

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1447

Introduced by

Representatives Weisz, Brusegaard, DeKrey, Delzer, Timm

1 A BILL for an Act to amend and reenact section 62.1-02-01 of the North Dakota Century Code,
2 relating to possession of weapons; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-02-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **62.1-02-01. Who not to possess firearms - Penalty.**

- 7 1. A person who has been convicted anywhere for a felony involving violence or
8 intimidation, as defined in chapters 12.1-16 through 12.1-25, is prohibited from
9 owning a firearm or having one in possession or under control from the date of
10 conviction and continuing for a period of ten years after the date of conviction or
11 release from incarceration or probation, whichever is the latter.
- 12 2. A person who has been convicted of any felony not provided for in subsection 1 or
13 has been convicted of a class A misdemeanor involving violence or intimidation
14 and that crime was committed while using or possessing a firearm or dangerous
15 weapon, as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning
16 a firearm or having one in possession or under control from the date of conviction
17 and continuing for a period of five years after the date of conviction or release from
18 incarceration or probation, whichever is the latter.
- 19 3. A person who is or has ever been diagnosed and confined or committed to a
20 hospital or other institution in ~~North Dakota~~ this state or elsewhere by a court of
21 competent jurisdiction, other than a person who has had the petition that provided
22 the basis for the diagnosis, confinement, or commitment dismissed under section
23 25-03.1-17, 25-03.1-18, or 25-03.1-19, or equivalent statutes of another
24 jurisdiction, as a mentally ill person as defined in section 25-03.1-02, or as a

mentally deficient person as defined in section 25-01-01, is prohibited from purchasing a firearm or having one in possession or under control. This limitation does not apply to a person who has not suffered from the disability for the previous three years.

4. A person under the age of eighteen years may not possess a handgun except that such a person ~~may~~, while under the direct supervision of an adult, may possess a handgun for the purposes of firearm safety training, target shooting, or hunting.

5. A person who is prohibited by federal law from owning a firearm, possessing a firearm, or having a firearm under that person's control is prohibited from owning a firearm, possessing a firearm, or having a firearm under that person's control.

A person who violates subsection 1 ~~or~~ 2, or 5 is guilty of a class C felony, and a person who violates subsection 3 or 4 is guilty of a class A misdemeanor. For the purposes of this section, "conviction" means determination by a jury or court that a person committed one of the above-mentioned crimes even though the court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02 or deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02, placed the defendant on probation, granted a conditional discharge in accordance with section 19-03.1-30, the defendant's conviction has been reduced in accordance with subsection 10 of section 12.1-32-02 or section 12.1-32-07.1, or a determination under chapter 27-20 that the person committed a delinquent act equivalent to the offenses provided in subsection 1 or 2.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.