

2013 HOUSE JUDICIARY

HB 1327

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1327
January 29, 2013
Job 17900

Conference Committee

Kristie Hetzler

Explanation or reason for introduction of bill/resolution:

Criminal history record checks and concealed weapons laws.

Minutes:

Testimony 1,2

Chairman Koppelman: Opens.

Rep Porter: Introduced HB 1327. Give the States Attorney office as much reciprocity across the country with other states as much as we can. Class 1, Class 2. The state of Minnesota. I worked on this bill with the Attorney General's office and the NRA. Refers to testimony 2. Concerns of the blanket language in section 7, pg 6, sub 3, line 31. Mr. Trenbeath is going over testimony 1. The Attorney General's office is right behind me.

Rep Delmore: Can you tell me what kind of skills concealed weapons holders to have?

Rep Porter: In ND guns is part of a lot of individuals heritage, we put that responsibility on each individual. There isn't, even on class 1, measurable level of expertise that is required. I think it would be very difficult to set a standard.

Rep Delmore: Is that uniform in most states?

Rep Porter: In our class 2 we have about 32 states that recognize that, so I would say yes. Class 1 requires a shooting test.

Rep Boehning: On pg 1, lines 19, why does it require two sets of fingerprints.

Rep Porter: That is old language and always been that way. Mr. Trenbeath can correct me if I'm wrong but 1 copy goes to the FBI and the other BCI.

Chairman Koppelman: Two fingerprints exercise or is it a copy?

Rep Porter: I will leave that question for Mr. Trenbeath.

Rep Brabandt: In a couple places in the bill the word person is crossed out and individual is inserted, differiate between the two?

Rep Porter: Legislative counsel could answer that one.

Chairman Koppelman: Under law person could be a group, or an entity and individual means one person.

Rep Kretschmar: Does this bill make it more difficult to get a concealed weapons permit or easier?

Rep Porter: It leaves it the same, the only component inside this bill is only as a safety net is upon renewal the federal background check will now be required.

Rep Hogan: Mental illness screening, pg 7, lines 5?

Rep Porter: Another bill last session addresses that.

Chairman Koppelman: Responsibilities of the Sheriffs going to BCI?

Rep Porter: Sheriffs have concern about the duplication and waste of time that basically is put on them the old way that the law was done. They don't have any more or less access to the information that the BCI does. The Attorney General's office in order to ease that burden on local law enforcement to take that all in-house.

Chairman Koppelman: Historically or now is there any discretion involved with whether it's the Sheriffs now or BCI to deny a permit?

Rep Porter: I would put that the other way, if background and everything checks out ok there is no reason that they wouldn't give a permit. If they find a reason why they can exercise that authority.

Chairman Koppelman: An example of a denial? And why?

Rep Porter: Centralized process, they all work together to figure it out. An example is domestic violence, wouldn't be able to get one or renew on either.

Rep Boehning: Where does one need to go to get a concealed weapons permit and where is the fingerprinting done.

Rep Porter: I will let Attorney General Office talk about that, but usually starts right at the sale of a gun.

Chairman Koppelman: Changes on page 2, type of gun? What about the guns that shoots both the shotgun shells and rifle cartridges/pistol cartridges?

Rep Porter: This language change is made to be generic for those types.

Chairman Koppelman: Bottom of page 4, what are the reasons for the hours and all that?

Rep Porter: That language is for individuals who don't have a concealed carried permit that want to have a loaded in plain view.

Thomas Trenbeath, Chief Deputy Attorney General: Testimony 1. To address the earlier question about applying for concealed weapons permit, we are working hard to get an online application process going. It will be one that will not let them continue if certain fields are not filled in or filled out incorrectly. We spend a huge amount of time sending back paper applications because of this.

Chairman Koppelman: Questions Rap Back?

Thomas: If an individual has their permit for 5 years before they have to renew it and go through another background check, if those individuals do something that reflags authorities, the information is streamlined and available to all the necessary authorities.

Rep Delmore: If an individual gets a DUI offense are they allowed to carry a concealed weapon?

Thomas: You would not be able to obtain a license?

Rep Delmore: If they already have one, until the recheck authorities would not know that?

Thomas: That's correct. Pg 6 about alcohol offenses, we need to be reasonable and at the same time keep it safe. We checked out other states and they ran anywhere from no disqualification to 15 years so we went with 10. Refers to testimony 2.

Rep Hogan: How many concealed weapon holders are in ND?

Thomas: Approx 22,000. Our office is drowning in applications these days, and I'm guessing because of all the politics currently going on. Jan 1 to the 13th we issued 876 licenses. Jan 14 to the 28th we received 1,368 applications.

Rep Hogan: How many denials do you make a year?

Thomas: Maybe a few hundred.

Rep Delmore: Out of those 22,000, how many are class 1 and how many are class2?

Thomas: Roughly one third is 1, and two thirds are class 2.

Chairman Koppelman: The second background check, is that for both class 1 and 2?

Thomas: Yes.

Chairman Koppelman: Court case?

Thomas: Aliens are admitted to public schools here, pay taxes to live here, they are entitled to the rights and benefits as long as they are legally here.

Chairman Koppelman: Was it State court?

Thomas: No, Federal.

Chairman Koppelman: Statute of limitation of 10 years does that endanger reciprocity with the states that have 15.

Thomas: No.

Chairman Koppelman: We have reciprocity in class 2 with 32 states, and class 1 with 36, is that correct?

Thomas: Yes.

Chairman Koppelman: What is with MN, do you know?

Thomas: We have reciprocity with other states that have reciprocity with MN, and every time we make a change suggested by MN it still does not go through.

Chairman Koppelman: Can we do anything about that, any way around it?

Thomas: Reciprocity is a two way thing; no we cannot force them.

Rep Paur: It used to be that the UT permit would gain access to carry concealed weapons in MN. Do they still do it? Is there something special about the UT permit?

Thomas: No, UT permit is not special.

Chairman Koppelman: How many ND individuals have UT permits?

Thomas: I don't but it is considerable.

Dan Donlin, Chief of Police, Bismarck PD: Supports HB 1327.

Rep Larson: Do you see this bill as decreasing your workload that the police dept?

Dan: Absolutely.

Rep Boehning: Since individuals will be going through BCI will you still see the individual?

Dan: Yes, we work well with BCI and have the same access that indicates which individuals have concealed weapons permits.

Chairman Koppelman: If you check the do not recommend box by just knowing the individual and BCI states their background check is clear, how does that work?

Dan: We would show reports of why we would not recommend it. And again we work with BCI and they call us also if any questions need to be answered.

Kelly Jenkins, Sheriff Nelson County: Supports HB 1327.

Rep Boehning: When you pull someone over do you know immediately if they have a concealed weapons permit just by running their license plate?

Kelly: That is correct, the dispatcher notifies us when we run the driver's license.

Rep Boehning: On registration also or just license?

Kelly: It might come up on registration also but I know it does on license.

Susan Beehler: Neutral. At what age does it become a right to bear arms? And why do our children have the right to bear arms? What's out there controlling people from selling and buying from one another, not just gun retailers? Page 2, what do we require from out of state vendors.

Chairman Koppelman: This bill is not about the rights to bear arms, it is on concealed weapons. And to answer your question about vendors, law enforcement or Mr. Trenbeath could probably answer that for you.

Susan: Page 3, it talks about a student and an instructor, again what are the age requirements?

Chairman Koppelman: Concealed weapons an 18 year old, class (inaudible) has to be 21.

Susan: Page 4 Drivers license and fake ID. Does our state do anything in these cases? Can we do anything other than fingerprinting, such as retinal scan or palm scan? Then page 6, line 16 as a citizen it seems we are making the law less restrictive? Page 7, line 3, the word turpitude could be updated to another word. Page 7, line 25 domestic violence was taken out, as a survivor of domestic abuse this concerns me. Page 9, line 11 if this is a responsible gun owner why are we babysitting them by sending out a notice? Page 9, line 22 just a suggestion, instead of fees going to attorney generals operating funds why not put it in a grant fund?

Chairman Koppelman: That would put the connection of concealed weapons and domestic violence and I'm not sure if there is any statics showing that.

Susan: Again I am neutral; I just wanted to give you some issues to think about.

Chairman Koppelman: We will try to have Mr. Trenbeath talk with you on some of your questions. Can you address the ID question?

Thomas: There is no one anywhere that would put down anything other than the reasons already listed there.

Chairman Koppelman: Page 7 on the domestic abuse, any comment on that?

Thomas: One of those things that it appears a couple of times in the Statute so we were content to rely on what now exists on line 4 of that same page.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1327
Job 17980
January 30, 2013

Conference Committee

Kristi Hetzler

Explanation or reason for introduction of bill/resolution:

Criminal history record checks and concealed weapons laws.

Minutes:

Testimony 1

Chairman Koppelman: We will be acting on several similar bills at the same time.

Thomas Trenbeath: I would like the opportunity to present an emergency clause to amend to that and I will leave that with the clerk: (testimony 1)

Chairman Koppelman: We will certainly take that into consideration. Thank you.

Closed.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1327
DATE February 11, 2013
JOB 18746

Conference Committee

Carmon Hickle

Explanation or reason for introduction of bill/resolution:

Relating to concealed weapons laws.

Minutes:

Proposed Amendments 1,2,3

Chairman Kim Koppelman: Committee work opened. There are three amendments with this bill. One amendment is for the emergency clause. The other is page 6 line 31 has to do with within ten years prior to the date of application and misdemeanor. Rep. Klemin has one also.

Rep. Andy Maragos: Moved the emergency clause amendment.

Rep. Kathy Hogan: Second the motion.

Voice vote - carried.

Chairman Kim Koppelman: Discussed the changes to the second amendment.

Rep. Lois Delmore: Moved the amendment.

Rep. Roger Brabandt: Second the motion.

Voice vote carried.

Vice Chairman Larry Klemin: Proposed an amendment with the definition of dangerous weapons. There was discussion.

Vice Chairman Larry Klemin: Made a motion to approve the amendment.

Rep. Andy Maragos: Second the amendment.

Voice vote carried.

Rep. Andy Maragos: Motion on a do pass as amended.

Rep. Lois Delmore: Second the motion.

House Judiciary Committee
HB 1327
February 11, 2013
Page 2

Vote 13-0-1

Re-referred to appropriations.

Rep. Gary Paur will carry the bill.

Chairman Kim Koppelman: Closes the hearing

FISCAL NOTE
Requested by Legislative Council
01/18/2013

Bill/Resolution No.: HB 1327

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$208,761	\$0	\$238,487
Expenditures	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487
Appropriations	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0		
Cities	\$0		
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires state and national fingerprint based criminal history record checks prior to concealed weapon licenses being issued. The bill also removes local law enforcement from the concealed weapons license process.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the concealed weapon license application fee is \$45 every five years. The Office of Attorney General processes a North Dakota record check, outstanding warrants search, court records check, National Instant Check system check and other checks. This bill requires a fingerprint based national criminal history record check be performed for each applicant prior to issuing the license. The fingerprint based criminal history record check will cost \$14.50 which will need to be collected from each applicant. The fiscal impact on police departments and sheriff offices is unknown however it should reduce their expenses related to this work.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The \$14.50 fingerprint based criminal history record check fee will need to be collected from the applicant. For the 2013-15 biennium there are an estimated 7,300 new and 5,600 renewing concealed weapon license applicants. For the 2015-17 biennium there are an estimated 7,000 new and 7,700 renewing concealed weapon license applicants. These revenues are deposited in the Office of Attorney General operating fund to pay for the fingerprint based record checks.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The \$14.50 fingerprint based criminal history record check fee will need to be paid to the FBI which will require other funds expenditures by this office. In addition, completing fingerprint based criminal history record searches may require some rewrite of the current Concealed Weapons License system. The estimated cost of the rewrite is \$24,000 from the general fund.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The appropriations impact reflects the estimated cost of the fingerprint based criminal history record check fees being paid to the FBI and the estimated cost of rewriting a portion of the Concealed Weapons License system.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 01/23/2013

February 12, 2013

VK
2/12/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1327

Page 1, line 3, replace "subsection" with "subsections 1 and"

Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; ~~any stun gun~~; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual nor does the term include a device that uses direct contact to deliver voltage for the defense of an individual.

Page 2, line 17, remove ", except a spray"

Page 2, remove line 18

Page 2, line 19, remove "alpha-chloroacetophenone also known as CN,"

Page 6, line 31, after "alcohol" insert "within ten years prior to the date of application"

Page 7, line 1, overstrike "an" and insert immediately thereafter "a misdemeanor"

Page 7, line 2, after "substances" insert "within ten years prior to the date of application"

Page 9, line 1, after "c." insert "A North Dakota resident who has a valid class one firearm license also may carry a class two dangerous weapon without any further testing required.

d."

Renumber accordingly

Date: 2-11-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1327

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. magagos Seconded By Rep. Hogan

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
Emergency Clause

Date: 2-11-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1327

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. Delmore Seconded By Rep. Brabant

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 Brabant					
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
Handout #2
'Ten years prior to the date of application'*

Date: 2-11-13
Roll Call Vote #: 3

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1327

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. Klemin 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
definition of dangerous weapon
Hand out #3*

Date: 2-11-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB1327

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. Delmore

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) 13 No 0

Absent 1

Floor Assignment Rep. Paur

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

REPORT OF STANDING COMMITTEE

HB 1327: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1327 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "subsection" with "subsections 1 and"

Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; ~~any stun-gun~~; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual nor does the term include a device that uses direct contact to deliver voltage for the defense of an individual.

Page 2, line 17, remove ", except a spray"

Page 2, remove line 18

Page 2, line 19, remove "alpha-chloroacetophenone also known as CN,"

Page 6, line 31, after "alcohol" insert "within ten years prior to the date of application"

Page 7, line 1, overstrike "an" and insert immediately thereafter "a misdemeanor"

Page 7, line 2, after "substances" insert "within ten years prior to the date of application"

Page 9, line 1, after "c." insert "A North Dakota resident who has a valid class one firearm license also may carry a class two dangerous weapon without any further testing required.

d."

Renumber accordingly

2013 HOUSE APPROPRIATIONS

HB 1327

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

HB 1327
2/15/13
Job 19075

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact subsection 3 to section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks; and to amend and reenact subsections 1 and 6 of section 62.1-01-01 and sections 62.1-02-05, 62.1-02-10, 62.1-03-01, 62.1-03-05, and 62.1-04-03 of the North Dakota Century Code, relating to concealed weapons laws.

Minutes:

You may make reference to "attached testimony."

Rep. Kim Koppelman, District 34: Introduced the bill.

Tom Trenbeath, Office of the Attorney General: In a constant effort to streamline these things, because it runs so long between the time you apply and the time you finally have the license, we want to start first of all submitting all our fingerprints electronically. Secondly, we want to start accounting for checks; we use about half an FTE just processing payments. We also want to start taking credit cards. This money puts us in shape to do all these things and make the turnaround time quicker.

Chairman Delzer: It takes the sheriffs out of the system.

Rep. Koppelman: That is pretty much it. There are a few other tweaks in the bill, and an amendment from the policy committee which streamlines the definition of dangerous weapon. If the bill passes, it clarifies that stun guns and tasers would not be considered concealed weapons, dangerous weapons, for the purpose of this.

Chairman Delzer: Questions? Thank you. We'll break for tonight. The meeting was adjourned.

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

HB 1327
2/21/13
Job 19321

Conference Committee

Jocelyn Gallagher

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact subsection 3 to section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks; and to amend and reenact subsection 6 of section 62.1-01-01 and sections 62.1-02-05, 62.1-02-10, 62.1-03-01, 62.1-03-05, and 62.1-04-03 of the North Dakota Century Code, relating to concealed weapons laws.

Minutes:

Chairman Delzer: Let's take a look at 1327. This allows BCI to do criminal background checks and not have to go through the county sheriffs. This allows individuals to get a concealed carry easier with a two-step process.

Rep. Streyle: passed out an amendment

Discussion (1:46)

Rep. Streyle: (2:47) went through amendment .03001

Chairman Delzer: (4:40) Have you had any discussions with the bill sponsor?

Rep. Streyle: I spoke with Rep. Porter and he did not have a problem, I would move the amendment.

Chairman Delzer: We have a motion to amend 1327 with 03001, second by Rep. Monson.

Rep. Skarphol: Was this an oversight on part of the sponsor?

Rep. Streyle: I don't think so, this is a change to the bill.

Rep. Hawken: This is a definite, huge policy change in this bill. It wasn't part of the discussion when they had the hearing. There is nothing wrong with this as a stand-alone but I think this is not appropriate. Our sheriffs really would like to get out of the business of a pass through to the BCI, so the bill itself is excellent, but this amendment I believe is inappropriate.

Chairman Delzer: Further discussion, we have a motion to amend, all in favor say Aye, opposed, nay. Chair will rule the Ayes have it.

Rep. Hawken: Would you please have a roll vote. (6:58)

Chairman Delzer: Yes, clerk will call the roll for the motion to amend 1327 with 03001.

Chairman Delzer: Motion carries, 15-7

Chairman Delzer: We have the amended bill before us.

Rep. Streyle: I move a do pass as amended.

Chairman Delzer: Have a motion for a do pass as amended, second by Rep. Skarphol. discussion, clerk will call the roll for a do pass as amended.

Chairman Delzer: Motion carries, 16-6, Rep. Streyle will carry the bill.

Chairman Delzer: We'll break until after floor.

FISCAL NOTE
Requested by Legislative Council
02/13/2013

Amendment to: HB 1327

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$208,761	\$0	\$238,487
Expenditures	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487
Appropriations	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0		
Cities	\$0		
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The amendments provide that class 1 concealed weapon license carriers can also carry a class 2 license without any additional testing which may impact reciprocity with other states.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the concealed weapon license application fee is \$45 every five years. The Office of Attorney General processes a North Dakota record check, outstanding warrants search, court records check, National Instant Check system check and other checks. This bill requires a fingerprint based national criminal history record check be performed for each applicant prior to issuing the license. The fingerprint based criminal history record check will cost \$14.50 which will need to be collected from each applicant. The fiscal impact on police departments and sheriff offices is unknown however it should reduce their expenses/workload related to this work.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The \$14.50 fingerprint based criminal history record check fee will need to be collected from the applicant. For the 2013-15 biennium there are an estimated 7,300 new and 5,600 renewing concealed weapon license applicants. For the 2015-17 biennium there are an estimated 7,000 new and 7,700 renewing concealed weapon license applicants. The revenues from the \$14.50 fee will be used to pay the FBI for fingerprint based record checks.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The \$14.50 fingerprint based criminal history record check fee will need to be paid to the FBI which will require other funds expenditures (from the applicants) by this office. In addition, completing fingerprint based criminal history record searches may require some rewrite of the current Concealed Weapons License system. The estimated cost of the rewrite is \$24,000 from the general fund.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The appropriations impact reflects the estimated cost of the fingerprint based criminal history record check fees being paid to the FBI and the estimated cost of rewriting a portion of the Concealed Weapons License system.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 02/14/2013

FISCAL NOTE
Requested by Legislative Council
01/18/2013

Bill/Resolution No.: HB 1327

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$208,761	\$0	\$238,487
Expenditures	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487
Appropriations	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0		
Cities	\$0		
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires state and national fingerprint based criminal history record checks prior to concealed weapon licenses being issued. The bill also removes local law enforcement from the concealed weapons license process.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the concealed weapon license application fee is \$45 every five years. The Office of Attorney General processes a North Dakota record check, outstanding warrants search, court records check, National Instant Check system check and other checks. This bill requires a fingerprint based national criminal history record check be performed for each applicant prior to issuing the license. The fingerprint based criminal history record check will cost \$14.50 which will need to be collected from each applicant. The fiscal impact on police departments and sheriff offices is unknown however it should reduce their expenses related to this work.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The \$14.50 fingerprint based criminal history record check fee will need to be collected from the applicant. For the 2013-15 biennium there are an estimated 7,300 new and 5,600 renewing concealed weapon license applicants. For the 2015-17 biennium there are an estimated 7,000 new and 7,700 renewing concealed weapon license applicants. These revenues are deposited in the Office of Attorney General operating fund to pay for the fingerprint based record checks.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The \$14.50 fingerprint based criminal history record check fee will need to be paid to the FBI which will require other funds expenditures by this office. In addition, completing fingerprint based criminal history record searches may require some rewrite of the current Concealed Weapons License system. The estimated cost of the rewrite is \$24,000 from the general fund.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The appropriations impact reflects the estimated cost of the fingerprint based criminal history record check fees being paid to the FBI and the estimated cost of rewriting a portion of the Concealed Weapons License system.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 01/23/2013

2/21/13
WMC

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1327

Page 1, line 3, after "sections" insert "62.1-01-03,"

Page 2, after line 28, insert:

"SECTION 4. AMENDMENT. Section 62.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

62.1-01-03. Limitation on authority of political subdivision regarding firearms.

~~No~~A political subdivision, including home rule cities or counties, may ~~not~~ enact any ordinance relating to the purchase, sale, ownership, possession, transfer of ownership, registration, or licensure of firearms and ammunition which is more restrictive than state law. All such existing ordinances are void."

Renumber accordingly

Date: 2/21/13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1327**

House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number -03001

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

Motion Made By Rep. Streyle Seconded By Rep. Monson

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Rep. Streyle	X	
Vice Chairman Kempenich	X		Rep. Thoreson	X	
Rep. Bellew	X		Rep. Wieland	X	
Rep. Brandenburg	X				
Rep. Dosch	X				
Rep. Grande	X		Rep. Boe		X
Rep. Hawken		X	Rep. Glassheim		X
Rep. Kreidt	X		Rep. Guggisberg		X
Rep. Martinson	X		Rep. Holman		X
Rep. Monson	X		Rep. Williams		X
Rep. Nelson	X				
Rep. Pollert	X				
Rep. Sanford		X			
Rep. Skarphol	X				

Total Yes 15 No 7

Absent 0

Floor Assignment _____

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

*voice vote carries
 roll call requested*

Date: 2/21/13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1327**

House Appropriations 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. Streyle Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Rep. Streyle	X	
Vice Chairman Kempenich	X		Rep. Thoreson	X	
Rep. Bellew	X		Rep. Wieland	X	
Rep. Brandenburg	X				
Rep. Dosch	X				
Rep. Grande	X		Rep. Boe		X
Rep. Hawken		X	Rep. Glassheim		X
Rep. Kreidt	X		Rep. Guggisberg		X
Rep. Martinson	X		Rep. Holman		X
Rep. Monson	X		Rep. Williams		X
Rep. Nelson	X				
Rep. Pollert	X				
Rep. Sanford	X				
Rep. Skarphol	X				

Total Yes 16 No 6

Absent 0

Floor Assignment Rep. Streyle

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

REPORT OF STANDING COMMITTEE

HB 1327, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1327 was placed on the Sixth order on the calendar.

Page 1, line 3, after "sections" insert "62.1-01-03,"

Page 2, after line 28, insert:

"SECTION 4. AMENDMENT. Section 62.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

62.1-01-03. Limitation on authority of political subdivision regarding firearms.

~~No~~A political subdivision, including home rule cities or counties, may not enact any ordinance relating to the purchase, sale, ownership, possession, transfer of ownership, registration, or licensure of firearms and ammunition which is more restrictive than state law. All such existing ordinances are void."

Re-number accordingly

2013 SENATE JUDICIARY

HB 1327

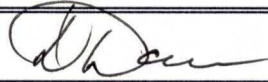
2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1327
3/19/2013
Job #20177

Conference Committee

Committee Clerk Signature



Minutes:

Attached testimony

Relating to criminal record checks, relating to concealed weapons laws

Senator David Hogue - Chairman

Representative Todd Porter - District 34 - Introduces the bill and says no other State has a higher reciprocity agreement than ND. He explains the bill by Section.

Chief Deputy Attorney General Tom Trenbeath - See written testimony **(1)**, review of the bill. He states that ND is reciprocal with 37 States and only 39 have reciprocity possible. Senator Sitte asks Mr. Trenbeath if there is a problem we are trying to solve with this bill. Mr. Trenbeath explains that some of this is to meet a perceived situation that is now what has become our growing population. He goes on to say this will give us the ability, along with a new computer program, a rap back program. He explains that is when someone offends somewhere the information can be gotten from the FBI. He goes on to explain who gets a permit.

Neutral

Susan Beehler - Mandan resident - Explains her concerns with the bill. She believes safety should be the priority not just reciprocity.

Chief Dan Donlin - Chief Police, Bismarck - Says he is in favor of the bill. He states they had 1200-1400 concealed weapons permit applications come through. He explains the process they go through. Senator Grabinger asks him if a red flag goes up can the Chief say or do something to prevent it. Chief Donlin replies they do and they have access to a network where you can check for concealed weapons permit holders in your area.

Brad Manz - Bismarck - See written testimony **(2)**.

Committee questions Mr. Trenbeth

Close the hearing on 1327

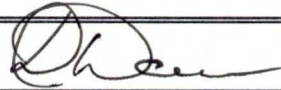
2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1327
3/25/2013
Job #20446

Conference Committee

Committee Clerk Signature



Minutes:

Vote

Senator David Hogue - Chairman

Committee work

Senator Hogue explains the bill and that it is supported by the Attorney General's office.

Senator Armstrong moves a do pass
Senator Sitte seconded

Discussion

Senator asks about the reciprocity with Minnesota and the committee discusses why we do not get reciprocity with them. Senator Hogue says Utah is the gold standard. Senator Armstrong says this bill will allow people who have had an offense more than 10 years old the ability to carry.

Vote - 7 yes, 0 no
Motion passes

Senator Berry will carry

FISCAL NOTE
Requested by Legislative Council
02/13/2013

Amendment to: HB 1327

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$208,761	\$0	\$238,487
Expenditures	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487
Appropriations	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0		
Cities	\$0		
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The amendments provide that class 1 concealed weapon license carriers can also carry a class 2 license without any additional testing which may impact reciprocity with other states.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the concealed weapon license application fee is \$45 every five years. The Office of Attorney General processes a North Dakota record check, outstanding warrants search, court records check, National Instant Check system check and other checks. This bill requires a fingerprint based national criminal history record check be performed for each applicant prior to issuing the license. The fingerprint based criminal history record check will cost \$14.50 which will need to be collected from each applicant. The fiscal impact on police departments and sheriff offices is unknown however it should reduce their expenses/workload related to this work.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The \$14.50 fingerprint based criminal history record check fee will need to be collected from the applicant. For the 2013-15 biennium there are an estimated 7,300 new and 5,600 renewing concealed weapon license applicants. For the 2015-17 biennium there are an estimated 7,000 new and 7,700 renewing concealed weapon license applicants. The revenues from the \$14.50 fee will be used to pay the FBI for fingerprint based record checks.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The \$14.50 fingerprint based criminal history record check fee will need to be paid to the FBI which will require other funds expenditures (from the applicants) by this office. In addition, completing fingerprint based criminal history record searches may require some rewrite of the current Concealed Weapons License system. The estimated cost of the rewrite is \$24,000 from the general fund.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The appropriations impact reflects the estimated cost of the fingerprint based criminal history record check fees being paid to the FBI and the estimated cost of rewriting a portion of the Concealed Weapons License system.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 02/14/2013

FISCAL NOTE
Requested by Legislative Council
02/13/2013

Amendment to: HB 1327

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$208,761	\$0	\$238,487
Expenditures	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487
Appropriations	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0		
Cities	\$0		
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The amendments provide that class 1 concealed weapon license carriers can also carry a class 2 license without any additional testing which may impact reciprocity with other states.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the concealed weapon license application fee is \$45 every five years. The Office of Attorney General processes a North Dakota record check, outstanding warrants search, court records check, National Instant Check system check and other checks. This bill requires a fingerprint based national criminal history record check be performed for each applicant prior to issuing the license. The fingerprint based criminal history record check will cost \$14.50 which will need to be collected from each applicant. The fiscal impact on police departments and sheriff offices is unknown however it should reduce their expenses/workload related to this work.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The \$14.50 fingerprint based criminal history record check fee will need to be collected from the applicant. For the 2013-15 biennium there are an estimated 7,300 new and 5,600 renewing concealed weapon license applicants. For the 2015-17 biennium there are an estimated 7,000 new and 7,700 renewing concealed weapon license applicants. The revenues from the \$14.50 fee will be used to pay the FBI for fingerprint based record checks.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The \$14.50 fingerprint based criminal history record check fee will need to be paid to the FBI which will require other funds expenditures (from the applicants) by this office. In addition, completing fingerprint based criminal history record searches may require some rewrite of the current Concealed Weapons License system. The estimated cost of the rewrite is \$24,000 from the general fund.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The appropriations impact reflects the estimated cost of the fingerprint based criminal history record check fees being paid to the FBI and the estimated cost of rewriting a portion of the Concealed Weapons License system.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 02/14/2013

FISCAL NOTE
Requested by Legislative Council
01/18/2013

Bill/Resolution No.: HB 1327

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$208,761	\$0	\$238,487
Expenditures	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487
Appropriations	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0		
Cities	\$0		
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires state and national fingerprint based criminal history record checks prior to concealed weapon licenses being issued. The bill also removes local law enforcement from the concealed weapons license process.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the concealed weapon license application fee is \$45 every five years. The Office of Attorney General processes a North Dakota record check, outstanding warrants search, court records check, National Instant Check system check and other checks. This bill requires a fingerprint based national criminal history record check be performed for each applicant prior to issuing the license. The fingerprint based criminal history record check will cost \$14.50 which will need to be collected from each applicant. The fiscal impact on police departments and sheriff offices is unknown however it should reduce their expenses related to this work.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The \$14.50 fingerprint based criminal history record check fee will need to be collected from the applicant. For the 2013-15 biennium there are an estimated 7,300 new and 5,600 renewing concealed weapon license applicants. For the 2015-17 biennium there are an estimated 7,000 new and 7,700 renewing concealed weapon license applicants. These revenues are deposited in the Office of Attorney General operating fund to pay for the fingerprint based record checks.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The \$14.50 fingerprint based criminal history record check fee will need to be paid to the FBI which will require other funds expenditures by this office. In addition, completing fingerprint based criminal history record searches may require some rewrite of the current Concealed Weapons License system. The estimated cost of the rewrite is \$24,000 from the general fund.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The appropriations impact reflects the estimated cost of the fingerprint based criminal history record check fees being paid to the FBI and the estimated cost of rewriting a portion of the Concealed Weapons License system.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 01/23/2013

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

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1327**

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. Armstrong Seconded By S. Sitte

Senators	Yes	No	Senator	Yes	No
Chariman 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) 7 No 0

Absent 0

Floor Assignment S. Berry

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

REPORT OF STANDING COMMITTEE

HB 1327, as reengrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1327 was rereferred to the Appropriations Committee.

2013 SENATE APPROPRIATIONS

HB 1327

2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

HB 1327
April 2, 2013
Job # 20746

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

A bill relating to criminal history record checks and relating to concealed weapons laws

Minutes:

Legislative Council - Brady Larson
OMB - Laney Herauf

Chairman Holmberg opened the hearing on HB 1327. Roll call was taken. All committee members were present.

Chairman Holmberg: We are looking at the 2nd engrossment of re-engrossed HB 1327 and it has a fiscal impact on the general fund of \$24,000.

Phil Pfennig, Chief Agent, ND Bureau of Criminal Investigation

One of the sections that I supervise is the concealed weapons licensing division. Some of the highlights of the bill are removing the chiefs and sheriffs from the responsibilities of doing background checks, which is kind of redundant because with technology, we're able to conduct more background checks than they are able to. The biggest part of this bill has to do with the way we do background checks. Currently we do those background checks by name and date of birth. We are purposing that we conduct fingerprint based background check. They are more thorough. The FBI charges \$14.50 for every fingerprint background check that we send to them. The appropriations are estimates of what we will see for the 2013-15 biennium including IT costs.

Vice Chairman Grindberg explained that he got a concealed weapons permit last year and what the process was. He said that he was fingerprinted at that time.

Phil Pfennig: At this time the fingerprints just stay in the state and are not sent to the FBI. The FBI is currently in the process of creating what they call a wrap-back system, so if a person commits a crime in another state and they are fingerprinted, it goes to the FBI. That information will come back to ND officials and with that knowledge they can revoke their concealed weapons license.

Senator Gary Lee: If someone has been fingerprinted in the past, do they need to go through the process again?

Phil Pfennig: Yes, they might not necessarily be on file. They could've been purged from records.

Senator Robinson: Some years back we passed a criminal background check law. How does that background check compare to the one we are talking about here?

Phil Pfennig: They are comparable. This is more in depth and kept on file with the FBI.

Senator Robinson: Will this all be kept on file at your office?

Phil Pfennig: Yes, as well as FBI

Vice Chairman Bowman: If the FBI has fingerprints on all, how is gun owner privacy protected?

Phil Pfennig: There are protections within federal law that protect the identity of individuals. That's why ATF has paper only because of those laws that protect individuals and their firearm's rights.

Chairman Holmberg closed the hearing on HB 1327.

Senator Robinson moved **Do Pass** on HB 1327.

Senator O'Connell seconded.

A roll call vote was taken. Yea: 13 Nay: 0 Absent: 0

The bill goes back to the Judiciary committee and Senator Berry will carry the bill on the floor.

FISCAL NOTE
Requested by Legislative Council
02/13/2013

Amendment to: HB 1327

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$208,761	\$0	\$238,487
Expenditures	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487
Appropriations	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0		
Cities	\$0		
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The amendments provide that class 1 concealed weapon license carriers can also carry a class 2 license without any additional testing which may impact reciprocity with other states.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the concealed weapon license application fee is \$45 every five years. The Office of Attorney General processes a North Dakota record check, outstanding warrants search, court records check, National Instant Check system check and other checks. This bill requires a fingerprint based national criminal history record check be performed for each applicant prior to issuing the license. The fingerprint based criminal history record check will cost \$14.50 which will need to be collected from each applicant. The fiscal impact on police departments and sheriff offices is unknown however it should reduce their expenses/workload related to this work.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The \$14.50 fingerprint based criminal history record check fee will need to be collected from the applicant. For the 2013-15 biennium there are an estimated 7,300 new and 5,600 renewing concealed weapon license applicants. For the 2015-17 biennium there are an estimated 7,000 new and 7,700 renewing concealed weapon license applicants. The revenues from the \$14.50 fee will be used to pay the FBI for fingerprint based record checks.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The \$14.50 fingerprint based criminal history record check fee will need to be paid to the FBI which will require other funds expenditures (from the applicants) by this office. In addition, completing fingerprint based criminal history record searches may require some rewrite of the current Concealed Weapons License system. The estimated cost of the rewrite is \$24,000 from the general fund.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The appropriations impact reflects the estimated cost of the fingerprint based criminal history record check fees being paid to the FBI and the estimated cost of rewriting a portion of the Concealed Weapons License system.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 02/14/2013

FISCAL NOTE
Requested by Legislative Council
02/13/2013

Amendment to: HB 1327

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$208,761	\$0	\$238,487
Expenditures	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487
Appropriations	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0		
Cities	\$0		
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The amendments provide that class 1 concealed weapon license carriers can also carry a class 2 license without any additional testing which may impact reciprocity with other states.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the concealed weapon license application fee is \$45 every five years. The Office of Attorney General processes a North Dakota record check, outstanding warrants search, court records check, National Instant Check system check and other checks. This bill requires a fingerprint based national criminal history record check be performed for each applicant prior to issuing the license. The fingerprint based criminal history record check will cost \$14.50 which will need to be collected from each applicant. The fiscal impact on police departments and sheriff offices is unknown however it should reduce their expenses/workload related to this work.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The \$14.50 fingerprint based criminal history record check fee will need to be collected from the applicant. For the 2013-15 biennium there are an estimated 7,300 new and 5,600 renewing concealed weapon license applicants. For the 2015-17 biennium there are an estimated 7,000 new and 7,700 renewing concealed weapon license applicants. The revenues from the \$14.50 fee will be used to pay the FBI for fingerprint based record checks.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The \$14.50 fingerprint based criminal history record check fee will need to be paid to the FBI which will require other funds expenditures (from the applicants) by this office. In addition, completing fingerprint based criminal history record searches may require some rewrite of the current Concealed Weapons License system. The estimated cost of the rewrite is \$24,000 from the general fund.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The appropriations impact reflects the estimated cost of the fingerprint based criminal history record check fees being paid to the FBI and the estimated cost of rewriting a portion of the Concealed Weapons License system.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 02/14/2013

FISCAL NOTE
Requested by Legislative Council
01/18/2013

Bill/Resolution No.: HB 1327

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$208,761	\$0	\$238,487
Expenditures	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487
Appropriations	\$0	\$0	\$24,000	\$208,761	\$0	\$238,487

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0		
Cities	\$0		
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires state and national fingerprint based criminal history record checks prior to concealed weapon licenses being issued. The bill also removes local law enforcement from the concealed weapons license process.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the concealed weapon license application fee is \$45 every five years. The Office of Attorney General processes a North Dakota record check, outstanding warrants search, court records check, National Instant Check system check and other checks. This bill requires a fingerprint based national criminal history record check be performed for each applicant prior to issuing the license. The fingerprint based criminal history record check will cost \$14.50 which will need to be collected from each applicant. The fiscal impact on police departments and sheriff offices is unknown however it should reduce their expenses related to this work.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The \$14.50 fingerprint based criminal history record check fee will need to be collected from the applicant. For the 2013-15 biennium there are an estimated 7,300 new and 5,600 renewing concealed weapon license applicants. For the 2015-17 biennium there are an estimated 7,000 new and 7,700 renewing concealed weapon license applicants. These revenues are deposited in the Office of Attorney General operating fund to pay for the fingerprint based record checks.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The \$14.50 fingerprint based criminal history record check fee will need to be paid to the FBI which will require other funds expenditures by this office. In addition, completing fingerprint based criminal history record searches may require some rewrite of the current Concealed Weapons License system. The estimated cost of the rewrite is \$24,000 from the general fund.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The appropriations impact reflects the estimated cost of the fingerprint based criminal history record check fees being paid to the FBI and the estimated cost of rewriting a portion of the Concealed Weapons License system.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 01/23/2013

Date: 4-2-13

Roll Call Vote # 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1327

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendment Do Pass
 Do Pass as Amended Do Not Pass

Motion Made By Robinson Seconded By O'Connell

Senators	Yes	No	Senator	Yes	No
Chairman Ray Holmberg	✓		Senator Tim Mathern	✓	
Co-Vice Chairman Bill Bowman	✓		Senator David O'Connell	✓	
Co-Vice Chair Tony Grindberg	✓		Senator Larry Robinson	✓	
Senator Ralph Kilzer	✓		Senator John Warner	✓	
Senator Karen Krebsbach	✓				
Senator Robert Erbele	✓				
Senator Terry Wanzek	✓				
Senator Ron Carlisle	✓				
Senator Gary Lee	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Judiciary Berry

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

REPORT OF STANDING COMMITTEE

HB 1327, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Reengrossed HB 1327 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1327

/

HOUSE BILL 1327 TESTIMONY
HOUSE JUDICIARY COMMITTEE
JANUARY 29, 2013

Thomas L. Trenbeath, Chief Deputy Attorney General

SECTION 1 - NEW

- Adds authorizing language to § 12-60-24 (the criminal history record checks section) mandating BCI to conduct fingerprint-based federal criminal history record checks for concealed weapons license applications. Authority exists in 62.1 to conduct name searches, however this adds the authority to the criminal history records section to allow BCI to conduct fingerprint based searches for this purpose – CWL applications.
 - It also provides BCI with the ability for a “RAP back” should the CWL holder be arrested anywhere in the US.

SECTION 2 - AMENDMENT

Cleans up outdated language in the definition of handgun. The *Thompson contender* is not the only brand of convertible firearm.

SECTION 3 - AMENDMENT

§ 62.1-02-05 Possession of Firearm at a public gathering - prohibitions

- Adds dangerous weapon to the definition of prohibited acts, but
 - Exempts instructors, officials, and participants involved in educational, training, cultural or competitive events when the weapon is required for purposes of participating in the demonstration, and
 - Exempts dangerous weapons carried in a temporary residence or motor vehicle.
- Exempts CS and CN aerosol sprays from the definition of dangerous weapon in this section.
- Authorizes a political subdivision to enact a less restrictive ordinance relating to possessing dangerous weapons at public gatherings.

SECTION 4 - AMENDMENT

§ 62.1-02-10 (Carrying loaded firearm in vehicle) – technical corrections to clean up language and also to remove an obsolete reference to licensing because private investigators and security guards are not licensed by the Attorney General.

SECTION 5 – AMENDMENT

§ 62.1-03-01 Carrying a handgun – restrictions – exceptions

These amendments do not make any changes to existing law.

- Cleans up the language to make it easier to understand how a handgun must be carried if it is carried openly and without a concealed weapon license.
- Corrects obsolete language re. licensing of PIs and security guards.

SECTION 6 - AMENDMENT

§ 62.1-03-05 Prohibited alterations in handguns

- Cleans up language to correct existing statute to make it illegal to alter, or attempt to obscure/remove the serial number from, any firearm (not just handgun).

SECTION 7 - AMENDMENT

§ 62.1-04-03 License to carry a firearm or dangerous weapon concealed (CWL)

Minor changes:

Cleans up the language and specifies that a Class 1 license (proficiency test requirement) is specific to firearms while a Class 2 license (no proficiency test required) is intended for firearms and dangerous weapons.

Cleans up obsolete language for licenses expiring in 2009; replaces obsolete “permit holder” with “license holder” – missed during last session’s changes; corrects “background” investigation to conform with FBI recognized language, “criminal history” investigation.

Major changes:

- Removes requirement in subd. (1) that applicant must be a U.S. citizen.
- Adds residency requirement in subd. (1)(b):
 - Applicant must provide a copy of a driver’s license (or non-driving government issued ID card) with application. If the applicant has a non-ND DL, applicant also must provide a copy of a valid concealed carry license from applicant’s home state, which state must be reciprocal with ND.
- Removes requirement in (1)(d) for applications to be submitted to the Chief of Police and County Sheriff before BCI. All applications will be submitted directly to the BCI. This change has been made at the request of, and is supported by, local law enforcement agencies.
- Adds requirement for all applicants to have a federal criminal history records check. This requirement is supported by local law enforcement, particularly in oil

patch counties, and will ensure that we all criminal records of applicant, regardless of name(s) used or state(s) in which crimes occurred.

- Note – this is the reason for the addition of authorizing language in N.D.C.C. § 12-60 (SECTION 1 AMENDMENT).
- License fees – removes dollar amount from statute and instead requires the Attorney General to list the fees associated with the license, including the cost of the fingerprint based federal criminal history record checks, in administrative rules.
 - The Attorney General is not requesting an increase in the application processing fee; the federal record check charge is a pass through.
- Changes method by which BCI notifies local law enforcement of license issuance – allows BCI to send electronic copy of the license instead of making and mailing a hard copy to local law enforcement agencies. Also, adds authorization for law enforcement agencies to access license application information electronically.
 - This change is supported by local law enforcement agencies.
- NEW: Requires BCI to issue renewal reminders to current applicants. This is the current practice at BCI.

ADDITIONAL AMENDMENTS:

1. Currently, an applicant for a Class 1 license is ineligible if there is **any** alcohol-related offense in applicant's lifetime. We propose changing the "look back" period to 10 years prior to the date of the application, and also adding a similar 10-year period for misdemeanor drug-related offenses.
2. The second amendment merely clarifies that a ND Class 1 license holder may also carry a class 2 dangerous weapon. It is specifically limited to ND resident license holders, so that it does not affect reciprocity with those states who limit reciprocity to Class 1 licenses for firearms only.

attorney General

1-29-13

2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1327

Page 6, line 31, after "alcohol" insert "within ten years prior to the date of application"

Page 7, line 1, overstrike "an" insert "a misdemeanor"

Page 7, line 2, after "substances" insert "within ten years prior to the date of application"

Page 9, line 1, after "c." insert "A North Dakota resident who has a valid class one firearm license may also carry a class two dangerous weapon without any further testing required."

d."

Renumber accordingly.

1-30-13
T. Trenbeath -



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1327

Page 1, line 5, after "laws", insert "; to provide an effective date; and to declare an emergency"

Page 11, after line 7, insert:

"SECTION 8. EFFECTIVE DATE. This Act becomes effective on June 1, 2013."

SECTION 9. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

1-30-13
T. Trenbeath -



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1327

Page 1, line 5, after "laws", insert "; to provide an effective date; and to declare an emergency"

Page 11, after line 7, insert:

"SECTION 8. EFFECTIVE DATE. This Act becomes effective on June 1, 2013."

SECTION 9. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

a. Hurvey General

1-29-13

2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1327

Page 6, line 31, after "alcohol" insert "within ten years prior to the date of application"

Page 7, line 1, overstrike "an" insert "a misdemeanor"

Page 7, line 2, after "substances" insert "within ten years prior to the date of application"

Page 9, line 1, after "c." insert "A North Dakota resident who has a valid class one firearm license may also carry a class two dangerous weapon without any further testing required.

d."

Re-number accordingly.

Rep. Lawrence R. Klemin

February 11, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1327

Page 1, line 3, replace "subsection" with "subsections 1 and"

Page 2, line 3, after the period insert:

SECTION 2. AMENDMENT. Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any stun gun; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS (ortho-chlorobenzamalonitrile), CN (alpha-chloroacetophenone), or other irritating agent intended for use in the defense of a person, nor does the term include a device that uses direct contact to deliver voltage for the defense of an individual.

Page 2, line 17, remove ", except a spray"

Page 2, remove line 18

Page 2, line 19, remove "alpha-chloroacetophenone also known as CN,"

Renumber accordingly

HOUSE BILL 1327 TESTIMONY
SENATE JUDICIARY COMMITTEE
March 19, 2013

Thomas L. Trenbeath, Chief Deputy Attorney General

SECTION 1 - NEW

- Adds authorizing language to § 12-60-24 (the criminal history record checks section) mandating BCI to conduct fingerprint-based federal criminal history record checks for concealed weapons license applications. Authority exists in 62.1 to conduct name searches, however this adds the authority to the criminal history records section to allow BCI to conduct fingerprint based searches for this purpose – CWL applications.
 - It also provides BCI with the ability for a “RAP back” should the CWL holder be arrested anywhere in the US.

SECTION 2 - AMENDMENT

Removes CS/CN gas (mace/pepper spray) and stun guns/tasers from the definition of “dangerous weapons.”

SECTION 3 - AMENDMENT

Cleans up outdated language in the definition of handgun. The *Thompson contender* is not the only brand of convertible firearm.

SECTION 4 – AMENDMENT

Authorizes a political sub to enact a less restrictive ordinance relating to possession of firearms.

SECTION 5 – AMENDMENT

§ 62.1-02-05 Possession of Firearm at a public gathering - prohibitions

- Adds dangerous weapon to the definition of prohibited acts, but
 - Exempts instructors, officials, and participants involved in educational, training, cultural or competitive events when the weapon is required for purposes of participating in the demonstration, and
 - Exempts dangerous weapons carried in a temporary residence or motor vehicle.
- Authorizes a political subdivision to enact a less restrictive ordinance relating to possessing dangerous weapons at public gatherings.

SECTION 6 - AMENDMENT

§ 62.1-02-10 (Carrying loaded firearm in vehicle) – technical corrections to clean up language and also to remove an obsolete reference to licensing because private investigators and security guards are not licensed by the Attorney General.

SECTION 7 – AMENDMENT

§ 62.1-03-01 Carrying a handgun – restrictions – exceptions

These amendments do not make any changes to existing law.

- Cleans up the language to make it easier to understand how a handgun must be carried if it is carried openly and without a concealed weapon license.
- Corrects obsolete language re. licensing of PIs and security guards.

SECTION 8 - AMENDMENT

§ 62.1-03-05 Prohibited alterations in handguns

- Cleans up language to correct existing statute to make it illegal to alter, or attempt to obscure/remove the serial number from, any firearm (not just handgun).

SECTION 9 - AMENDMENT

§ 62.1-04-03 License to carry a firearm or dangerous weapon concealed (CWL)

Minor changes:

Cleans up the language and specifies that a Class 1 license (proficiency test requirement) is specific to firearms while a Class 2 license (no proficiency test required) is intended for firearms and dangerous weapons.

Cleans up obsolete language for licenses expiring in 2009; replaces obsolete “permit holder” with “license holder” – missed during last session’s changes; corrects “background” investigation to conform with FBI recognized language, “criminal history” investigation.

Major changes:

- Removes requirement in subd. (1) that applicant must be a U.S. citizen.
- Adds residency requirement in subd. (1)(b):
 - Applicant must provide a copy of a driver’s license (or non-driving government issued ID card) with application. If the applicant has a non-ND DL, applicant also must provide a copy of a valid concealed carry license from applicant’s home state, which state must be reciprocal with ND.

- Removes requirement in (1)(d) for applications to be submitted to the Chief of Police and County Sheriff before BCI. All applications will be submitted directly to the BCI. This change has been made at the request of, and is supported by, local law enforcement agencies.
- Adds requirement for all applicants to have a federal criminal history records check. This requirement is supported by local law enforcement, particularly in oil patch counties, and will ensure that we all receive criminal records of applicant, regardless of name(s) used or state(s) in which crimes occurred.
 - Note – this is the reason for the addition of authorizing language in N.D.C.C. § 12-60 (SECTION 1 AMENDMENT).
- License fees – removes dollar amount from statute and instead requires the Attorney General to list the fees associated with the license, including the cost of the fingerprint based federal criminal history record checks, in administrative rules.
 - The Attorney General is not requesting an increase in the application processing fee; the federal record check charge is a pass through.
- Changes method by which BCI notifies local law enforcement of license issuance – allows BCI to send electronic copy of the license instead of making and mailing a hard copy to local law enforcement agencies. Also, adds authorization for law enforcement agencies to access license application information electronically.
 - This change is supported by local law enforcement agencies.
- NEW: Requires BCI to issue renewal reminders to current applicants. This is the current practice at BCI.
- NEW: 10 year “look back” from date of application for offenses involving the use of alcohol and for misdemeanor drug offenses [note: felony drug offenses are addressed in federal law].
- NEW The second amendment merely clarifies that a ND Class 1 license holder may also carry a class 2 dangerous weapon. It is specifically limited to ND resident license holders, so that it does not affect reciprocity with those states who limit reciprocity to Class 1 licenses for firearms only.

Concealed Weapon Reciprocity

RECIPROCAL STATES: North Dakota concealed weapons licenses are recognized in the following states, and concealed weapons licenses issued in the listed states are fully recognized in North Dakota, so long as the weapon is carried in accordance with North Dakota's laws.

Alabama [▲]	Iowa	New Hampshire ^{□ ▲}	Utah
Alaska	Kansas **	New Mexico **	Vermont ¹
Arizona **	Kentucky	North Carolina [▲]	Virginia **
Arkansas **	Louisiana	Ohio **	Washington **
Colorado ^{□ ▲}	Maine ** [□]	Oklahoma	West Virginia **
Delaware	Michigan [▲]	Pennsylvania	Wisconsin [▲]
Florida ^{□ ▲}	Mississippi	South Carolina **	Wyoming **
Georgia	Missouri	South Dakota	
Idaho	Montana	Tennessee [▲]	
Indiana	Nebraska [▲]	Texas	

** This state recognizes **only Class 1 licenses** issued by ND. There is **no** reciprocity for ND Class 2 license holders.

□ This state does not recognize *non-resident* concealed weapon licenses issued by ND.

▲ This state has **additional conditions** – such as a minimum age requirement (age 21), or restrictions on the type of weapons that can be carried, which may affect some ND license holders. To ensure full compliance, or for more information, you must check with that state.

¹ No license required to carry concealed in VT, however, VT residents may not carry concealed in ND unless they possess a valid concealed weapon license from a state that has reciprocity with ND.

Reminder: Weapons must be carried in accordance with the laws of the state you are visiting. Be sure to check the laws of the other state before traveling there with your weapons.

NON-RECIPROCAL STATES: The following states do not recognize North Dakota concealed weapons licenses. Therefore, reciprocity is not possible.

State	Reason
California	Does not recognize out of state licenses.
Connecticut	Does not recognize out of state licenses.
Hawaii	Does not permit either its own residents or any non-resident to carry a concealed weapon.
Illinois	Does not permit either its own residents or any non-resident to carry a concealed weapon.
Maryland	Does not recognize out of state licenses.
Massachusetts	Does not recognize out of state licenses.
✓ Minnesota	Will not provide reason.
New Jersey	Does not recognize out of state licenses.
New York	Does not recognize out of state licenses.
✓ Nevada	ND law not as stringent as NV laws.
Oregon	Does not recognize out of state licenses.
Rhode Island	Does not recognize out of state licenses.

The information on this page is updated any time there is a change. It is always current.

Last updated: 3/19/2013

HB 1327

Mr. Chairman, members of the committee and public, my name is Brad Manz from Bismarck. I have been a concealed weapon license test administrator for over ten years and have tested several hundred people including doctors, nurses, lawyers, teachers, truck drivers, laborers of all types and even a convicted felon. I personally don't have a problem with the last category of applicant obtaining a concealed weapon license but I do take issue with the present requirement of US citizenship. A law-abiding permanent resident who can legally own firearms should also be allowed to have a concealed weapon license. This bill corrects that deficiency and that is why I support it.

Brad Manz
PO Box 7364
Bismarck, ND 58507-7364
Phone: 701-258-1528
E-mail: cwp@bis.midco.net

March 19, 2013