

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1183

Introduced by

Representatives Streyle, Becker, Brabandt, Grande, Headland, Maragos, Porter, Ruby,
Toman

Senators Larsen, Miller, Sitte

1 A BILL for an Act to create and enact three new sections to chapter 62.1-01 of the North Dakota
2 Century Code, relating to forbidding state governmental entities from providing aid and
3 assistance to the federal government or any other governmental entity for the investigation,
4 enforcement, and prosecution of federal firearms laws not in force as of January 1, 2013; ~~to~~
5 ~~provide a penalty~~; to provide for retroactive application; and to declare an emergency.

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

7 **SECTION 1.** A new section to chapter 62.1-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **Definitions.**

10 As used in this Act, unless the context otherwise requires:

- 11 1. "Deputation or other official status" means the acceptance or other conveyance of
12 permanent or temporary authority from any governmental entity, including federal or
13 state governmental entities, including a political subdivision, for the purposes of
14 conducting activities to enforce federal firearms laws not in force as of January 1, 2013.
15 2. "Federal firearms laws not in force as of January 1, 2013" means those laws passed
16 by the Congress of the United States and signed into law by the President of the
17 United States after December 31, 2012, a rule, a regulation, or an executive order that
18 specifically deprives a citizen of the United States of manufacturing, importing, buying,
19 selling, transferring, transporting, possessing, bearing, and keeping on the citizen's
20 body or in a location where the citizen has a legal right to be unless otherwise
21 forbidden by this state's law, and any other law, including a rule, a regulation, or an
22 executive order, forbidding the private ownership of any firearm not forbidden as of
23 December 31, 2012. The term includes a law, rule, regulation, or an executive order

1 that is retroactively dated after December 31, 2012, to be in effect before January 1,
2 2013.

3 3. "Firearm" includes any accessories for a firearm, including:

- 4 a. Any type of ammunition and equipment and supplies used to reload ammunition;
5 b. Any device used to hold ammunition for feeding of the ammunition into a firearm,
6 regardless of capacity; and
7 c. Other accessories permanently or temporarily attached or affixed to a firearm, or
8 modifications made to such firearm; unless such attachment, affixment, or
9 modification is in violation of a law in effect on December 31, 2012.

10 4. "Information" means knowledge gained in the course of activities performed by a
11 governmental entity of this state, including a political subdivision, or knowledge
12 provided to these governmental entities by any other party, which may indicate a
13 citizen is or could be in violation of federal firearms laws not in force as of January 1,
14 2013, and be used in the prosecution of an individual.

15 5. "Resource support" means individuals, funding regardless of source, equipment,
16 supplies, real property, intellectual property, assistance, or other assets of or
17 associated with any governmental entity, including federal or state governmental
18 entities, including a political subdivision, for the purposes of conducting activities to
19 enforce federal firearms not in force as of January 1, 2013.

20 6. "Resources" includes individuals, funding regardless of source, equipment, supplies,
21 real property, intellectual property, assistance, or other assets of or associated with a
22 governmental entity of this state, including a political subdivision.

23 **SECTION 2.** A new section to chapter 62.1-01 of the North Dakota Century Code is created
24 and enacted as follows:

25 **State enforcement of certain federal firearm laws prohibited.**

- 26 1. A state or local governmental entity, including law enforcement and those individuals
27 responsible for or who otherwise support prosecution of laws within this state, may not
28 knowingly and for the sole purpose do any of the following:
29 a. Investigate, enforce, or prosecute a violation or suspected violation of federal
30 firearms laws not in force as of January 1, 2013;

- b. Assist with the investigation, enforcement, or prosecution of a violation or suspected violation of federal firearms laws not in force as of January 1, 2013;
- c. Provide any resources, information, or assistance for a violation or suspected violation of federal firearms laws not in force as of January 1, 2013;
- d. Accept resource support for, and use existing resource support already received for a violation or suspected violation of federal firearms laws not in force as of January 1, 2013; or
- e. Take any other action which can or may directly or indirectly aid or assist any governmental entity in investigating, enforcing, or prosecuting any citizen of the United States for a violation or suspected violation of federal firearms laws not in force as of January 1, 2013.

2. A state or local governmental entity, including law enforcement and those individuals responsible for or who otherwise support prosecution of laws within this state, may not jail, confine, or imprison any citizen by its own actions or in support of another governmental entity solely for a violation or suspected violation or conviction of federal firearms laws not in force as of January 1, 2013.

3. A state or local governmental entity, including law enforcement and those individuals responsible for or who otherwise support prosecution of laws within this state, may not confiscate a firearm from a citizen due to the sole reason that the citizen is deemed in violation or suspected violation of federal firearms laws not in force as of January 1, 2013, unless the firearm is used in the commission of a crime other than the violation or suspected violation of federal firearms laws in force after December 31, 2012, and the firearm is required as evidence of that crime.

4. A state or local governmental entity, including law enforcement and those individuals responsible for or who otherwise support prosecution of laws within this state, may not accept permanent or temporary deputation or other official status from any other governmental entity for the purposes of conducting activities prohibited by this Act. State resources and the resources of a political subdivision may not be turned over to the temporary or permanent control, ownership, leasing, or other use by any governmental entity for the purposes of conducting activities otherwise forbidden of a governmental entity of the state, including a political subdivision.

1 5. A state or local governmental entity may not adopt rules, regulations, resolutions,
2 ordinances, or provisions of a home rule charter identical or similar to federal firearms
3 laws not in force as of January 1, 2013, for the purposes of enforcing laws identical or
4 similar to these federal firearms laws under its own authority.

5 6. A state or local governmental entity of the state, including law enforcement and those
6 individuals responsible for or who otherwise support prosecution of laws within the
7 state and a political subdivision, may continue to support and act in cooperation with
8 other governmental entities for other enforcement and prosecution actions not related
9 to federal firearms laws not in force as of January 1, 2013.

10 **SECTION 3.** A new section to chapter 62.1-01 of the North Dakota Century Code is created
11 and enacted as follows:

12 **PenaltyRemedy.**

13 ~~The chief executive and employees of the chief executive or appointees under a state or~~
14 ~~local governmental entity violating any provision of section 1 of this Act, for which another~~
15 ~~penalty is not specifically provided, is guilty of a class A misdemeanor. The chief executive shall~~
16 ~~vacate public employment or office and surrender any professional licenses or certifications~~
17 ~~held which were a requirement of or used in the execution of duties of such public employment~~
18 ~~or office. The chief executive is ineligible to hold public office or have public employment in any~~
19 ~~state or local governmental entity for a period of five years after conviction.~~In addition to any
20 other remedy allowed by law, an aggrieved party under this Act may obtain in a civil action all
21 appropriate relief to prevent or remedy a violation of this Act. An aggrieved party may not bring
22 a civil action against a law enforcement officer as an individual, but relief must be sought from
23 the governmental entity that employs the individual.

24 **SECTION 4. RETROACTIVE APPLICATION.** This Act applies retroactively to federal
25 firearms laws in force as of January 1, 2013.

26 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.