

HB 1479
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Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1479

Introduced by

Representatives Cory, Christensen, Dyk, Koppelman, M. Ruby
Senators Boehm, Clemens, Larsen, Luick, Magrum, Paulson

1 A BILL for an Act to create and enact a new section to chapter 62.1-01 of the North Dakota
2 Century Code, relating to restrictions on the possession, use, and manufacture of knives; and to
3 amend and reenact ~~subsection 1 of section 62.1-01-01~~ section 62.1-04-01 of the North Dakota
4 Century Code, relating to the definition of ~~dangerous weapon~~ concealed for firearms and
5 dangerous weapons.

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

7 ~~SECTION 1. AMENDMENT.~~ Subsection 1 of section 62.1-01-01 of the North Dakota
8 Century Code is amended and reenacted as follows:

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

1 **SECTION 1.** A new section to chapter 62.1-01 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Limitation on authority of political subdivision regarding knives.**

- 4 1. As used in this section "knife" means a cutting instrument with a sharpened or pointed
5 blade.
- 6 2. A political subdivision may not enact any ordinance, rule, or tax relating to the
7 transportation, possession, carry, sale, transfer, purchase, gift, devise, licensure,
8 registration, or use of a knife or knifemaking components. All such existing rules or
9 ordinances are void.
- 10 3. A political subdivision may not enact any rule or ordinance relating to the manufacture
11 of a knife which is more restrictive than any rule or ordinance relating to the
12 manufacture of any other commercial good. All such existing rules or ordinances are
13 void.
- 14 4. This section does not apply to an ordinance, rule, tax, or regulation enacted by a
15 political subdivision which prohibits the possession of a knife on property or in a
16 building owned, leased, or possessed by the political subdivision.

17 **SECTION 2. AMENDMENT.** Section 62.1-04-01 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **62.1-04-01. Definition of concealed.**

20 A firearm or dangerous weapon is concealed if it is carried in such a manner as to not be
21 discernible by the ordinary observation of a passerby. There is no requirement that there be
22 absolute invisibility of the firearm or dangerous weapon, merely that it not be ordinarily
23 discernible. A firearm or dangerous weapon is considered concealed if it is not secured, and is
24 worn under clothing or carried in a bundle that is held or carried by the individual, or transported
25 in a vehicle under the individual's control or direction and available to the individual, including
26 beneath the seat or in a glove compartment. A firearm or dangerous weapon is not considered
27 concealed if it is:

- 28 1. Carried in a belt holster which is wholly or substantially visible or carried in a case
29 designed for carrying a firearm or dangerous weapon and which is wholly or
30 substantially visible;
- 31 2. Locked in a closed trunk or luggage compartment of a motor vehicle;

- 1 3. Carried in the field while lawfully engaged in hunting, fishing, trapping, camping, field
2 work, or target shooting, or a knife designed as a kitchen knife while en route to or
3 from a place of employment, whether visible or not;
- 4 4. Carried by any person permitted by law to possess a handgun unloaded and in a
5 secure wrapper from the place of purchase to that person's home or place of
6 business, or to a place of repair, or back from those locations; ~~or~~
- 7 5. A bow and arrow, rifle, shotgun, unloaded handgun, or a weapon that will expel, or is
8 readily capable of expelling, a projectile by the action of a spring, compressed air, or
9 compressed gas including any such weapon commonly referred to as a BB gun, air
10 rifle, or CO₂ gun, while carried in a motor vehicle; or
- 11 6. A switchblade, gravity knife, stiletto, or dagger, whether visible or not.