

Testimony of the North Dakota Private Investigative and Security Board (NDPISB)
House Bill 1463
House Energy and Natural Resources Committee
January 28, 2021

Chairman Porter and members of the Committee, thank you for the opportunity to comment on House Bill 1463. My name is Justin Hagel and I am an attorney representing the North Dakota Private Investigative and Security Board, otherwise known as the NDPISB. On behalf of the NDPISB, my public testimony today is to advocate a "Do Not Pass" as to HB 1463 in its present form. The NDPISB would advocate for amendment to HB 1463 to address the NDPISB's role in providing a "weapons training course." I also hope to address any questions the Committee has on the bill.

COMMENTS ON BILL DRAFT

HB 1463 adds a subsection to N.D.C.C. § 62.1-02-05(2), which relates to possession of a firearm or dangerous weapon at a public gathering. As drafted, HB 1463 would add an exemption to N.D.C.C. § 62.1-02-05 to permit a person acting on behalf of an ambulance crew or firefighter crew to possess a concealed weapon, so long as that person meets the requirements outlined in HB 1463. One of those requirements states "[t]he individual has successfully completed a weapons training course developed by the North Dakota private investigative and security board."

The NDPISB's testimony is specific to this requirement. On this issue, the NDPISB raises two concerns: (1) is the NDPISB the appropriate certifying agency to create a weapons training program, and if so; (2) a request for amendment to permit the NDPISB the power to certify instructors, audit the course, and set fees to defray costs associated with administration of the program.

I. Appropriate Certifying Agency.

The NDPISB currently provides licensure, certification and registration for persons providing private investigative services, private security services, and armed security and investigative services. As it relates to armed personnel, the NDPISB requires a person complete the same requirements for firearms training presently required by North Dakota peace officers. This includes passing a written examination and shooting course. See N.D.A.C. 93-02-01.1-05 and 93-02-02.1-08. The NDPISB currently does not have a separate weapons training course, and utilizes the peace officers standards.

During the last legislative session, the North Dakota Legislature passed HB 1332, creating the "Armed First Responders in Schools" program. HB 1332 granted the NDPISB the authority to create an armed first responder training program modeled on the South Dakota "Sentinel" program which trains and certifies armed first responders in schools.

The NDPISB drafted a proposed administrative rule creating a certification process for armed first responder instructors. During that process, the Board identified some issues of concern regarding the statutory framework of the Armed First Responders program. Specifically, HB 1332 did not give the NDPISB authority to certify or license course instructors, grant the power to audit the course, did not permit the NDPISB to assess any fee for licensing or certification, and potentially limited the approved course curriculum which could be set by the Board. In response, the NDPISB introduced SB 2096 in the present legislative session to address those issues.

The NDPISB anticipates HB 1463 would raise similar concerns as to the authority NDPISB has in certifying or licensing course instructors, auditing of the course, and assessing fees to defray any cost of the course. However, if it is the intent of the authors of HB 1463 to have equivalent licensing requirements as those required by North Dakota peace officers, the NDPISB would inquire as to whether the proper agency to develop a weapons training course would be the North Dakota Law Enforcement Training Academy, which provides training for licensed law enforcement officers, or the North Dakota Bureau of Criminal Investigation, which has licensing authority over concealed firearms and weapons.

The NDPISB serves as the administrative agency tasked with regulation of the private investigation and private security industry within the State of North Dakota. HB 1463 would expand the NDPISB's jurisdiction to employees or volunteers of political subdivisions or non-profit entities providing emergency services within the State of North Dakota. For medical or fire events, first responders to those events face similar conditions as a North Dakota peace officer. The NDPISB's position is that any such person carrying a concealed weapon to a medical or fire emergency that anticipates using the weapon should receive training equivalent to a North Dakota peace officer appearing at the scene of the event. The NDPISB does not have the present capacity to provide the training expected under HB 1463. The North Dakota Law Enforcement Training Academy or the North Dakota Bureau of Criminal Investigation are more appropriate agencies to provide the training necessary for those events based on the training provided to North Dakota peace officers.

II. NDPISB Authority to Certify Course Instructors, Audit, and Set Fees.

If HB 1463 is enacted as currently drafted, and requires the NDPISB develop a weapons training course, the NDPISB would request an amendment to HB 1463 to permit it the authority to license course instructors, audit courses to verify course attendance, course compliance and course curriculum, and fee setting authority to defray the NDPISB's costs in licensing course instructors.


Similar to concerns the NDPISB raised in its submission of SB 2096 this session, the NDPISB would request authority to certify and regulate instructors teaching the weapons training course. Certification would verify the course instructor is qualified to teach a weapons training course based on the person's experience, knowledge and skill, as well as permits the NDPISB the ability to regulate and discipline through decertification any instructor found to have failed to adequately instruct applicants of the proposed weapons

training course. Absent certification authority, the NDPISB would be limited to providing only a course curriculum to potential instructors and students without any ability to determine if an instructor is competent to provide instruction.

The NDPISB would also request authority to audit any weapons training course developed by the NDPISB. For similar reasons in requesting certification of instructors, the NDPISB's auditing of courses would verify the course curriculum developed by the NDPISB is actually being taught by course instructors, that students are attending the course, and the NDPISB can verify completion of the course and passing scores for any tests required.

As part of certifying course instructors and auditing courses, the NDPISB would seek fee setting authority to defray the NDPISB's costs in administrating the weapons training program. The NDPISB does not receive direct appropriations from the State of North Dakota. The NDPISB operates utilizing the licensing, certification and registration fees it receives from the private investigative and private security industry. To prevent any possible cost overruns, the NDPISB would request amendment to HB 1463 to permit the NDPISB the power to set a fee for certifying course instructors of the weapons training program to defray its expected costs in administrating the program.

The NDPISB reiterates its "Do Not Pass" recommendation, and appreciates the Committee's time and attention in considering this matter. I am available for any questions the Committee may have.


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