

HOUSE BILL NO. 1205

Introduced by

Representatives Porter, DeKrey

Senators Lyson, Stenehjem, Tollefson, Traynor

1 A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code,
2 relating to concealed weapon permit testing.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-04-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **62.1-04-03. License to carry a firearm or dangerous weapon concealed.**

- 7 1. The chief of the bureau of criminal investigation shall issue a license to carry a
8 firearm or dangerous weapon concealed upon review of an application submitted
9 to the chief if the following criteria are met:
- 10 a. The applicant has a valid reason for carrying the firearm or dangerous
11 weapon concealed, including self-protection, protection of others, or
12 work-related needs.
 - 13 b. The applicant is not a person specified in section 62.1-02-01.
 - 14 c. The applicant has the written approval for the issuance of ~~such~~ a license from
15 the sheriff of the applicant's county of residence, and, if the city has one, the
16 chief of police or a designee of the city in which the applicant resides. The
17 approval by the sheriff may not be given until the applicant has successfully
18 completed a background investigation in that county ~~and has attended a~~
19 ~~testing procedure conducted pursuant to rules adopted by the attorney~~
20 ~~general. The testing procedure for approval of a concealed weapons license~~
21 ~~must include an open book test to be given from a manual that sets forth~~
22 ~~weapon safety rules and the deadly force law of North Dakota, including~~
23 ~~judicial decisions and attorney general opinions, and a proficiency test~~
24 ~~consisting of a course of fire to be designated by the criminal justice training~~

1 ~~and statistics division of the attorney general's office. The purpose of the~~
2 ~~proficiency test is only to ensure a minimal level of competency in the loading~~
3 ~~and unloading of the firearm or dangerous weapon, use of safety devices and~~
4 ~~basic firearm or dangerous weapon functioning, and minimal accuracy. A~~
5 ~~weapons instructor certified by the attorney general shall conduct the testing~~
6 ~~procedure. The attorney general shall develop rules that ensure that this~~
7 ~~testing will be conducted periodically. The local agency conducting the testing~~
8 ~~may assess a charge of up to fifty dollars for conducting this testing. The~~
9 ~~testing procedure is not required for a renewal of a concealed weapons~~
10 ~~license.~~

11 d. The applicant satisfactorily completes the bureau of criminal investigation
12 application form and has successfully passed a background investigation or
13 criminal records check conducted by that agency.

14 e. The applicant is not prohibited under federal law from owning, possessing, or
15 having a firearm under that person's control.

16 2. The sheriff is required to process the application within thirty days ~~after the~~
17 ~~completion of the testing portion unless the application is for renewal of a license~~
18 ~~and in such case the application must be processed within thirty days after its~~ of
19 receipt by the sheriff, the chief of police is required to process the application within
20 ten working days of ~~its~~ receipt by the agency, and the bureau of criminal
21 investigation is required to process the application and make a determination within
22 thirty days of receipt from the forwarding agency.

23 3. The license fee for a concealed weapons license is twenty-five dollars. Ten dollars
24 of this fee must be credited to the state general fund and fifteen dollars of this fee
25 must be credited to the attorney general's operating fund up to a total of
26 seventy-five thousand dollars each biennium. Any collections from fifteen dollars
27 of this fee in excess of the seventy-five thousand dollars credited to the attorney
28 general's operating fund each biennium must be credited to the state general fund.
29 The license fee must be paid before the license is issued by the director of the
30 bureau of criminal investigation.

- 1 4. The chief of the bureau of criminal investigation shall prescribe the form of the
2 application and license, which must include the name, address, description, a
3 photograph, and the signature of the individual. The application form must require
4 sufficient information to properly conduct a background investigation and be
5 accompanied by two sets of classifiable fingerprints. The two sets of classifiable
6 fingerprints are not required for a renewal of a concealed weapons license. The
7 license is valid for three years. The license must be prepared in triplicate, and the
8 original must be delivered to the licensee, the duplicate must be sent by mail,
9 within seven days after issuance, to the sheriff of the county in which the applicant
10 resides, and the triplicate must be preserved for six years by the chief. In those
11 cases in which the licensee resides in a city, an additional copy of the license must
12 be made and sent by mail, within seven days after issuance, to the chief of police
13 of the city in which the applicant resides. The individual shall notify the chief of the
14 bureau of criminal investigation of any change of address or any other material fact
15 which would affect the restrictions on or the need for the license.
- 16 5. The chief of the bureau of criminal investigation may deny an application or revoke
17 or cancel ~~such~~ a license after it has been granted for any material misstatement by
18 an applicant in an application for the license or any violation of this title.
- 19 6. The applicant may appeal a denial or revocation of this license to the district court
20 of the applicant's county of residence.
- 21 7. ~~The attorney general may adopt rules to carry out this title.~~