

March 31, 2021  
Senate Judiciary Committee  
HB 1248  
Sen. Diane Larson, 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 1248 because the Chiefs of Police believe the bill will negatively impact the safety of citizens and law enforcement officers.

HB 1248 adds the term “dangerous weapon” to two different sections of the Century Code. Section 1 amends North Dakota Century Code section 37-17.1-29 which precludes a political subdivision from regulating a “dangerous weapon” during an emergency. Section 2 amends section 62.1-01-03 of the North Dakota Century Code which precludes cities from regulating dangerous weapons under any situation. The two sections must be considered together and to fully address the Chiefs concerns, both sections must be amended.

“Dangerous weapon” is defined as any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

I am told that this list of weapons are things that individuals carry to cause harm to others, not to protect themselves from harm. As such, the Chiefs request that the term “dangerous weapon” be removed from the bill.

The Chiefs respectfully request this committee adopt an amendment removing all references to dangerous weapon from HB 1248.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1248

Page 1, line 2, replace “possession of a dangerous weapon” with “firearms”

Page 1, line 7, remove “and dangerous weapon”

Page 1, line 12, remove “, dangerous weapon,”

Page 1, line 15, remove “, dangerous weapon,”

Page 1, line 18, remove “, dangerous weapon,”

Page 1, line 19, remove “, dangerous weapon,”

Page 1, line 21, remove “, dangerous weapon,”

Page 1, line 23, remove “, dangerous weapon,”

Page 1, line 24, remove “, dangerous weapon,”

Page 2, line 7, remove “, dangerous weapon,”

Page 2, line 8, remove “, dangerous weapon,”

Page 2, line 9, remove “, dangerous weapon,”

Page 2, line 9, remove “, dangerous weapon,”

Page 2, line 11, remove “, dangerous weapon,”

Page 2, line 15, remove ““dangerous weapon” and”

Page 2, line 15, replace “have” with “has”

Page 2, line 19, remove “and”

Page 2, line 20, remove “dangerous weapons”

Page 2, line 23, remove “, dangerous”

Page 2, line 24, remove “weapons,”

Renumber accordingly

Sixty-seventh  
Legislative Assembly  
of North Dakota

Introduced by

Representative B. Koppelman

1 A BILL for an Act to amend and reenact sections 37-17.1-29 and 62.1-01-03 of the North  
2 Dakota Century Code, relating to the ~~possession of a dangerous weapon~~ firearms; and to declare  
3 an  
4 emergency.

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

5 **SECTION 1. AMENDMENT.** Section 37-17.1-29 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **37-17.1-29. Firearms ~~and dangerous weapons~~ in emergencies.**

- 8 1. Notwithstanding any other law, a person acting on behalf or under the authority of the  
9 state or a political subdivision may not do any of the following during a declared  
10 emergency:
- 11 a. Prohibit or restrict the otherwise lawful possession, use, carrying, transfer,  
12 transportation, storage, or display of a firearm, ~~dangerous weapon,~~ or  
13 ammunition;
  - 14 b. Seize or confiscate, or authorize the seizure or confiscation of, any otherwise  
15 lawfully possessed firearm, ~~dangerous weapon,~~ or ammunition unless the person  
16 acting on behalf of or under the authority of the state or political subdivision is  
17 defending that person or another from an assault, arresting an individual in actual  
18 possession of a firearm, ~~dangerous weapon,~~ or ammunition for a violation of law,  
19 or seizing or confiscating the firearm, ~~dangerous weapon,~~ or ammunition as  
20 evidence of a crime; or
  - 21 c. Require registration of any firearm, ~~dangerous weapon,~~ or ammunition for which  
22 registration is not otherwise required by law.
- 23 2. Subdivision a of subsection 1 as it relates to transfer of a firearm, ~~dangerous weapon,~~  
24 or ammunition does not apply to the commercial sale of firearms, ~~dangerous weapons,~~

1 or ammunition if an authorized authority has ordered an evacuation or general closure  
2 of businesses in the affected area.

3 3. Any individual aggrieved by a violation of this section may commence a civil action  
4 against any person who subjects the individual, or causes the individual to be  
5 subjected, to an action prohibited by this section.

6 4. In addition to any other remedy, an individual aggrieved by the seizure or confiscation  
7 of a firearm, ~~dangerous weapon~~, or ammunition in violation of this section may bring  
8 an action for the return of the firearm, ~~dangerous weapon~~, or ammunition, or the value  
9 of the firearm, ~~dangerous weapon~~, or ammunition, if the firearm, ~~dangerous weapon~~,  
10 or ammunition is no longer available, in the district court of the county in which that  
11 individual resides, in which the firearm, ~~dangerous weapon~~, or ammunition is located,  
12 or in which the seizure or confiscation occurred.

13 5. In any action to enforce this section, the court shall award a prevailing plaintiff costs  
14 and reasonable attorney's fees.

15 6. For purposes of this section, "~~dangerous weapon~~" and "firearm" have has the same  
16 meaning as in section 62.1-01-01.

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

19 **62.1-01-03. Limitation on authority of political subdivision regarding firearms and**  
20 **dangerous weapons - Civil action.**

21 1. A political subdivision, including home rule cities or counties, may not enact a zoning  
22 ordinance or any other ordinance relating to the purchase, sale, ownership,  
23 possession, transfer of ownership, registration, or licensure of firearms, ~~dangerous~~  
24 ~~weapons~~, and ammunition which is more restrictive than state law. All such existing  
25 ordinances are void.

26 2. A person aggrieved under subsection 1 may bring a civil action against a political  
27 subdivision for damages as a result of an unlawful ordinance. In a successful action  
28 brought by a person under this subsection, the court shall order the political  
29 subdivision to pay the reasonable attorney's fees and costs of the aggrieved person.

30 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.