

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1273

Introduced by

Representatives B. Koppelman, Rick C. Becker, Karls, K. Koppelman, D. Ruby

Senator O. Larsen

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,
2 relating to possession of a firearm or dangerous weapon 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 or dangerous weapon at a public gathering -**
7 **Penalty - Application.**

- 8 1. An individual who knowingly possesses a firearm or dangerous weapon at a public
9 gathering is guilty of a class B misdemeanor. For the purpose of this section, "public
10 gathering" means an athletic or sporting event, a school, ~~a church~~, and a publicly
11 owned or operated building.
- 12 2. This section does not apply to:
- 13 a. A law enforcement officer;
- 14 b. A member of the armed forces of the United States or national guard, organized
15 reserves, state defense forces, or state guard organizations, when on duty;
- 16 c. A competitor participating in an organized sport shooting event;
- 17 d. A gun or antique show;
- 18 e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 19 f. A firearm or dangerous weapon carried in a temporary residence or motor
20 vehicle;
- 21 g. A student and an instructor at a hunter safety class;
- 22 h. Private security personnel while on duty;
- 23 i. A state or federal park;

j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;

k. An individual in a publicly owned or operated rest area or restroom; and

~~l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship. If a church or other place of worship authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual; and~~

~~m.~~ A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient.

3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.

4. A church may:

a. Allow an individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed to carry in the church building or other place of worship; or

b. Prohibit an individual from carrying a dangerous weapon in the church building or other place of worship by posting notice of the prohibition at each entrance to the

1 church or other place of worship. If a church prohibits an individual from carrying
2 a dangerous weapon under this subdivision, the primary religious leader of the
3 church or other place of worship or the governing body of the church or other
4 place of worship may authorize an individual possessing a valid concealed
5 weapons license from this state or who has reciprocity under section
6 62.1-04-03.1 to carry a dangerous weapon concealed if the individual is in a
7 church building or other place of worship. If a church or other place of worship
8 authorizes an individual to carry a concealed weapon, local law enforcement
9 must be informed of the name of the authorized individual.