

HOUSE BILL NO. 1293

Introduced by

Representatives Becker, Kasper, M. Ruby, Simons

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

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

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

8 ~~1. 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 1. 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 1. AMENDMENT.** Section 62.1-02-10 of the North Dakota Century Code is
22 amended and reenacted as follows:

62.1-02-10. Carrying loaded firearm in certain vehicles prohibited - Penalty -

Exceptions.

An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile in this state. An individual violating this section is guilty of an infraction. This prohibition does not apply to:

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer.
3. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 with a handgun, ~~or with a rifle or shotgun if not in the field hunting or trapping.~~
4. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and possesses a valid concealed weapons license from this state or has reciprocity under section 62.1-04-03.1.
5. An individual possessing a handgun in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.
- ~~5-6.~~ A security guard or private investigator properly licensed to carry firearms.
- ~~6-7.~~ An individual possessing a valid special permit issued pursuant to section 20.1-02-05.
- ~~7-8.~~ An individual with a handgun who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.
9. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least thirty days a valid driver's license or nondriver identification card issued by the department of transportation.

SECTION 2. AMENDMENT. Section 62.1-03-01 of the North Dakota Century Code is amended and reenacted as follows:

1 **62.1-03-01. Carrying handgun - Limitations - Exceptions.**

2 1. Unless otherwise prohibited by law, an individual may carry a handgun if:

3 a. The the handgun is unloaded, concealed or and in plain view or secured, and
4 between the hours of one hour before sunrise and one hour after sunset.

5 b. ~~The handgun is unloaded and secured and between the hours of one hour after~~
6 ~~sunset and one hour before sunrise.~~

7 2. A limitation under ~~subdivision a or b of subsection 1~~ does not apply to:

8 a. An individual possessing a valid concealed weapons license from this state, an
9 individual not otherwise precluded from possessing a class 2 firearm and
10 dangerous weapon license under chapter 62.1-04 and who has possessed for at
11 least ~~one year~~ thirty days a valid driver's license or nondriver identification card
12 issued by the department of transportation, or an individual who has reciprocity
13 under section 62.1-04-03.1.

14 b. An individual on that person's land, or in that individual's permanent or temporary
15 residence, or fixed place of business.

16 c. An individual while lawfully engaged in target shooting.

17 d. An individual while in the field engaging in the lawful pursuit of hunting or
18 trapping. However, nothing in this exception authorizes the carrying of a loaded
19 handgun in a motor vehicle.

20 e. An individual permitted by law to possess a firearm while carrying the handgun
21 unloaded and in a secure wrapper from the place of purchase to that person's
22 home or place of business, or to a place of repair or back from those locations.

23 f. Any North Dakota law enforcement officer.

24 g. Any law enforcement officer of any other state or political subdivision of another
25 state if on official duty within this state.

26 h. Any armed security guard or investigator as authorized by law when on duty or
27 going to or from duty.

28 i. Any member of the armed forces of the United States when on duty or going to or
29 from duty and when carrying the handgun issued to the member.

- j. Any member of the national guard, organized reserves, state defense forces, or state guard organizations, when on duty or going to or from duty and when carrying the handgun issued to the member by the organization.
- k. Any officer or employee of the United States duly authorized to carry a handgun.
- l. An individual engaged in manufacturing, repairing, or dealing in handguns or the agent or representative of that individual possessing, using, or carrying a handgun in the usual or ordinary course of the business.
- m. Any common carrier, but only when carrying the handgun as part of the cargo in the usual cargo carrying portion of the vehicle.

SECTION 3. AMENDMENT. Section 62.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

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

1. An individual, other than a law enforcement officer, may not carry a firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.
2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least ~~one~~ year thirty days a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.
3. An individual may carry a firearm concealed under this chapter if the individual qualifies for reciprocity under section 62.1-04-03.1 and the individual has the equivalent of a class 2 firearm and dangerous weapon license from the state in which the individual is a resident.
4. For purposes of this chapter, the difference between a class 1 and class 2 firearm and dangerous weapon license is only the extent to which a holder of either license may be eligible to receive reciprocal rights in other jurisdictions. A class 1 firearm and dangerous weapon licenseholder is eligible to receive reciprocal rights in more jurisdictions than a class 2 firearm and dangerous weapon licenseholder. The rights and privileges conveyed by a class 1 or class 2 firearm and dangerous weapon license within the state are identical.

1 — ~~**SECTION 5. AMENDMENT.** Section 62.1-04-03.1 of the North Dakota Century Code is~~
2 ~~amended and reenacted as follows:~~

3 — ~~**62.1-04-03.1. Reciprocity.**~~

4 — ~~1. A person who has a valid license issued by another state to carry a concealed firearm~~
5 ~~or dangerous weapon in that state and whose state grants to residents of this state the~~
6 ~~right to carry a concealed firearm or dangerous weapon without requiring a separate~~
7 ~~license to carry a concealed firearm or dangerous weapon issued by that state may~~
8 ~~carry, subject to the provisions of this state's law, a concealed firearm or dangerous~~
9 ~~weapon in this state, and the other state's license is valid in this state.~~

10 — ~~2. This section may not be construed to require a person who is not otherwise prohibited~~
11 ~~by law from possessing a handgun to obtain a license to carry a handgun in plain view~~
12 ~~or secured.~~

13 — ~~**SECTION 6. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is~~
14 ~~amended and reenacted as follows:~~

15 — ~~**62.1-04-04. Producing license upon request -- Penalty.**~~

16 — ~~1. Every individual while carrying a concealed firearm or dangerous weapon, for which a~~
17 ~~license to carry concealed is required, shall have on one's person the license issued~~
18 ~~by this or another state or a digital image of one's concealed firearm or dangerous~~
19 ~~weapon license issued by this state on an electronic device and shall give it to any~~
20 ~~active law enforcement officer for an inspection upon request by the officer. The failure~~
21 ~~of any individual to give the license or digital image of the license to the officer is prima~~
22 ~~facie evidence the individual is illegally carrying a firearm or dangerous weapon~~
23 ~~concealed.~~

24 — ~~2. Every individual carrying a concealed firearm under the authority granted in~~
25 ~~subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the~~
26 ~~individual's possession of a concealed weapon upon the initiation of a traffic stop or~~
27 ~~any other in-person contact initiated by a law enforcement officer.~~

28 — ~~3. Every individual carrying a concealed firearm under the authority granted in~~
29 ~~subsection 2 of section 62.1-04-02 must have on one's person a valid driver's license~~
30 ~~or nondriver identification card issued by the department of transportation or a digital~~
31 ~~image of one's valid driver's license or nondriver identification card on a mobile device~~

1 ~~and shall provide the license or card to any law enforcement officer for inspection-~~
2 ~~upon request by the officer.~~
3 ~~4.3. An individual who violates this section is guilty of a noncriminal offense punishable-~~
4 ~~by a fee of twenty dollars.~~