

Sixty-fifth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1279**

Introduced by

Representatives B. Koppelman, Rick C. Becker, Brabandt, D. Ruby

Senator O. Larsen

1 A BILL ~~for an Act to amend and reenact sections 12-44.1-30 and 12-47-34, subsection 1 of~~  
2 ~~section 62.1-02-05, and subsection 3 of section 62.1-02-10 of the North Dakota Century Code,~~  
3 ~~relating to carrying a weapon; and to repeal section 62.1-03-01 of the North Dakota Century~~  
4 ~~Code, relating to restrictions on carrying a handgun;~~ for an Act to create and enact a new  
5 subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to  
6 possession of a firearm; and to declare an emergency.

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

8 ~~— **SECTION 1. AMENDMENT.** Section 12-44.1-30 of the North Dakota Century Code is~~  
9 ~~amended and reenacted as follows:~~

10 ~~— **12-44.1-30. Correctional officers authorized to carry weapons.**~~

11 ~~— The administrator of a correctional facility may allow a qualified correctional officer to carry~~  
12 ~~a weapon, including a firearm, during the transport of another governmental agency's prisoner if~~  
13 ~~the correctional facility has a contract with the governmental agency to transport the agency's~~  
14 ~~prisoners and that contract requires the officer doing the transport to be armed with a weapon.~~  
15 ~~For purposes of this section, "governmental agency" means an agency or department of this~~  
16 ~~state or of any political subdivision in this state, or another state or of a political subdivision of~~  
17 ~~another state, or of the United States. The administrator of a correctional facility shall adopt a~~  
18 ~~policy, approved by the director of the department of corrections and rehabilitation, which~~  
19 ~~establishes the qualifications and training an officer must meet to carry a weapon under this~~  
20 ~~section. Sections 62.1-02-05, and 62.1-02-10, and 62.1-03-01 do not apply to the possession~~  
21 ~~and use of a firearm by a qualified correctional officer acting in the course of employment as~~  
22 ~~allowed by this section.~~

23 ~~— **SECTION 2. AMENDMENT.** Section 12-47-34 of the North Dakota Century Code is~~  
24 ~~amended and reenacted as follows:~~

~~12-47-34. Escapes from director's custody -- Director may offer reward for recapture --~~

~~Payment of reward -- Use of firearms.~~

~~1. The director of the department of corrections and rehabilitation shall adopt measures necessary for the detection and capture of offenders escaping from the custody of the department. If an offender in the custody of the department escapes, the director shall use all lawful means for the apprehension of the offender. The director may offer a reward not to exceed one thousand dollars and not less than one hundred dollars for information leading to apprehension of an offender who has escaped from the custody of the department.~~

~~2. The director may authorize correctional officers trained in the use of firearms:~~

~~a. To carry firearms when in the course of their duties on penitentiary premises.~~

~~b. To carry firearms, including keeping and carrying loaded firearms in motor vehicles, when transporting offenders in the custody of the department.~~

~~c. To carry firearms, including keeping and carrying loaded firearms in motor vehicles, for the prevention of escapes or for the apprehension of offenders who have escaped from the custody of the department.~~

~~3. Sections 62.1-02-05, and 62.1-02-10, and 62.1-03-01 do not apply to the possession and use of firearms by authorized and trained correctional officers acting in the course of their employment under this section.~~

~~**SECTION 3. AMENDMENT.** Subsection 1 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows: —~~

~~1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.~~

~~**SECTION 4. AMENDMENT.** Subsection 3 of section 62.1-02-10 of the North Dakota Century Code is amended and reenacted as follows: —~~

~~3. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 with a handgun, or with a rifle or shotgun if not in the field hunting or trapping.~~

~~**SECTION 5. REPEAL.** Section 62.1-03-01 of the North Dakota Century Code is repealed.~~

1       **SECTION 1.** A new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota  
2 Century Code is created and enacted as follows:

3               A public employee who, through the course of the individual's employment and  
4               with the consent of the governing body or person responsible for the  
5               management of the building, resides in and stores a firearm or dangerous  
6               weapon in a residential dwelling that is a government building.

7       **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.