

WEAPONS

CHAPTER 650

HOUSE BILL NO. 1596
(Murphy)

PISTOL REGULATION

AN ACT to create and enact a new section to chapter 62-01 of the North Dakota Century Code, relating to a prohibition of possessing a pistol in a liquor establishment, providing for an exception and a penalty; and to amend and reenact sections 62-01-01, 62-01-08, 62-01-09, 62-01-10, and 62-01-14 of the North Dakota Century Code, relating to the definition of a pistol, the form and term of a pistol license, regulation of pistol sales, the penalty for violating sales regulations, and the granting and conditions of pistol dealers' licenses.

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

SECTION 1.) A new section to chapter 62-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

PISTOLS PROHIBITED IN LIQUOR ESTABLISHMENTS - EXCEPTIONS - PENALTY.) Any person, other than a law enforcement officer or the proprietor, who enters or remains in an establishment engaged in the retail sale of alcoholic beverages while in the possession of a pistol is guilty of a class A misdemeanor.

SECTION 2. AMENDMENT.) Section 62-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

62-01-01. "PISTOL" DEFINED.) "Pistol" as used in this chapter means any firearm having a barrel less than ~~twelve~~ sixteen and one-half inches long that is not designed to be fired from the shoulder.

SECTION 3. AMENDMENT.) Section 62-01-08 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

62-01-08. LICENSE - FORM - TERM - FILING.) The license shall be in the form prescribed by the chief of the bureau of criminal investigation and shall bear the name, address, description, and

~~signature of the licensee, and the reason given for desiring a license. It shall~~ At the option of the licensee, the license may not contain a description of the pistol or the reason for which the license is desired. It shall be issued for ~~not more than one year~~ two years. It shall be prepared in triplicate, and the original shall be delivered to the licensee, the duplicate shall be sent by registered or certified mail, within seven days after ~~issue~~ issuance, to the chief of the bureau of criminal investigation, and the triplicate shall be preserved for six years by the authority issuing the license.

SECTION 4. AMENDMENT.) Section 62-01-09 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

62-01-09. REGULATION OF SALES OF PISTOLS.) No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or
2. ~~Be one of the persons exempted under the provisions of section 62-01-05~~ Sign an affidavit stating that he is not one of the persons prohibited by section 62-01-04 from possessing a pistol. The person transferring the pistol, within seven days after such transfer, shall sign and attach his address to the original statement signed by the person obtaining the pistol and forward same by registered or certified mail to the chief of the bureau of criminal investigation.

~~The~~ In addition, the person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement ~~in triplicate~~ containing the full name, age birth date, address, and ~~occupation~~ place of birth of the person receiving the pistol, and the caliber, make, model, and manufacturer's number of the pistol, ~~and the number of the license possessed by the person obtaining the pistol.~~ The person transferring the pistol, within seven days after such transfer, shall sign and attach his address to and forward by registered or certified mail the original statement signed by the person obtaining the pistol to the chief of the bureau of criminal investigation, the duplicate to the chief of police of the city or sheriff of the county of which the person so transferring the pistol is a resident, and he shall retain the other copy for six years. This original statement signed by the person obtaining the pistol is to be retained by the person transferring the pistol for a period of six years. This section shall not apply to purchase by licensed retailers from manufacturers, wholesalers, other retailers, or jobbers, or to purchase by wholesalers or jobbers from manufacturers.

SECTION 5. AMENDMENT.) Section 62-01-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

62-01-10. VIOLATION OF SALES REGULATIONS - PENALTY.) Any person who shall violate the provisions of section 62-01-09 shall be ~~punished--by--a--fine--of--not--less--than--one--hundred--dollars--or--by--imprisonment--for--not--less--than--one--year--or--by--both--such--fine--and--imprisonment~~ guilty of a class A misdemeanor.

SECTION 6. AMENDMENT.) Section 62-01-14 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

62-01-14. DEALERS' LICENSES - BY WHOM GRANTED AND CONDITIONS THEREOF.) Any city may provide by ordinance for the licensing of retail dealers in pistols. If such license is required, it shall be effective for not more than one year from the date of issue, and shall permit the licensee to sell pistols at retail within the said city. If such licenses are issued, they shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license~~;~~.
2. The license, or a copy thereof certified by the issuing authority, shall be displayed on the premises where it can easily be read~~;~~.
3. No pistol shall be delivered:
 - a. ~~On-the-day-of-the-application-for-the-purchase;~~
 - b- Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; nor
 - e- b. Unless the purchaser shall exhibit a license to carry a pistol, or sign an affidavit to be forwarded, within seven days, by registered or certified mail to the chief of police of said city stating that the purchaser is not one of the persons prohibited by section 62-01-04 from possessing a pistol.
4. A true record~~;~~~~--in--triplicate;~~ shall be made of every pistol sold~~;~~~~--said-record-to-be-made~~ in a book kept for such that purpose. ~~Such-book-shall-be-signed-personally-by-the-purchaser-and-by-the-person-effecting-the-sale,~~ each--in-the-presence-of-the-other--and The record of sale shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, and the name, and address~~;~~~~--and-occupation~~ of the purchaser. ~~One--copy--of--said--record--within--seven--days--shall-be-forwarded-by-certified-mail-to-the-chief-of-the-bureau-of-criminal~~

~~investigation, one copy shall be forwarded to the chief of police of the city or the sheriff of the county of which the seller is a resident, and the other copy shall be retained for six years, and~~ The record shall be retained for six years.

5. ~~No pistol, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.~~

Approved March 12, 1979