Sixty-fifth Legislative Assembly of North Dakota

HOUSE BILL NO. 1310

Introduced by

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Representatives Kiefert, Johnston, Karls, D. Ruby, Streyle, Trottier Senators Campbell, O. Larsen, D. Larson, Luick

- 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 carrying a concealed firearm in a school; and to amend and reenact
- 3 subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception
- 4 to the prohibition against possessing a firearm at a public gathering.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- SECTION 1. A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:
- 8 <u>Possession of a concealed weapon First armed responder in schools.</u>
- An individual possessing a valid class 1 concealed weapons license from this state may
- 10 carry a firearm concealed on school property, if the individual is on private school property and
- 11 has the approval of the governing body of the private school to carry a firearm concealed or if
- 12 the individual is on public school property and has the approval of the board of the school
- district to carry a firearm concealed. The approval must be conditioned upon the individual
- 14 agreeing to cooperate in training with local law enforcement for school emergencies to provide
- 15 <u>a coordinated response to building lockdown and active killer events. The governing body or a</u>
- 16 school board shall require additional training and education provided through a North Dakota
- 17 peace officer standards and training approved first armed responder curriculum consisting of
- 18 forty hours of instruction including legal considerations related to the force continuum and
- deadly force in the defense of others, firearm proficiency, target identification and discriminatory
- 20 <u>use of force, weapon retention and concealed carry techniques, defense tactics, procedures in</u>
- 21 response to school lockdown and active killer events, armed movement in crowds, first aid for
- 22 the treatment of gunshot wounds, and interacting with law enforcement officers responding to
- 23 school emergencies. A first armed responder must attend annual training and recertification
- 24 courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment.

- 1 An individual may not carry a firearm or dangerous weapon on school premises until the 2 individual has been approved by the school board and the individual has completed the first 3 armed responder curriculum requirements. An individual previously certified as a first armed 4 responder may not carry a firearm or dangerous weapon on school premises if the individual 5 has failed to complete the first armed responder recertification course requirements within the 6 previous twelve months. A firearm carried by any authorized individual on school premises must 7 remain concealed and under the direct control of the certified individual. Any use of force under 8 this section must comply with chapter 12.1-05. Consideration of approval for an individual to 9 carry a firearm concealed under this section must be conducted in an executive session of the 10 school board and any record or information considered or discussed at the executive session 11 must be treated as a confidential record. If the governing body or school board of any school 12 authorizes an individual to carry a firearm concealed, the governing body or school board shall 13 inform, in writing, local law enforcement of the name of the authorized individual and the law 14 enforcement agency shall maintain that record as confidential. Any other record provided by the 15 individual to the school as part of the authorization under this section and any other record 16 provided by the individual or the school to local law enforcement is an exempt record. The 17 school and any private or public training provider recognized by the North Dakota peace officer 18 standards and training board are immune from civil liability for any acts or omissions made 19 during the performance, administration, or implementation of any services or programs 20 authorized under this section. An individual authorized to carry deadly weapons under this 21 section is immune from civil liability to the extent allowed under section 12.1-05-07.2. 22 SECTION 2. AMENDMENT. Subsection 2 of section 62.1-02-05 of the North Dakota 23 Century Code is amended and reenacted as follows: 24 2. This section does not apply to:
 - a. A law enforcement officer;
 - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
 - c. A competitor participating in an organized sport shooting event;
- d. A gun or antique show:

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e. A participant using a blank cartridge firearm at a sporting or theatrical event;

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section 1 of this Act.

1 A firearm or dangerous weapon carried in a temporary residence or motor 2 vehicle; 3 g. A student and an instructor at a hunter safety class; 4 h. Private security personnel while on duty; 5 A state or federal park; İ. 6 j. An instructor, a test administrator, an official, or a participant in educational, 7 training, cultural, or competitive events involving the authorized use of a 8 dangerous weapon if the event occurs with permission of the person or entity 9 with authority over the function or premises in question; 10 k. An individual in a publicly owned or operated rest area or restroom; 11 An individual possessing a valid concealed weapons license from this state or 12 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry 13 a dangerous weapon concealed if the individual is in a church building or other 14 place of worship and has the approval to carry in the church building or other 15 place of worship by a primary religious leader of the church or other place of 16 worship or the governing body of the church or other place of worship. If a church 17 or other place of worship authorizes an individual to carry a concealed weapon, 18 local law enforcement must be informed of the name of the authorized individual: 19 and 20 A municipal court judge, a district court judge, a staff member of the office of m. 21 attorney general, and a retired North Dakota law enforcement officer, if the 22 individual maintains the same level of firearms proficiency as is required by the 23 peace officer standards and training board for law enforcement officers. A local 24 law enforcement agency shall issue a certificate of compliance under this section 25 to an individual who is proficient; and

Individuals authorized to carry concealed weapons on school property under