Sixty-fifth Legislative Assembly of North Dakota

HOUSE BILL NO. 1395

Introduced by

Representatives Karls, Porter, Streyle

Senators Armstrong, O. Larsen

- 1 A BILL for an Act to amend and reenact subsections 1 and 7 of section 62.1-01-01, subsection 1
- 2 of section 62.1-02-04, subdivision m of subsection 2 of section 62.1-02-05, and section
- 3 62.1-04-04 of the North Dakota Century Code, relating to dangerous weapons and retired law
- 4 enforcement officers.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 SECTION 1. AMENDMENT. Subsections 1 and 7 of section 62.1-01-01 of the North Dakota
7 Century Code are amended and reenacted as follows:

8 1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, 9 stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; 10 any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, 11 bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, 12 crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a 13 projectile by the action of a spring, compressed air, or compressed gas, including any 14 such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 15 gun; and any projector of a bomb or any object containing or capable of producing and 16 emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include 17 a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, 18 also known as alpha-chloroacetophenone; or other irritating agent intended for use in 19 the defense of an individual, nor does the term include a device that uses voltage for 20 the defense of an individual, unless the device uses a projectile and voltage or the 21 device uses a projectile and may be used to apply multiple applications of voltage 22 during a single incident, then the term includes the device for an individual who is 23 prohibited from possessing a firearm under this title. However, the term includes a

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1		device that uses a projectile and may be used to apply multiple applications of voltage			
2		during a single incident.			
3	7.	"Law enforcement officer" means a :			
4		<u>a.</u>	<u>А</u> рі	ublic servant authorized by law or by a government agency or branch to	
5			enfo	prce the law and to conduct or engage in investigations or prosecutions for	
6			viola	ations of law <u>;</u>	
7		<u>b.</u>	A retired public servant in good standing who:		
8			(1)	Was authorized by law or by a government agency or branch for at least ten	
9				years to enforce the law and to conduct or engage in investigations or	
10				prosecutions for violations of law;	
11			<u>(2)</u>	Maintains the same level of firearms proficiency as is required by the peace	
12				officers standards and training board for law enforcement officers;	
13			<u>(3)</u>	Has a photo identification card issued by a local law enforcement agency	
14				that identifies the individual as having been employed by a government	
15				agency or branch as a law enforcement officer and indicates the individual	
16				has passed the firearms proficiency test within twelve months from the date	
17				of issue; and	
18			<u>(4)</u>	Has not been found by a qualified medical professional to be unqualified for	
19				reasons relating to mental health or entered an agreement with a	
20				government agency or branch in which the public servant acknowledges a	
21				lack of qualifications for reasons relating to the mental health of the public	
22				servant; or	
23		<u>C.</u>	c. A retired public servant in good standing who:		
24			<u>(1)</u>	Was separated from service due to a service-related disability;	
25			<u>(2)</u>	Maintains the same level of firearms proficiency as is required by the peace	
26				officers standards and training board for law enforcement officers;	
27			<u>(3)</u>	Has a photo identification card issued by a local law enforcement agency	
28				that identifies the individual as having been employed by a government	
29				agency or branch as a law enforcement officer and indicates the individual	
30				has passed the firearms proficiency test within twelve months from the date	
31				of issue; and	

1	<u>(4)</u> Has	s not been found by a qualified medical professional to be unqualified for			
2	rea	sons relating to mental health or entered an agreement with a			
3	gov	rernment agency or branch in which the public servant acknowledges a			
4	lack	c of qualifications for reasons relating to the mental health of the public			
5	ser	vant.			
6	SECTION 2. AMEN	NDMENT. Subsection 1 of section 62.1-02-04 of the North Dakota			
7	Century Code is amended and reenacted as follows:				
8	1. An individual who enters or remains in that part of the establishment that is set aside				
9	for the retail sale of alcoholic beverages and the consumption of purchased alcoholic				
10	beverages or used as a gaming site at which bingo is the primary gaming activity while				
11	that individual knowingly possesses a firearm or dangerous weapon is guilty of a				
12	class A misdemeanor. In addition, an individual is guilty of an offense under this				
13	section for the knowing possession of a device that uses a projectile and voltage or a				
14	device that uses a projectile and may be used to apply multiple applications of voltage				
15	during a single incident in the part of an establishment that is set aside for the retail				
16	sale and cons	sumption of alcoholic beverages.			
17	SECTION 3. AMENDMENT. Subdivision m of subsection 2 of section 62.1-02-05 of the				
18	North Dakota Century	Code is amended and reenacted as follows:			
19	m. A munici	pal court judge, a district court judge, and a staff member of the office of			
20	attorney	general, and a retired North Dakota law enforcement officer, if the			
21	individua	Il maintains the same level of firearms proficiency as is required by the			
22	peace of	ficer standards and training board for law enforcement officers. A local			
23	law enfo	rcement agency shall issue a certificate of compliance under this section			
24	to an ind	ividual who is proficient.			
25	SECTION 4. AMEN	NDMENT. Section 62.1-04-04 of the North Dakota Century Code is			
26	amended and reenacted as follows:				
27	62.1-04-04. Produ	cing license on demand.			
28	Every person while	carrying a concealed firearm or dangerous weapon, for which a license			
29	to carry concealed is required, shall have on one's person the license issued by this or another				
30	state and shall give it to any active law enforcement officer for an inspection upon demand by				

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- 1 the officer. The failure of any person to give the license to the officer is prima facie evidence that
- 2 the person is illegally carrying a firearm or dangerous weapon concealed.