

HOUSE BILL NO. 1402

Introduced by

Representatives Schneider, P. Anderson, Delmore, Dobervich, Guggisberg, Hogan, Mitskog
Senators Nelson, Oban

1 A BILL for an Act to amend and reenact subsection 4 of section 14-07.1-02 of the North Dakota
2 Century Code, relating to the surrender of firearms or other dangerous weapons pursuant to
3 domestic violence protection orders.

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

5 **SECTION 1. AMENDMENT.** Subsection 4 of section 14-07.1-02 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 4. Upon a showing of actual or imminent domestic violence, the court may enter a
8 protection order after due notice and full hearing. The relief provided by the court may
9 include any or all of the following:
- 10 a. Restraining any party from threatening, molesting, injuring, harassing, or having
11 contact with any other person.
 - 12 b. Excluding either the respondent or any person with whom the respondent lives
13 from the dwelling they share, from the residence of another person against whom
14 the domestic violence is occurring, or from a domestic violence care facility, if this
15 exclusion is necessary to the physical or mental well-being of the applicant or
16 others.
 - 17 c. Awarding temporary custody or establishing temporary visitation rights with
18 regard to minor children.
 - 19 d. Recommending or requiring that either or both parties undergo counseling with a
20 domestic violence program or other agency that provides professional services
21 that the court deems appropriate. The court may request a report from the
22 designated agency within a time period established by the court. The costs of the
23 court-ordered initial counseling assessment and subsequent reports must be
24 borne by the parties or, if indigent, by the respondent's county of residence.

- 1 e. Requiring a party to pay such support as may be necessary for the support of a
2 party and any minor children of the parties and reasonable attorney's fees and
3 costs.
- 4 f. Awarding temporary use of personal property, including motor vehicles, to either
5 party.
- 6 g. Requiring the respondent to surrender for safekeeping any firearm or other
7 specified dangerous weapon, as defined in section 12.1-01-04, in the
8 respondent's immediate possession or control or subject to the respondent's
9 immediate control, if the court has probable cause to believe that the respondent
10 is likely to use, display, or threaten to use the firearm or other dangerous weapon
11 in any further acts of violence. If so ordered, the respondent shall surrender the
12 firearm or other dangerous weapon to the sheriff, or the sheriff's designee, of the
13 county in which the respondent resides or to the chief of police, or the chief's
14 designee, of the city in which the respondent resides in the manner and at the
15 time and place determined by that law enforcement officer. If the firearm or other
16 dangerous weapon is not surrendered, the law enforcement officer may arrest the
17 respondent pursuant to section 14-07.1-11 and take possession of the firearm or
18 other dangerous weapon.