

Sixtieth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2213

Introduced by

Senators Lyson, Anderson, Heitkamp

Representatives Carlisle, Thoreson

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 firearms by offenders.

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. Persons who are not to possess firearms - Penalty.**

- 7 1. A person who has been convicted anywhere ~~for~~ of a felony ~~involving violence or~~
8 ~~intimidation, as defined in chapters 12.1-16 through 12.1-25,~~ offense of this or
9 another state or the federal government and the offense was committed while
10 using or possessing a firearm, a dangerous weapon, or, as defined in
11 subsections 7 and 8 of section 12.1-01-04, a destructive device or an explosive, is
12 prohibited from owning a firearm or having one in possession or under control from
13 the date of conviction and continuing for a period of ten years after the date of
14 conviction or the date of release from incarceration, parole, or probation, whichever
15 is latest.
- 16 2. A person who has been convicted anywhere of any a felony offense of this or
17 another state or the federal government not provided for in subsection 1 or who
18 has been convicted of a ~~class A misdemeanor involving violence or intimidation~~
19 offense of this or another state or the federal government and that crime the
20 offense was committed while using or possessing a firearm ~~or,~~ a dangerous
21 weapon, or, as defined in chapters 12.1-16 through 12.1-25 subsections 7 and 8 of
22 section 12.1-01-04, a destructive device or an explosive, is prohibited from owning
23 a firearm or having one in possession or under control from the date of conviction

and continuing for a period of five years after the date of conviction or the date of
release from incarceration, parole, or probation, whichever is latest.

3. A person who is or has ever been diagnosed and confined or committed to a hospital or other institution in this state or elsewhere by a court of competent jurisdiction, other than a person who has had the petition that provided the basis for the diagnosis, confinement, or commitment dismissed under section 25-03.1-17, 25-03.1-18, or 25-03.1-19, or equivalent statutes of another 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, while under the direct supervision of an adult, may possess a handgun for the purposes of firearm safety training, target shooting, or hunting.

A person who violates subsection 1 or 2 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 a determination by a jury or court that a the person committed one of the above-mentioned crimes upon a verdict of guilt, a plea of guilty, or a plea of nolo contendere 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, the defendant's conviction has been reduced in accordance with subsection 9 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;

1. The court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02;
2. The court deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02;
3. The court placed the person on probation;

- 1 4. The person's conviction has been reduced in accordance with subsection 9 of
2 section 12.1-32-02 or section 12.1-32-07.1;
- 3 5. Sentence dispositions, sentence reductions, or offense determinations equivalent
4 to this section were imposed or granted by a court, board, agency, or law of
5 another state or the federal government; or
- 6 6. The person committed an offense equivalent to an offense described in
7 subsection 1 or 2 when that person was subject to juvenile adjudication or
8 proceedings and a determination of a court under chapter 27-20 or of a court of
9 another state or the federal government was made that the person committed the
10 delinquent act or offense.