

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1310

Introduced by

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.~~ for an Act to create and
5 enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the
6 creation of a pilot program to allow the carrying of a concealed firearm on school property by
7 qualified individuals; to amend and reenact subsection 2 of section 62.1-02-05 of the North
8 Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at
9 a public gathering; to provide for a report to the legislative management; and to provide an
10 expiration date.

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

12 ~~— **SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created~~
13 ~~and enacted as follows:~~

14 ~~— **Possession of a concealed weapon - First armed responder in schools.**~~

15 ~~— An individual possessing a valid class 1 concealed weapons license from this state may~~
16 ~~carry a firearm concealed on school property, if the individual is on private school property and~~
17 ~~has the approval of the governing body of the private school to carry a firearm concealed or if~~
18 ~~the individual is on public school property and has the approval of the board of the school~~
19 ~~district to carry a firearm concealed. The approval must be conditioned upon the individual~~
20 ~~agreeing to cooperate in training with local law enforcement for school emergencies to provide~~
21 ~~a coordinated response to building lockdown and active killer events. The governing body or~~
22 ~~school board shall require additional training and education provided through a North Dakota~~
23 ~~peace officer standards and training approved first armed responder curriculum consisting of~~
24 ~~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 use of force, weapon retention and concealed carry techniques, defense tactics, procedures in response to school lockdown and active killer events, armed movement in crowds, first aid for the treatment of gunshot wounds, and interacting with law enforcement officers responding to school emergencies. A first armed responder must attend annual training and recertification courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment. An individual may not carry a firearm or dangerous weapon on school premises until the individual has been approved by the school board and the individual has completed the first armed responder curriculum requirements. An individual previously certified as a first armed responder may not carry a firearm or dangerous weapon on school premises if the individual has failed to complete the first armed responder recertification course requirements within the previous twelve months. A firearm carried by any authorized individual on school premises must remain concealed and under the direct control of the certified individual. Any use of force under this section must comply with chapter 12.1-05. Consideration of approval for an individual to carry a firearm concealed under this section must be conducted in an executive session of the school board and any record or information considered or discussed at the executive session must be treated as a confidential record. If the governing body or school board of any school authorizes an individual to carry a firearm concealed, the governing body or school board shall inform, in writing, local law enforcement of the name of the authorized individual and the law enforcement agency shall maintain that record as confidential. Any other record provided by the individual to the school as part of the authorization under this section and any other record provided by the individual or the school to local law enforcement is an exempt record. The school and any private or public training provider recognized by the North Dakota peace officer standards and training board are immune from civil liability for any acts or omissions made during the performance, administration, or implementation of any services or programs authorized under this section. An individual authorized to carry deadly weapons under this section is immune from civil liability to the extent allowed under section 12.1-05-07.2.~~

SECTION 2. AMENDMENT. Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

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;~~
- ~~e. A participant using a blank cartridge firearm at a sporting or theatrical event;~~
- ~~f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;~~
- ~~g. A student and an instructor at a hunter safety class;~~
- ~~h. Private security personnel while on duty;~~
- ~~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;~~
- ~~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; and~~

~~n. Individuals authorized to carry concealed weapons on school property under
section 1 of this Act.~~

SECTION 1. A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

**Possession of a concealed weapon - First armed responder in schools - Pilot
program - Reports to legislative management.**

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.
2. The superintendent of public instruction may accept a proposal from the first ten public or nonpublic schools, upon approval by the school board or governing board, indicating the intention by the school to participate in a first armed responder pilot program during the 2017-19 biennium. Within ninety days of informing the superintendent of public instruction of the intent to participate in the program, the school shall:
 - a. Identify the individual selected by the school to participate in the program and attend training to become the school's first armed responder;
 - b. Submit a plan to the superintendent of public instruction specifying how the school will implement the program; and
 - c. Participate with the superintendent of public instruction in a comprehensive emergency operations assessment for the purpose of identifying school crisis and emergency threats and risks.
3. The plan submitted by the school to the superintendent of public instruction must require the selected individual to complete training equivalent to the South Dakota school sentinel program.
4. An individual selected to become a first armed responder for a school participating in the pilot program:
 - a. Must be a retired law enforcement officer or meet the requirements of subsection 3;
 - b. Must be a citizen of the United States;
 - c. Must be at least twenty-one years old;

- d. Shall successfully complete a criminal background check and must be approved by the local law enforcement agencies with jurisdiction over the school premises at which the individual will be a first armed responder;
 - e. Must be a high school graduate or meet equivalency standards;
 - f. Shall successfully complete a physical performed by a licensed physician or an advanced practice registered nurse and a mental evaluation by a qualified mental health provider who certifies the individual capable of performing the duties of a first armed responder;
 - g. Shall successfully complete a faculty and administrator safety training and emergency response program in addition to the requirements under subsection 3;
 - h. Must be approved by the school board or governing board to carry a firearm concealed on school property; and
 - i. Shall possess a valid class 1 concealed weapons license from this state.
5. An individual selected to become a first armed responder at a school participating in the pilot program shall agree to cooperate in training with local law enforcement for school emergencies to provide a coordinated response to building lockdown and active killer events. The individual shall attend annual training and recertification courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment. A firearm carried by an authorized individual on school premises must remain concealed and under the direct control of the certified individual. The school board or governing board of any school participating in the program shall inform local law enforcement, in writing, of the name of the individual authorized by the school to participate in the program.
6. An individual selected as a first armed responder may not carry a firearm concealed or a dangerous weapon on school premises unless:
- a. The individual has been approved by the school board or governing body under subsection 4;
 - b. The individual has completed the first armed responder curriculum requirements under subsections 3 and 4; and

c. The individual completes the first armed responder recertification course requirements every twelve months.

7. The school board or governing board shall approve a post-traumatic stress disorder treatment program for armed first responders.

8. The school board or governing board may withdraw a school from participation in the program at anytime.

9. A school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the implementation and progress of the pilot program by the participating schools.

SECTION 2. AMENDMENT. Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

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;
- e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
- g. A student and an instructor at a hunter safety class;
- h. Private security personnel while on duty;
- 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;

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

9 ~~and~~

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

16 n. An individual authorized to carry a concealed weapon on school property under
17 section 1 of this Act.

18 **SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2019, and after that
19 date is ineffective.