

HOUSE BILL NO. 1365

Introduced by

Representatives Koppelman, Frelich, J. Johnson, Novak, M. Ruby

Senators Magrum, Boehm, Castaneda, Cory, Paulson

1 A BILL for an Act to create and enact two new sections to chapter 62.1-02 of the North Dakota
2 Century Code, relating to exemption from liability for public and private entities and possession
3 of firearms or dangerous weapons at a publicly owned or operated building; and to amend and
4 reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of
5 firearms or dangerous weapons at a school or school-sponsored event on school property.

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

7 **SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
8 and enacted as follows:

9 ~~**Exemption from liability for public and private entities.**~~

10 ~~Notwithstanding any other provision of law, a public or private entity may not be held liable~~
11 ~~for any injury or death or damage to property caused by an individual permitted to carry a~~
12 ~~dangerous weapon concealed under this chapter.~~

13 **SECTION 2.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
14 and enacted as follows:

15 **Possession of a firearm or dangerous weapon at a publicly ~~owned or~~ operated**
16 **building.**

17 1. ~~A city, county, or township, may enact and enforce an ordinance prohibiting the~~
18 ~~P~~possession of a firearm or dangerous weapon ~~is prohibited~~ in public areas ~~of within a~~
19 ~~publicly ~~owned or~~ operated building if:~~

20 a. All individuals possessing a valid class 1 or class 2 firearm and dangerous
21 weapons license are restricted from possessing a firearm; and

22 b. Access is not permitted unless an individual passes through equipment that
23 detects weapons and is staffed by armed security personnel.

24 ~~2. This section does apply to nonpublic areas of a publicly owned and operated building.~~

1 **SECTION 3. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering ~~on-~~**
4 **school property - Penalty - Application.**

- 5 1. An individual may not possess a firearm or dangerous weapon at:-
6 a. A a school or school-sponsored event on school or publicly operated property;
7 ~~b. A church or other place of worship; or~~
8 b. A building operated by the university system
9 c. A ~~Nonpublic areas within a publicly owned or~~ publicly ~~owned or~~ operated building.

A public area of a publicly operated building means the portion of the publicly operated building that is accessible to the public without permit, escort or key.

A nonpublic area of a publicly operated building means the portion of the publicly operated building that is inaccessible to the public without permit, escort or key.

- 10 2. This section does not apply to:
11 a. A law enforcement officer, or a correctional officer employed by the department of
12 corrections and rehabilitation or by a correctional facility governed by chapter
13 12-44.1. A correctional officer employed by the department of corrections and
14 rehabilitation may carry a firearm only as authorized in section 12-47-34. A
15 correctional officer employed by a correctional facility governed by chapter
16 12-44.1 may carry a firearm or dangerous weapon only as authorized in section
17 12-44.1-30;
18 b. An individual who is on an ambulance or firefighter crew while the individual is on
19 duty if:
20 (1) The individual has written permission from the governing body or owner of
21 the fire department or ambulance service;
22 (2) The individual possesses a valid class 1 concealed weapons license;
23 (3) The individual has successfully completed a weapons training course
24 developed by the North Dakota private investigative and security board; and
25 (4) The governing body or owner of the fire department or ambulance crew
26 provides written notice to the bureau of criminal investigation of the
27 individuals authorized or no longer authorized to carry a firearm or
28 dangerous weapon under this section, including that all training and

- 29 certification requirements have been satisfied;
- 30 c. A member of the armed forces of the United States or national guard, organized
- 31 reserves, state defense forces, or state guard organizations, when on duty;
- 32 d. A competitor participating in an organized sport shooting event;

- 1 e. A gun or antique show;
- 2 f. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 3 g. A firearm or dangerous weapon carried in a temporary residence or motor
4 vehicle;
- 5 h. A student and an instructor at a hunter safety class;
- 6 i. Private and public security personnel while on duty;
- 7 j. A state or federal park;
- 8 k. An instructor, a test administrator, an official, or a participant in educational,
9 training, cultural, or competitive events involving the authorized use of a
10 dangerous weapon if the event occurs with permission of the person or entity
11 with authority over the function or premises in question;
- 12 l. An individual in a publicly owned or operated rest area or restroom;
- 13 m. An individual who is authorized under section 62.1-04-02 to carry a firearm or
14 dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1
15 authorizing the individual to carry a firearm or dangerous weapon concealed if
16 the individual is in a church building or other place of worship and the primary
17 religious leader or the governing body of the church or other place of worship
18 approves the individual or group of individuals to carry a firearm or dangerous
19 weapon through a policy or any other means;
- 20 n. A state, federal, or municipal court judge, a district court magistrate judge or
21 judicial referee, and a staff member of the office of attorney general if the
22 individual maintains the same level of firearms proficiency as is required by the
23 peace officer standards and training board for law enforcement officers. A local
24 law enforcement agency shall issue a certificate of compliance under this section
25 to an individual who is proficient;
- 26 o. An individual's storage of a firearm or dangerous weapon in a building that is
27 owned or managed by the state or a political subdivision, provided:
 - 28 (1) The individual resides in the building;
 - 29 (2) The storage is inside the individual's assigned residential unit; and
 - 30 (3) The storage has been consented to by the state, the governing board, or a
31 designee; and

- 1 ~~p-k~~ An individual authorized to carry a concealed weapon on school property under
2 section 62.1-02-14.
- 3 3. This section does not prevent any political subdivision from enacting an ordinance that
4 is less restrictive than this section relating to the possession of firearms or dangerous
5 weapons at a public gathering ~~school or school-sponsored event on school property~~.
6 An enacted ordinance supersedes this section within the jurisdiction of the political
7 subdivision.
- 8 4. Notwithstanding any other provision of law, a church or place of worship may not be
9 held liable for any injury or death or damage to property caused by an individual
10 permitted to carry a dangerous weapon concealed under this section.
- 11 5. This section does not prevent the governing body of a school or the entity exercising
12 control over a publicly owned or operated building or property from authorizing the use
13 of a less than lethal weapon as part of the security plan for the school, building, or
14 property.
- 15 ~~6.5~~ An individual who knowingly violates this section is guilty of an infraction.

