

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1588

Introduced by

Representatives Heinert, Dockter, Hauck, M. Ruby, Hagert

Senators Cory, Gerhardt

1 A BILL for an Act to create and enact ~~two~~three new sections to chapter 62.1-02 of the North
2 Dakota Century Code, relating to liability exemptions for public and private entities ~~and~~, the
3 possession of a firearm or dangerous weapon at a publicly owned or operated building, and the
4 possession or sale of binary triggers; to amend and reenact ~~subsections~~subsections 1 and 8 of
5 section 62.1-01-01 and sections 62.1-02-05 and 62.1-04-04 of the North Dakota Century Code,
6 relating to dangerous weapons, the possession of a firearm or dangerous weapon at a public
7 gathering, and producing a concealed carry license upon request; and to provide a penalty.

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

9 **SECTION 1. AMENDMENT.** Subsection 1 of section 62.1-01-01 of the North Dakota
10 Century Code is amended and reenacted as follows:

11 1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,
12 stiletto, sword, dagger, or knife with a blade of ~~five inches [12.7 centimeters]~~six inches
13 [15.24 centimeters] or more; any throwing star, nunchaku, or other martial arts
14 weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any
15 slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is
16 readily capable of expelling, a projectile by the action of a spring, compressed air, or
17 compressed gas, including any such weapon, loaded or unloaded, commonly referred
18 to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object
19 containing or capable of producing and emitting any noxious liquid, gas, or substance.
20 "Dangerous weapon" does not include a spray or aerosol containing CS, also known

1 as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or
2 other irritating agent intended for use in the defense of an individual, nor does the term
3 include a device that uses voltage for the defense of an individual, unless the device
4 uses a projectile and voltage or the device uses a projectile and may be used to apply
5 multiple applications of voltage during a single incident, then the term includes the
6 device for an individual who is prohibited from possessing a firearm under this title.

7 **SECTION 2. AMENDMENT.** Subsection 8 of section 62.1-01-01 of the North Dakota
8 Century Code is amended and reenacted as follows:

- 9 8. "Machine gun, submachine gun, or fully automatic rifle" means a firearm, mechanism,
10 or instrument not requiring that the trigger be pressed for each shot, and having a
11 reservoir, belt, or other means of storing and carrying ammunition which can be loaded
12 into the firearm, mechanism, or instrument and fired therefrom at a rate of five or more
13 shots to the second. ~~The term does not include a binary trigger that fires one round
14 upon the pull of the trigger and one round upon release of the trigger.~~

15 **SECTION 3.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Exemption from liability for public and private entities.**

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

21 **SECTION 4.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
22 and enacted as follows:

23 **Possession of a firearm or dangerous weapon at a publicly owned or operated**
24 **building.**

- 25 1. A city, county, or township, may enact and enforce an ordinance prohibiting the
26 possession of a firearm or dangerous weapon in public areas of a publicly owned or
27 operated building if:
28 a. All individuals possessing a valid class 1 or class 2 firearm and dangerous
29 weapons license are restricted from possessing a firearm; and
30 b. Access is not permitted unless an individual passes through equipment that
31 detects weapons or is staffed by armed security personnel.

1 2. This section does not apply to nonpublic areas of a publicly owned or operated
2 building.

3 **SECTION 5.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
4 and enacted as follows:

5 **Possession or sale of binary triggers - Penalty.**

6 A person who possesses, obtains, receives, sells, or uses a binary trigger is guilty of a
7 class C felony.

8 **SECTION 6. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**
11 **Penalty - Application.**

12 1. An individual may not possess a firearm or dangerous weapon at:

13 a. A school or school-sponsored event on school property; or

14 b. A church or other place of worship; ~~or~~

15 c. ~~A publicly owned or operated building.~~

16 2. This section does not apply to:

17 a. A law enforcement officer, or a correctional officer employed by the department of
18 corrections and rehabilitation or by a correctional facility governed by chapter
19 12-44.1. A correctional officer employed by the department of corrections and
20 rehabilitation may carry a firearm only as authorized in section 12-47-34. A
21 correctional officer employed by a correctional facility governed by chapter
22 12-44.1 may carry a firearm or dangerous weapon only as authorized in section
23 12-44.1-30;

24 b. An individual who is on an ambulance or firefighter crew while the individual is on
25 duty if:

26 (1) The individual has written permission from the governing body or owner of
27 the fire department or ambulance service;

28 (2) The individual possesses a valid class 1 concealed weapons license;

29 (3) The individual has successfully completed a weapons training course

30 developed by the North Dakota private investigative and security board; and

- 1 (4) The governing body or owner of the fire department or ambulance crew
2 provides written notice to the bureau of criminal investigation of the
3 individuals authorized or no longer authorized to carry a firearm or
4 dangerous weapon under this section, including that all training and
5 certification requirements have been satisfied;
- 6 c. A member of the armed forces of the United States or national guard, organized
7 reserves, state defense forces, or state guard organizations, when on duty;
- 8 d. A competitor participating in an organized sport shooting event;
- 9 e. A gun or antique show;
- 10 f. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 11 g. A firearm or dangerous weapon carried in a temporary residence or motor
12 vehicle;
- 13 h. A student and an instructor at a hunter safety class;
- 14 i. Private and public security personnel while on duty;
- 15 j. ~~A state or federal park;~~
- 16 k. An instructor, a test administrator, an official, or a participant in educational,
17 training, cultural, or competitive events involving the authorized use of a
18 dangerous weapon if the event occurs with permission of the person or entity
19 with authority over the function or premises in question;
- 20 l. ~~An individual in a publicly owned or operated rest area or restroom;~~
- 21 m-k. An individual who is authorized under section 62.1-04-02 to carry a firearm or
22 dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1
23 authorizing the individual to carry a firearm or dangerous weapon concealed if
24 the individual is in a church building or other place of worship and the primary
25 religious leader or the governing body of the church or other place of worship
26 approves the individual or group of individuals to carry a firearm or dangerous
27 weapon through a policy or any other means;
- 28 n. A
- 29 l. The governor, a state, federal, or municipal court judge, a district court magistrate
30 judge or judicial referee, and a staff member of the office of attorney general if the
31 individual maintains the same level of firearms proficiency as is required by the

1 peace officer standards and training board for law enforcement officers. A local
2 law enforcement agency shall issue a certificate of compliance under this section
3 to an individual who is proficient;

4 e. ~~An individual's storage of a firearm or dangerous weapon in a building that is~~
5 ~~owned or managed by the state or a political subdivision, provided:~~

6 (1) ~~The individual resides in the building;~~

7 (2) ~~The storage is inside the individual's assigned residential unit; and~~

8 (3) ~~The storage has been consented to by the state, the governing board, or a~~
9 ~~designee; and~~

10 ~~p.m.~~ An individual authorized to carry a concealed weapon on school property under
11 section 62.1-02-14.

12 3. This section does not prevent any political subdivision from enacting an ordinance that
13 is less restrictive than this section relating to the possession of firearms or dangerous
14 weapons at a ~~public gathering~~school-sponsored event on school property, or a church
15 or other place of worship. An enacted ordinance supersedes this section within the
16 jurisdiction of the political subdivision.

17 4. Notwithstanding any other provision of law, a church or place of worship may not be
18 held liable for any injury or death or damage to property caused by an individual
19 permitted to carry a dangerous weapon concealed under this section.

20 5. This section does not prevent the governing body of a school or the entity exercising
21 control over a publicly owned or operated building or property from authorizing the use
22 of a less than lethal weapon as part of the security plan for the school, building, or
23 property.

24 6. An individual who knowingly violates this section is guilty of ~~an infraction~~a noncriminal
25 offense punishable by a fee of one hundred dollars for a first offense and a fee of five
26 hundred dollars for a second or subsequent offense within three years.

27 **SECTION 7. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **62.1-04-04. Producing license upon request - Penalty.**

30 1. ~~Every~~An individual ~~while~~ carrying a concealed firearm or dangerous weapon, for which
31 a license to carry concealed is required, shall have on ~~one's~~the individual's person the

- 1 license issued by this or another state or a digital image of ~~one's~~the individual's
2 concealed firearm or dangerous weapon license issued by this state on an electronic
3 device and shall give ~~it~~the license or digital image of the license to ~~any active~~a law
4 enforcement officer for an inspection upon request by the officer. The failure of ~~any~~an
5 individual to give the license or digital image of the license to the officer is prima facie
6 evidence the individual is illegally carrying a firearm or dangerous weapon concealed.
- 7 2. ~~Every~~An individual carrying a concealed firearm under the authority granted in
8 subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the
9 ~~individual's possession of a concealed weapon upon the initiation of a traffic stop or~~
10 ~~any other in-person contact initiated by a law enforcement~~firearm if the officer inquires
11 about the individual possession a concealed firearm.
- 12 3. ~~Every~~An individual carrying a concealed firearm under the authority granted in
13 subsection 2 of section 62.1-04-02 shall have on ~~one's~~the individual's person a valid
14 driver's license or nondriver identification card issued by the department of
15 transportation or by the individual's state or territory of residence, or a digital image of
16 ~~one's~~the individual's valid driver's license or nondriver identification card on a mobile
17 device and shall provide the license or card to ~~any~~a law enforcement officer for
18 inspection upon request by the officer.
- 19 4. An individual who violates this section is guilty of a noncriminal offense punishable by
20 a fee of twenty dollars.