

Sixty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2172

Introduced by

Senators Erbele, Luick, Myrdal

Representatives K. Koppelman, Paur, Satrom

1 A BILL for an Act to create and enact a new subdivision to subsection 1 of section 54-12-14, a  
2 new subdivision to subsection 2 of section 62.1-02-04, and section 62.1-04-03.2 of the North  
3 Dakota Century Code, relating to a class 1 exempt firearm license and possession of a firearm  
4 or dangerous weapon in a liquor establishment; to amend and reenact ~~subdivision m of~~  
5 ~~subsection 2 of~~ section 62.1-02-05 of the North Dakota Century Code, relating to possession of  
6 a firearm or dangerous weapon at a public gathering; and to provide a penalty.

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

8 **SECTION 1.** A new subdivision to subsection 1 of section 54-12-14 of the North Dakota  
9 Century Code is created and enacted as follows:

10 For costs associated with class 1 exempt licenses under section 62.1-04-03.2.

11 **SECTION 2.** A new subdivision to subsection 2 of section 62.1-02-04 of the North Dakota  
12 Century Code is created and enacted as follows:

13 A current or former state, federal, or municipal court judge, district court  
14 magistrate judge, judicial referee, or a current staff member of the office of  
15 attorney general if the individual maintains the same level of firearms proficiency  
16 as is required by the peace officer standards and training board for law  
17 enforcement officers. A local law enforcement agency may issue a certificate of  
18 compliance under this section to an individual who is proficient. A paper or  
19 electronic copy of the peace officer standards and training board sidearm  
20 qualification form endorsed by the administering officer is proof of compliance  
21 under this subdivision.

22 ~~— **SECTION 3. AMENDMENT.** Subdivision m of subsection 2 of section 62.1-02-05 of the~~  
23 ~~North Dakota Century Code is amended and reenacted as follows:~~

~~m. A current or former state, federal, or municipal court judge, a district court magistrate judge or, judicial referee, and/or a current staff member of the office of attorney general 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 may issue a certificate of compliance under this section to an individual who is proficient. A paper or electronic copy of the peace officer standards and training board sidearm qualification form endorsed by the administering officer is proof of compliance under this subdivision; and~~

**SECTION 3. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

**62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.**

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.
2. This section does not apply to:
  - a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
  - 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;

- 1 f. 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 and public security personnel while on duty;
- 5 i. A state or federal park;
- 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 l. 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;
- 17 m. A state, federal, or municipal court judge, a district court magistrate judge, or  
18 judicial referee; a retired state, federal, or municipal court judge, district court  
19 magistrate judge, or judicial referee who has at least ten years of service as a  
20 judge or referee; and a staff member of the office of attorney general if the  
21 individual maintains the same level of firearms proficiency as is required by the  
22 peace officer standards and training board for law enforcement officers. A local  
23 law enforcement agency shall issue a certificate of compliance under this section  
24 to an individual who is proficient. Upon issuance of a certificate of compliance,  
25 the bureau of criminal investigation shall issue that individual an unrestricted  
26 concealed weapons license; ~~and~~
- 27 n. A North Dakota member of the Congress of the United States who maintains the  
28 same level of firearms proficiency as is required by the peace officer standards  
29 and training board for law enforcement officers. A local law enforcement agency  
30 shall issue a certificate of compliance under this subdivision to an individual who

is proficient and the individual shall file the certificate with the bureau of criminal investigation;

o. An individual who possesses a valid class 1 exempt license under section 62.1-04-03.2;

p. An individual who is a paramedic or other emergency responder 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. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and

q. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:

- (1) The individual resides in the building;
- (2) The storage is inside the individual's assigned residential unit; and
- (3) The storage has been consented to by the state, the governing board, or a designee.

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. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.

5. For purposes of this section, "political subdivision" includes a nonpublic school.

**SECTION 4.** Section 62.1-04-03.2 of the North Dakota Century Code is created and enacted as follows:

**62.1-04-03.2. Class 1 exempt firearm license.**

1. The director of the bureau of criminal investigation shall issue a class 1 exempt license to carry a firearm or dangerous weapon concealed to an individual who:

a. Possesses a valid class 1 firearm license under section 62.1-04-03; and

1            b.    Successfully completes the training and testing requirements under this section.

2            2.    The bureau of criminal investigation shall coordinate with the peace officer standards  
3            and training board to develop and implement training standards and testing  
4            requirements equivalent to the firearms proficiency required by the peace officer  
5            standards and training board for law enforcement officers. The bureau of criminal  
6            investigation shall certify instructors under this section. Training must include:

7            a.    Classroom training on weapons and procedures, including:

8            (1)    At least two hours of specialized training relating to when, where, and how  
9            to carry a dangerous weapon concealed; and

10           (2)    Instruction on situational awareness considerations when assessing the  
11           need to carry a dangerous weapon concealed in a publicly owned or  
12           operated building, church, school, and athletic or sporting event; and

13           b.    Field training on weapons and procedures.

14           3.    The bureau of criminal investigation shall develop and administer an annual training  
15           requirement for holders of a class 1 exempt license which may include classroom and  
16           field training components.

17           4.    The bureau of criminal investigation shall prescribe the form of the application and  
18           license.

19           5.    All fees collected for a class 1 exempt license must be credited to the attorney  
20           general's operating fund. All fees must be paid before the license application is  
21           processed by the director of the bureau of criminal investigation. The attorney general  
22           shall adopt rules establishing the fees associated with a license issued under this  
23           section.