

HOUSE BILL NO. 1411

Introduced by

Representatives Heilman, Koppelman, D. Johnston, Kasper, M. Ruby, Toman

1 A BILL for an Act to create and enact section 62.1-01-03.2 of the North Dakota Century Code,
2 relating to state prohibition on extreme risk protection provisions; and to provide a penalty.

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

4 **SECTION 1.** Section 62.1-01-03.2 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Preemption of extreme risk protection provisions - Penalty.**

7 1. As used in this section:

8 a. "Arm" means a weapon of offense, ammunition, parts, equipment or armor used
9 in the defense of self, and accessories typical to the normal function and use as
10 intended.

11 b. (1) "Extreme risk protection provision" means a rule, statute, ordinance,
12 guideline, executive order, or judicial order issued by a court or signed by a
13 magistrate or other officer of the court, prohibiting an individual who is an
14 extreme risk of personal injury or death to that individual or another from
15 accessing an arm, by one or more of the following:

16 (a) Prohibiting an individual from owning, possessing, using, purchasing,
17 manufacturing, or otherwise receiving an arm.

18 (b) Removing an arm from the possession or control of an individual or
19 requiring an individual to surrender any arms the individual owns,
20 possesses, or controls.

21 (c) Requiring an individual to surrender any license or permit allowing the
22 individual to possess an arm.

- 1 (2) Extreme risk protection provision does not include a domestic violence
2 protection order or an order for involuntary commitment issued under
3 chapters 14-07.1 and 25-03.1.
- 4 2. A person, including a state agency or political subdivision, may not adopt, implement,
5 or enforce an extreme risk protection provision.
- 6 3. Except for the department of health and human services, a state agency or political
7 subdivision may not use any personnel or funds appropriated by the legislative
8 assembly or any other source of funds to implement any statute, rule, executive order,
9 judicial order, or judicial findings that would have the effect of enforcing an extreme
10 risk protection provision.
- 11 4. Any person that violates this section is guilty of a class B felony.