

HOUSE BILL NO. 1293

Introduced by

Representatives Becker, Kasper, M. Ruby, Simons

1 A BILL for an Act to amend and reenact subdivision I of subsection 2 of section 62.1-02-05,
2 subsection 7 of section 62.1-02-10, and sections 62.1-03-01, 62.1-04-02, 62.1-04-03.1, and
3 62.1-04-04 of the North Dakota Century Code, relating to handguns and carrying firearms or
4 dangerous weapons concealed; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Subdivision I of subsection 2 of section 62.1-02-05 of the North
7 Dakota Century Code is amended and reenacted as follows:

8 I. An individual possessing a valid concealed weapons license from this state or
9 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
10 a firearm or dangerous weapon concealed, or who is not otherwise prohibited by
11 law from possessing a handgun, if the individual is in a church building or other
12 place of worship and has the approval to carry in the church building or other
13 place of worship by a primary religious leader of the church or other place of
14 worship or the governing body of the church or other place of worship;

15 **SECTION 2. AMENDMENT.** Subsection 7 of section 62.1-02-10 of the North Dakota
16 Century Code is amended and reenacted as follows:

17 7. An individual who is not otherwise ~~precluded~~prohibited by law from possessing a class-
18 2 firearm and dangerous weapon license under chapter 62.1-04 and who has
19 possessed for at least one year a valid driver's license or nondriver identification card
20 issued by the department of transportation handgun.

21 **SECTION 3. AMENDMENT.** Section 62.1-03-01 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **62.1-03-01. Carrying handgun –Limitations–Exceptions.**

24 4. Unless otherwise prohibited by law, an individual may carry a handgun if:

- 1 a. ~~The handgun is unloaded, concealed or in plain view or secured, and between the~~
- 2 ~~hours of one hour before sunrise and one hour after sunset.~~
- 3 b. ~~The handgun is unloaded and secured and between the hours of one hour after~~
- 4 ~~sunset and one hour before sunrise.~~
- 5 2. ~~A limitation under subdivision a or b of subsection 1 does not apply to:~~
- 6 a. ~~An individual possessing a valid concealed weapons license from this state, an~~
- 7 ~~individual not otherwise precluded from possessing a class 2 firearm and~~
- 8 ~~dangerous weapon license under chapter 62.1-04 and who has possessed for at~~
- 9 ~~least one year a valid driver's license or nondriver identification card issued by~~
- 10 ~~the department of transportation, or an individual who has reciprocity under~~
- 11 ~~section 62.1-04-03.1.~~
- 12 b. ~~An individual on that person's land, or in that individual's permanent or temporary~~
- 13 ~~residence, or fixed place of business.~~
- 14 c. ~~An individual while lawfully engaged in target shooting.~~
- 15 d. ~~An individual while in the field engaging in the lawful pursuit of hunting or~~
- 16 ~~trapping. However, nothing in this exception authorizes the carrying of a loaded~~
- 17 ~~handgun in a motor vehicle.~~
- 18 e. ~~An individual permitted by law to possess a firearm while carrying the handgun~~
- 19 ~~unloaded and in a secure wrapper from the place of purchase to that person's~~
- 20 ~~home or place of business, or to a place of repair or back from those locations.~~
- 21 f. ~~Any North Dakota law enforcement officer.~~
- 22 g. ~~Any law enforcement officer of any other state or political subdivision of another~~
- 23 ~~state if on official duty within this state.~~
- 24 h. ~~Any armed security guard or investigator as authorized by law when on duty or~~
- 25 ~~going to or from duty.~~
- 26 i. ~~Any member of the armed forces of the United States when on duty or going to or~~
- 27 ~~from duty and when carrying the handgun issued to the member.~~
- 28 j. ~~Any member of the national guard, organized reserves, state defense forces, or~~
- 29 ~~state guard organizations, when on duty or going to or from duty and when~~
- 30 ~~carrying the handgun issued to the member by the organization.~~
- 31 k. ~~Any officer or employee of the United States duly authorized to carry a handgun.~~

- 1 l. ~~An individual engaged in manufacturing, repairing, or dealing in handguns or the~~
2 ~~agent or representative of that individual possessing, using, or carrying a~~
3 ~~handgun in the usual or ordinary course of the business.~~
- 4 m. ~~Any common carrier, but only when carrying the handgun as part of the cargo in~~
5 ~~the usual cargo-carrying portion of the vehicle.~~

6 **SECTION 4. AMENDMENT.** Section 62.1-04-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **62.1-04-02. Carrying concealed firearms or dangerous weapons - License**
9 **distinctions.**

- 10 1. ~~An individual, other than a law enforcement officer, may not carry a firearm or~~
11 ~~dangerous weapon concealed unless the individual is licensed to do so or exempted~~
12 ~~under this chapter.~~
- 13 2. ~~An individual who is not otherwise precluded from possessing a class 2 firearm and~~
14 ~~dangerous weapon license under this chapter and who has possessed for at least one-~~
15 ~~year a valid driver's license or nondriver identification card issued by the department of~~
16 ~~transportation may carry a firearm concealed under this chapter.~~
- 17 3. For purposes of this chapter, the difference between a class 1 and class 2 firearm and
18 dangerous weapon license is only the extent to which a holder of either license may be eligible
19 to receive reciprocal rights in other jurisdictions. A class 1 firearm and dangerous weapon
20 licenseholder is eligible to receive reciprocal rights in more jurisdictions than a class 2 firearm
21 and dangerous weapon licenseholder. The rights and privileges conveyed by a class 1 or
22 class 2 firearm and dangerous weapon license within the state are identical.

23 **SECTION 5. AMENDMENT.** Section 62.1-04-03.1 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **62.1-04-03.1. Reciprocity.**

- 26 1. A person who has a valid license issued by another state to carry a concealed firearm
27 or dangerous weapon in that state and whose state grants to residents of this state the
28 right to carry a concealed firearm or dangerous weapon without requiring a separate
29 license to carry a concealed firearm or dangerous weapon issued by that state may
30 carry, subject to the provisions of this state's law, a concealed firearm or dangerous
31 weapon in this state, and the other state's license is valid in this state.

- 1 2. This section may not be construed to require a person who is not otherwise prohibited
2 by law from possessing a handgun to obtain a license to carry a handgun in plain view
3 or secured.

4 **SECTION 6. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **62.1-04-04. Producing license upon request - Penalty.**

- 7 1. Every individual while carrying a concealed firearm or dangerous weapon, for which a
8 license to carry concealed is required, shall have on one's person the license issued
9 by this or another state or a digital image of one's concealed firearm or dangerous
10 weapon license issued by this state on an electronic device and shall give it to any
11 active law enforcement officer for an inspection upon request by the officer. The failure
12 of any individual to give the license or digital image of the license to the officer is prima
13 facie evidence the individual is illegally carrying a firearm or dangerous weapon
14 concealed.
- 15 2. ~~Every individual carrying a concealed firearm under the authority granted in~~
16 ~~subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the~~
17 ~~individual's possession of a concealed weapon upon the initiation of a traffic stop or~~
18 ~~any other in-person contact initiated by a law enforcement officer.~~
- 19 3. Every individual carrying a concealed firearm under the authority granted in
20 ~~subsection 2 of section 62.1-04-02~~ must have on one's person a valid driver's license
21 or nondriver identification card issued by the department of transportation or a digital
22 image of one's valid driver's license or nondriver identification card on a mobile device
23 and shall provide the license or card to any law enforcement officer for inspection
24 upon request by the officer.
- 25 4.3. An individual who violates this section is guilty of a noncriminal offense punishable by
26 a fee of twenty dollars.