

**2013 HOUSE JUDICIARY**

**HB 1183**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1183  
Job 17518  
DATE January 22, 2013

Conference Committee

*Cameron Heible*

## Explanation or reason for introduction of bill/resolution:

Relating to forbidding state governmental entities from providing aid and assistance to the federal government or any other governmental entity for the investigation, enforcement, and prosecution of federal firearms laws not in force as of January 1, 2013; to provide a penalty; to provide for retroactive application; and to declare an emergency.

## Minutes:

Testimony 1,2,3,4,5,6

**Chairman Kim Koppelman:** Opened the hearing on HB 1183.

**Rep. Roscoe Streyle:** Introduced the HB 1183. He handed out a proposed amendment as well as a handout from one of the architects for the legislation and written testimony from the person who helped write the bill. Section 1 of the bill defines deputation or other official status. Number 2 defines any federal law not enforced as of the 1<sup>st</sup> of this year. That includes rules, regulations, or an executive order that deprives a citizen of manufacturing, importing, buying, selling, transferring, transporting, possessing, bearing, etc. and you will see the rest of it in line 19 page 1. Bullet point 3 defines a firearm and includes any accessory to a firearm. That would be any type of ammunition, and equipment and supplies used for reloading ammunition. Any device used to hold ammunition for feeding of ammunition into a firearm, regardless of the capacity. Other accessories permanently attached or affixed to a firearm, or modifications made to such firearm. Bullet point 4 goes into what information means. That clearly defines that fairly specific. To include basically every law enforcement entity or political sub. Which may indicate a citizen is or could be in violating a federal firearm law as of the first of the year? Section number 5 defines what resource support is. Bullet point 6 defines the resource. So there is a fairly lengthy explanation of what they actually mean. Now Section 2 bullet point 1 says the state and local governmental entities may not do any of the following. Bullet point a - investigate, enforce, or prosecute any federal gun laws as of the 1<sup>st</sup> of the year. Assist with investigations enforcement or prosecution. Provide any resource information or assistance. That's where some of the definitions get put

in. Except resource support for, or use existing resource support. Take any action which can or may directly aid or assist any governmental entity in investigating, enforcing, or prosecuting any citizen. Bullet point 2 a state or local governmental entity may not jail, confine, or imprison any citizen by its own actions or support of another government entity relating to any violation of the federal gun laws should they come down in the 1<sup>st</sup> of the year. Bullet point 3 no firearm can be confiscated. Bullet point 4 no law enforcement can accept permanent or temporary deputation for purpose of conducting actives prohibited in this bill. Bullet point 5 says a state or governmental entity may not adopt rules, regulations, resolutions, ordinances, or provision of a home rule charter for any federal. So the locals could not do an end round to this. Bullet point 6 that they may continue to support and act in cooperation with government entities on any regulation that was previous. This does not say they can enforce current gun laws, which is a misconception. Where the issues come up is in the penalty section. What the amendment does is remove all of section 3. What it does instead of being able to individually go after an officer or sheriff, the intent is to make it so painful that they wouldn't possibly be able to do it and provide coverage to them. So they could tell their federal counterparts we can't do this because the penalty is so severe. In working with Sheriffs Association it probably didn't do what I intended it to do. What this amendment would do as it takes out the work indirectly on page 3 line 19. Also page 3 line 15. The concern was directly or indirectly. Directly is obviously everyone understands what that means. Indirectly there is some issues about what if we are doing a drug bust with DEA and we run across some guns? We confiscate them, we didn't intend to that, we didn't know that was part of the mission it was an unseen thing. So I understand their concerns so not was taken out and put in knowingly or for the sole purpose. So it is more specific and legal terminology. What the penalty would do was allow a citizen to file a civil action against the sheriff's department or police department or whatever entity if a violation of this act occurred. So it no longer says that a Sheriff can be persecuted for a misdemeanor, it allows citizens to go after the sheriff's department should they violate this act as an entity. These were suggested in consultation with law enforcement entities and I agreed with their assessment that is why the amendment. Section 4 of the bill provides retroactive application. Section 5 declares it an emergency.

**Chairman Kim Koppelman:** Asked for questions.

**Rep. Streyle:** The amendments are under attack by the federal government should they come down, they are proposals right now, the executive orders I struggle with because I find them to be unconstitutional. I believe our second amendment is under attack which states a well-regulated militia being necessary

to security of a free state, the right of the people to keep and bear arms shall not be infringed. That is basically language easy to understand. I believe the ninth amendment is also under attack and also the tenth amendment where it says the powers not delegated to the United States by the Constitution not prohibited by state or reserved for the states respectfully or to the people. What this doesn't say is the feds can't enforce their own laws. I don't think they should personally but this bill doesn't say that currently. It just state and local officials cannot. The main goal of this legislation was to protect our second amendment rights. Each of us takes an oath of office to uphold the United States Constitution and the North Dakota Constitution, I just read the second amendment and it is very clear.

**Rep. Grande:** She handed out copies of her testimony which she read. (See testimony #4). Time 12:10 - 20:22 minutes on the tape. Handed out proposed amendment #5 and #6.

**Kirk Wald, Former Army Officer, Airborne Ranger from Dickinson:** Testified in favor of the bill. Time 20:49 - 30:04 minutes on the tape. There is passionate talk about this bill with people he knows and they understand the second amendment is individual rights that come from God. The Constitution does not grant us our rights it merely recognizes that God has provided us those rights. This has been recently reaffirmed especially with the second amendment in a Supreme Court decision District Columbia vs. Hower. They were clear that the second amendment was an individual right completely unrelated to service in the militia and it had to do with the keeping and bearing of arms by the average citizen so they could hold government in check. It's not about hunting it's about keeping our government in line. I know from history that any government has the potential to become abusive of its authority. The purpose of the second amendment is to keep the government in line not keep the citizens in line. He asked not to put our law enforcement in the position of enforcing unjust or immoral laws against the citizens of North Dakota.

**Terrill Epps, Mandan:** Time on tape 30:15 - 34:21. Concurred with other speakers in favor of the bill. He said every American is in violation of four felonies every day. He said we should have the right to protect and defend ourselves.

**Steven Takacs, Bismarck:** Time on tape 34:30 - 35:34. He is in support of this bill. He said federal government is to be bound by the constitution and it is really stretching those boundaries. It is the responsibility of the states to put the federal government in check when that does happen, preferably non-violently.

**John Ertelt:** Time on tape 36:03 - 37:05. Concur with the testimony in support of this bill. He asked that Rep. Grande's amendment be included in the bill changing from a misdemeanor to a felony for any violation of this bill.

**Susan Beehler, Mandan:** Time on tape 37:10 - 49:00. Her concern with this bill is that is similar to the corrupt practice act. This brought a civil lawsuit. That law reads very similar to this and was passed by Legislature here. She reviewed the 23 Executive Orders and asked why wouldn't that be a good thing for North Dakota following each one. She stated if there are guns in a home that increases the liability in the case of domestic violence situations. She reviewed insurance language concerning guns in the home. She feels this law is in reaction to what has happened in other states. She stated she would be submitting testimony.

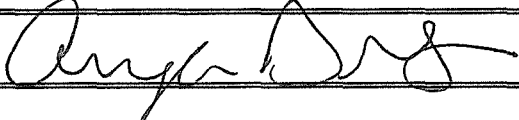
**Chairman Kim Koppelman:** Closed the hearing on HB 1183.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1183  
February 19, 2013  
Job 19187

Conference Committee



## Explanation or reason for introduction of bill/resolution:

Relating to forbidding state governmental entities from providing aid and assistance to the federal government or any other governmental entity for the investigation, enforcement, and prosecution of federal firearms laws not in force as of January 1, 2013; to provide a penalty; to provide for retroactive application; and to declare an emergency.

## Minutes:



**Chairman** discussed amendments.

**Rep Delmore:** Has anybody checked with the Attorney General's office to see how this would impact federal funds for things like domestic violence if it were passed?

**Chairman:** I have not checked. I've worked with law enforcement on this. The bottom line is they do not have a problem with the bill with the amendment that has been moved.

**Rep Toman** moved the amendment.

**Rep Maragos** seconded.

**Voice vote:** Motion carried.

**Rep Maragos** moved for Do Pass as Amended.

**Rep Toman** seconded.

**Rep Kretschmar:** I do not support this bill. I do not believe it's a good policy for our state to try to not obey laws that may be passed by the Congress of the United States. Since the beginning of this year, the Congress has not passed any law regarding firearms. I think we should wait and see if Congress does anything. I don't think this is the proper time or the proper policy to pass in North Dakota.

**Rep Klemin:** I agree with Rep Kretschmar. I don't think this is very good policy. We are still part of the United States. If Congress does pass something that we like, under this act, our local law enforcement people couldn't help enforce it.

**Rep Hogan:** I'm going to vote in opposition to this based on the feedback I've gotten from my law enforcement people. They are concerned with the potential impact this may have on their working across jurisdictions with federal authorities.

**Rep Hanson:** I'll be voting against this as well. We do not allow our state and local law enforcement to be cooperating with the federal government, it will result in things like duplicate databases, duplicate work, which are all directly at taxpayer expense.

**Rep Delmore:** I have legitimate concerns about federal funding that our local law enforcement depends on and also funding regarding domestic violence.

**Chairman:** Sheriff Laney was originally against this bill. I believe he's ok with the bill with the amendments. He was at a sheriffs' conference with people from all over the country. He said that many states are adopting this or something similar to it.

**Roll Call Vote:**

Yes: 8

No: 6

Absent: 0

Carried by **Rep Koppelman**.

VR  
2/19/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1183

Page 1, line 4, remove "to"

Page 1, line 5, remove "provide a penalty;"

Page 2, line 27, after "not" insert "knowingly and for the sole purpose"

Page 3, line 15, after "entity" insert "solely"

Page 3, line 15, after "for" insert "a"

Page 3, line 19, after "citizen" insert "due to the sole reason that the citizen is"

Page 4, line 12, replace "**Penalty**" with "**Remedy**"

Page 4, replace lines 13 through 19 with "In addition to any other remedy allowed by law, an aggrieved party under this Act may obtain in a civil action all appropriate relief to prevent or remedy a violation of this Act. An aggrieved party may not bring a civil action against a law enforcement officer as an individual, but relief must be sought from the governmental entity that employs the individual."

Renumber accordingly



Date: 2-19-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1183

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep. Toman Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Voice Vote - Carried*

Date: 2-19-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1183

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Toman

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore		/
Vice Chairman Lawrence Klemin		/	Rep. Ben Hanson		/
Rep. Randy Boehning	/		Rep. Kathy Hogan		/
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar		/			
Rep. Diane Larson	/				
Rep. Andrew Maragos	/				
Rep. Gary Paur		/			
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 8 No 6

Absent 0

Floor Assignment Rep. Koppelman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

**HB 1183: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1183 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "to"

Page 1, line 5, remove "provide a penalty;"

Page 2, line 27, after "not" insert "knowingly and for the sole purpose"

Page 3, line 15, after "entity" insert "solely"

Page 3, line 15, after "for" insert "a"

Page 3, line 19, after "citizen" insert "due to the sole reason that the citizen is"

Page 4, line 12, replace "**Penalty**" with "**Remedy**"

Page 4, replace lines 13 through 19 with "In addition to any other remedy allowed by law, an aggrieved party under this Act may obtain in a civil action all appropriate relief to prevent or remedy a violation of this Act. An aggrieved party may not bring a civil action against a law enforcement officer as an individual, but relief must be sought from the governmental entity that employs the individual."

Renumber accordingly

**2013 SENATE JUDICIARY**

**HB 1183**

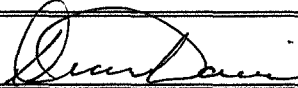
# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

HB1183  
3/19/2013  
Job #20176

Conference Committee

Committee Clerk Signature



## Minutes:

Attachments

Relating to forbidding state governmental entities from providing aid & assistance to the federal government or any other governmental entity for the investigation, enforcement, & prosecution of federal firearms laws not in force as of Jan.1, 2013

Senator David Hogue - Chairman

Representative Roscoe Streyle - District 3 - Introduces the bill. See written testimony and proposed amendment **(1)**.

Representative Grande - District 41 - See written testimony **(2)**

## Opposition

Wayne Stenehjem - Attorney General of ND - He thinks this bill may be ND's version of over-reacting. He explains what the measure really does. The Attorney General would like to see this go away. He states public and law enforcement have an unusually good relationship.

Jerry Kemmet - ND Peace Officer Association - See written testimony **(3)**.

Aaron Birst - Association of Counties - They have a significant concern and urges a do not pass.

Jim Thoreson - Chief Deputy for the Cass County Sheriff's Office-See written testimony **(4)**.

Sargent Tara Morris - Cass County Sheriff's Office - Submits testimony for Paul D. Laney - Sheriff of Cass County - See written testimony **(5)**.

Dan Donlin - Chief of Police, Bismarck - See written testimony **(6)**.

Susan Beehler - Mandan resident - Relates her views on gun laws and legislation.

Chad Peterson - Cass County Prosecutor - States there is no way to gage the potential damage of this bill. Urges a do not pass.

Neutral - none

Senator Berry asked if there was any opposition to this bill in the House. Ms. Beehler replies that she was the only one in opposition.

Close the hearing HB1183

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

HB1183  
3/25/2013  
No recording

Conference Committee

Committee Clerk Signature



## Minutes:

Vote

Senator David Hogue - Chairman

Committee work

Senator Grabinger moves a do not pass on HB1183  
Senator Nelson seconded

Vote - 6 yes, 1 no  
Motion passes

Senator Grabinger will carry

Date: 3/25/13  
 Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1183

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By S Grabinger Seconded By S Nelson

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	X		Senator Carolyn Nelson	X	
Vice Chairman Margaret Sitte	X		Senator John Grabinger	X	
Senator Stanley Lyson	X				
Senator Spencer Berry	X				
Senator Kelly Armstrong		X			

Total (Yes) 6 No 1

Absent \_\_\_\_\_

Floor Assignment S Grabinger

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE**

**HB 1183, as reengrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends  
DO NOT PASS (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).  
Reengrossed HB 1183 was placed on the Fourteenth order on the calendar.**

**2013 TESTIMONY**

**HB 1183**

1-22-13  
HB 1183

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## THE WALL STREET JOURNAL

WSJ.com

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OPINION | January 17, 2013, 6:54 p.m. ET

# The Facts About Assault Weapons and Crime

By JOHN R. LOTT JR.

Warning about "weapons designed for the theater of war," President Obama on Wednesday called for immediate action on a new Federal Assault Weapons Ban. He said that "more of our fellow Americans might still be alive" if the original assault weapons ban, passed in 1994, had not expired in 2004. Last month, in the wake of the horrific shooting at Sandy Hook Elementary in Newtown, Conn., Sen. Dianne Feinstein (D., Calif.) promised to introduce an updated version of the ban. She too warned of the threat posed by "military weapons."

After the nightmare of Newtown, their concern is understandable. Yet despite being at the center of the gun-control debate for decades, neither President Obama nor Ms. Feinstein (the author of the 1994 legislation) seems to understand the leading research on the effects of the Federal Assault Weapons Ban. In addition, they continue to mislabel the weapons they seek to ban.

Ms. Feinstein points to two studies by criminology professors Chris Koper and Jeff Roth for the National Institute of Justice to back up her contention that the ban reduced crime. She claims that their first study in 1997 showed that the ban decreased "total gun murders." In fact, the authors wrote: "the evidence is not strong enough for us to conclude that there was any meaningful effect (i.e., that the effect was different from zero)."

Messrs. Koper and Roth suggested that after the ban had been in effect for more years it might be possible to find a benefit. Seven years later, in 2004, they published a follow-up study for the National Institute of Justice with fellow criminologist Dan Woods that concluded, "we cannot clearly credit the ban with any of the nation's recent drop in gun violence. And, indeed, there has been no discernible reduction in the lethality and injuriousness of gun violence."

Moreover, none of the weapons banned under the 1994 legislation or the updated version are "military" weapons. The killer in Newtown used a Bushmaster .223. This weapon bears a cosmetic resemblance to the M-16, which has been used by the U.S. military since the Vietnam War. The call has frequently been made that there is "no reason" for such "military-style weapons" to be available to civilians.



Getty Images

Sen. Dianne Feinstein

Yes, the Bushmaster and the AK-47 are "military-style weapons." But the key word is "style"—they are similar to military guns in their cosmetics, not in the way they operate. The guns covered by the original were not the fully automatic machine guns used by the military, but semiautomatic versions of those guns.

The civilian version of the Bushmaster uses essentially the same sorts of bullets as small game-hunting rifles, fires at the same rapidity (one bullet per pull of the trigger), and does the same damage. The civilian version of the AK-47 is similar, though it fires a much larger bullet—.30 inches in diameter, as opposed to the .223 inch rounds used by the Bushmaster. No self-respecting military in the world would use the civilian version of these guns.

A common question is: "Why do people need a semiautomatic Bushmaster to go out and kill deer?" The answer is simple: It is a hunting rifle. It has just been made to look like a military weapon.

But the point isn't to help hunters. Semiautomatic weapons also protect people and save lives. Single-shot rifles that require you to physically reload the gun may not do people a lot of good when they are facing multiple criminals or when their first shot misses or fails to stop an attacker.

Since the Federal Assault Weapons Ban expired in September 2004, murder and overall violent-crime rates have fallen. In 2003, the last full year before the law expired, the U.S. murder rate was 5.7 per 100,000 people, according to the Federal Bureau of Investigation's Uniform Crime Report. By 2011, the murder rate fell to 4.7 per 100,000 people. One should also bear in mind that just 2.6% of all murders are committed using any type of rifle.

The large-capacity ammunition magazines used by some of these killers are also misunderstood. The common perception that so-called "assault weapons" can hold larger magazines than hunting rifles is simply wrong. Any gun that can hold a magazine can hold one of any size. That is true for handguns as well as rifles. A magazine, which is basically a metal box with a spring, is trivially easy to make and virtually impossible to stop criminals from obtaining. The 1994 legislation banned magazines holding more than 10 bullets yet had no effect on crime rates.

Ms. Feinstein's new proposal also calls for gun registration, and the reasoning is straightforward: If a gun has been left at a crime scene and it was registered to the person who committed the crime, the registry will link the crime gun back to the criminal.

Nice logic, but in reality it hardly ever works that way. Guns are very rarely left behind at a crime scene. When they are, they're usually stolen or unregistered. Criminals are not stupid enough to leave behind guns that are registered to them. Even in the few cases where registered guns are left at crime scenes, it is usually because the criminal has been seriously injured or killed, so these crimes would have been solved even without registration.

Canada recently got rid of its costly "long-gun" registry for rifles in part because the Royal

Canadian Mounted Police and the Chiefs of Police could not provide a single example in which the gun was of more than peripheral importance in solving a gun murder.

If we finally want to deal seriously with multiple-victim public shootings, it's time that we acknowledge a common feature of these attacks: With just a single exception, the attack in Tucson last year, every public shooting in the U.S. in which more than three people have been killed since at least 1950 has occurred in a place where citizens are not allowed to carry their own firearms. Had some citizens been armed, they might have been able to stop the killings before the police got to the scene. In the Newtown attack, it took police 20 minutes to arrive at the school after the first calls for help.

The Bushmaster, like any gun, is indeed very dangerous, but it is not a weapon "designed for the theater of war." Banning assault weapons will not make Americans safer.

*Mr. Lott is a former chief economist at the United States Sentencing Commission and the author of "More Guns, Less Crime" (University of Chicago Press, third edition, 2010).*

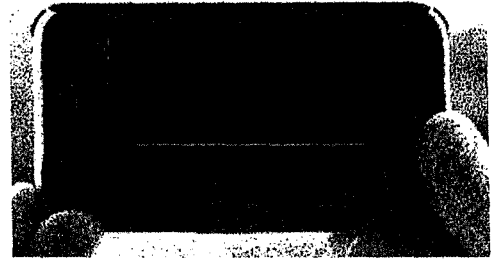
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# NORTH DAKOTA MAN DRIVES HOME INVADER FROM HOUSE WITH GUN



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MARY CHASTAIN (/COLUMNISTS/MARY-CHASTAIN) · 19 Jan 2013, 8:54 AM PDT · 22 POST A COMMENT

## A man in Grand Forks, ND



(<http://www.grandforksherald.com/event/article/id/254170/group/homepage/>)

quickly put an end to the robbery of his home by hitting the burglar on the head with his .45 caliber Colt M1917.

Greg Kaml was sleeping when he heard someone else walking in the house. He grabbed his gun, jumped out of bed, and saw Jared Christensen leaving his roommate's room with a laptop.

"I was pointing my .45 at him and told him to stop and get on the floor and he just kept coming right at me," Kaml said. "We danced round the living room and kitchen a little bit. I've got a couple of purple toes; I'm not sure if he stomped on them or dropped the laptop on them."

Christensen then pulled out his own pistol. Kaml hit Christensen in the head to try to knock him out. Eventually Christensen got out the kitchen door, but Kaml was afraid he would try to rob someone else. He shot at him two times, but neither bullet hit Christensen.

Christensen spends a lot of time fishing and hunting, but never thought he would use a gun for self-defense.

Christensen is charged with felony burglary, carrying a concealed weapon, possessing marijuana, and a pipe.



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## 12 Year Old Shoots Home Intruder

Posted: Oct 17, 2012 6:29 PM CDT

By Alex Belser, Reporter - email

BRYAN COUNTY, OK--A day off for fall break was anything but relaxing for a 12-year old Bryan County girl, when an intruder broke into her home on Michael Avenue.

Deputies say, the girl was home alone when a man she'd never seen before, rang the front doorbell. They say when no one answered the door, the man went around to the back of the house and kicked a door open. That's when authorities say, the girl grabbed a gun and hid in a bathroom closet.

"He had worked his way all the way through the house and into the bathroom. And from what we understand, he was turning the doorknob when she fired through the door." Says Bryan County Under sheriff, Ken Golden.

After the man was shot, The 12- year old ran out of the closet and called for help. Authorities say she kept her cool despite the potential danger. "She was very brave, she stayed on the phone with the dispatcher the whole time - talked all the way through it and was still on the phone with dispatch when we got into the house." Says Golden.

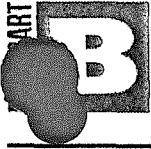
Deputies tell K TEN, the man was taken by helicopter to a hospital in Plano, Texas and he's expected to survive.

Under sheriff Ken Golden says the girl is a hero and that under the circumstances, she did everything right to protect herself. "She did everything she was supposed to do and as a last resort, she did what she had to do to protect herself."

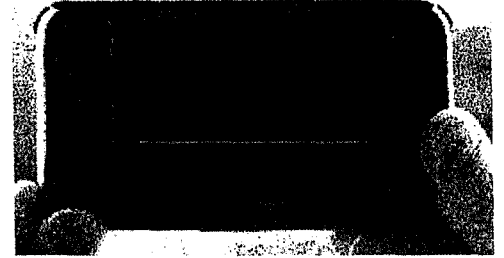
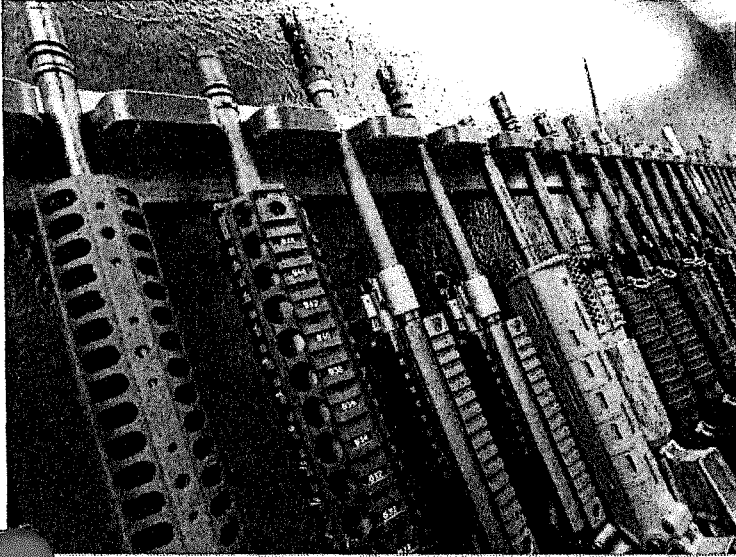
The Home intruder has been identified as Stacy Jones of Texarkana. So far no charges have been filed. The girl's name has not been released.

worldnow

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# 15-YEAR OLD BOY USES AR-15 TO DEFEND HIMSELF, SISTER AGAINST HOME INVADERS



MARY CHASTAIN (/COLUMNISTS/MARY-CHASTAIN) 10 Jan 2013 528 POST A COMMENT



A 15-year old boy used his father's AR-15 to defend himself and his 12-year old sister (<http://www.khou.com/news/crime/Burglary-suspect-shot-by-15-year-old-son-of-deputy-97430719.html>)

against two burglars at their home just north of Houston, Texas.

Their father is a Harris County Precinct 1 deputy constable, and the boy knew what he had to do to keep himself and his sister alive. Around 2:30 PM, two men tried to break in, with one going through the front door and the other in the back.

The boy grabbed the AR-15 and shot at them. The two later showed up at a Tomball hospital. The adult was hit three times and was flown to Memorial Hermann hospital, while the juvenile was taken back to the crime scene.

"We don't try to hide things from our children in law enforcement," Lt. Jeffrey Stauber said. "That young boy was protecting his sister. He was in fear for his life and her life."

More stories are coming out about armed citizens defending their lives and property with legally owned firearms. In the span of a week, Breitbart News has reported how a mother used a .38 revolver against an intruder (<http://www.breitbart.com/Big-Government/2013/01/05/mother-hiding-with-kids-shoots-intruder>), a man used his weapon to protect his 2-month old son (<http://www.breitbart.com/Big-Government/2013/01/09/Man-Uses-Gun-To-Protect-2-Month-Old-Son-Against-Armed-Intruder>), and a Colorado man invoked the [Make My Day law](http://www.breitbart.com/Big-Government/2013/01/09/Colorado-Man-Invokes-Make-My-Day-Law-Against-Intruders) (<http://www.breitbart.com/Big-Government/2013/01/09/Colorado-Man-Invokes-Make-My-Day-Law-Against-Intruders>) in Colorado in using lethal force to defend himself against three intruders.

Senator Dianne Feinstein and others are trying to push through major gun control laws that would include banning the AR-15, the same gun used by the teenage boy.

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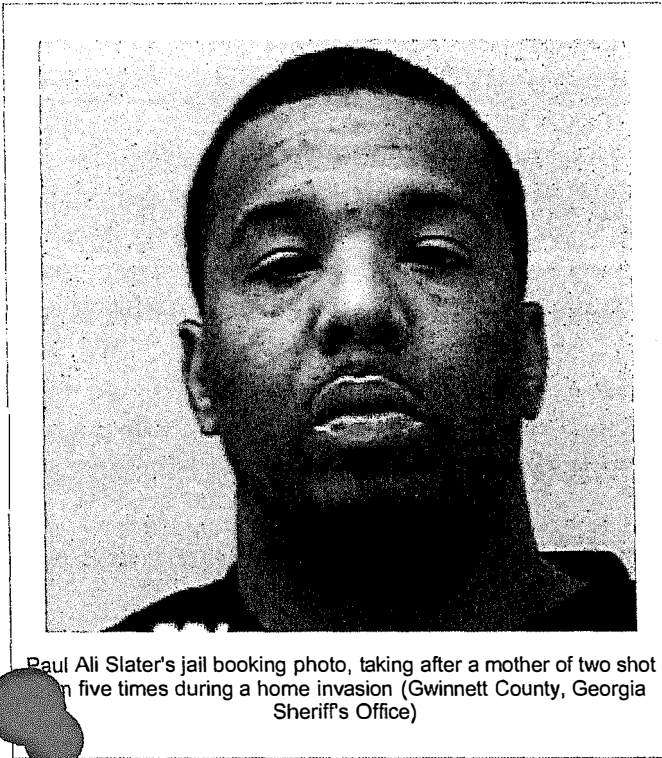
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# DON'T MESS WITH MOM: Mother surprises intruder with five gunshots



Published: 1/07 12:31 am

Updated: 1/07 12:55 am

WALTON COUNTY, Ga. -- An Atlanta mom is being hailed as a hero after taking matters into her own hands Friday, when an intruder came barging into her home.

At the advice of her husband, the Atlanta Journal-Constitution reports the unidentified woman hid with her 9-year-old twins in a crawlspace as a man began rummaging through their home.

The woman told police the burglar began making his way to where she and her two children were hiding. When the intruder opened a closet door, he found himself staring down the barrel of a .38 revolver held by the mother of two.

She fired six shots -- five of which hit Paul Ali Slater in the face and neck area, police said.

Slater was still conscious.

At that time, police said the burglar was face-down and crying. The mother told him to stay on the floor or she would shoot again.

The woman and her children ran to a neighbor's house, according to the newspaper. The injured burglar made it out of the home and started to drive away, but he didn't get far. Deputies found Slater bleeding in a

neighbor's driveway.

He was hospitalized and is expected to survive, officials said.

According to the newspaper, Slater was just released from jail in late August after serving six months for simple battery and three counts of probation violation. He has six other arrests dating back to 2008, the newspaper reported.

Walton County Sheriff Joe Chapman said of the woman's actions, "That mother's instinct kicked in. You go after a mother's kids and she'll find herself capable of doing things she never thought she was capable of."

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## Many More Sheriffs Vow Not To Enforce Federal Gun Control Laws

### Oregon law enforcers lead national fight against Obama gun grab

Steve Watson

Infowars.com

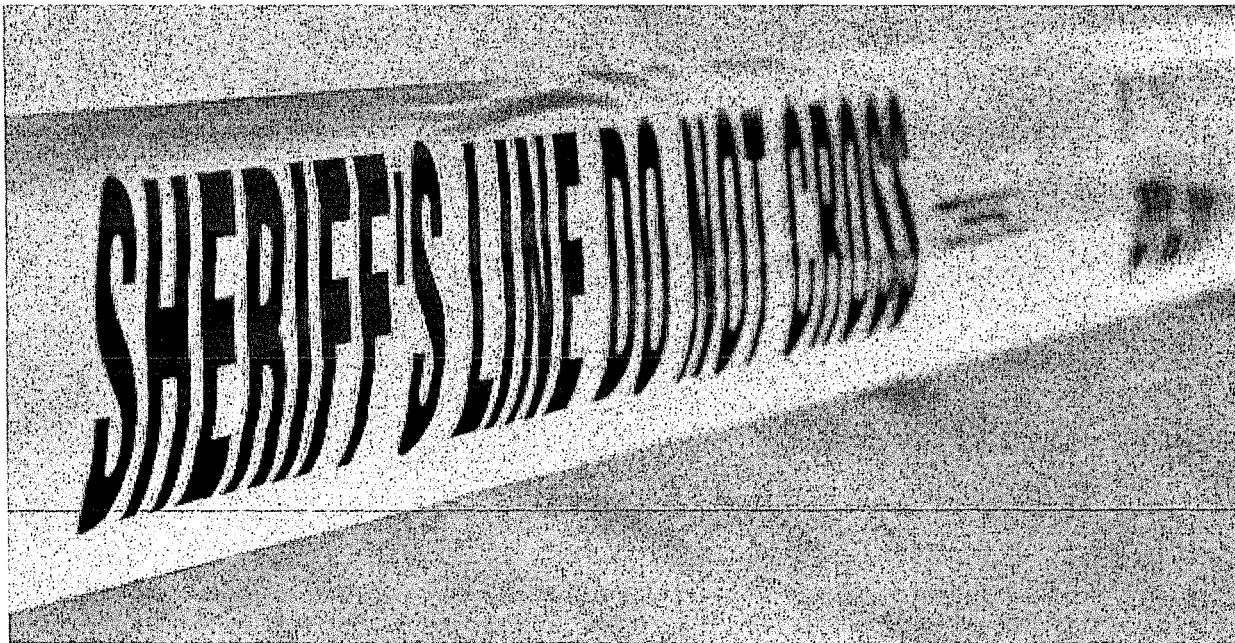
Jan 17, 2013

Following Oregon Sheriff Tim Mueller's lead, three more Sheriffs in parts of Oregon announced Wednesday in letters to U.S. Vice President Joe Biden that they would refuse to enforce any federal gun laws that are unconstitutional.

Crook County Sheriff Jim Hensley told local reporters "I'm going to follow my oath that I took as Sheriff to support the constitution."

"I believe strongly in the Second Amendment," Hensley added, urging "If the federal government comes into Crook County and wants to take firearms and things away from (citizens), I'm going to tell them it's not going that way."

Hensley told KTVZ.COM that he read Sheriff Mueller's letter and it spurred him to make a stand. "I said, you know what? It's a clear statement. He hit the nail right on the head," Hensley said.



Referring to the recent mass shootings that have been cited as justification to move to impose strict new laws, Hensley said, "Banning firearms and magazines, that is not going to cure the problem."

"They are addressing the wrong topics," Hensley added. "Kids for years now play video games in which they have committed thousands of homicides. I believe those games are teaching kids games they shouldn't be doing, instilling a mindset to kill as many people as in a video game."

Hensley's letter, like Mueller's, states: "Any federal regulation enacted by Congress or by executive order of the President offending the constitutional rights of my citizens shall not be enforced by me or by my deputies, nor will I permit the enforcement of any unconstitutional regulations or orders by federal officers within the borders of Crook County, Oregon."

"In summary, it is the position of this Sheriff that I refuse to participate, or stand idly by, while my citizens are turned into criminals due to the unconstitutional actions of misguided politicians," the letter concludes.

In comments to the media, Hensley added "Some people go so far as to ask, 'Well, are you going to fight our military when they come to take our guns?' I say absolutely not – we're not going to get into a gun battle with our fellow citizens. But I will do everything in my power to defend their right to the Second Amendment."

In addition to Sheriff Hensley, another Oregon Sheriff, Larry Blanton of Deschutes County, told reporters that he will also stand with the Second Amendment.

"Right now, I support the Constitution and I support the Second Amendment," Blanton said. "I support our citizens and other citizens' rights to own and bear arms. That's my stand. Always has been, always will be."

Grant County Sheriff Glenn Palmer also penned a letter to Biden, stating: "I will not tolerate nor will I permit any federal incursion within the exterior boundaries of Grant County, Oregon, where any type of gun control legislation aimed at disarming law abiding citizens is the goal or objective."

"We live in a free society," Palmer wrote, "and firearms ownership and the right to defend ones self from becoming a victim of a criminal act or from a far reaching government attempted to enact laws that are unconstitutional."

Coos County Sheriff Craig Zanni wrote a letter to "the citizens of Coos County," stating:

"I have and will continue to uphold my Oath of Office, including supporting the Second Amendment rights of our citizens."

"I will also continue to be an avid supporter of Oregon's Concealed Handgun License Program and in protecting the confidential personal information of each license holder," Zanni added.

Douglas County Sheriff John Hanlin also sent a letter to the Vice President saying that he "will refuse to participate in, nor tolerate enforcement actions against citizens that are deemed unconstitutional."

Elsewhere in the country, Kentucky Sheriff Denny Peyman of Jackson County, blazed a trail earlier this week by assuring residents that he would not allow guns to be seized under his jurisdiction.

"They asked 'how are you going to pull these guns?', and I said 'you are never going to pull a gun from Jackson County,'" said Peyman, adding, "I am responsible for the people inside this county... I couldn't justify, if Obama passes this, it doesn't matter what he passes, the sheriff has more power than the federal people."

Minnesota, Pine County Sheriff Robin Cole wrote an open letter to his residents to inform them that he does not accept that the federal government supercedes State authorities when it comes to regulation of firearms.

“I do not believe the federal government or any individual in the federal government has the right to dictate to the states, counties or municipalities any mandate, regulation or administrative rule that violates the United States Constitution or its various amendments,” Cole wrote.

Cole said that the right to bear arms is “fundamental to our individual freedoms and that firearms are part of life in our country.”

The Sheriff said he would refuse to enforce any federal mandate that violates constitutional rights, and that he would consider any new federal regulation on guns to be illegal.

In Alabama, Madison County Sheriff Blake Dorning <sup>9</sup> told WHNT News 19 that his office will not enforce new gun control legislation if he feels those laws violate the Second Amendment.

“The federal authorities can try to enforce it,” said Dorning. “I’m the Sheriff of Madison County. I took a constitutional oath to defend the Constitution of the United States of America, to defend the Constitution of the State of Alabama, even if it takes my life. That is my position.”

In Texas, Smith County Sheriff Larry Smith <sup>10</sup> has also said he will not enforce an unconstitutional law that takes away firearms from law abiding citizens in Smith County.

“I will not enforce an unconstitutional law against any citizen in Smith County. It just won’t happen.” Smith said.

In Florida, Martin Co. Sheriff Bill Snyder <sup>11</sup> says that any gun control legislation will not matter and it won’t change how he and his deputies do business, because he is not empowered to enforce Federal Law.

\* Rest assured, there are many more Sheriffs, as well as state and local police who know that they are not required to enforce Obama’s gun control executive orders.

Richard Mack, founder of The Constitutional Sheriffs and Peace Officers Association, and a regular guest on the Alex Jones Show commented “Now we have good sheriffs who are standing up and defending the law against our own president.”

“I will tell Mr. Obama and everybody else who wants to impose gun control in America, that whether you like it or not, it is against the law,” said Mack.

The 23 executive orders Obama announced yesterday apply only to the federal government, not local or state law enforcement. Without action by the House, it is therefore unlawful to enforce the decrees on sheriffs and other law enforcement departments across the nation.

---

*Steve Watson is the London based writer and editor for Alex Jones’ Infowars.com, and Prisonplanet.com. He has a Masters Degree in International Relations from the School of Politics at The University of Nottingham, and a Bachelor Of Arts Degree in Literature and Creative Writing from Nottingham Trent University.*

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From the desk of

## SHERIFF TIM MUELLER

LINN COUNTY, OREGON

1113 SE Jackson St  
Albany, Oregon 97322  
Phone 541-967-3950  
www.linnsheriff.org

January 14, 2013

Vice President Joe Biden  
1600 Pennsylvania Avenue NW  
Washington, DC 20501

Dear Mr. Vice President,

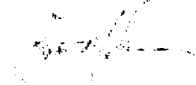
I am Sheriff Tim Mueller, elected twice by the citizens of Linn County Oregon who have entrusted me with a noble cause: to keep them and their families safe. My deputies and I take that responsibility very seriously and, like you, have sworn to support the Constitution of the United States. I take that oath equally as serious as protecting our citizens. I have worked for the people of Linn County for over 28 years as a member of the Linn County Sheriff's Office as well as serving three years active duty as a Military Police Officer in the US Army, where I also swore a similar oath.

In the wake of the recent criminal events, politicians are attempting to exploit the deaths of innocent victims by advocating for laws that would prevent honest, law abiding Americans from possessing certain firearms and ammunition magazines. We are Americans. We must not allow, nor shall we tolerate, the actions of criminals, no matter how heinous the crimes, to prompt politicians to enact laws that will infringe upon the liberties of responsible citizens who have broken no laws.

Any federal regulation enacted by Congress or by executive order of the President offending the constitutional rights of my citizens shall not be enforced by me or by my deputies, nor will I permit the enforcement of any unconstitutional regulations or orders by federal officers within the borders of Linn County Oregon.

In summary, it is the position of this Sheriff that I refuse to participate, or stand idly by, while my citizens are turned into criminals due to the unconstitutional actions of misguided politicians.

Respectfully,

  
Sheriff Tim Mueller  
Linn County Oregon

# UTAH SHERIFFS' ASSOCIATION

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17 January 2013

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Sheriff David Edmunds  
President  
Summit County

Sheriff James Tracy  
Vice-President  
Utah County

Sheriff Robert Dekker  
Second Vice-President  
Millard County

Sheriff Cameron Noel  
Secretary  
Beaver County

Sheriff Frank Park  
Past President  
Tooele County

Sheriff J. Lynn Yeates  
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Sheriff Cory Palsipher  
Washington County

Sheriff Kurt Taylor  
Wayne County

Sheriff Terry Thompson  
Weber County

The Honorable Barack Obama  
President of the United States of America  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear President Obama:

We, the elected sheriffs of Utah, like so many of our fellow Americans, are literally heartbroken for the loved ones of the murdered victims in Connecticut. As Utahans, we are not strangers to this kind of carnage—one of the latest being the 2007 Trolley Square murders wherein nine innocents were gunned down—five losing their lives.

We also recognize the scores of other recent domestic massacres, which have decimated countless honorable lives. As Americans, we value the sanctity of life. Furthermore, similar to our inspired Founders, we acknowledge our subservience to a higher power.

With the number of mass shootings America has endured, it is easy to demonize firearms; it is also foolish and prejudiced. Firearms are nothing more than instruments, valuable and potentially dangerous, but instruments nonetheless. Malevolent souls, like the criminals who commit mass murders, will always exploit valuable instruments in the pursuit of evil. As professional peace officers, if we understand nothing else, we understand this: *lawful violence must sometimes be employed to deter and stop criminal violence*. Consequently, the citizenry must continue its ability to keep and bear arms, including arms that adequately protect them from all types of illegality.

As your administration and Congress continue to grapple with the complex issue of firearm regulations, we pray that the Almighty will guide the People's Representatives collectively. For that reason, it is imperative this discussion be had in Congress, not silenced unilaterally by executive orders. As you deliberate, please remember the Founders of this great nation created the Constitution, and its accompanying Bill of Rights, in an effort to protect citizens from all forms of tyrannical subjugation.

We respect the Office of the President of the United States of America. But, make no mistake, as the duly-elected sheriffs of our respective counties, we will enforce the rights guaranteed to our citizens by the Constitution. No federal official will be permitted to descend upon our constituents and take from them what the Bill of Rights—in particular Amendment II—has given them. We, like you, swore a solemn oath to protect and defend the Constitution of the United States, and we are prepared to trade our lives for the preservation of its traditional interpretation.

The Utah Sheriffs' Association

13.0500.02001  
Title.

Handout 2

Prepared by the Legislative Council staff for  
Representative Grande

January 21, 2013

Rep Struble  
Explained

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1183

Page 1, line 4, remove "to"

Page 1, line 5, remove "provide a penalty;"

Page 2, line 27, after "not" insert "knowingly and for the sole purpose"

Page 3, line 15, after "entity" insert "solely"

Page 3, line 15, after "for" insert "a"

Page 3, line 19, after "citizen" insert "due to the sole reason that the citizen is"

Page 4, line 12, replace "**Penalty**" with "**Remedy**"

Page 4, replace lines 13 through 19 with:

"In addition to any other remedy allowed by law, an aggrieved party under this Act may obtain in a civil action all appropriate relief to prevent or remedy a violation of this Act. An aggrieved party may not bring a civil action against a law enforcement officer as an individual, but relief must be sought from the governmental entity that employs the individual."

Renumber accordingly

Handout 3

Honorable Members of the House Judicial Committee:

I write to express my support for HB 1183, which I helped develop alongside of Representative Roscoe Streytle. I did so because, while saddened as any American at the tragedy at Sandy Hook Elementary, I have grown gravely concerned about how some outside our great state are using this tragedy to forward an agenda which will make victims out of all Americans through the potential loss of a very basic birthright - the Right to Keep and Bear Arms.

I wish to remind all that the rights defined by our Constitution, including those outlined in the 2nd Amendment, were a birthright. They were not, as some in the Beltway would want you to believe, given to us by a Government that gets to pick and choose for how long and under what conditions we are to continue to retain them. For in our Republic, the rights of the people can never be removed even by a majority. The 2nd Amendment has withstood the test of time and legal scrutiny, and in every instance that birthright of the People to Keep and Bear Arms has been deemed not open to infringement by a Government of men.

It is this Constitution which makes taking a stand so important, and passing 1183 vital to that stand. The President and the Governor; the Congressperson and the Legislator; and the Soldier and the Peace Officer all swear an Oath before assuming their duties of service to the citizens of this great Nation and state. These Oaths may differ slightly in some respects, but all share one important commonality; stated prominently up front, before all other affirmations; the oath taker swears he or she will uphold, protect, and defend the Constitution of our Nation and our great state against all enemies, foreign and domestic, and to bear true faith and allegiance to the same. Preservation of the Constitution is their first duty to our citizens, above all other duties in that oath, and because of this it is at the front of the line in those oaths.

It is, however, being willing to actually take the actions required to uphold, protect, and defend the Constitution which separates the oath taker from the oath keeper. Some may feel this bill won't let cops be cops, but nothing could be further from the truth. Indeed, it will help them uphold their first obligation; which is to ensure that the rights of the people, as secured by their birthright and guaranteed by the Constitution, are not infringed. Indeed, that oath grants them as the Peace Officer or you as the Legislator no exceptions when it comes to the protection of the peoples Constitutional rights; regardless of if a criminal or government itself seeks to violate them.

Some may view this bill as an attempt at nullification of the federal government. This is simply not the case. All this bill does is require the federal government to do their own work, and not involve the state in their violations of the rights of our citizens. The bill does serve as an interesting paradox to federal efforts to keep the states out of enforcing other federal laws pertaining to immigration, because they felt this was their exclusive domain. It also does not prevent us from supporting enforcement of existing federal laws; laws that are already voluminous in nature. It will also not prevent new background check or mental health requirements.

A few may be concerned that we won't be allowed to accept grant funds from the federal government to enforce new gun laws. That brings to mind the question of how much more we should be



contributing to the indebtedness of the federal government, when it is clear they have no money to be giving away at the expense of our childrens' future. But, more importantly, we must affirm without reservation that the basic rights of the people are not for sale at any price.

The 2nd Amendment has never been about hunting or sport shooting, although these pastimes have certainly benefitted from and remained resilient even in changing times because of that Amendment. It has always been in existence to assure that the individual may protect their rights to life, liberty, and the pursuit of happiness from violation by others both outside and inside our borders, to include our own government in the most extreme of circumstances.

If you do not believe such circumstances could ever come to pass, I will remind you of the internment of Americans of Japanese and German decent during World War II. If that is not enough, remember the atrocities committed by our government against the first Americans. One specific example is the Massacre at Wounded Knee, when 297 Sioux Indians were murdered on the Pine Ridge Indian Reservation in South Dakota. These 297 people, in their winter camp, were killed by federal agents and members of the 7th Cavalry who had come to confiscate their firearms "for their own safety and protection". The slaughter began after the majority of the Sioux had peacefully turned in their firearms. Two hundred of the 297 victims were women and children. Twenty members of the 7th Cavalry were awarded the Medal of Honor for their actions.

Ladies and Gentlemen, we here in North Dakota know that gun ownership by our citizens, or the types of weapons they own or capacities of their magazines is not what caused the tragedy at Sandy Hook. New laws or edicts from the federal government will only criminalize our responsible citizens who simply seek to exercise their rights as guaranteed by the Constitution. Law enforcement in our state has real challenges to address without being pulled into this debate, and being placed in a no win position stuck between otherwise law-abiding citizens and unconstitutional mandates. HB 1183 will take them out of that no win position, allow them to focus on what matters in our state, and most importantly, will allow them and you to uphold your oaths to protect and defend our Constitution. I urge a Do Pass recommendation.

Rep Grande 4

House Judiciary Committee  
House Bill 1183

State Protection of Gun Rights

**Constitution of the United States - Second Amendment:**

A well regulated Militia, being necessary to the security of a free state, **the right of the people to keep and bear Arms, shall not be infringed.**

**Constitution of North Dakota – Article I – Declaration of Rights:**

**Section 1.** All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and **to keep and bear arms for the defense of their person, family, property,** and the state, and for *lawful* hunting, recreational, and other *lawful* purposes, **which shall not be infringed.**

**Section 2.** **All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people,** and they have the right to alter or reform the same whenever the public good may require.

**Section 20.** To guard against transgressions of the high powers which we have delegated, we declare that everything in this Article is excepted out of the general powers of government and shall forever remain inviolate.

[**Section 23.** The state of North Dakota is an inseparable part of the American union and the Constitution of the United States is the supreme law of the land.]

Every citizen in North Dakota has the natural right to keep and bear arms for the defense of themselves, their families and their property.

This right is declared – not given - in our Constitution and the government of this state was established – in part – to secure those natural rights.

As legislators we have each sworn an oath to uphold and support our Constitution and that is the intent of House Bill 1183.

Our Constitution is quite clear on this issue. Our natural right to keep and bear arms is not primarily about hunting – it is about protection of ourselves, our families and our property.

With regard to defense – there is nothing in the Constitution giving government the power or authority to determine how many bullets a person *needs* or what type of gun a person *needs*. Nothing.

Other sections of our Constitution have modifiers or circumstances which provide power and authority to government in certain situations – the right to hunt, for example, describes “lawful” hunting. There are no modifiers or circumstances that impact the natural right of each citizen to protect themselves, their families and their property.

House Bill 1183 will protect the citizens of North Dakota from the unlawful infringement of their natural rights. It is our duty – our oath – to protect those rights.

Many feel the need to do something in the face of unspeakable tragedy – such as the deaths of school children. But the understandable desire to do something is limited by our authority. The people have not delegated that authority to us.

Even if we had the power and authority to infringe upon the natural right to bear arms for personal protection - it would not be the wise or prudent thing to do.

I grew up in Williston, North Dakota. When I was in high school (a few years ago) – on any given day there were 50 or more shotguns and rifles in student’s cars. A lot of them had their 22’s in a gun rack in the back window of their pick-ups.

There was no fear, no suspensions, no cause for concern. Fast forward to today and we can’t even conceive of guns at our schools. What has changed? The guns have not changed. Yes an AR 15 might look “scary” but it is a hunting rifle with cosmetic enhancements that make it *LOOK* like a military weapon.

Clearly what has changed is our society. I will not get into why and how society has changed in this testimony but it can certainly be agreed that we live in a time of greater risks. And now – in a time of greater risks – there is a push to take legal firearms from the hands of law-abiding citizens? To tell our citizens what type of gun they can own or how many bullets they need?

The people of North Dakota have the right to keep and bear arms whether we act or not – but are we as legislators and as law enforcement upholding our oaths if we fail to act in the protection of our fellow citizens?

Last Saturday (January 19<sup>th</sup>) 75 to 100 citizens showed up on the grounds of this Capital – in North Dakota January weather - in a peaceful demonstration in favor of their rights to bear arms. Good, law-abiding citizens who are concerned about the loss of personal freedom and liberty. We are charged with protecting the rights of our citizens and that is why I support House Bill 1183.

"A free people ought not only to be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government."

- George Washington

"The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms."

- Samuel Adams

-

"The laws that forbid the carrying of arms are laws of such a nature. They disarm only those who are neither inclined nor determined to commit crimes.... Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."

- Thomas Jefferson (quoting 18th century criminologist Cesare Beccaria)

"The Constitution of most of our states (and of the United States) assert that all power is inherent in the people; that they may exercise it by themselves; that it is their right and duty to be at all times armed."

- Thomas Jefferson

Thank you,  
Rep. Bette Grande  
District 41, Fargo, ND

51

13.0500.02002  
Title.

Prepared by the Legislative Council staff for  
Representative Grande  
January 21, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1183

Page 1, line 1, replace "three" with "four"

Page 4, after line 9, insert:

"**SECTION 3.** A new section to chapter 62.1-01 of the North Dakota Century Code is created and enacted as follows:

**Federal agent enforcing firearms laws - Penalty.**

Any official, agent, or employee of the federal government who enforces or attempts to enforce a federal firearms law not in force as of January 1, 2013, against a firearm or ammunition that is owned or manufactured in this state and remains within the borders of this state is guilty of a class C felony."

Renumber accordingly

6

1. Issue a presidential memorandum to require federal agencies to make relevant data available to the federal background check system
2. Address unnecessary legal barriers, particularly relating to the Health Insurance Portability and Accountability Act, that may prevent states from making information available to the background check system.
3. Improve incentives for states to share information with the background check system.
4. Direct the attorney general to review categories of individuals prohibited from having a gun to make sure dangerous people are not slipping through the cracks.
5. Propose rule-making to give law enforcement the ability to run a full background check on an individual before returning a seized gun.
6. Publish a letter from ATF to federally licensed gun dealers providing guidance on how to run background checks for private sellers.
7. Launch a national safe and responsible gun ownership campaign.
8. Review safety standards for gun locks and gun safes (Consumer Product Safety Commission).
9. Issue a presidential memorandum to require federal law enforcement to trace guns recovered in criminal investigations.
10. Release a Department of Justice report analyzing information on lost and stolen guns and make it widely available to law enforcement.
11. Nominate a new director of the Bureau of Alcohol, Tobacco, Firearms and Explosives.
12. Provide law enforcement, first-responders, and school officials with proper training for active shooter situations.
13. Maximize enforcement efforts to prevent gun violence and prosecute gun crime.
14. Issue a presidential memorandum directing the Centers for Disease Control and Prevention to research the causes and prevention of gun violence.
15. Direct the attorney general to issue a report on the availability and most effective use of new gun-safety technologies and challenge the private sector to develop innovative technologies.
16. Clarify that the Affordable Care Act does not prohibit doctors from asking their patients about guns in their homes.
17. Release a letter to health care providers clarifying that no federal law prohibits them from reporting threats of violence to law enforcement authorities.
18. Provide incentives for schools to hire school-resource officers.
19. Develop model emergency response plans for schools, houses of worship and institutions of higher education.
20. Release a letter to state health officials clarifying the scope of mental health services that Medicaid plans must cover.
21. Finalize regulations clarifying essential health benefits and parity requirements within ACA exchanges.
22. Commit to finalizing mental-health parity regulations.
23. Launch a national dialogue led by Health and Human Services Secretary Kathleen Sebelius and Education Secretary Arne Duncan on mental health.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1183

Page 1, line 4, remove "to"

Page 1, line 5, remove "provide a penalty;"

Page 2, line 27, after "not" insert "knowingly and for the sole purpose"

Page 3, line 15, after "entity" insert "solely"

Page 3, line 15, after "for" insert "a"

Page 3, line 19, after "citizen" insert "due to the sole reason that the citizen is"

Page 4, line 12, replace "**Penalty**" with "**Remedy**"

Page 4, replace lines 13 through 19 with:

"In addition to any other remedy allowed by law, an aggrieved party under this Act may obtain in a civil action all appropriate relief to prevent or remedy a violation of this Act. An aggrieved party may not bring a civil action against a law enforcement officer as an individual, but relief must be sought from the governmental entity that employs the individual."

Renumber accordingly

**HB 1183 – Rep. Roscoe Streyle, District 3**

**Amendments under Attack**

**2<sup>nd</sup>** - A well regulated militia being necessary to the security of a free state, **the right of the people to keep and bear arms shall not be infringed.**

**9<sup>th</sup>** - The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**10<sup>th</sup>** - The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are **reserved to the States respectively, or to the people.**

**Bill Comments**

Bill doesn't say the feds can't enforce any new Federal regulation, but rather the State/Local law enforcement can't help or provide aid. **This bill is NOT nullification.**

**Protecting the rights of ND citizens and law enforcement is the goal of this legislation and our rights shouldn't be for sale because we afraid of losing federal money or support.**

**Oath of Office** - We as Elected Senators/Representatives take oath first and foremost to the Constitutions of ND & USA.

- Keeping the oath of office is sometimes not enforcing unconstitutional laws.

**Other states** (TX, MS, WY, MT, OK, KY, LA, KS, MI, etc.) are moving this type and others through their legislatures.

**Federal vs. State Rights**

- AZ case where Feds sued to stop AZ from enforcing Federal Immigration law.
- We are simply agreeing with Federal Government in that the state doesn't have the right to enforce any new federal gun laws that restrict 2<sup>nd</sup> Amendment rights.
- Feds have spent time, money and argued this in court.
- If federal gun legislation passes, will President Obama respect the laws passed in the states, as he has in regards to marijuana, which Colorado and Washington State recently passed?

**People Kill People NOT Guns**, furthermore the type of gun or magazine capacity should NOT be infringed period.

**What the bills does and does NOT do:**

- It will NOT protect those who are violating any law, including gun laws, on the books today.
- It will NOT protect anyone suspected of any crime when they use any gun or gun component (banned or not) in the furtherance of that crime.
- It will NOT stop the feds from enforcing any new gun laws of their own initiative.
- It WILL protect otherwise honest citizens whose ONLY alleged crime is exercising their 2nd Amendment rights. This bill is meant to protect them, and they are a large number of honest, hardworking, law abiding citizens.
- It is LIMITED only to those actions which will deprive those who can lawfully own guns today of their 2nd Amendment rights.

**This bill if passed wouldn't restrict the state from passing laws to comply with new federal regulations if the legislature deemed them to be constitutional and right for the State of North Dakota.**



The recent 23 Executive Orders aren't affected by this bill as they primary deal with federal agencies, sharing of information and cooperation between those different agencies. This bill doesn't affect them.

The **2nd amendment is already determined** and the new laws being considered are clearly not is passed, even the fact they in Congress are considering is one of the great assaults on liberty in modern times.

**HB 1183 is basically an insurance policy to protect our rights** in the short-term and if these unconstitutional power grabs can't be defeated in the next couple years it will become a long-term policy to protect our citizens' rights. This bill is about basic and inalienable rights of our citizens.

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"The CSPOA (Constitutional Sheriffs and Peace Officers Association) is the brainchild of Sheriff Richard Mack, the former Graham County (Ariz.) Sheriff who — alongside six other sheriffs from across the country — challenged the constitutionality of the Brady Bill (Mack and Printz v. United States, 521 U.S. 898 (1997)).

The United States Supreme Court sided with Mack, the 10th Amendment to the United States Constitution, and the principle of state sovereignty.

"In America, we have a system of checks and balances, and the ultimate [in that] is the 10th Amendment and state sovereignty," Mack told me in a recent interview. "It's up to local officials to enforce state sovereignty. The Federal government doesn't care about state sovereignty — they trample on it all the time. It's up to governors, state legislators, county commissioners, city council members, and local law enforcement especially the local sheriff" to take a stand on 10th Amendment issues."

In Utah, 28 of the state's 29 sheriffs signed a Jan. 17 letter to Obama saying it is "foolish and prejudiced" to "demonize firearms. The letter stated: We respect the office of the President of the United States, but make no mistake, as the duly-elected sheriffs of our respective counties; we will enforce the rights guaranteed to our citizens by the Constitution. No federal officials will be permitted to descend upon our constituents and take from them what the Bill of Rights, Amendment 2 has given them.

Mack says the list of more than 340 sheriffs have come out against further restrictions. There are about 3,079 sheriffs according to National Sheriffs Association.

Sheriff's Associations of CA, CO, FL, GA, IL, IN, KY, MI, MT, NE, NM, OK, SC, UT, WY (15) have come out against further restrictions, this doesn't mean every Sheriff in those states, but rather the associations themselves.

The case above cemented the fact that Sheriffs have no obligation to enforce federal laws. All HB 1183 will do is ensure that they don't have to.

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In House committee I had federal agent approach me (not giving his name or department) and spoke to me about how he and many other co-workers supports this bill and says it's "needed", so not all federal, state or local law enforcement dislike this bill as some would like you to believe. This provides and was one of the original intents of this bill is to provide cover and protection for local and state officials and not in any way meant to hurt or punish. In discussion with peace officers and sheriff's associations I offered an amendment in House Committee to address their concerns specifically by removing the criminal part and removing the word "Indirectly" aid from the bill. *I have an amendment like mentioned before to clean up language that was missed in House amendment.*

Fargo Police Chief is on record quote "If we were having a debate where the suggestion was we are going to eliminate guns entirely ... I'm opposed to that. But, I do think there should be some restrictions on military equivalent-type of weapons," Ternes said.

Fargo Mayor Dennis Walaker, the only mayor in North Dakota to belong to the anti-gun "Mayors Against Gun Violence" that New York Mayor Michael Bloomberg heads. Walaker said last year that guns were only for hunting, and suggested that the 2nd amendment could use some "revisions."

I understand this isn't the stance of every officer, police chief or sheriff, but these aren't statements that give me comfort. You have elected officials in the largest city in the state clearly not understanding our constitutionally protected 2nd amendment right. **These aren't military type weapons**, there .223/.308 hunting rifles that look a little different because they have: red dot sights, larger clips, pistol grips, picatinny rails, flashlights, camo design stocks, etc.

US Attorney Tim Purdon and Assistant US Attorney Lynn Jordheim at a meeting with local law enforcement executives indicated they are closely monitoring the bill. While they cannot comment directly to the passage of the bill they are concerned about its implications on the future of joint law enforcement operations within North Dakota and across state lines.

US Senate Judiciary Committee on March 12<sup>th</sup> and 14<sup>th</sup> just passed in committee the "Fix Gun Check Act", which would criminalize all private firearm sales and the "Assault Weapon Ban" and I don't believe these are what ND citizens support and are certainly not Constitutional.

#### Relevant Historical Quotes:

- "The greatest danger to American freedom is a government that ignores the Constitution."  
-Thomas Jefferson
- "An armed man is a citizen. A disarmed man is a subject."  
-Anonymous
- "To preserve liberty, it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them."  
*Richard Henry Lee*
- "The highest obligation and privilege of citizenship is that of bearing arms."  
-General George Patton —US Army

#### The agenda for ultimate gun control is well documented:

- "Our main agenda is to have all guns banned. We must use whatever means possible. It doesn't matter if you have to distort the facts or even lie. Our task of creating a socialist America can only succeed when those who would resist us have been totally disarmed."  
*Sarah Brady*
- Obama co-sponsored bill to limit gun purchases to 1/month, 2007.
- Obama endorsed Illinois handgun ban in 2008.
- Obama - Limit clips to 10, assault weapons ban

**NRA Support of HB 1183**

**Sent:** Monday, February 25, 2013 1:07 PM  
**To:** -Grp-NDLA House Republicans  
**Subject:** NRA requests support for HB 1183

Hello all,

I was asked to forward this message to you from the NRA:

The NRA also requests your support for H.B. 1183, sponsored by Representative Roscoe Streytle (R-3). This legislation would prohibit state and local officers and agents from assisting the federal government with respect to gun control laws passed after January 1, 2013.

As a legal matter, the bill would attempt to preserve the status quo of state/federal cooperation on existing laws while making clear that the state will go no farther in enforcing newly-enacted federal gun control.

**Anna Kopperud**

**State Liaison | NRA-Institute for Legislative Action**

National Rifle Association | 11250 Waples Mill Road | Fairfax, VA 22030

P: (703) 267-1192 | E: [akopperud@nrahq.org](mailto:akopperud@nrahq.org)

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**HB 1183 – Rep. Roscoe Streytle, District 3**

**Section 1: Definitions in the Act**

- 1) Defines of “Deputation” or other official status
- 2) Defines that any “federal law NOT in force by 1/1/13” – Includes a RULE, REGULATION OR EXECUTIVE ORDER that deprives a citizen of manufacturing, importing, buying, selling, transferring, transporting, possessing, bearing, concealing, etc. – Double/Triple states the Rule, Regulation or Executive Order.
- 3) Defines “Firearm” – Including any accessories for a firearm
  - a. Any type of ammunition and equipment and supplies used to reload ammunition
  - b. Any device used to hold ammunition for feeding of the ammunition in a firearm regardless of capacity
  - c. Other accessories permanently or temporarily attached or affixed to a firearm or modifications made to such firearm.
- 4) Defines “Information” – Which includes knowledge gained in the course of activities performed by a government entity of this state, including political subdivision or knowledge provided to these entities by any party which may indicate a citizen is or could be violating federal firearms law after 1/1/13 and be used in the prosecution of the citizen.
- 5) Defines “Resource Support” – Means Individuals, funding regardless of source, equipment supplies, real property, assistance, etc. for the purpose of conducting activities to enforce federal firearms law after 1/1/13.
- 6) Defines “Resources” – Which includes the first part of resource support.

**Section 2: State Enforcement of Federal Firearms Laws are Prohibited**

- 1) Clearly says State and Local Governmental entity may NOT do any of the following:
  - a. Investigate, enforce or prosecute ANY federal firearms laws after 1/1/13.
  - b. Assist with investigation, enforcement or prosecution.
  - c. Provide ANY resources, information or assistance.
  - d. Accept resource support for and use existing resource support.
  - e. Take any other action which can or may directly aid or assist any governmental entity in investigating, enforcing or prosecuting any citizen.
- 2) Spells out a State or Local governmental entity may NOT jail, confine, or imprison any citizen by its own actions or in support of another governmental entity for violation or suspected violation of federal firearms law after 1/1/13.
- 3) Spells out that no firearms can be confiscated.
- 4) Spells out that no law enforcement can accept permanent or temporary deputation for purposes of conducting activities prohibited by this bill.
- 5) Spells out that no state or local governmental entity may NOT adopt rules, regulations, resolutions, ordinances or provision of a home rules charter that are identical or similar to federal law after 1/1/13.

- 6) Spells out that state and local governmental entity may continue to support and act in cooperation with other governmental entities for enforcement and prosecution not related to federal firearms law BEFORE 1/1/13.

**Section 3: Penalty**

Simply states a citizen may bring CIVIL remedy against a law enforcement entity if this act is violated to recover damages.

**Section 4: Retroactive Application to 1/1/13**

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**Amendment: The House amendment was supposed to remove the word "INDIRECTLY" from the bill completely, but didn't and was missed in by myself and the committee. Page 3, Section "e", Line 8**

1183 (1)

13.0500.04001  
Title.

Prepared by the Legislative Council staff for  
Representative Streyle  
March 19, 2013

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1183

Page 3, line 8, remove "or indirectly"

Renumber accordingly

House Bill 1183

State Protection of Gun Rights

Constitution of the United States - Second Amendment:

A well regulated Militia, being necessary to the security of a free state, **the right of the people to keep and bear Arms, shall not be infringed.**

Constitution of North Dakota – Article I – Declaration of Rights:

**Section 1.** All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and **to keep and bear arms for the defense of their person, family, property,** and the state, and for *lawful* hunting, recreational, and other *lawful* purposes, **which shall not be infringed.**

**Section 2.** **All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people,** and they have the right to alter or reform the same whenever the public good may require.

**Section 20.** To guard against transgressions of the high powers which we have delegated, we declare that everything in this Article is excepted out of the general powers of government and shall forever remain inviolate.

[**Section 23.** The state of North Dakota is an inseparable part of the American union and the Constitution of the United States is the supreme law of the land.]

Every citizen in North Dakota has the natural right to keep and bear arms for the defense of themselves, their families and their property.

This right is declared – not given - in our Constitution and the government of this state was established – in part – to secure those natural rights.

As legislators we have each sworn an oath to uphold and support our Constitution and that is the intent of House Bill 1183.

Our Constitution is quite clear on this issue. Our natural right to keep and bear arms is not primarily about hunting – it is about protection of ourselves, our families and our property.

With regard to defense – there is nothing in the Constitution giving government the power or authority to determine how many bullets a person *needs* or what type of gun a person *needs*. Nothing.

Other sections of our Constitution have modifiers or circumstances which provide power and authority to government in certain situations – the right to hunt, for example, describes “lawful” hunting. There are no modifiers or circumstances that impact the natural right of each citizen to protect themselves, their families and their property.

House Bill 1183 will protect the citizens of North Dakota from the unlawful infringement of their natural rights. It is our duty – our oath – to protect those rights.

Many feel the need to do something in the face of unspeakable tragedy – such as the deaths of school children. But the understandable desire to do something is limited by our authority. The people have not delegated that authority to us.

Even if we had the power and authority to infringe upon the natural right to bear arms for personal protection - it would not be the wise or prudent thing to do.

I grew up in Williston, North Dakota. When I was in high school (a few years ago) – on any given day there were 50 or more shotguns and rifles in student’s cars. A lot of them had their 22’s in a gun rack in the back window of their pick-ups.

There was no fear, no suspensions, no cause for concern. Fast forward to today and we can’t even conceive of guns at our schools. What has changed? The guns have not changed. Yes an AR 15 might look “scary” but it is a hunting rifle with cosmetic enhancements that make it *LOOK* like a military weapon.

Clearly what has changed is our society. I will not get into why and how society has changed in this testimony but it can certainly be agreed that we live in a time of greater risks. And now – in a time of greater risks – there is a push to take legal firearms from the hands of law-abiding citizens? To tell our citizens what type of gun they can own or how many bullets they need?

The people of North Dakota have the right to keep and bear arms whether we act or not – but are we as legislators and as law enforcement upholding our oaths if we fail to act in the protection of our fellow citizens?

Last Saturday (January 19<sup>th</sup>) 75 to 100 citizens showed up on the grounds of this Capital – in North Dakota January weather - in a peaceful demonstration in favor of their rights to bear arms. Good, law-abiding citizens who are concerned about the loss of personal freedom and liberty. We are charged with protecting the rights of our citizens and that is why I support House Bill 1183.

"A free people ought not only to be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government."



- George Washington

"The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms."

- Samuel Adams

-

"The laws that forbid the carrying of arms are laws of such a nature. They disarm only those who are neither inclined nor determined to commit crimes.... Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."

- Thomas Jefferson (quoting 18th century criminologist Cesare Beccaria)

"The Constitution of most of our states (and of the United States) assert that all power is inherent in the people; that they may exercise it by themselves; that it is their right and duty to be at all times armed."

- Thomas Jefferson

Thank you,  
Rep. Bette Grande  
District 41, Fargo, ND

## Testimony

### HB1183

Jerry Kemmet, North Dakota Peace Officer Association Lobbyist  
# 206

The North Dakota Peace Officers Association is in opposition to HB1183. All Law-Enforcement Officers take an oath to uphold the constitution; we take that oath very seriously. Officers will lay their lives on the line to ensure the constitution of the United States and constitution of the great state of North Dakota is protected. Law-Enforcement strongly believes in the 2<sup>nd</sup> Amendment.

This bill puts us in direct conflict with our Federal Law-Enforcement partners. There are too few Law-Enforcement Officers in this state and we need the ability to work with our brothers and sisters in federal Law-Enforcement.

The message we need to get to the public and to you as Legislators is that local and state Law-Enforcement are not Federal Agents and can't enforce federal law.

Local and state Law-Enforcement agencies work closely with Federal agencies on many different types of investigations throughout the state of North Dakota. What is the short term affect of this bill if passed? Nothing, not one Federal firearms bill has passed. What is the long term affect? We don't know. Through the years, you as a Legislative body have encouraged Law-Enforcement to leverage its resources. Law-Enforcement tried to do that along with our Federal partners forming Task Forces throughout the state of North Dakota.

If this HB1183 is passed, how will this affect our joint agreement with our Federal Law-Enforcement partners? Might they pull out of these Task Forces, or quit cooperating with local Law-Enforcement on other types of investigations?

I know North Dakota wants to send a strong message on the 2<sup>nd</sup> Amendment to the Federal government. I do not think HB1183 is the right way to do this. North Dakota Law-Enforcement is committed to their service to the people in their communities. If this bill passed it will not help keep our citizens safer.

Not assisting Federal agencies in their duties or investigation is an authority North Dakota Law-Enforcement already has. We do not need to carve out one issue. This starts a slippery slope that could lead into very dangerous arena.

To put our local Law-Enforcement Officers in direct conflict with Federal Law-Enforcement Officers is not a good message to send. Please vote a Do Not Pass on HB1183. This bill is trying to solve a problem, where there is no problem to solve.

**TESTIMONY IN OPPOSITION TO HB 1183****03-19-13**

Mr. Chairman and members of the Senate Judiciary Committee:

My name is Jim Thoreson and I serve as Chief Deputy for the Cass County Sheriff's Office.

I speak in opposition to HB 1183 for many reasons, but simply put, it is totally unnecessary. Local and state law enforcement work side by side with federal law enforcement on a daily basis and this bill would pit one group against the other.

Think of the future...how will a local or state law enforcement officer know when a federal firearms law went into effect? The original bill would have charged a local or state law enforcement officer with a crime for assisting federal law enforcement; now the amendments make the local and state agencies liable in a civil suit.

I have been in law enforcement for 42 years and have prided myself on remaining professional regardless of what type of incident is at hand but proposals such as this bill bring professionalism into question! The last time I checked, we are the United States of America, and not some state going off on our own with some philosophical stand against our government.

All of law enforcement has the same goal, which is to serve and protect the citizens we serve. Let's not get caught up in some "what if" scenario when it is totally unnecessary.

Thank you for your time and I would be happy to answer any questions you may have.

**HB1183 Testimony**  
**by Sheriff Paul D. Laney**

**Senate Judiciary Committee**  
**Senator David Hogue-Chairman**  
**Senator Margaret Sitte-Vice Chair**

Good morning Senator Hogue and distinguished members of the Senate Judiciary Committee. My name is Paul D. Laney and I am the elected Sheriff of Cass County.

I am giving this testimony in opposition of HB1183. This bill is a bill that will allow civil penalties against North Dakota Law Enforcement agencies if we “directly or indirectly” assist any federal law enforcement agencies in enforcing any federal firearms legislation passed after December 31, 2012.

If this bill is passed, the legislature is essentially setting up its own law enforcement for civil litigation. We will violate this bill. Let me be clear. We will violate this bill. We won't do it on purpose, but having legislation that holds us liable for “indirectly” assisting is very dangerous. In this day and age when criminal behavior is mobile and goes from state to state, we must work with our federal partners to track and solve crimes. Legislation like this, that pits us against our own federal partners, essentially guarantees it will happen.

All we have to do is book someone into our jail, conduct a drug investigation that involves a firearm that violates the conditions of this bill; or conduct an armed robbery investigation jointly with the FBI and it turns out the firearm used in the commission of the crime was a weapon in violation of this piece of legislation. Then we have already violated the conditions of HB1183 and we will be liable.

Imagine the chaos it will put into our investigations if we have to first try to figure out what type of weapon was used in a crime before we can determine if we will work with our federal partners or not. Imagine not working with the FBI on an armed robbery because we don't know what type of weapon was involved. Imagine how hard it will be for our drug investigators, if midway through a two year drug investigation they receive intel that the suspect(s) being investigated are armed. Many of our drug investigations are joint with federal agencies because the cases cover the entire country and many times into Mexico. Do we suspend the investigation, and joint effort with the federal agencies, because we don't know if the weapon(s) being possessed are in violation of new federal firearms law passed after December 31, 2012.

We are not federal agents; we cannot enforce federal law as it is now. We do not need a bill telling us that we can't work with our own federal government. We do not need legislation that puts us “cop on cop” and forces us to be unable to protect our public because we cannot work with our federal partners. We are North Dakotans, we are better than this and we do not need HB1183.

Thank you for your time and consideration, and I respectfully request you oppose HB1183 and recommend a Do Not Pass.



March 19, 2013

Chairman Hogue, Members of the Senate Judiciary Committee:

My name is Dan Donlin, Chief of Police (Bismarck Police Department) and resident of District 8 in Burleigh County. I respectfully urge this Committee to forward a "do not pass" vote on HB1183.

I am fully behind and supportive of the Constitution of the United States, in fact, 25 years ago, I swore, under oath, to "support the Constitution of the United States and the Constitution of the State of North Dakota" (see attached Oath) and I take that oath very seriously. I fully support of the 2<sup>nd</sup> Amendment, the people's right to bear arms; having said that, I have concerns over this particular bill.

Issues of concern:

Section 2, Subsection 1.b through e: Law enforcement may not "assist," "provide any resources...or assistance," and "take any other action which can or may directly or indirectly aid or assist any governmental entity in..enforcing..."

- Although the "...and for the sole purpose" verbiage seems to allow law enforcement to continue collaborative efforts with Drug Task Forces, inclusive of Federal Agencies as partners, in combating the prolific drug activity in our state; I am concerned over un-foreseen situations and unintended consequences of this bill. For example:
  - 1) Let's say ATF comes into your community to serve a federal search warrant for what is the "sole purpose" of enforcing a law enacted by the federal government after Jan. 1, 2013 and the citizen they are serving the search warrant on is a person local law enforcement knows has the potential to become violent, may even be anti-law enforcement, and the person is high-risk to get into a gunfight with law enforcement. Now, as I read this bill, local law enforcement would not be able to "assist," "provide any resources," and/or "take any other action which can or may directly or indirectly aid or assist" this "governmental entity." Therefore, your local law enforcement cannot go to the location and "assist..provide resources," etc. to conduct a safety evacuation of the surrounding residents or to set up a perimeter for the protection of our local citizens; nor would they be allowed to set up their own surveillance in an attempt to secure this citizen (for his/her own safety, as well as the community's) as they go to the grocery store or somewhere else outside the home, so as to minimize the possibility and opportunity to access weapons to shoot and kill law enforcement. Rather, it appears your local law enforcement will have to just sit and wait, do nothing and stand by for the "SHOTS FIRED, OFFICER DOWN" call in order to now respond for protection of the community and enforcement of a new criminal violation and, hopefully, none of your other residents in the neighborhood, their children, etc. were shot because local law enforcement was not allowed to "assist" in any way AND, we relied

Dan Donlin, Chief of Police

Phone: 701-223-1212 ★ FAX: 701-355-1927 ★ Tdd: 701-221-6820 ★ 700 S. Ninth Street ★ Bismarck, ND 58504-5899



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on the federal government to ensure they followed all tactical safety procedures that local law enforcement would have taken for our citizens.

- 2) Eight, ten years from now and officer is out in the streets or is with the Task Force and comes across what then may be a possible firearm violation and now has to determine, *was this law put into place before Jan. 1, 2013 or after?* That officer either “investigates” or “assists” or “provides resources” or “takes any other action,” which “directly or indirectly” assisted “any governmental entity” and later learns the wrong date; or, maybe worse, fails to take any further investigative or enforcement action in fear of violating the laws this bill addresses. I fully understand this may lay in the “knowingly” category, but it appears that will now be up to a civil jury to decide.

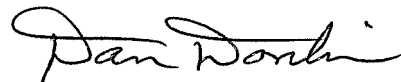
I believe there are many other issues that “muddy” the waters here for law enforcement and all this for laws that are not even in affect. I would also like to remind the Committee members that local law enforcement cannot “enforce” or arrest for federal crimes. It is also within the authority of each law enforcement Chief Executive Officer (Chief or Sheriff) to make that determination as to whether their agency will “assist” a federal agency. This can, and is currently, done on a case by case basis. The CEO can deny their agencies assistance at any time.

I have talked with several Sheriffs and Chiefs and I have not heard from any one of them that they support such things as confiscation of legally (state) owned firearms, which is what is apparently being feared within this bill.

Finally, none of us in this room can begin to purport that we can think of or contemplate every possible situation that could arise out of this premature bill; possibly causing some future un-do or un-foreseen hardship on the officers working in your community, who put on that badge, strap on that gun, take an oath swearing to support the Constitution of the United States of America and the Constitution of the State of North Dakota; and every day, places their life on the line to protect your constituents’ physical safety and their constitutional rights.

I urge this Committee to give HB1183 a “do not pass” recommendation.

Thank you,



DAN DONLIN

Chief of Police

Bismarck Police Department

STATE OF NORTH DAKOTA,

County of Burleigh

ss.

I, Daniel O. Donlin

, do solemnly swear

that I will support the Constitution of the United States and the  
Constitution of the State of North Dakota and that I will faithfully discharge the duties of the office of  
Police Officer

in the County of Burleigh

and State of North Dakota according to the best of my ability. So help me God.

Subscribed and sworn to before me this

19 day of Aug, 1988

Harrell Rippe  
Atty. Gen. Judge

Daniel O. Donlin