

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2213

Introduced by

Senators Lyson, Anderson, Heitkamp

Representatives Carlisle, Thoreson

1 A BILL for an Act to amend and reenact section 62.1-02-01 of the North Dakota Century Code,
2 relating to possession of firearms by offenders.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-02-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **62.1-02-01. Persons who are not to possess firearms - Penalty.**

- 7 1. A person who has been convicted anywhere ~~for~~ of a felony offense involving
8 violence or intimidation, ~~as defined in violation of~~ in violation of chapters 12.1-16 through
9 12.1-25; or an equivalent felony offense of another state or the federal government
10 is prohibited from owning a firearm or having one in possession or under control
11 from the date of conviction and continuing for a period of ten years after the date of
12 conviction or the date of release from incarceration, parole, or probation,
13 whichever is latest.
- 14 2. A person who has been convicted anywhere of any a felony offense of this or
15 another state or the federal government not provided for in subsection 1 or who
16 has been convicted of a class A misdemeanor offense involving violence or
17 intimidation in violation of chapters 12.1-16 through 12.1-25 or an equivalent
18 offense of another state or the federal government and ~~that crime~~ the offense was
19 committed while using or possessing a firearm ~~or, a~~ or, a dangerous weapon, or, as
20 defined in ~~chapters 12.1-16 through 12.1-25~~ subsections 7 and 8 of section
21 12.1-01-04, a destructive device or an explosive, is prohibited from owning a
22 firearm or having one in possession or under control from the date of conviction
23 and continuing for a period of five years after the date of conviction or the date of
24 release from incarceration, parole, or probation, whichever is latest.

1 3. A person who is or has ever been diagnosed and confined or committed to a
2 hospital or other institution in this state or elsewhere by a court of competent
3 jurisdiction, other than a person who has had the petition that provided the basis
4 for the diagnosis, confinement, or commitment dismissed under section
5 25-03.1-17, 25-03.1-18, or 25-03.1-19, or equivalent statutes of another
6 jurisdiction, as a mentally ill person as defined in section 25-03.1-02, or as a
7 mentally deficient person as defined in section 25-01-01, is prohibited from
8 purchasing a firearm or having one in possession or under control. This limitation
9 does not apply to a person who has not suffered from the disability for the previous
10 three years.

11 4. A person under the age of eighteen years may not possess a handgun except that
12 such a person, while under the direct supervision of an adult, may possess a
13 handgun for the purposes of firearm safety training, target shooting, or hunting.

14 A person who violates subsection 1 or 2 is guilty of a class C felony, and a person who violates
15 subsection 3 or 4 is guilty of a class A misdemeanor. For the purposes of this section,
16 "conviction" means a determination by a jury or court that a the person committed one of the
17 above-mentioned crimes upon a verdict of guilt, a plea of guilty, or a plea of nolo contendere
18 even though the court suspended execution of sentence in accordance with subsection 3 of
19 section 12.1-32-02 or deferred imposition of sentence in accordance with subsection 4 of
20 section 12.1-32-02, placed the defendant on probation, the defendant's conviction has been
21 reduced in accordance with subsection 9 of section 12.1-32-02 or section 12.1-32-07.1, or a
22 determination under chapter 27-20 that the person committed a delinquent act equivalent to the
23 offenses provided in subsection 1 or 2:

24 1. The court suspended execution of sentence in accordance with subsection 3 of
25 section 12.1-32-02;

26 2. The court deferred imposition of sentence in accordance with subsection 4 of
27 section 12.1-32-02;

28 3. The court placed the person on probation;

29 4. The person's conviction has been reduced in accordance with subsection 9 of
30 section 12.1-32-02 or section 12.1-32-07.1;

- 1 5. Sentence dispositions, sentence reductions, or offense determinations equivalent
2 to this section were imposed or granted by a court, board, agency, or law of
3 another state or the federal government; or
4 6. The person committed an offense equivalent to an offense described in
5 subsection 1 or 2 when that person was subject to juvenile adjudication or
6 proceedings and a determination of a court under chapter 27-20 or of a court of
7 another state or the federal government was made that the person committed the
8 delinquent act or offense.