

Introduced by

Representatives Paur, Becker, K. Koppelman, Satrom

Senators Klein, Myrdal

1 A BILL for an Act to amend and reenact subsection 6 of section 12.1-01-04, subsection 1 of  
2 section 62.1-01-01, and section 62.1-04-01 of the North Dakota Century Code, relating to the  
3 definition of dangerous weapon.

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

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 12.1-01-04 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 6. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,  
8 stiletto, sword, or dagger; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles,  
9 or sand club; any slungshot; any bow and arrow, crossbow, or spear; ~~any weapon that~~  
10 ~~will expel, or is readily capable of expelling, a projectile by the action of a spring,~~  
11 ~~compressed air, or compressed gas including any such weapon, loaded or unloaded,~~  
12 ~~commonly referred to as a BB gun, air rifle, or CO<sub>2</sub> gun;~~ and any projector of a bomb  
13 or any object containing or capable of producing and emitting any noxious liquid, gas,  
14 or substance.

15 **SECTION 2. AMENDMENT.** Subsection 1 of section 62.1-01-01 of the North Dakota  
16 Century Code is amended and reenacted as follows:

17 1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,  
18 stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more;  
19 any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap,  
20 bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow,  
21 crossbow, or spear; ~~any weapon that will expel, or is readily capable of expelling, a~~  
22 ~~projectile by the action of a spring, compressed air, or compressed gas, including any~~  
23 ~~such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO<sub>2</sub>~~  
24 ~~gun;~~ and any projector of a bomb or any object containing or capable of producing and

1 emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include  
2 a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN,  
3 also known as alpha-chloroacetophenone; or other irritating agent intended for use in  
4 the defense of an individual, nor does the term include a device that uses voltage for  
5 the defense of an individual, unless the device uses a projectile and voltage or the  
6 device uses a projectile and may be used to apply multiple applications of voltage  
7 during a single incident, then the term includes the device for an individual who is  
8 prohibited from possessing a firearm under this title.

9 **SECTION 3. AMENDMENT.** Section 62.1-04-01 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **62.1-04-01. Definition of concealed.**

12 A firearm or dangerous weapon is concealed if it is carried in such a manner as to not be  
13 discernible by the ordinary observation of a passerby. There is no requirement that there be  
14 absolute invisibility of the firearm or dangerous weapon, merely that it not be ordinarily  
15 discernible. A firearm or dangerous weapon is considered concealed if it is not secured, and is  
16 worn under clothing or carried in a bundle that is held or carried by the individual, or transported  
17 in a vehicle under the individual's control or direction and available to the individual, including  
18 beneath the seat or in a glove compartment. A firearm or dangerous weapon is not considered  
19 concealed if it is:

- 20 1. Carried in a belt holster which is wholly or substantially visible or carried in a case  
21 designed for carrying a firearm or dangerous weapon and which is wholly or  
22 substantially visible;
- 23 2. Locked in a closed trunk or luggage compartment of a motor vehicle;
- 24 3. Carried in the field while lawfully engaged in hunting, trapping, or target shooting,  
25 whether visible or not;
- 26 4. Carried by any person permitted by law to possess a handgun unloaded and in a  
27 secure wrapper from the place of purchase to that person's home or place of  
28 business, or to a place of repair, or back from those locations; or
- 29 5. A bow and arrow, rifle, shotgun, or an unloaded handgun, ~~or a weapon that will expel,~~  
30 ~~or is readily capable of expelling, a projectile by the action of a spring, compressed air,~~

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- 1           ~~or compressed gas including any such weapon commonly referred to as a BB gun, air-~~
- 2           ~~rifle, or CO<sub>2</sub> gun,~~ while carried in a motor vehicle.