of the license issued under this section.
16 The director shall give the notice at least one hundred fifty days but not more than one
17 hundred eighty days before the expiration of the license.
- 18 4. The bureau of criminal investigation is required to process the application and make a
19 determination within sixty days of receipt of the properly completed application.
- 20 5. The fee for a concealed weapons license must be credited to the attorney general's
21 operating fund. All fees must be paid before the license application may be processed
22 by the director of the bureau of criminal investigation. The attorney general shall list
23 the fees associated with the license, including the costs of the fingerprint-based
24 federal criminal history record check, in the attorney general's administrative rules.
- 25 6. The director of the bureau of criminal investigation shall prescribe the form of the
26 application and license, which must include the name, address, description, a
27 photograph, and the signature of the individual. The application form must require
28 sufficient information to properly conduct a criminal history record check and be
29 accompanied by:
- 30 a. A photocopy of a valid driver's license or identification card issued by this state
31 which establishes personal identification through photographic means and shows

1 the applicant's name associated with a valid residential street address in this
2 state or a valid state-issued driver's license or nondriver identification from the
3 applicant's state or territory of residence which establishes personal identification
4 through photographic means and shows the applicant's name associated with a
5 valid residential street address ~~and a valid concealed weapons license from the~~
6 ~~applicant's state of residence, which has reciprocity with this state under section~~
7 ~~62-1-04-03.1; and~~

8 b. Two sets of classifiable fingerprints. The two sets of classifiable fingerprints are
9 not required for a renewal of a concealed weapons license. The license is valid
10 for five years. The original license must be delivered to the licensee and an
11 electronic copy must be preserved for six years by the director. Access to license
12 information must be available to law enforcement through electronic means for
13 official law enforcement purposes. The applicant or licenseholder shall notify the
14 director of the bureau of criminal investigation of any change of address or any
15 other material fact which would affect the restrictions on or the need for the
16 license.

17 7. The director of the bureau of criminal investigation may deny an application or revoke
18 or cancel a license after it has been granted for any material misstatement by an
19 applicant in an application for the license or any violation of this title. The director of
20 the bureau of criminal investigation shall disclose to the applicant the specific reason
21 for denial or revocation of the license.

22 8. The applicant may appeal a denial or revocation of this license to the district court of
23 Burleigh County.

24 9. Information collected from an applicant under this section is confidential information.
25 However, the information may be disclosed:

- 26 a. To a governmental agency or court for a law enforcement purpose, including the
27 investigation, prosecution, or punishment of a violation of law.
- 28 b. To a court to aid in a decision concerning sentence, probation, or release pending
29 trial or appeal.
- 30 c. Pursuant to a court order or a judicial, legislative, or administrative agency
31 subpoena issued in this state.

1 10. The attorney general may adopt any rules necessary to implement this title.

2 **License to carry a firearm or dangerous weapon concealed - Class 1 firearm license**
3 **and class 2 firearm and dangerous weapon license.**

4 1. The director of the bureau of criminal investigation shall issue a license to carry a
5 firearm or dangerous weapon concealed upon review of an application submitted to
6 the director if the following criteria are met:

7 a. The applicant is at least twenty-one years of age for a class 1 firearm license or
8 at least eighteen years of age for a class 2 firearm and dangerous weapon
9 license;

10 b. The applicant can demonstrate that the applicant is a resident of this state by
11 providing a copy of a valid driver's license or state-issued identification card from
12 this state that establishes personal identification through photographic means
13 and shows the applicant's name associated with a valid residential street address
14 in this state or the applicant possesses a valid driver's license or nondriver
15 identification from the applicant's state or territory of residence that establishes
16 personal identification through photographic means and shows the applicant's
17 name associated with a valid residential street address ~~and a valid concealed-~~
18 ~~weapons license from the applicant's state of residence, which state has~~
19 ~~reciprocity with this state under section 62.1-04-03.1;~~

20 c. The applicant is not an individual specified in section 62.1-02-01 and for a class 1
21 firearm license the applicant:

22 (1) Has not been convicted of a felony;

23 (2) Has not been convicted of a crime of violence;

24 (3) Has not been convicted of an offense involving the use of alcohol within ten
25 years prior to the date of application;

26 (4) Has not been convicted of a misdemeanor offense involving the unlawful
27 use of narcotics or other controlled substances within ten years prior to the
28 date of application;

29 (5) Has not been convicted of an offense involving moral turpitude;

30 (6) Has not been convicted of an offense involving domestic violence;

- 1 (7) Has not been adjudicated by a state or federal court as mentally
2 incompetent, unless the adjudication has been withdrawn or reversed; and
3 (8) Is qualified to purchase and possess a firearm under federal law;
- 4 d. The applicant has successfully completed the testing procedure conducted by a
5 certified test administrator. The person conducting the testing may assess a
6 charge of up to fifty dollars for conducting this testing. The attorney general may
7 certify a test administrator based upon criteria and guidelines prescribed by the
8 director of the bureau of criminal investigation;
- 9 e. The applicant satisfactorily completes the bureau of criminal investigation
10 application form and has successfully passed the criminal history records check
11 conducted by the bureau of criminal investigation and the federal bureau of
12 investigation. The applicant shall provide all documentation relating to any
13 court-ordered treatment or commitment for mental health or alcohol or substance
14 abuse. The applicant shall provide the director of the bureau of criminal
15 investigation written authorizations for disclosure of the applicant's mental health
16 and alcohol or substance abuse evaluation and treatment records. The bureau
17 may deny approval for a license if the bureau has reasonable cause to believe
18 that the applicant or licenseholder has been or is a danger to self or others as
19 demonstrated by evidence, including past pattern of behavior involving unlawful
20 violence or threats of unlawful violence; past participation in incidents involving
21 unlawful violence or threats of unlawful violence; or conviction of a weapons
22 offense. In determining whether the applicant or licenseholder has been or is a
23 danger to self or others, the bureau may inspect expunged or sealed records of
24 arrests and convictions of adults and juvenile court records; and
- 25 f. The applicant is not prohibited under federal law from owning, possessing, or
26 having a firearm under that individual's control.
- 27 2. The attorney general shall offer class 1 firearm and class 2 firearm and dangerous
28 weapon licenses to carry a firearm or dangerous weapon concealed under the
29 following requirements:
- 30 a. An applicant for a class 1 firearm license shall successfully participate in a
31 classroom instruction that sets forth weapon safety rules and the deadly force law

1 of North Dakota, complete an open book test based upon a manual, demonstrate
2 familiarity with a firearm, and complete an actual shooting or certified proficiency
3 exercise. Evidence of familiarity with a firearm to be concealed may be satisfied
4 by one of the following:

- 5 (1) Certification of familiarity with a firearm by an individual who has been
6 certified by the attorney general, which may include a law enforcement
7 officer, military or civilian firearms instructor, or hunter safety instructor;
- 8 (2) Evidence of equivalent experience with a firearm through participation in an
9 organized shooting competition, law enforcement, or military service;
- 10 (3) Possession of a license from another state to carry a firearm, concealed or
11 otherwise, which is granted by that state upon completion of a course
12 described in paragraphs 1 and 2; or
- 13 (4) Evidence that the applicant, during military service, was found to be
14 qualified to operate a firearm.

- 15 b. An applicant for a class 2 firearm and dangerous weapon license is required to
16 successfully complete the open book test offered for the class 1 firearm license.
- 17 c. A North Dakota resident who has a valid class 1 firearm license also may carry a
18 class 2 dangerous weapon without any further testing required. Class 1 and
19 class 2 permits are equally valid in this state.
- 20 d. Additional testing is not required to renew a class 2 firearm and dangerous
21 weapon license. A class 1 firearm license may be renewed upon successful
22 completion of the class 1 firearm requirements within thirty days before
23 submission of the application for renewal.
- 24 e. An individual who has a valid class 2 firearm license may apply to upgrade to a
25 class 1 firearm license within five years from the date the class 2 firearm license
26 was issued and upon successful completion of the requirements under this
27 chapter. An individual who has a valid class 1 firearm license may request to
28 convert the license to a class 2 firearm license before the expiration of the class 1
29 firearm license.

- 30 3. The director of the bureau of criminal investigation shall send by mail to a holder of a
31 license a notice of the procedures for renewal of the license issued under this section.

1 The director shall give the notice at least one hundred fifty days but not more than one
2 hundred eighty days before the expiration of the license.

3 4. The bureau of criminal investigation is required to process the application and make a
4 determination within sixty days of receipt of the properly completed application.

5 5. The fee for a concealed weapons license must be credited to the attorney general's
6 operating fund. All fees must be paid before the license application may be processed
7 by the director of the bureau of criminal investigation. The attorney general shall list
8 the fees associated with the license, including the costs of the fingerprint-based
9 federal criminal history record check, in the attorney general's administrative rules.

10 6. The director of the bureau of criminal investigation shall prescribe the form of the
11 application and license, which must include the name, address, description, a
12 photograph, and the signature of the individual. The application form must require
13 sufficient information to properly conduct a criminal history record check and be
14 accompanied by:

15 a. A photocopy of a valid driver's license or identification card issued by this state
16 which establishes personal identification through photographic means and shows
17 the applicant's name associated with a valid residential street address in this
18 state or a valid state-issued driver's license or nondriver identification from the
19 applicant's state or territory of residence which establishes personal identification
20 through photographic means and shows the applicant's name associated with a
21 valid residential street address ~~and a valid concealed weapons license from the~~
22 ~~applicant's state of residence, which has reciprocity with this state under section~~
23 ~~62.1-04-03.1~~; and

24 b. Two sets of classifiable fingerprints. The two sets of classifiable fingerprints are
25 not required for a renewal of a concealed weapons license. The license is valid
26 for five years. The original license must be delivered to the licensee and an
27 electronic copy must be preserved for six years by the director. Access to license
28 information must be available to law enforcement through electronic means for
29 official law enforcement purposes. The applicant or licenseholder shall notify the
30 director of the bureau of criminal investigation of any change of address or any

1 other material fact which would affect the restrictions on or the need for the
2 license.

3 7. The director of the bureau of criminal investigation may deny an application or revoke
4 or cancel a license after it has been granted for any material misstatement by an
5 applicant in an application for the license or any violation of this title. The director of
6 the bureau of criminal investigation shall disclose to the applicant the specific reason
7 for denial or revocation of the license.

8 8. The applicant may appeal a denial or revocation of this license to the district court of
9 Burleigh County.

10 9. Information collected from an applicant under this section is confidential information.
11 However, the information may be disclosed:

12 a. To a governmental agency or court for a law enforcement purpose, including the
13 investigation, prosecution, or punishment of a violation of law.

14 b. To a court to aid in a decision concerning sentence, probation, or release pending
15 trial or appeal.

16 c. Pursuant to a court order or a judicial, legislative, or administrative agency
17 subpoena issued in this state.

18 10. The attorney general may adopt any rules necessary to implement this title.

19 **SECTION 5. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **62.1-04-04. Producing license upon request - Penalty.**

22 1. Every individual while carrying a concealed firearm or dangerous weapon, for which a
23 license to carry concealed is required, shall have on one's person the license issued
24 by this or another state or a digital image of one's concealed firearm or dangerous
25 weapon license issued by this state on an electronic device and shall give it to any
26 active law enforcement officer for an inspection upon request by the officer. The failure
27 of any individual to give the license or digital image of the license to the officer is prima
28 facie evidence the individual is illegally carrying a firearm or dangerous weapon
29 concealed.

30 2. Every individual carrying a concealed firearm under the authority granted in
31 subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the

- 1 individual's possession of a concealed weapon upon the initiation of a traffic stop or
2 any other in-person contact initiated by a law enforcement officer.
- 3 3. Every individual carrying a concealed firearm under the authority granted in
4 subsection 2 of section 62.1-04-02 ~~must~~shall have on one's person a valid driver's
5 license or nondriver identification card issued by the department of transportation or by
6 the individual's state or territory of residence, or a digital image of one's valid driver's
7 license or nondriver identification card on a mobile device and shall provide the license
8 or card to any law enforcement officer for inspection upon request by the officer.
- 9 4. An individual who violates this section is guilty of a noncriminal offense punishable by
10 a fee of twenty dollars.