

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1351

Introduced by

Representatives Porter, DeKrey

Senators Holmberg, Lyson, Nething, Wanzek

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,
2 relating to the carrying of a firearm at a public gathering.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **62.1-02-05. Possession of a firearm at a public gathering - Penalty - Application.**

- 7 1. A person who possesses a firearm at a public gathering is guilty of a class B
8 misdemeanor. For the purpose of this section, "public gathering" includes athletic
9 or sporting events, schools or school functions, churches or church functions,
10 political rallies or functions, musical concerts, and individuals in publicly owned
11 parks where hunting is not allowed by proclamation and publicly owned or
12 operated buildings.
- 13 2. This section does not apply to law enforcement officers; members of the armed
14 forces of the United States or national guard, organized reserves, state defense
15 forces, or state guard organizations, when on duty; competitors participating in
16 organized sport shooting events; gun and antique shows; participants using blank
17 cartridge firearms at sporting or theatrical events; any firearms carried in a
18 temporary residence or motor vehicle; students and instructors at hunter safety
19 classes; or private security personnel while on duty. In addition, a municipal court
20 judge licensed to practice law in this state, a district court judge, a prosecutor or
21 other officer of the court, a staff member of the office of attorney general, and a
22 retired North Dakota law enforcement officer are exempt from the prohibition and
23 penalty in subsection 1 if the individual ~~is otherwise licensed to carry a firearm~~
24 ~~under section 62.1-04-03 and~~ maintains the same level of firearms proficiency as is

- 1 required by the peace officers standards and training board for law enforcement
2 officers. A local law enforcement agency shall issue a certificate of compliance
3 under this section to an individual who is proficient.
- 4 3. This section does not prevent any political subdivision from enacting an ordinance
5 which is less restrictive than this section relating to the possession of firearms at a
6 public gathering. Such an ordinance supersedes this section within the jurisdiction
7 of the political subdivision.