

HB 1483

Rep. Ben Koppelman- Testimony

Mr. Chairman and Members of the Committee,

Thank You for the opportunity to introduce HB1483 to you today.

In the process leading up to the introduction of this bill, I attempted to review our weapons law as it applies to restricted places and whether these places could survive the Supreme Court scrutiny and guidance. Although the court had indicated that some of these places could possibly meet constitutional muster as sensitive places, most would have to meet the historical test of the court. A little background on the right to keep and bear arms as guaranteed by the Second Amendment, including how it applies to ND.

1791: The States ratify the Bill of Rights, which are the first Ten amendments to the US Constitution. These rights were widely discussed and contemplated in the Federalist Papers to encourage ratification of the US Constitution, and the Bill of Rights followed soon after.

1861: Dakota Territory is created and existed until the formation of North and South Dakota in 1889.

1868: The Fourteenth Amendment was ratified to ensure that Constitution and more specifically, the Bill of Rights, applied to the States equally as to the Federal Government. This was in response greatly to the oppression by some states of newly freed black slaves. Central to this circumstance was the denial of Second amendment rights to blacks.

1889: North Dakota Becomes a State

1979: The First restriction on carrying of a weapon in North Dakota. This applied on to carry in a liquor establishment.

1985: The adoption of all the rest of the modern prohibited places of carry in ND: Restrictions on the carry in schools, churches, places of assembly, government

opinion in Bruen and following the referenced "sensitive places doctrine", but without the use of intermediate scrutiny.

Thus, in the bill before you, I have made the following suggested changes. First, remove the restriction on carrying concealed in a bar. This is likely the weakest and least defensible based on the lack of historical parallel and the likelihood that it does not fit the definition of sensitive places. Second this bill removes carry restrictions on government owned and operated buildings and more narrowly defines those restrictions as federal buildings (in which we lack jurisdiction) and court houses (based on the presumption of the sensitive places doctrine). There would be room for some additional narrowly tailored sensitive place restrictions within law enforcement centers and jails, of which I have been speaking with some sheriffs recently and am open to working with the committee on amendments. Schools and Churches are not contemplated in this bill and thus are unaffected.

Mr. Chairman and Members of the Committee, In light of the Bruen decision and other cases that are likely to be coming soon, we owe it to the residents of North Dakota to do our absolute best in removing carry restrictions wherever possible to comply with the rights guaranteed by the Second Amendment and interpreted by the US Supreme Court. Let's get the interested parties in the room and navigate this important issue. I ask the committee to give this bill a strong Do-Pass Recommendation. I will attempt to answer any questions that you may have.