

HOUSE BILL NO. 1467

Introduced by

Representatives Karls, Boehning, Brabandt, Streyle

Senators Armstrong, Dever

1 A BILL for an Act to create and enact a new section to chapter 37-17.1 of the North Dakota
2 Century Code, relating to emergencies and firearms; and to amend and reenact subdivision h of
3 subsection 6 of section 37-17.1-05 of the North Dakota Century Code, relating to the powers of
4 the governor in an emergency.

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

6 **SECTION 1.** A new section to chapter 37-17.1 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Firearms in emergencies.**

9 1. Notwithstanding any other law, a person acting on behalf or under the authority of the
10 state or a political subdivision may not do any of the following during a declared
11 emergency:

12 a. Prohibit or restrict the otherwise lawful possession, use, carrying, transfer,
13 transportation, storage, or display of a firearm or ammunition;

14 b. Seize or confiscate, or authorize the seizure or confiscation of, any otherwise
15 lawfully possessed firearm or ammunition unless the person acting on behalf of
16 or under the authority of the state or political subdivision is defending that person
17 or another from an assault, arresting an individual in actual possession of a
18 firearm or ammunition for a violation of law, or seizing or confiscating the firearm
19 or ammunition as evidence of a crime; or

20 c. Require registration of any firearm or ammunition for which registration is not
21 otherwise required by law.

22 2. Subdivision a of subsection 1 as it relates to transfer of a firearm or ammunition does
23 not apply to the commercial sale of firearms or ammunition if an authorized authority
24 has ordered an evacuation or general closure of businesses in the affected area.

- 1 3. Any individual aggrieved by a violation of this section may commence a civil action
2 against any person who subjects the individual, or causes the individual to be
3 subjected, to an action prohibited by this section.
- 4 4. In addition to any other remedy, an individual aggrieved by the seizure or confiscation
5 of a firearm or ammunition in violation of this section may bring an action for the return
6 of the firearm or ammunition, or the value of the firearm or ammunition, if the firearm
7 or ammunition is no longer available, in the district court of the county in which that
8 individual resides, in which the firearm or ammunition is located, or in which the
9 seizure or confiscation occurred.
- 10 5. In any action to enforce this section, the court shall award a prevailing plaintiff costs
11 and reasonable attorney's fees.

12 **SECTION 2. AMENDMENT.** Subdivision h of subsection 6 of section 37-17.1-05 of the
13 North Dakota Century Code is amended and reenacted as follows:

- 14 h. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages,
15 ~~firearms,~~ explosives, and combustibles, not including ammunition.