

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Porter

1 A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code,
2 relating to a reciprocal license to carry a firearm or dangerous weapon concealed licensed.

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 a license from the
15 sheriff of the applicant's county of residence, and, if the city has one, the chief
16 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 be an open book test to be given from a manual that sets forth weapon
22 safety rules and the deadly force law of North Dakota, including judicial
23 decisions and attorney general opinions. A weapons instructor certified by the
24 attorney general shall conduct the testing procedure. The attorney general

1 shall develop rules that ensure that this testing will be conducted. The person
2 conducting the testing may assess a charge of up to twenty-five dollars for
3 conducting this testing. The testing procedure is not required for a renewal of
4 a concealed weapons license.

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

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

10 2. The sheriff is required to process the application within thirty days after the
11 completion of the testing portion unless the application is for renewal of a license
12 and in such case the application must be processed within thirty days after its
13 receipt by the sheriff, the chief of police is required to process the application within
14 ten working days of receipt by the agency, and the bureau of criminal investigation
15 is required to process the application and make a determination within thirty days
16 of receipt from the forwarding agency.

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

25 4. The chief of the bureau of criminal investigation shall prescribe the form of the
26 application and license, which must include the name, address, description, a
27 photograph, and the signature of the individual. The application form must require
28 sufficient information to properly conduct a background investigation and be
29 accompanied by two sets of classifiable fingerprints. The two sets of classifiable
30 fingerprints are not required for a renewal of a concealed weapons license. The
31 license is valid for ~~three~~ ten years. The license must be prepared in triplicate, and

the original must be delivered to the licensee, the duplicate must be sent by mail, within seven days after issuance, to the sheriff of the county in which the applicant resides, and the triplicate must be preserved for six years by the chief. In those cases in which the licensee resides in a city, an additional copy of the license must be made and sent by mail, within seven days after issuance, to the chief of police of the city in which the applicant resides. The individual shall notify the chief of the bureau of criminal investigation of any change of address or any other material fact which would affect the restrictions on or the need for the license.

5. The chief of the bureau of criminal investigation may deny an application or revoke or cancel a license after it has been granted for any material misstatement by an applicant in an application for the license or any violation of this title.

6. The applicant may appeal a denial or revocation of this license to the district court of the applicant's county of residence.

7. Information collected from an applicant under this section is confidential information. However, the information may be disclosed:

a. To a governmental agency or court for a law enforcement purpose, including the investigation, prosecution, or punishment of a violation of law.

b. To a court to aid in a decision concerning sentence, probation, or release pending trial or appeal.

c. Pursuant to a court order or a judicial, legislative, or administrative agency subpoena issued in this state.

8. The attorney general may adopt rules to carry out this title.

9. The attorney general shall adopt by rule written and practical training and testing for an alternative license so that the license is offered reciprocity or is otherwise valid in as many other states as possible. The alternative license is valid for three years. These rules shall allow a resident of another state to apply for a license in this state. Except when there is a conflict created by this subsection, the provisions of this section apply to this subdivision. In particular, the provisions as to testing, approval and delivery of license to the sheriff and chief of police of a city as to nonresidents, and as to court jurisdiction as to nonresidents do not apply to this subsection. A nonresident may appeal the denial or revocation of an

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- 1 alternative license to any district court. If any other change to the law is needed to
- 2 increase reciprocity or the validity of the license in other states, the attorney
- 3 general shall report these changes to the legislative council.