



521 E Main Avenue
Suite 320
Bismarck, ND 58501

Phone 701.255.6240
Toll Free 888.255.6240
Fax 701.255.1904

cawsnorthdakota.org
contact@cawsnorthdakota.org



House Bill No. 1350
House Energy and Natural Resources Committee
Testimony Presented by Seth O'Neill, JD, MSW
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Chairman Porter and members of the Committee, my name is Seth O'Neill and I am representing CAWS North Dakota in opposition to HB 1350. CAWS North Dakota is the statewide coalition of the domestic violence and sexual assault programs in North Dakota.

HB 1350 would allow an individual to petition a court to restore their right to possess a firearm if they are convicted of a misdemeanor crime of domestic violence. However, 18 U.S.C. 922(g) is a federal law that prohibits an individual convicted of a misdemeanor crime of domestic violence from possessing a firearm. As such, this is in direct contradiction to federal law. The Supremacy Clause of the United States Constitution provides that that the U.S. Constitution and the laws of the United States are the supreme law of the land and supersede state laws. Here, a federal law exists prohibiting an individual convicted of a misdemeanor crime of domestic violence from possessing a firearm. North Dakota cannot constitutionally allow an individual to possess a firearm because it is a violation of federal law.

In addition, HB 1350 would require a Court to issue a restoration order cautioning an individual that another state may prohibit the individual from possessing a firearm even though they are allowed to possess one in North Dakota. Rule 3.10 of the North Dakota Code of Judicial Conduct prohibits judges from practicing law. Requiring a judge to give this information to an individual could be considered practicing law. Therefore, this bill would force a judge to violate their judicial code of conduct.