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To: Senate Judiciary Committee
From: David Tamisiea, Executive Director
Date: March 31, 2025
Re: HB 1588 - Amendments Related to Possession of Firearms
and Dangerous Weapons in Schools and Churches

North Dakota Century Code Section 62.1-02-05, governing the possession of a firearm or dangerous weapon at public gatherings, currently prohibits an individual from possessing a firearm or dangerous weapon (1) at a school or school-sponsored event on school property, or (2) at a church or other place of worship. Existing law leaves public schools and non-public schools to set their own policies about allowing firearms or dangerous weapons at school-sponsored events on school property. Existing law also allows an individual to have a firearm in a place of worship *only if* the individual has a concealed carry license and has received permission from the primary religious leader or governing body of the church or place of worship.

The existing law strikes a balance between an individual's right to bear arms, a religious organization's fundamental right to define its own sacred space according to its faith convictions, and a school's authority to determine an appropriate firearm policy on its own grounds. HB 1588 destroys this carefully balanced law under the Section 5 Amendment of the bill.

Specifically, the North Dakota Catholic Conference opposes the proposed amendment found in the First Engrossment of House Bill No. 1588, on page 4, line 29, through page 5, line 2, which reads as follows:

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 school-sponsored event on school property, or a church or other place of worship. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.

If enacted, this amendment would allow any political subdivision - including cities, counties, or townships - to enact ordinances that are less restrictive than existing law. A city could, for example, decide to allow an individual to carry a firearm into a church or school without the knowledge or permission of the pastor or school authorities, even if it is against the church's or school's own policies. In addition, for churches and religious non-public schools who oppose weapons in their worship space and school grounds for religious reasons, this would be an infringement upon their religious freedom and subject the political subdivision to litigation.

Moreover, based upon the testimony by the bill sponsor to the House Energy and Natural Resources Committee on February 6, 2025, the offending amendment appears to have been written in error with mistakes that have not yet been corrected. (See HB 1588 February 6 Hearing before House Energy and Natural Resources Committee, Representative Heinert testimony, from 2:51:28 – 2:52:40, at <https://video.ndlegis.gov/en/PowerBrowser/PowerBrowserV2/20250330/-1/32795?startposition=20250206144520>). Here is a transcript of his testimony:

“This is a mistake here. This is the section that we’re talking about schools and school sponsored events and on school property, that the local school boards can have the right to say what they want done in their school. So, churches were also put in here, or place of worship. That is not supposed to be in here. That is a separate thing. They already have their rules that they live by, they have the authority to allow, if their board and their head of their church agrees, that they can carry a gun in there, that they can check into it, they can allow certain people to carry, they can allow everybody to carry, they can allow nobody to carry. That is already covered, that is already taken care of. We do not want to touch that, we do not want to touch that at all. But in schools, we want to give the authority back to that school board, because every district is a little different, everybody sees a little different things. There may be times when they need armed guys at a game, or they may not. It is their decision though, it is not ours. And I don’t think we can uniformly say across the state when they should and shouldn’t. That’s a good move there too.”

If it is still the case that this provision of the amendment is a mistake that has not yet been corrected, I would propose the following amendment to correct these errors and implement the intended change of law contemplated by HB 1588:

This section does not prevent any ~~political-subdivision~~ school board from ~~enacting~~ adopting an ordinance a policy that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering school-sponsored event on school property. ~~or a church or other place of worship~~. An ~~enacted-ordinance~~ adopted policy supersedes this section within the jurisdiction of the ~~political-subdivision~~ school board.

We urge the committee to either give a **DO NOT PASS** recommendation on HB 1588 as it is currently written **OR** amend the language as set forth immediately above to correct the errors in the First Engrossment of HB 1588 to reflect the actual intent and purpose of HB 1588.