

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1209

Introduced by

Representative DeKrey

1 A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota
2 Century Code, relating to the restoration of the right to possess a firearm; and to amend and
3 reenact subsection 3 of section 62.1-01-01 of the North Dakota Century Code, relating to a
4 definition of firearm or weapon.

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

6 **SECTION 1. AMENDMENT.** Subsection 3 of section 62.1-01-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 3. "Firearm" or "weapon" means any device which will expel, or is readily capable of
9 expelling, a projectile by the action of an explosive and includes any such device,
10 loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine
11 gun, shotgun, bazooka, or cannon. TheFor a felon who is not sentenced under section
12 12.1-32-09.1, the term does not include a firearm or weapon that is a rifle that has a
13 barrel sixteen inches [40.64 centimeters] or longer or a shotgun that has a barrel
14 eighteen inches [45.72 centimeters] or longer and which is one of the following:
- 15 a. A firearm, including any firearm with a matchlock, flintlock, percussion cap, or
16 similar type of ignition system, manufactured before 1899.
- 17 b. A replica of any firearm described in subdivision a, if the replica is not designed
18 or redesigned for using rimfire or conventional centerfire fixed ammunition or
19 uses rimfire or conventional centerfire fixed ammunition that is no longer
20 manufactured in the United States and which is not readily available in the
21 ordinary channels of commercial trade.
- 22 c. A muzzleloading rifle, or muzzleloading shotgun, or muzzleloading pistol, that is
23 designed to use black powder, or a black powder substitute, and cannot use fixed
24 ammunition.

SECTION 2. A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

Restoration of right to possess firearm.

1. An individual who is prohibited from possessing a firearm due to a conviction of a felony under subdivision b of subsection 1 of section 62.1-02-01 may petition the district court in the district where the individual resides for restoration of the individual's firearm rights.
2. The district court may restore the right of an individual to possess a firearm if the court determines, by clear and convincing evidence, that all of the following circumstances exist:
 - a. The individual has paid all fines imposed for the violation resulting in the prohibition;
 - b. The individual has served all terms of imprisonment imposed for the violation resulting in the prohibition;
 - c. The individual has successfully completed all conditions of probation or parole imposed for the violation resulting in the prohibition; and
 - d. The individual's record and reputation are such that the individual is not likely to act in a manner dangerous to the safety of others.