21.0107.03000

Sixty-seventh
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

Representative Klemin

A BILL for an Act to create and enact section 62.1-01-05, subdivision f of subsection 2 of section 62.1-04-03, and section 62.1-04-06 of the North Dakota Century Code, relating to the voluntary surrender of a firearm by a family or household member and a firearm safety and suicide prevention video; and to amend and reenact subsection 28 of section 50-06-05.1 and subdivision d of subsection 2 of section 62.1-04-03 of the North Dakota Century Code, relating to the duties of the department of human services and concealed weapons license requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 28 of section 50-06-05.1 of the North Dakota Century Code is amended and reenacted as follows:

28. To provide resources, including a brochure, on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school and the bureau of criminal investigation. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.

SECTION 2. Section 62.1-01-05 of the North Dakota Century Code is created and enacted as follows:

62.1-01-05. Voluntary surrender of a firearm by family or household member - Rules.

1. As used in this section:
   a. "Family or household member" means an individual who is at least eighteen years of age, lives with the owner cohabitant, and:
      (1) Is married to the owner cohabitant;
      (2) Is related by blood or marriage to the owner cohabitant;
      (3) Has one or more children in common with the owner cohabitant; or
      (4) Has an interest in the safety and well-being of the owner cohabitant.

b. "Law enforcement agency" means a nonfederal public agency authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for violations of law, including the authority to conduct or engage in seizure and forfeiture of property or to collaborate with a federal agency under federal law to conduct or engage in seizure and forfeiture of property.

c. "Owner cohabitant" means an individual who owns a firearm.

2. Notwithstanding any other provision of law, if a family or household member reasonably believes the owner cohabitant or another family or household member with access to the firearm is an immediate threat to the owner cohabitant, the family or household member, or any other individual, the family or household member may voluntarily surrender the firearm to a law enforcement agency for safekeeping.

3. Notwithstanding section 62.1-01-02, a law enforcement agency may possess a firearm under this section if the family or household member voluntarily surrenders the firearm to the law enforcement agency at the law enforcement agency's office.

4. Except as provided in subsection 5, upon receipt of a firearm under this section, the law enforcement agency shall:

a. Record:

(1) The name, address, and telephone number of the owner cohabitant;

(2) The name, address, telephone number, and electronic mail address of the family or household member who voluntarily surrendered the firearm;

(3) The serial number, make, and model of each firearm that belongs to the owner cohabitant; and

(4) The date the firearm was received.

b. Require the family or household member to sign an affidavit declaring the family or household member is a family or household member as defined in this section.

c. Hold the firearm for sixty days after the day the firearm was surrendered.

d. Upon proof of identification, return the firearm to:

(1) The owner cohabitant after the expiration of the sixty days;

(2) The family or household member who voluntarily surrendered the firearm upon written request before the expiration of the sixty days; or

(3) An owner other than the owner cohabitant as provided in subsection 8.

5. If a law enforcement agency receives an illegal firearm, the law enforcement agency shall notify the owner cohabitant and the family or household member trying to voluntarily commit the firearm that the firearm is illegal and confiscate and dispose of the firearm as provided in section 62.1-01-02.

6. Upon the expiration of the initial sixty days and the request of the family or household member or owner cohabitant, the law enforcement agency shall hold the firearm for an additional sixty days.

7. If, after a reasonable attempt to return the firearm and one year has passed since the date the firearm was received by the law enforcement agency, a law enforcement agency is unable to locate an owner cohabitant to return the firearm, the law enforcement agency shall dispose of the firearm as provided in section 62.1-01-02.

8. a. If an individual other than the owner cohabitant claims ownership of the firearm, the individual may request the law enforcement agency return the firearm as provided under subdivision b or petition the court for the firearm's return under subdivision c.

b. Except as otherwise provided in this section, the law enforcement agency shall return the firearm to an individual who claims ownership of the firearm and who is not the owner cohabitant if:

(1) The sixty-day period described in subsection 4 has expired;

(2) The individual provides identification; and

(3) The individual signs an affidavit attesting the individual has an ownership interest in the firearm.

c. Upon petition of the court and after sufficient notice is given to the interested parties, the court may order the firearm be:

(1) Returned to the rightful owner as determined by the court; or

(2) Disposed as provided in section 62.1-01-02.

d. A law enforcement agency shall return a firearm pursuant to a court order under subdivision c within five business days of the date the order was signed.

9. Notwithstanding any other provision of law, a law enforcement agency shall destroy any law enforcement record created under this section within five days of the return of

the firearm to the owner cohabitant or disposal of the firearm as provided in this section.

10. The attorney general shall adopt rules necessary to implement this section.

SECTION 3. AMENDMENT. Subdivision d of subsection 2 of section 62.1-04-03 of the North Dakota Century Code is amended and reenacted as follows:

d. ~~Additional~~Except as otherwise required by section 62.1-04-06, additional testing is not required to renew a class 2 firearm and dangerous weapon license. A class 1 firearm license may be renewed upon successful completion of the class 1 firearm requirements and the requirements provided in section 62.1-04-06 within thirty days before submission of the application for renewal.

SECTION 4. Subdivision f of subsection 2 of section 62.1-04-03 the North Dakota Century Code is created and enacted as follows:

f. An applicant for a class 1 firearm license or a class 2 firearm and dangerous weapon license shall complete the firearm safety and suicide prevention video requirements in section 62.1-04-06.

SECTION 5. Section 62.1-04-06 of the North Dakota Century Code is created and enacted as follows:

62.1-04-06. Concealed firearm permit - Firearm safety and suicide prevention video - Rules.

1. The bureau of criminal investigation shall coordinate with the behavioral health division of the department of human services to create a firearm safety and suicide prevention video.
2. The video must be accessible online, no longer than ten minutes in length, and include information about:
   a. Safe handling, storage, and use of firearms in a home;
   b. Individuals who are at-risk and individuals who are legally prohibited from possessing firearms; and
   c. Suicide prevention awareness.
3. Before an individual may receive or renew a concealed weapons license under section 62.1-04-03, the individual shall view the firearm safety and prevention video and submit proof in the form required by the bureau of criminal investigation.

4. The attorney general may adopt any rules necessary to implement this section.