

Sixtieth  
Legislative Assembly  
of North Dakota

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

1           3. A person who is or has ever been diagnosed and confined or committed to a  
2           hospital or other institution in this state or elsewhere by a court of competent  
3           jurisdiction, other than a person who has had the petition that provided the basis  
4           for the diagnosis, confinement, or commitment dismissed under section  
5           25-03.1-17, 25-03.1-18, or 25-03.1-19, or equivalent statutes of another  
6           jurisdiction, as a mentally ill person as defined in section 25-03.1-02, or as a  
7           mentally deficient person as defined in section 25-01-01, is prohibited from  
8           purchasing a firearm or having one in possession or under control. This limitation  
9           does not apply to a person who has not suffered from the disability for the previous  
10          three years.

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

14 A person who violates subsection 1 or 2 is guilty of a class C felony, and a person who violates  
15 subsection 3 or 4 is guilty of a class A misdemeanor. For the purposes of this section,  
16 "conviction" means a determination by a jury or court that a the person committed one of the  
17 above-mentioned crimes upon a verdict of guilt, a plea of guilty, or a plea of nolo contendere  
18 even though the court suspended execution of sentence in accordance with subsection 3 of  
19 section 12.1-32-02 or deferred imposition of sentence in accordance with subsection 4 of  
20 section 12.1-32-02, placed the defendant on probation, the defendant's conviction has been  
21 reduced in accordance with subsection 9 of section 12.1-32-02 or section 12.1-32-07.1, or a  
22 determination under chapter 27-20 that the person committed a delinquent act equivalent to the  
23 offenses provided in subsection 1 or 2;

24          1. The court suspended execution of sentence in accordance with subsection 3 of  
25          section 12.1-32-02;

26          2. The court deferred imposition of sentence in accordance with subsection 4 of  
27          section 12.1-32-02;

28          3. The court placed the person on probation;

29          4. The person's conviction has been reduced in accordance with subsection 9 of  
30          section 12.1-32-02 or section 12.1-32-07.1;

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