

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1588

Introduced by

Representatives Heinert, Dockter, Hauck, M. Ruby, Hagert

Senators Cory, Gerhardt

A BILL for an Act to create and enact ~~two~~three new sections to chapter 62.1-02 of the North Dakota Century Code, relating to liability exemptions for public and private entities ~~and~~, the possession of a firearm or dangerous weapon at a publicly owned or operated building, and the use of binary triggers; to amend and reenact subsection 1 of section 62.1-01-01 and sections 62.1-02-05 and 62.1-04-04 of the North Dakota Century Code, relating to dangerous weapons, the possession of a firearm or dangerous weapon at a public gathering, and producing a concealed carry license upon request; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of ~~five inches [12.7 centimeters]~~six inches [15.24 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known

as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

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

**Exemption from liability for public and private entities.**

Notwithstanding any other provision of law, a public or private entity 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 chapter.

**SECTION 3.** A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

**Possession of a firearm or dangerous weapon at a publicly owned or operated building.**

~~1. A city, county, or township,~~ **political subdivision** may enact and enforce an ordinance prohibiting the possession of a firearm or dangerous weapon in public areas of a publicly owned or operated building ~~if:~~

~~a. All individuals possessing a valid class 1 or class 2 firearm and dangerous weapons license are restricted from possessing a firearm; and~~

~~b. Access is not permitted unless an individual passes through equipment that detects weapons or is staffed by armed security personnel.~~

~~2. This section does not apply to nonpublic areas of a publicly owned or operated building.~~

**SECTION 4.** A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

**Use of binary triggers - Penalty.**

An individual who uses a binary trigger in the commission of a crime is guilty of a class C felony.

1       **SECTION 5. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**  
4 **Penalty - Application.**

5       1. An individual may not possess a firearm or dangerous weapon at:

6           a. A school or school-sponsored event on school property; ~~or~~

7           b. Property leased or rented by a school;

8 c. A church or other place of worship; or

9 e. A publicly owned or operated building.

10 d. Except as provided in section 62.1-02-13 or a policy adopted by the state board

11 of higher education, buildings and property owned or under the control of the

12 state board of higher education.

13       2. This section does not apply to:

14           a. A law enforcement officer, or a correctional officer employed by the department of  
15 corrections and rehabilitation or by a correctional facility governed by chapter  
16 12-44.1. A correctional officer employed by the department of corrections and  
17 rehabilitation may carry a firearm only as authorized in section 12-47-34. A  
18 correctional officer employed by a correctional facility governed by chapter  
19 12-44.1 may carry a firearm or dangerous weapon only as authorized in section  
20 12-44.1-30;

21           b. An individual who is on an ambulance or firefighter crew while the individual is on  
22 duty if:

23               (1) The individual has written permission from the governing body or owner of  
24 the fire department or ambulance service;

25               (2) The individual possesses a valid class 1 concealed weapons license;

26               (3) The individual has successfully completed a weapons training course  
27 developed by the North Dakota private investigative and security board; and

28               (4) The governing body or owner of the fire department or ambulance crew  
29 provides written notice to the bureau of criminal investigation of the  
30 individuals authorized or no longer authorized to carry a firearm or

1 dangerous weapon under this section, including that all training and  
2 certification requirements have been satisfied;

3 c. A member of the armed forces of the United States or national guard, organized  
4 reserves, state defense forces, or state guard organizations, when on duty;

5 d. A competitor participating in an organized sport shooting event;

6 e. A gun or antique show;

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

8 g. A firearm or dangerous weapon carried in a temporary residence or motor  
9 vehicle;

10 h. A student and an instructor at a hunter safety class;

11 i. Private and public security personnel while on duty;

12 j. A state or federal park;

13 k. An instructor, a test administrator, an official, or a participant in educational,  
14 training, cultural, or competitive events involving the authorized use of a  
15 dangerous weapon if the event occurs with permission of the person or entity  
16 with authority over the function or premises in question;

17 l. An individual in a publicly owned or operated rest area or restroom;

18 m.k. An individual who is authorized under section 62.1-04-02 to carry a firearm or  
19 dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1  
20 authorizing the individual to carry a firearm or dangerous weapon concealed if  
21 the individual is in a church building or other place of worship and the primary  
22 religious leader or the governing body of the church or other place of worship  
23 approves the individual or group of individuals to carry a firearm or dangerous  
24 weapon through a policy or any other means;

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26 ~~l.~~ The governor, a state, federal, or municipal court judge, a retired state or federal  
27 judge, a district court magistrate judge or judicial referee, and a staff member of  
28 the office of attorney general if the individual maintains the same level of firearms  
29 proficiency as is required by the peace officer standards and training board for  
30 law enforcement officers. A local law enforcement agency shall issue a certificate  
31 of compliance under this section to an individual who is proficient; and

- 1           o.   An individual's storage of a firearm or dangerous weapon in a building that is  
2           owned or managed by the state or a political subdivision, provided:  
3           (1)   The individual resides in the building;  
4           (2)   The storage is inside the individual's assigned residential unit; and  
5           (3)   The storage has been consented to by the state, the governing board, or a  
6           designee; ~~and~~  
7           ~~p.m.~~ An individual authorized to carry a concealed weapon on school property under  
8           section 62.1-02-14.
- 9           3.   This section does not prevent any political subdivision from enacting an ordinance that  
10          is less restrictive than this section relating to the possession of firearms or dangerous  
11          weapons at a ~~public gathering~~ school-sponsored event on school property, or a church  
12          or other place of worship. An enacted ordinance supersedes this section within the  
13          jurisdiction of the political subdivision.
- 14          4.   Notwithstanding any other provision of law, a church or place of worship may not be  
15          held liable for any injury or death or damage to property caused by an individual  
16          permitted to carry a dangerous weapon concealed under this section.
- 17          5.   This section does not prevent the governing body of a school or the entity exercising  
18          control over a publicly owned or operated building or property from authorizing the use  
19          of a less than lethal weapon as part of the security plan for the school, building, or  
20          property.
- 21          6.   An individual who knowingly violates this section is guilty of ~~an infraction~~ a noncriminal  
22          offense punishable by a fee of one hundred dollars for a first offense and a fee of five  
23          hundred dollars for a second or subsequent offense within three years.

24       **SECTION 6. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is  
25       amended and reenacted as follows:

26       **62.1-04-04. Producing license upon request - Penalty.**

- 27       1.   ~~Every~~ An individual while carrying a concealed firearm or dangerous weapon, for which  
28       a license to carry concealed is required, shall have on ~~one's~~ the individual's person the  
29       license issued by this or another state or a digital image of ~~one's~~ the individual's  
30       concealed firearm or dangerous weapon license issued by this state on an electronic  
31       device and shall give ~~it~~ the license or digital image of the license to any ~~active~~ law

- 1 enforcement officer for an inspection upon request by the officer. The failure of any  
2 individual to give the license or digital image of the license to the officer is prima facie  
3 evidence the individual is illegally carrying a firearm or dangerous weapon concealed.
- 4 2. ~~Every~~An individual carrying a concealed firearm under the authority granted in  
5 subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the  
6 ~~individual's possession of a concealed weapon upon the initiation of a traffic stop or~~  
7 ~~any other in-person contact initiated by a law enforcement~~firearm if the officer inquires  
8 about the individual possession a concealed firearm.
- 9 3. ~~Every~~An individual carrying a concealed firearm under the authority granted in  
10 subsection 2 of section 62.1-04-02 shall have on ~~one's~~the individual's person a valid  
11 driver's license or nondriver identification card issued by the department of  
12 transportation or by the individual's state or territory of residence, or a digital image of  
13 ~~one's~~the individual's valid driver's license or nondriver identification card on a mobile  
14 device and shall provide the license or card to any law enforcement officer for  
15 inspection upon request by the officer.
- 16 4. An individual who violates this section is guilty of a noncriminal offense punishable by  
17 a fee of twenty dollars.