

North Dakota State's Attorneys' Association

January 25, 2023

To: Energy and Natural Resources Committee
Hon. Chairman Porter
Hon. Vice-Chair Anderson
Members of the Committee

RE: House Bill No. 1483

Chairman Porter, Vice-Chair Anderson, and Members of the Energy and Natural Resources Committee:

The North Dakota State's Attorneys' Association (NDSAA) is submitting this letter as a caution to House Bill 1483 and to ask you to issue a **DO NOT PASS on this bill as written**.

N.D.C.C. § 62.1-02-05 currently prohibits individuals from possessing firearms or dangerous weapons at (1) schools, (2) churches, and (3) *publicly owned or operated buildings*. This Bill seeks to amend this third category so instead of being prohibited at publicly owned or operated buildings, they would instead be prohibited at *federally* owned or operated buildings that prohibit the possession of a firearm and would include a fourth category to prohibit them at (4) a publicly owned or leased building or space that is *occupied by a court*.

Not all public government facilities are located in courthouses and if this Bill is passed, those facilities would not be protected by 62.1-02-05. The intent of the law was clear to prohibit these firearms or dangerous weapons at courthouses where the majority of public employees are located; however, it fails to address those public employees whose offices may be outside of the courthouse. Many courthouses do not have the room to house all of their employees and rely on off-site buildings for additional employee workspace. So a county with, for example, a tax director, sheriff, or Human Service Zone office located outside of the courthouse would no longer be included as a place where firearms or dangerous weapons are prohibited.

If the intent of this Bill is to mirror the United States Supreme Court's opinion in *Bruen*, which clearly prohibits possession of firearms or dangerous weapons in municipal, county, and state buildings, but to allow them in federal buildings unless clearly prohibited, then a better amendment to subdivision (d) might read "d. A publicly owned or leased building or a space that is occupied by a court."

We would support, however, a change that would add the proposed language to subdivisions (c) and (d) of N.D.C.C. § 62.1-02-05(1), while keeping the language about publicly owned or operated buildings or correcting the punctuation to clearly state its intent. Alternatively, we would prefer the Committee consider changing the fourth category to "a publicly owned or leased building" and removing the condition that it be occupied by a court.

Thank you for taking the time to hear our concerns.

On behalf of the North Dakota State's Attorneys:


Roza Larson, President


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