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CITY OF GRAND FORKS NORTH DAKOTA

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TESTIMONY ON HOUSE BILL 1248

House Political Subdivisions Committee

February 11, 2021

Daniel L. Gaustad, City Attorney, City of Grand Forks, ND

Chairman Dockter and members of the House Political Subdivisions Committee, my name is Daniel L. Gaustad and I am the City Attorney for the City of Grand Forks. I want to thank you for the opportunity to provide testimony and express the City of Grand Forks' opposition for HB 1248.

I question the need for the inclusion of dangerous weapons in N.D.C.C. § 37-17.1-29. Certainly, the right of the people to keep and bear arms are at the core of our society as evidenced by the existence of language in both the U.S. and North Dakota Constitutions to prevent the infringement of such right. However, despite the good intentions of this amendment, the unintended consequence of such an amendment is a concern for the City of Grand Forks.

The amendment will unintentionally expose law enforcement officer to increased risks and unknown concerns in response to declared emergencies, including violent protests and riots that develop out of lawful protests and/or marches. While N.D.C.C. § 62.1-02-05 makes it an infraction for an individual to knowingly possesses a firearm or dangerous weapon at a public gathering, a public gathering is only defined as "an athletic or sporting event, a school, a church or other place of worship, and a publicly owned or operated building." As a defined term, the definition of public gathering necessarily excludes other gatherings such a protests or marches.

As a result of the unintended consequence of this amendment, during a declared emergency, either as a result of a natural disaster or political unrest, individuals may openly carry dangerous weapons at protests and marches with the state, cities and other political subdivisions, like the City of Grand Forks, being unable to restrict the gathering of such individuals with dangerous weapons until some other law is broken.

Accordingly, the City of Grand Forks respectfully asks for a DO NOT PASS for HB 1248.