

1/22/21

HB 1297

Rep. Ben Koppelman- Testimony

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to introduce HB 1297 to you today. I introduced this bill to achieve three goals in mind.

First, it is my goal to remove the term “public gathering” to describe these prohibited places. Many years ago, this description may have been more appropriate as we used to have a more exhaustive list of prohibited places which included most gathering places. However, now it does not include all public gathering places, but rather only includes schools, athletic events, government buildings and sometimes churches.

My second goal was to more narrowly define sporting events as those that are school sponsored. The currently broad and undefined term athletic or sporting event can be read to be way broader than I think is intended and may include events where there is not a similar public interest. This could include private events that happen to include playing any sport.

My third goal was to clarify that all individuals who are otherwise legally allowed to carry, may carry in a church unless the church has a policy against it.

Mr. Chairman, I request that you attach the amendment 21.0637.02003, and give the amended bill a Do-Pass recommendation. I would be happy to answer any questions that you may have.

HOUSE BILL NO. 1297

Introduced by

Representative B. Koppelman

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,  
2 relating to the possession of firearms or dangerous weapons at a public gathering.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**  
7 **Penalty - Application.**

8 1. An individual ~~who knowingly possesses a firearm or dangerous weapon at a public~~  
9 ~~gathering is guilty of an infraction. For the purpose of this section, "public gathering"~~  
10 ~~means an~~ may not possess a firearm or dangerous weapon at:

11 a. ~~An~~ A school or school-sponsored athletic or sporting event, ~~a;~~

12 b. ~~A school, a;~~

13 ~~c. ~~A church or other place of worship, and a;~~ or~~

14 ~~d. c.~~ A publicly owned or operated building.

15 2. This section does not apply to:

16 a. A law enforcement officer, or a correctional officer employed by the department of  
17 corrections and rehabilitation or by a correctional facility governed by chapter  
18 12-44.1. A correctional officer employed by the department of corrections and  
19 rehabilitation may carry a firearm only as authorized in section 12-47-34. A  
20 correctional officer employed by a correctional facility governed by chapter  
21 12-44.1 may carry a firearm or dangerous weapon only as authorized in section  
22 12-44.1-30;

23 b. A member of the armed forces of the United States or national guard, organized  
24 reserves, state defense forces, or state guard organizations, when on duty;

- 1 c. A competitor participating in an organized sport shooting event;
- 2 d. A gun or antique show;
- 3 e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 4 f. A firearm or dangerous weapon carried in a temporary residence or motor
- 5 vehicle;
- 6 g. A student and an instructor at a hunter safety class;
- 7 h. Private and public security personnel while on duty;
- 8 i. A state or federal park;
- 9 j. An instructor, a test administrator, an official, or a participant in educational,
- 10 training, cultural, or competitive events involving the authorized use of a
- 11 dangerous weapon if the event occurs with permission of the person or entity
- 12 with authority over the function or premises in question;
- 13 k. An individual in a publicly owned or operated rest area or restroom;
- 14 l. An individual ~~possessing a valid concealed weapons license from this state~~ who is
- 15 authorized under section 62.1-04-02 to carry a firearm or dangerous weapon
- 16 concealed or who has reciprocity under section 62.1-04-03.1 authorizing the
- 17 individual to carry a firearm or dangerous weapon concealed if the individual is in
- 18 a church building or other place of worship and ~~has the approval to carry in the~~
- 19 ~~church building or other place of worship by a primary religious leader of the~~
- 20 ~~church or other place of worship or the governing body of the church or other~~
- 21 ~~place of worship~~ has not otherwise restricted the possession of a firearm or
- 22 dangerous weapon;
- 23 m. A state, federal, or municipal court judge, a district court magistrate judge or
- 24 judicial referee, and a staff member of the office of attorney general if the
- 25 individual maintains the same level of firearms proficiency as is required by the
- 26 peace officer standards and training board for law enforcement officers. A local
- 27 law enforcement agency shall issue a certificate of compliance under this section
- 28 to an individual who is proficient;
- 29 n. An individual's storage of a firearm or dangerous weapon in a building that is
- 30 owned or managed by the state or a political subdivision, provided:
- 31 (1) The individual resides in the building;

- 1                   (2) The storage is inside the individual's assigned residential unit; and
- 2                   (3) The storage has been consented to by the state, the governing board, or a
- 3                         designee; and
- 4                   o. An individual authorized to carry a concealed weapon on school property under
- 5                         section 62.1-02-14.
- 6                   3. This section does not prevent any political subdivision from enacting an ordinance that
- 7                         is less restrictive than this section relating to the possession of firearms or dangerous
- 8                         weapons at a public gathering. An enacted ordinance supersedes this section within
- 9                         the jurisdiction of the political subdivision.
- 10                  4. Notwithstanding any other provision of law, a church or place of worship may not be
- 11                         held liable for any injury or death or damage to property caused by an individual
- 12                         permitted to carry a dangerous weapon concealed under this section.
- 13                  5. This section does not prevent the governing body of a school or the entity exercising
- 14                         control over a publicly owned or operated building or property from authorizing the use
- 15                         of a less than lethal weapon as part of the security plan for the school, building, or
- 16                         property.
- 17                  6. An individual who knowingly violates this section is guilty of an infraction.