

HOUSE BILL NO. 1332

Introduced by

Representatives Heinert, Johnston, Marschall, Porter, D. Ruby

Senators D. Larson, Luick, Myrdal, Oehlke

1 A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota
2 Century Code, relating to the carrying of a concealed firearm on school property by qualified
3 individuals; and to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota
4 Century Code, relating to an exception to the prohibition against possessing a firearm at a
5 public gathering.

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

7 **SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Armed first responder in schools - Possession of a concealed weapon.**

- 10 1. The superintendent of public instruction shall adopt rules to administer this section and
11 develop criteria for approval of plans under this section.
- 12 2. The superintendent of public instruction may accept a proposal from a public school,
13 upon approval by the school board or governing board, indicating the intention by the
14 school to participate in an armed first responder program. Within ninety days of
15 informing the superintendent of public instruction of the intent to participate in the
16 program, the school shall:
- 17 a. Identify the individual selected by the school to participate in the program and
18 attend training to become the school's armed first responder;
- 19 b. Submit a plan to the superintendent of public instruction specifying how the
20 school will implement the program; and
- 21 c. Participate with the superintendent of public instruction in a comprehensive
22 emergency operations assessment for the purpose of identifying school crisis
23 and emergency threats and risks.

- 1 3. The plan submitted by the school to the superintendent of public instruction must
2 require the selected individual to complete training equivalent to the South Dakota
3 school sentinel program.
- 4 4. An individual selected to become an armed first responder for a school participating in
5 the program:
- 6 a. Must be a retired law enforcement officer or meet the requirements of
7 subsection 3;
- 8 b. Must be a citizen of the United States;
- 9 c. Must be at least twenty-one years old;
- 10 d. Shall complete a criminal background check successfully and be approved by the
11 local law enforcement agencies with jurisdiction over the school premises where
12 the individual will be an armed first responder;
- 13 e. Must be a high school graduate or meet equivalency standards;
- 14 f. Shall complete successfully a physical performed by a physician or an advanced
15 practice registered nurse and a mental evaluation by a qualified mental health
16 provider who certifies the individual is capable of performing the duties of an
17 armed first responder;
- 18 g. Shall complete successfully a faculty and administrator safety training and
19 emergency response program in addition to the requirements under
20 subsection 3;
- 21 h. Must be approved by the school board or governing board to carry a firearm
22 concealed on school property; and
- 23 i. Shall possess a valid class 1 firearm license from this state.
- 24 5. An individual selected to become an armed first responder at a school participating in
25 the program shall cooperate in training with local law enforcement for school
26 emergencies to provide a coordinated response to building lockdown and active killer
27 events. The individual shall attend annual training and recertification courses
28 consisting of a minimum of ten hours of instruction and a skills evaluation assessment.
- 29 6. The school board or governing board of any school participating in the program shall
30 inform local law enforcement, in writing, of the name of the individual authorized by the
31 school to participate in the program.

- 1 7. An individual selected as an armed first responder may not carry a firearm concealed
2 or a dangerous weapon on school premises unless:
 - 3 a. The individual has been approved by the school board or governing body under
4 subsection 4;
 - 5 b. The individual has completed the armed first responder curriculum requirements
6 under subsections 3 and 4; and
 - 7 c. The individual completes the armed first responder recertification course
8 requirements every twelve months.
- 9 8. A firearm or dangerous weapon carried by an armed first responder on school
10 premises must remain concealed and under the direct control of the certified armed
11 first responder.
- 12 9. The school board or governing board shall approve a posttraumatic stress disorder
13 treatment program for armed first responders.
- 14 10. The school board or governing board may withdraw a school from participation in the
15 program at anytime.
- 16 11. A school participating in the program shall provide program evaluation data to the
17 superintendent of public instruction at the time and in the manner requested by the
18 superintendent of public instruction.

19 **SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota
20 Century Code is amended and reenacted as follows:

- 21 2. This section does not apply to:
 - 22 a. A law enforcement officer, or a correctional officer employed by the department
23 of corrections and rehabilitation or by a correctional facility governed by
24 chapter 12-44.1. A correctional officer employed by the department of
25 corrections and rehabilitation may carry a firearm only as authorized in
26 section 12-47-34. A correctional officer employed by a correctional facility
27 governed by chapter 12-44.1 may carry a firearm or dangerous weapon only
28 as authorized in section 12-44.1-30;
 - 29 b. A member of the armed forces of the United States or national guard, organized
30 reserves, state defense forces, or state guard organizations, when on duty;
 - 31 c. A competitor participating in an organized sport shooting event;

- 1 d. A gun or antique show;
- 2 e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 3 f. A firearm or dangerous weapon carried in a temporary residence or motor
4 vehicle;
- 5 g. A student and an instructor at a hunter safety class;
- 6 h. Private and public security personnel while on duty;
- 7 i. A state or federal park;
- 8 j. An instructor, a test administrator, an official, or a participant in educational,
9 training, cultural, or competitive events involving the authorized use of a
10 dangerous weapon if the event occurs with permission of the person or entity
11 with authority over the function or premises in question;
- 12 k. An individual in a publicly owned or operated rest area or restroom;
- 13 l. An individual possessing a valid concealed weapons license from this state or
14 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
15 a dangerous weapon concealed if the individual is in a church building or other
16 place of worship and has the approval to carry in the church building or other
17 place of worship by a primary religious leader of the church or other place of
18 worship or the governing body of the church or other place of worship;
- 19 m. A state, federal, or municipal court judge, a district court magistrate judge or
20 judicial referee, and a staff member of the office of attorney general if the
21 individual maintains the same level of firearms proficiency as is required by the
22 peace officer standards and training board for law enforcement officers. A local
23 law enforcement agency shall issue a certificate of compliance under this section
24 to an individual who is proficient; ~~and~~
- 25 n. An individual's storage of a firearm or dangerous weapon in a building that is
26 owned or managed by the state or a political subdivision, provided:
27 (1) The individual resides in the building;
28 (2) The storage is inside the individual's assigned residential unit; and
29 (3) The storage has been consented to by the state, the governing board, or a
30 designee; and

- 1 o. An individual authorized to carry a concealed weapon on school property under
- 2 section 1 of this Act.