

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1450

Introduced by

Representatives B. Koppelman, Brabandt, Karls, K. Koppelman, Laning, Porter, Ruby,
Streyle

Senators Larsen, Miller

1 A BILL for an Act to amend and reenact subsections 1 and 16 of section 62.1-01-01, sections
2 62.1-02-04 and 62.1-02-05, subdivision a of subsection 6 of section 62.1-02-13,
3 section 62.1-03-01, and subsection 2 of section 62.1-04-03 of the North Dakota Century Code,
4 relating to concealed weapons and firearms.

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

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

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

22 **SECTION 2. AMENDMENT.** Subsection 16 of section 62.1-01-01 of the North Dakota
23 Century Code is amended and reenacted as follows:

1 16. "Unloaded" means the chamber of the firearm does not contain a loaded shell. If the
2 firearm is a revolver, then none of the chambers in the cylinder may contain a loaded
3 shell. ~~Handguns with a removable magazine or clip must have the magazine or clip~~
4 ~~removed from the firearm if the magazine or clip contains any loaded shells.~~

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

7 **62.1-02-04. Possession of firearm or dangerous weapon in liquor establishment**
8 **prohibited - Penalty - Exceptions.**

- 9 1. An individual who enters or remains in that part of the establishment that is set aside
10 for the retail sale and consumption of alcoholic beverages or used as a gaming site at
11 which bingo is the primary gaming activity while in the possession of a firearm or
12 dangerous weapon is guilty of a class AB misdemeanor.
- 13 2. This section does not apply to:
- 14 a. A law enforcement officer.
- 15 b. The proprietor.
- 16 c. The proprietor's employee.
- 17 d. A designee of the proprietor when the designee is displaying an unloaded firearm
18 or dangerous weapon as a prize or sale item in a raffle or auction.
- 19 e. Private security personnel while on duty for the purpose of delivering or receiving
20 moneys used at the liquor establishment or at the gaming site at which bingo is
21 the primary gaming activity.
- 22 f. The restaurant part of an establishment if an individual under twenty-one years of
23 age is not prohibited in that part of the establishment.
- 24 3. This section does not prevent any political subdivision from enacting an ordinance that
25 is less restrictive than this section relating to the possession of firearms or dangerous
26 weapons. An enacted ordinance supersedes this section within the jurisdiction of the
27 political subdivision.

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

1 **62.1-02-05. Possession of a firearm or dangerous weapon at a prohibited public**
2 **gatheringplace - Penalty - Application.**

3 1. An individual who possesses a firearm or dangerous weapon at a prohibited public
4 gatheringplace is guilty of a class B misdemeanor. For the purpose of this section,
5 "prohibited public gatheringplace" ~~includes athletic or sporting events, schools~~means
6 in a school or on school functionsgrounds, churches in a church or on church
7 functionsgrounds, political rallies or functions, musical concerts and athletic or sporting
8 events if a ticket for admission is required, and individuals in publicly owned parks-
9 ~~where hunting is not allowed by proclamation~~ and publicly owned or operated
10 buildings.

11 2. This section does not apply to:

12 a. A law enforcement officer;

13 b. A member of the armed forces of the United States or national guard, organized
14 reserves, state defense forces, or state guard organizations, when on duty;

15 c. A competitor participating in an organized sport shooting event;

16 d. A gun or antique show;

17 e. A participant using a blank cartridge firearm at a sporting or theatrical event;

18 f. A firearm or dangerous weapon carried in a temporary residence or motor
19 vehicle;

20 g. A student and an instructor at a hunter safety class;

21 h. Private security personnel while on duty;

22 i. A state or federal park;

23 j. An instructor, a test administrator, an official, or a participant in educational,
24 training, cultural, or competitive events involving the authorized use of a
25 dangerous weapon if the event occurs with permission of the person or entity
26 with authority over the function or premises in question;

27 k. An individual possessing a valid ~~class 4~~ concealed weapons license from this
28 state or who has reciprocity under section 62.1-04-03.1 authorizing the individual
29 to carry a dangerous weapon concealed if the individual is in a church building or
30 other place of worship and has the approval to carry in the church building or
31 other place of worship by a primary religious leader of the church or other place

1 of worship or the governing body of the church or other place of worship. If a
2 church or other place of worship authorizes an individual to carry a concealed
3 weapon, local law enforcement must be informed of the name of the authorized
4 individual; and

5 l. A municipal court judge, a district court judge, a staff member of the office of
6 attorney general, and a retired North Dakota law enforcement officer, if the
7 individual maintains the same level of firearms proficiency as is required by the
8 peace officer standards and training board for law enforcement officers. A local
9 law enforcement agency shall issue a certificate of compliance under this section
10 to an individual who is proficient.

11 m. An individual in a publicly owned or operated rest area or restroom.

12 3. This section does not prevent any political subdivision from enacting an ordinance that
13 is less restrictive than this section relating to the possession of firearms or dangerous
14 weapons at a prohibited public gathering place. An enacted ordinance supersedes this
15 section within the jurisdiction of the political subdivision.

16 **SECTION 5. AMENDMENT.** Subdivision a of subsection 6 of section 62.1-02-13 of the
17 North Dakota Century Code is amended and reenacted as follows:

18 a. Any public or nonpublic elementary school, middle school, or high school,
19 college, or university property.

20 **SECTION 6. AMENDMENT.** Section 62.1-03-01 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 1. ~~An unloaded~~A handgun may not be carried by an individual ~~not otherwise prohibited~~
23 if unless:

24 a. Between the hours of one hour before sunrise and one hour after sunset, the
25 handgun is in unloaded and either in plain view or is secured.

26 b. Between the hours of one hour after sunset and one hour before sunrise, the
27 handgun is unloaded and secured.

28 2. The restrictions provided in ~~subdivisions a and b~~ of subsection 1 do not apply to:

29 a. An individual possessing a valid concealed weapons license from this state or
30 who has reciprocity under section 62.1-04-03.1.

- 1 b. An individual on that person's land, or in that individual's permanent or temporary
2 residence, or fixed place of business.
- 3 c. An individual while lawfully engaged in target shooting.
- 4 d. An individual while in the field engaging in the lawful pursuit of hunting or
5 trapping. However, nothing in this exception authorizes the carrying of a loaded
6 handgun in a motor vehicle.
- 7 e. An individual permitted by law to possess a firearm while carrying the handgun
8 unloaded and in a secure wrapper from the place of purchase to that person's
9 home or place of business, or to a place of repair or back from those locations.
- 10 f. Any North Dakota law enforcement officer.
- 11 g. Any law enforcement officer of any other state or political subdivision of another
12 state if on official duty within this state.
- 13 h. Any armed security guard or investigator as authorized by law when on duty or
14 going to or from duty.
- 15 i. Any member of the armed forces of the United States when on duty or going to or
16 from duty and when carrying the handgun issued to the member.
- 17 j. Any member of the national guard, organized reserves, state defense forces, or
18 state guard organizations, when on duty or going to or from duty and when
19 carrying the handgun issued to the member by the organization.
- 20 k. Any officer or employee of the United States duly authorized to carry a handgun.
- 21 l. An individual engaged in manufacturing, repairing, or dealing in handguns or the
22 agent or representative of that individual possessing, using, or carrying a
23 handgun in the usual or ordinary course of the business.
- 24 m. Any common carrier, but only when carrying the handgun as part of the cargo in
25 the usual cargo carrying portion of the vehicle.

26 **SECTION 7. AMENDMENT.** Subsection 2 of section 62.1-04-03 of the North Dakota
27 Century Code is amended and reenacted as follows:

- 28 2. The attorney general shall offer class 1 firearm and class 2 firearm and dangerous
29 weapon licenses to carry a firearm or dangerous weapon concealed under the
30 following requirements:

- 1 a. An applicant for a class 1 firearm license shall successfully participate in a
2 classroom instruction that sets forth weapon safety rules and the deadly force law
3 of North Dakota, complete an open book test based upon a manual, demonstrate
4 familiarity with a firearm, and complete an actual shooting or certified proficiency
5 exercise. Evidence of familiarity with a firearm to be concealed may be satisfied
6 by one of the following:
- 7 (1) Certification of familiarity with a firearm by an individual who has been
8 certified by the attorney general, which may include a law enforcement
9 officer, military or civilian firearms instructor, or hunter safety instructor;
- 10 (2) Evidence of equivalent experience with a firearm through participation in an
11 organized shooting competition, law enforcement, or military service;
- 12 (3) Possession of a license from another state to carry a firearm, concealed or
13 otherwise, which is granted by that state upon completion of a course
14 described in paragraphs 1 and 2; or
- 15 (4) Evidence that the applicant, during military service, was found to be
16 qualified to operate a firearm.
- 17 b. An applicant for a class 2 firearm and dangerous weapon license is required to
18 successfully complete the open book test offered for the class 1 firearm license.
- 19 c. A North Dakota resident who has a valid class 1 firearm license also may carry a
20 class 2 dangerous weapon without any further testing required. Class 1 and
21 class 2 permits are equally valid in this state.
- 22 d. Additional testing is not required to renew a class 2 firearm and dangerous
23 weapon license. A class 1 firearm license may be renewed upon successful
24 completion of the class 1 firearm requirements within thirty days before
25 submission of the application for renewal.