

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1237

Introduced by

Representatives Nelson, Hofstad, S. Meyer

Senators Lyson, Robinson

1 A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota
2 Century Code, relating to allowing correctional officers to carry weapons in certain
3 circumstances; and to declare an emergency.

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

5 **SECTION 1.** A new section to chapter 12-44.1 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Correctional officers authorized to carry weapons.** The administrator of a
8 correctional facility may allow a qualified correctional officer to carry a weapon, including a
9 firearm, during the transport of another governmental agency's prisoner if the correctional
10 facility has a contract with the governmental agency to transport the agency's prisoners and
11 that contract requires the officer doing the transport to be armed with a weapon. For purposes
12 of this section, "governmental agency" means an agency or department of this state or of any
13 political subdivision in this state, or another state or of a political subdivision of another state, or
14 of the United States. The administrator of a correctional facility shall adopt a policy, approved
15 by the attorney general, which establishes the qualifications and training an officer must meet
16 to carry a weapon under this section. Sections 62.1-02-05, 62.1-02-10, and 62.1-03-01 do not
17 apply to the possession and use of a firearm by a qualified correctional officer acting in the
18 course of employment as allowed by this section.

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