

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2172

Introduced by

Senators Erbele, Luick, Myrdal

Representatives K. Koppelman, Paur, Satrom

1 A BILL for an Act to create and enact a new subdivision to subsection 1 of section 54-12-14, a
2 new subdivision to subsection 2 of section 62.1-02-04, and section 62.1-04-03.2 of the North
3 Dakota Century Code, relating to a class 1 exempt firearm license and possession of a firearm
4 or dangerous weapon in a liquor establishment; to amend and reenact ~~subdivision m of~~
5 ~~subsection 2 of~~ section 62.1-02-05 of the North Dakota Century Code, relating to possession of
6 a firearm or dangerous weapon at a public gathering; and to provide a penalty.

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

8 **SECTION 1.** A new subdivision to subsection 1 of section 54-12-14 of the North Dakota
9 Century Code is created and enacted as follows:

10 For costs associated with class 1 exempt licenses under section 62.1-04-03.2.

11 **SECTION 2.** A new subdivision to subsection 2 of section 62.1-02-04 of the North Dakota
12 Century Code is created and enacted as follows:

13 A current or former state, federal, or municipal court judge, district court
14 magistrate judge, judicial referee, or a current staff member of the office of
15 attorney general if the individual maintains the same level of firearms proficiency
16 as is required by the peace officer standards and training board for law
17 enforcement officers. A local law enforcement agency may issue a certificate of
18 compliance under this section to an individual who is proficient. A paper or
19 electronic copy of the peace officer standards and training board sidarm
20 qualification form endorsed by the administering officer is proof of compliance
21 under this subdivision.

22 ~~SECTION 3. AMENDMENT. Subdivision m of subsection 2 of section 62.1-02-05 of the~~
23 ~~North Dakota Century Code is amended and reenacted as follows:~~

1 ~~m. A current or former state, federal, or municipal court judge, a district court~~
2 ~~magistrate judge or, judicial referee, and/or a current staff member of the office of~~
3 ~~attorney general if the individual maintains the same level of firearms proficiency~~
4 ~~as is required by the peace officer standards and training board for law~~
5 ~~enforcement officers. A local law enforcement agency shall may issue a certificate~~
6 ~~of compliance under this section to an individual who is proficient. A paper or~~
7 ~~electronic copy of the peace officer standards and training board sidearm~~
8 ~~qualification form endorsed by the administering officer is proof of compliance~~
9 ~~under this subdivision; and~~

10 **SECTION 3. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**
13 **Penalty - Application.**

- 14 1. An individual who knowingly possesses a firearm or dangerous weapon at a public
15 gathering is guilty of a class B misdemeanor. For the purpose of this section, "public
16 gathering" means an athletic or sporting event, a school, a church, and a publicly
17 owned or operated building.
- 18 2. This section does not apply to:
 - 19 a. A law enforcement officer, or a correctional officer employed by the department
20 of corrections and rehabilitation or by a correctional facility governed by
21 chapter 12-44.1. A correctional officer employed by the department of
22 corrections and rehabilitation may carry a firearm only as authorized in
23 section 12-47-34. A correctional officer employed by a correctional facility
24 governed by chapter 12-44.1 may carry a firearm or dangerous weapon only
25 as authorized in section 12-44.1-30;
 - 26 b. A member of the armed forces of the United States or national guard, organized
27 reserves, state defense forces, or state guard organizations, when on duty;
 - 28 c. A competitor participating in an organized sport shooting event;
 - 29 d. A gun or antique show;
 - 30 e. A participant using a blank cartridge firearm at a sporting or theatrical event;

- 1 f. A firearm or dangerous weapon carried in a temporary residence or motor
2 vehicle;
- 3 g. A student and an instructor at a hunter safety class;
- 4 h. Private and public security personnel while on duty;
- 5 i. A state or federal park;
- 6 j. An instructor, a test administrator, an official, or a participant in educational,
7 training, cultural, or competitive events involving the authorized use of a
8 dangerous weapon if the event occurs with permission of the person or entity
9 with authority over the function or premises in question;
- 10 k. An individual in a publicly owned or operated rest area or restroom;
- 11 l. An individual possessing a valid concealed weapons license from this state or
12 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
13 a dangerous weapon concealed if the individual is in a church building or other
14 place of worship and has the approval to carry in the church building or other
15 place of worship by a primary religious leader of the church or other place of
16 worship or the governing body of the church or other place of worship;
- 17 m. A state, federal, or municipal court judge, a district court magistrate judge, or
18 judicial referee; a retired state, federal, or municipal court judge, district court
19 magistrate judge, or judicial referee who has at least ten years of service as a
20 judge or 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. Upon issuance of a certificate of compliance,
25 the bureau of criminal investigation shall issue that individual an unrestricted
26 concealed weapons license; and
- 27 n. A North Dakota member of the Congress of the United States who maintains the
28 same level of firearms proficiency as is required by the peace officer standards
29 and training board for law enforcement officers. A local law enforcement agency
30 shall issue a certificate of compliance under this subdivision to an individual who

1 is proficient and the individual shall file the certificate with the bureau of criminal
2 investigation;

3 o. An individual who possesses a valid class 1 exempt license under section
4 62.1-04-03.2;

5 p. An individual who is a paramedic or other emergency responder if the individual
6 maintains the same level of firearms proficiency as is required by the peace
7 officer standards and training board for law enforcement officers. A local law
8 enforcement agency shall issue a certificate of compliance under this section to
9 an individual who is proficient. Upon issuance of a certificate of compliance, the
10 bureau of criminal investigation shall issue that individual an unrestricted
11 concealed weapons license; and

12 q. An individual's storage of a firearm or dangerous weapon in a building that is
13 owned or managed by the state or a political subdivision, provided:
14 (1) The individual resides in the building;
15 (2) The storage is inside the individual's assigned residential unit; and
16 (3) The storage has been consented to by the state, the governing board, or a
17 designee.

18 3. This section does not prevent any political subdivision from enacting an ordinance that
19 is less restrictive than this section relating to the possession of firearms or dangerous
20 weapons at a public gathering. An enacted ordinance supersedes this section within
21 the jurisdiction of the political subdivision.

22 4. Notwithstanding any other provision of law, a church or place of worship may not be
23 held liable for any injury or death or damage to property caused by an individual
24 permitted to carry a dangerous weapon concealed under this section.

25 5. For purposes of this section, "political subdivision" includes a nonpublic school.

26 **SECTION 4.** Section 62.1-04-03.2 of the North Dakota Century Code is created and
27 enacted as follows:

28 **62.1-04-03.2. Class 1 exempt firearm license.**

29 1. The director of the bureau of criminal investigation shall issue a class 1 exempt license
30 to carry a firearm or dangerous weapon concealed to an individual who:

31 a. Possesses a valid class 1 firearm license under section 62.1-04-03; and

- 1 b. Successfully completes the training and testing requirements under this section.
- 2 2. The bureau of criminal investigation shall coordinate with the peace officer standards
3 and training board to develop and implement training standards and testing
4 requirements equivalent to the firearms proficiency required by the peace officer
5 standards and training board for law enforcement officers. The bureau of criminal
6 investigation shall certify instructors under this section. Training must include:
- 7 a. Classroom training on weapons and procedures, including:
- 8 (1) At least two hours of specialized training relating to when, where, and how
9 to carry a dangerous weapon concealed; and
- 10 (2) Instruction on situational awareness considerations when assessing the
11 need to carry a dangerous weapon concealed in a publicly owned or
12 operated building, church, school, and athletic or sporting event; and
- 13 b. Field training on weapons and procedures.
- 14 3. The bureau of criminal investigation shall develop and administer an annual training
15 requirement for holders of a class 1 exempt license which may include classroom and
16 field training components.
- 17 4. The bureau of criminal investigation shall prescribe the form of the application and
18 license.
- 19 5. All fees collected for a class 1 exempt license must be credited to the attorney
20 general's operating fund. All fees must be paid before the license application is
21 processed by the director of the bureau of criminal investigation. The attorney general
22 shall adopt rules establishing the fees associated with a license issued under this
23 section.