

February 15, 2021
House Judiciary Committee
HB 1339
Rep. Lawrence R. Klemin, Chair

For the record, I am Stephanie Dassinger. I am appearing on behalf of the Chiefs of Police Association of North Dakota. I am also the deputy director and attorney for the North Dakota League of Cities. The Chiefs of Police appear today in opposition to HB 1339.

At the onset of this testimony, I need to point out that there are numerous bills on the firearms/dangerous weapons topic being considered by this Legislative Body. My testimony is restricted to how HB 1339 would impact existing law.

Section 1 of the bill removes the following weapons from the definition of dangerous weapon found in NDCC § 62.1-01-01:

switch blades	nunchakus	sand clubs
gravity knives	martial arts weapons	sling shots
machetes	billies	bow and arrows
scimitars	blackjack	BB Guns
stiletos	saps	air rifles
swords	bludgeons	CO2 guns
daggers	cudgels	
throwing stars	metal knuckles	

Law enforcement has told me that, based on their experience on the street, these are the types of weapons that someone carries to harm someone. These are not the type of weapons that are carried for self-defense.

The definition in NDCC § 62.1-01-01 of “dangerous weapon” is the definition used throughout NDCC Title 62.1 on Weapons so it impacts many sections in that title. A legal database query revealed that the term “dangerous weapon” is used in 14 sections in Title 62.1, excluding the definition section. I have attached the list of statutes identified to my testimony.

I am going to address the two sections that are particularly concerning. First, NDCC § 62.1-02-05 generally prohibits an individual from knowingly possessing a dangerous weapon at an athletic or sporting event, at a school, at a church or other place of worship or in another publicly owned or operated building. Please note there are several exceptions to the rule such as for law enforcement, competitors participating in an organized shooting event, gun shows, etc. The impact of section 1 of HB 1339 is that an individual could bring any of the 22 weapons listed to an athletic or sporting event, a school, a church or other place of worship or into a publicly owned or operated building. In other words, someone could carry a machete to a football game or carry a switchblade into a courthouse.

Next, NDCC § 62.1-02-04 prohibits an individual from bringing a dangerous weapon into a liquor store, bar or gaming site where bingo is the primary activity. Again, there are several

exceptions to the prohibition such as for a law enforcement officer, the owner of the establishment or the owner's employee, etc. If passed, HB 1339 would allow an individual to carry any of the 22 weapons listed above into a liquor store, bar or bingo gaming site. In other words, someone could carry metal knuckles or a dagger into a bar.

Section 2 of HB 1339 amends the NDCC § 62.1-02-05 related to possession of a firearm or dangerous weapon at a public gathering. As you have heard earlier, currently a firearm or dangerous weapon is not allowed at an athletic or sporting event, a school, a church or other place of workshop or in a publicly owned or operated building. This section proposes to remove an "athletic or sporting event" and add the word "building" after school. This change would allow an individual to carry firearms or dangerous weapons on school property, just not in the school building. It would also appear to allow firearms or dangerous weapons at outdoor athletic events, such as football games, soccer games or tennis games, which is not allowed currently.

Section 3 of HB 1339 relates to making NDCC § 62.1-04-01 on concealing firearms and dangerous weapons in vehicles match the new definition of dangerous weapons proposed in Section 1 of the bill for BB guns, air rifles and CO2 guns.

The Chiefs of Police respectfully request a Do Not Pass recommendation on HB 1339 because the bill removes several vary concerning weapons from the definition of "dangerous weapon" which then would allow those weapons to be carried in public buildings, at sporting events, and in liquor stores and bars. Also concerning is that the bill would allow firearms and dangerous weapons to be carried on school property that is not in the building and at outdoor sporting events such as football games.

Thank you for your consideration.