

2015 HOUSE JUDICIARY

HB 1157

2015 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1157
1/20/2015
22219

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to elected public officials and concealed weapons at publicly owned or operated buildings.

Minutes:

Testimony 1, 2, 3, 4, 5

Chairman K.Koppelman: Opened the hearing on HB 1157 with testimony in support.

Rep. Ben Koppelman: (See Testimony #1) (1:25-3:25)

Rep. D. Larson: I am a strong second amendment supporter. Did you give any thought to the fact elected officials then would be set off as a special group of people that can carry weapons into certain places where the general public can't?

Rep. Ben Koppelman: Yes I did give thought to that. I have had conversations with people who carry who want to be able to carry in more places. The statistics show a decline in crime when people are able to conceal carry. This bill was trying to deal with a security issue. I tried to keep this bill focused because I was not sure what the Legislature would feel like to expand in public buildings for all concealed permit holders. 2. Because I did not want an all or nothing mentality to drive us toward doing something else like metal detectors and those other options that I found unfavorable.

Rep. Mary Johnson: I noticed that there is a proposed amendment already to exclude court facilities in rural communities that typically are public buildings and court facilities are one of the same. In Fargo the court building houses the treasurer etc. If this mainly geared for legislative type arrangements?

Rep. Ben. Koppelman: I have not seen that specific proposed amendment in writing? I did have a conversation with an individual who is probably behind that amendment talking about was it my intent to allow elected officials to carry in courtroom proceedings? I would not oppose an amendment for secure courtrooms, but let's be clear that secure courtrooms I would define as those that have armed guards at the doors and metal detectors like the Cass County courthouse.

Chairman K.Koppelman: Just to let you know we were handed an amendment and we do not know where it came from and all it does at the end of the language in the bill other than a court facility. We have not heard a presentation on that.

Rep. Ben Koppelman: I think that amendment maybe too broad. Obviously the committee's wishes will be what would govern what comes out of your committee. I think of when you are in a municipal courthouse where a judge is hearing a traffic fine contest and things of that nature; in a small community often times it may not even be an attorney from what I understand so certainly it is not an elected judge. Lots of times they are appointed and those facilities would otherwise be permissible to carry. I don't know if that takes care of this in that circumstance if you don't have a secure facility.

Rep. L. Klemin: I focused on the word elected. We have a situation where a public official is in a position that is elected, except that official has been appointed because there has been a vacancy for some reason so that person then would be appointed until the next election and they may or may not run for election so if that public official is in an elective position but has been appointed would that person be covered by this bill or not?

Rep. Ben Koppelman: I don't believe the current language as submitted probably allows for appointed officials. It was suggested to maybe change it from elected and appointed to cover every official in an elected office.

Rep. L. Klemin: A public service commission the is elected and one appointed so one could maybe carry a weapon and one would not be able to whether they are appointed or elected so they are holding the same position and doing the same thing. How far down does this go?

Rep. Ben Koppelman: Both the elected and appointed if you amended it to say officials would apply. Currently we allow municipal and district judges to carry weapons and it doesn't specifically limit it to just while they are on the bench. They do not have to have a concealed carry permit so they have not had a background check or through a course so some of that is already happening at the local level. There are very few instances where there has been a problem with it. I am not aware of all the small elected boards at the county, but I think the principal is still there that because they make decisions that are controversial I think something like this is appropriate.

Chairman K.Koppelman: Our intern is doing some research on elected officials? Whether it would be qualified if we were to amend the bill as Rep. Klemin indicated appointed to elected officials or including all appointed position what does that term entail.

Rep. K. Wallman: Rep. B. Koppelman in your testimony that there is statistics that there is a direct correlation between increased

Rep. Ben Koppelman: (Handout #2) went over the handout. Got tis from the Crime Prevention Research.org dated July 9, 2014.

Rep. K. Wallman: Are you familiar with Daniel Webster's work. He is the director of John Hopkins Center for gun policy research. He explained on an interview recently that it is

hard to make the case as some have done that right to carry laws will lead to an enormous increase in violence. It also appears to be the case that there any beneficial effect. Have you heard that before?

Rep. Ben Koppelman: I heard it claimed, but I think with any argument there is always a counter claim. What does the bulk of the data show? My information came off federal government statistics. Discussed statistics on data.

Rep. Lois Delmore: Is this law in affect in any other states? Do we have any statistics in those states where elected officials are allowed to take their concealed weapons anywhere that it makes it safer for the public. How would be base those statistics unless something actually happened?

Rep. Ben. Koppelman: I did search for such statistics to see if they have ever been done and did not find any statistics that directly made that correlation. The news state where they can carry in a capital is New Hampshire that did that. There were many discussions in other states, but I am not sure they have approved that. This is not a new idea when you look at state data from those states where the concealed carry permits have been on the rise you see the similar correlation to the charts I passed around. Discussed statistics in other states including Texas and they have hundreds of permits issues and only 4 issues in the last two years.

Rep. Lois Delmore: Your bill is very limited in scope. Most of the bills I am aware of do limit the building. I am not sure what you are proposing is meeting the statistics that you are showing us from Florida and Texas where all these people are carrying wherever they are going. I don't think they match what your bill is trying to do?

Rep. Ben Koppelman: Lots of laws have been proposed. For this building I looked at it from the standpoint of should an administrative elected official such as the Secretary of State not be able to carry if law makers could; especially given the part time nature of our legislature and if this is meant to be a deterrent the more full time possibility of somebody carrying I think makes it safer here.

Rep. Lois Delmore: Do you know what percentage of legislatures in both assemblies have concealed weapons permits and do you know what the percentage of North Dakotas is?

Rep. Ben Koppelman: I did see a statistic where they listed all 50 states and how many concealed carrier permit holders there were in the state compared to population so I could provide that. I don't think in ND we publish who is a concealed carry permit holder?

Opposition:

Stewart Savelkoul, Assistant Executive Director of ND United: We have colleges in Texas as well and they allow the concealed weapons inside the capitol and they also have metal detectors.

Chairman K.Koppelman: Would you explain your organization. I know it is a new entity in its current form.

Stewart Savelkoul: North Dakota United formed as a result of the merger between the ND Education Association and the ND Public Employees Association. It represents about 11,000 dues paying members across the state. Back to Texas they have the concealed weapons allowance and then they have metal detectors and the lobbyist have gotten their concealed weapons permits there regardless of whether they have any intention of every concealing a weapon but it allows them to skip the metal detectors. We represent state employees and those working in higher education. There is some concern on whether public buildings would extend to college campuses and a lot of other capacities. In the capitol we have hundreds of state employees walking the halls and thousands of people coming into this building every day regardless of whether the legislature is in session or not. We have concerns that are really only in place for only 80 days every other year seems a bit troubling if not aggressive. What about state employees who are elected to the park board? Then they could carry their weapons around the capitol, but their colleagues and potentially their supervisors and potentially their subordinates would not be allowed to necessarily carry such weapons. We believe that safety is important but so is the feeling of safety and security. We have members who have voiced the fact if this bill should pass it will make them feel less safe at their daily jobs. None of the testimony offered by the sponsored or anybody else who has spoken suggested that consideration; discussion or dialogue has occurred between the sponsors of this legislation or the cosponsors of this legislation and the public employees who work in the public buildings impacted by this bill across the state. In the future any bills that are going to impact all public employees they would contact us. (Did not receive any written testimony).

Vice Chairman Karls: Do you have no members in your 11,000 that have concealed carry permits?

Steward Savelkoul: The status of who has and has not is not a public record. None of them who carry those permits have contact us about this bill to say we feel good about this bill. Please get it passed.

Vice Chairman Karls: So you haven't polled your 11,000 members on this issue?

Steward Savelkoul: We have polled our members over their sentiments of guns in schools. We would assume that extends to public buildings and there is over whelming opposition to the concept of putting more fire arms in public places.

Chairman K.Koppelman: Your coming here today saying your organization is against this is based on that general assumption of how it feels based on what you heard in the past; not specifically something your members have indicated on this bill.

Steward Savelkoul: To clarify what we are saying here; we have talked to our membership at large about the concept of guns in schools. They are overwhelming opposed to the concept of adding more guns in schools. This bill is a new concept. I feel we have stronger footing in knowing where our membership is at with regard to their

opinions of guns in schools than any of the evidence we have heard supporting the bill regarding conversations taking place with public employees.

Chairman K.Koppelman: You understand this bill doesn't speak to schools whatsoever. Do you see a difference in the public employees in general who serve our state both in this building and our schools and in other capacities in terms of their placement with regard to the public; their proximity and their locations. Are you aware of other public employees that have those public surroundings in their daily work who may work in the tower or elsewhere around this city?

Steward Savelkoul: I don't believe that any other public employees work in an environment exactly like the fish bowl you described. Had this legislation simply applied toward weapons inside the house chambers or senate chamber that may have changed the way we testified on this but it doesn't. Frequently in the chambers there seems to be an armed guard in there which I think is more than be said for a lot of public employees in public buildings across the state.

Chairman K.Koppelman: Your other comment was this bill made your members feels less safe. Since the bill only applies to elected officials in public buildings that would imply that your members feel threaten by elected officials? Is that fair to say?

Steward Savelkoul: I represent public employees. Every time the legislature is in session they feel a little less safe. This doesn't speak solely to legislators. This could certainly speak to someone elected to any board of commission that simply happens to have a job in the state capitol. I don't think our members feel threatened by any particular elected officer or any person in a physical sense. In the workplace fewer guns makes for a safer work space.

Chairman K.Koppelman: How would your members feel if this were extended to include public employees as well as elected officials?

Steward Savelkoul: I cannot speak to that. This situation in North Dakota has served our state well and we haven't had any serious events here. We think changing it in this way will do more harm than good.

Chairman K.Koppelman: Do you have any comment on what might be a better preventive measure?

Steward Savelkoul: I appreciate that question. I think that is the discussion that should occur prior to any legislation getting passed.

Mike Ness, Superintendent of Hazen School: Are schools exempt? If they are not exempt then I have some real concerns. Can any elected official come into our schools and events if they have a concealed weapon and they are allowed to carry at a basketball game; football game or hockey arena. That would be a concern for school administrators if we had to deal with something like that. Last session you dealt with employees carrying and schools came out against that. Consider how far this goes down to elected officials.

Chairman K. Koppelman: Based upon the way the bill is currently written the answer would be yes to any public building or elected official. Maybe that should be modified? How would you feel about a narrower crafting of this thing that might indicate either an elected officials when they are in a capacity of carrying out their elected roll or in official business.

Mike Ness: I am not opposed to that if they are in their official capacity or at a meeting or school board member wherever that maybe. When they can carry wide open wherever; I do have concerns with that.

Rep. K. Wallman: Did you receive calls from constituents when the legislature was looking at arming teachers etc. in public schools?

Mike Ness: I did not.

Rep. K. Wallman: I did and here is what a constituent wrote: Among homicides far more common than mass killings are altercations where because there is a gun available someone ends up dead instead of a less legal option. The School Board's Association came out against permitting employees in public schools to carry weapons.

Mike Ness: I would be concerned about who had the guns in the schools? How would they be controlled?

Chairman K. Koppelman: There is another bill that deals with the issue of guns and that is assigned to the Education committee.

Neutral:

Andy Askew; serving as a law clerk for Justice Sandstrom of the ND Supreme Court: He is the chair of the committee on legislation of the ND Judiciary Conference: (See proposed amendment #3) this is offered to address its concerns on court facility safety. I could pass on questions to Justice Sandstrom or other committee members if need be.

Justice Sandstrom: Concern is only about our ability to maintain security in the courtrooms.

Rep. K. Hawken: Do judges in ND carry weapons?

Justice Sandstrom: I don't know of any judge who is armed.

Rep. L. Klemin: This amendment says other than a court facility. How would you define court facility?

Justice Sandstrom: It would include court rooms, but some of our courthouse in ND that whole building would be considered secure.

Chairman K. Koppelman: A lot of our smaller rural areas where the courthouse would be part of a building so there could be some unintended consequences.

Justice Sandstrom: We just want to maintain the security of the court proceedings and we don't want anybody to be armed in the court except a law enforcement officer. There are risks for people being armed in the courtroom with a defendant getting a weapon away from the person who is properly armed.

Chairman K. Koppelman: Elected officials is too broad and it could be read to give them the authority to carry anytime at any event etc. Should that be more narrowly crafted to say elected officials when disposing their duties or course of their official capacity? Would that language satisfy your concern? Might that be a way to get at the same issue?

Justice Sandstrom: I would have to see the language. We want to maintain the security of court proceedings.

Chairman K.Koppelman: How many of our courtrooms as secure?

Justice Sandstrom: I don't have that list with me. (I will get your that information).

Neutral:

Tom Iverson, Safety and Education Office, ND Highway Patrol: (See testimony #4) (50:41-52:42)

Chairman K.Koppelman: I am looking at y our second to the last paragraph in your testimony talking about the confusion that could occur when there is a situation requiring law enforcement response or protection. Isn't that true generally?

Tom Iverson: Yes that is true. If an individual comes in with a gun in the Senate or House chambers there is going to be mass cacaos. If we have multiple people drawing a weapon our response should be minimal. We are talking all things into account and it would just be one more thing to check. That is a concern we have specific to the capitol grounds here.

Chairman K.Koppelman: We appreciate the openness of our government and state. How comfortable are you with the level of security in public buildings?

Tom Iverson: I am very comfortable in our staff and what we can provide; however, could there be room for enhancements? They could include metal detectors or only certain doors that are accessible by the public. Right now it is comfortable knowing that our capital is so open and we want to keep it that way.

Rep. Lois Delmore: Is there a liability issue if I have concealed weapons permit and in the instance you describe I shot an innocent bystander?

Tom Iverson: Yes there is a liability. Just so I am clear on responding to active threats and situations of that nature. I am not implying that a legislator who has a concealed

weapon would even think about engaging in an active threat. The intent of the bill is self-defense.

Rep. K. Wallman: Would you feel more or less comfortable with the level of security if legislators with class C open carry permits were roaming around the capital?

Tom Iverson: I do not know their level of training? I do know the level of training of law enforcement received and they are trained to respond to these situations.

Hearing closed.

(Testimony #5 emailed later)

2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1157
2/16/2015
#23933

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Beckie Struge

Minutes:

Attachments 1,2,3,4

Chairman K. Koppelman opens Hearing on HB 1157

Rep Ben Koppelman: (Proposed Amendment, Attachment #1) The amendments are long because we printed the definition section that defines what a "secured court facility" is. This was in relation to some discussion from Justice Sandstrom where he was suggesting places like the Supreme Court with devices that detect weapons, along with an armed guard. We would be exempting the court facilities from the allowances in this bill.

One the bottom of page 3 of the attachment, the first proposed amendment, page 1, line 7. Those would be the extent of the bills reach. There were questions in committee earlier regarding the city dog catcher, or an appointee to a water board for example - they would not be allowed to conceal carry, even if they had a permit in a publically owned or operated building.

The second proposed amendment on the bottom of page 3 of the attachment: page 1, line 8. That was a two-pronged approach designed at court facilities. The definition of a court facility is like the Supreme Court. If you were in a non-secured court facility there might be some risk with not being under the control of the bailiff.

Rep B. Koppelman: I believe Rep. Brabandt brought up the point about appointed. If you were appointed to the same office would you be discriminated against for not being able to carry? I took 4 separate amendments and merged them so they were easy to understand.

Rep. L. Klemin: On the definition of secured court facility, on the last part I'm having trouble with the language. It seems to be missing something in grammar. I wonder if it said "operated by personnel with a firearm" or supervised by personnel with a firearm", something like that.

Rep B. Koppelman: I certainly have no objections. What we are trying to do there is guarantee the safety.

Chairman K. Koppelman: So what you are saying is "passes through and passes by"?

Rep B Koppelman: It would have to be inclusive of both. Both elements are important.

Rep. L. Klemin: I'm thinking if I go into Burleigh County Courthouse, I could not go into the courthouse unless I go through a metal detector, and there is a deputy carrying a firearm supervising. I wouldn't be just passing by that person?

Rep B Koppelman: No.

Rep. G. Paur: Why do you require that the personnel has to have a firearm? What's the point?

Rep B Koppelman: I believe this is the way the council decided to define it when we decided not to use "law enforcement". What good does it do to have a metal detector if there isn't anyone armed there?

Chairman K. Koppelman: Members of the committee, getting at Representative Klemin's wording concern, if said "secured court means any building or portion of a building in which court proceedings occur and in which access is not permitted unless an individual passes through equipment that detects weapons and which is staffed by armed security personnel". Something along those lines.

Rep. L. Klemin: Sounds good.

Rep B Koppelman: The key would be "armed", not necessarily firearms.

Chairman K. Koppelman: Right.

Chairman K Koppelman: We also have a proposed amendment from Representative Wallman that was handed out earlier.

Rep. K. Wallman: (Attachment #2) The testimony we heard from the bill sponsor was that we were sitting ducks. What precipitated his bill was a instance that happened in Canada. I heard a presentation by an elected member in an administrative role that said her staff had concerns about safety in the workplace (at the Capitol). I approached the Highway Patrol and they said they did approach the Governor to beef up security. They do have metal detectors on hand that were used after 9/11. The cost of using these would be in FTE's Capitol Security Officers to staff the metal detectors.

Chairman K. Koppelman: Let's look at the bill and the amendments proposed. The only security I recall was shortly after 9-11, but it wasn't much. There were no metal detectors. Theoretically, the Capitol has less security than some of our courthouses. The bill as presented would have been all elected officials. We heard from the sponsors in their amendments to narrow that and deal with the court concern. Let's take them one at a time. The first one would amend the bill but with its intent. Is there a motion?

Rep. K. Wallman: Since I presented my amendment first, could we act on mine first?

Chairman K. Koppelman: The other amendment wouldn't make sense if we act on yours first, because yours is a hog house. If we amend the bill with the hog house, the other amendment doesn't make sense. Procedurally it would make more sense to amend the bill with the amendment that modifies the bill, then to amend it with the hog house,

Vice Chairman Karls: I move approval of the Koppelman amendment 15.0461.

Rep. G. Paur: Seconded

Chairman K Koppelman: Would that be with the language we discussed so that top of page 3 would read: "...individual passes through equipment that detects weapons and which is staffed by armed security personnel".

Voice Vote Carried

Chairman K. Koppelman: Top of page 3 after the word "and" add the words "which is staffed", and after the word "by" add the words "armed security", put a period after personnel, then strike "with a firearm".

Rep. K. Wallman: I move to adopt my amendment to HB 1157. (Attachments 3 & 4)

Rep. Mary Johnson: Seconded

Rep. L. Klemin: This capitol building has long been open for free access to the public. I don't believe the occurrence of one incident in Canada should change that. We do have controlled access at the courthouse than the capitol, but the clientele is not comparable. This would have a significant fiscal note attached, and that wouldn't be the end of it. There are a lot of people at the capitol that would have either card access or go through security - both of which would be expensive and time consuming. I'm not convinced we have the kind of problem where we need to close the building to the kind of access we are used to having.

Rep. Mary Johnson: Rep Wallman, this is not even with concealed carry. There's still a feeling of lack of security?

Rep. K. Wallman: Yes, there are some offices, like the State Treasurers Office, people come in off the street thought they had money there. They would like some assurance that people that come in off the street have gone through some semblance of screening. To Rep. L. Klemin point, I don't know if one instance in Canada should precipitate a change in the capitol. But that was one of the premises the concealed carry bill was placed. I think if we are going to talk about safety we should do something that keeps us safe.

Rep. L. Klemin: I think that when the legislative procedure and arrangements committee met and discussed whether or not we should have metal detectors. It was considered and they decided not to do that. I think it's still a possibility if the need arose.

Rep. K. Wallman: Did this committee talk about allowing elected and appointed officials carry concealed weapons for safety?

Rep. L. Klemin: I don't think we've passed that bill yet. We haven't given it a do pass out of this committee and it hasn't passed the legislature. The kind of bill you're proposing there are alternatives that could be utilized to do this if it was necessary.

Rep. K. Wallman: My point was if the committee got together and talked about what types of security measures would or would not be good in the capitol. I'm asking if concealed carry was one of the options they looked at, because it's clearly being proposed now as one of the options.

Rep. Maragos: I'm going to oppose the amendment because it will change the whole character of the bill, and that isn't what we do. If we want to put in a bill it should be introduced.

Rep. K. Hawken: I know we have a capitol grounds committee and I don't think there was legislation that led to the barricades by the underpass or by the doors. I guess that would be the same with metal detectors.

Chairman K. Koppelman: I believe you are correct. I don't recall any legislation that mandated that either.

Rep. Brabandt: Earlier when the Highway Patrol was testifying, I asked him how secure is our capitol? He said it's a lot more secure than you think.

Chairman K. Koppelman: This doesn't do anything outside the capitol building. The bill would have been only elected officials, is that correct? Just the capitol is what your amendment says?

Rep. K. Wallman: It is. If the Highway Patrol feels the capitol feels it's more secure than we think it is. I would ask why we need this bill then?

Rep. G. Paur : Would you entertain a request for a question?

Chairman K. Koppelman: I hesitate because I want to make sure everyone can speak. But if there are no other comments we can vote on the amendment.

Voice Vote Does Not Carry

Rep. Brabandt: Motions a Do Pass

Vice Chairman Karls: Seconded

Rep. Kretschmar: Would a local government unit say we would not prohibit guns in our city hall? I would still like to leave local control for the communities to do as they wish.

Chairman K. Koppelman: I think it's unclear whether they could do that. The old theory is that local entities adopt ordinances that are more restrictive, but not less.

Rep. D. Larson: I think this bill should be defeated. When it was first introduced I think for us to set ourselves up as a special class of people that get to conceal carry. I think we are making an exception for us as elected officials.

Rep. L. Klemin: I have some concerns about this bill, too. I agree with Rep. D. Larson. In the event, what would happen if they were all armed? It could be pretty chaotic, you wouldn't know who the good guy or the bad guy is. I don't think I will support this bill.

Chairman K. Koppelman: However, we also heard from others. From law enforcement in general most do support 2nd amendment rights. If there is an incident and they come on a scene and someone has a gun, that dilemma is present no matter what. Our US Constitution guarantees the right to keep and bear arms.

Rep. L. Klemin: I think this opens it up so wide it makes me uncomfortable and I don't like the Class status this creates.

Chairman K. Koppelman: I understand that dilemma, I don't know the answer is. Right now I think someone could easily conceal and carry a weapon into the capitol - illegally.

Rep. P. Anderson: I agree with the elitist. I have to vote no.

A roll call vote was taken for a Do Pass: Yes: 5 No: 8 Absent: 0

Rep Hawken: I move a Do Not Pass

Rep Wallman: Seconded

A roll call vote was taken for a Do NOT Pass. Yes: 8 No: 5 Absent: 0

Do Not Pass carries.

Representative Hawken will carry the bill.

February 16, 2015

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2/16/15
1/3

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1157

Page 1, line 3, after "buildings" insert "; and to amend and reenact section 62.1-01-01 of the North Dakota Century Code, relating to definitions"

Page 1, after line 5, insert:

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

62.1-01-01. General definitions.

As used in this title, unless the context otherwise requires:

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 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.
2. "Direct supervision of an adult" means that an adult is present in such close proximity so as to be capable of observing and directing the actions of the individual supervised.
3. "Firearm" or "weapon" means any device which will expel, or is readily capable of expelling, a projectile by the action of an explosive and includes any such device, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon. For a felon who is not sentenced under section 12.1-32-09.1, the term does not include a firearm or weapon that is a rifle that has a barrel sixteen inches [40.64 centimeters] or longer or a shotgun that has a barrel eighteen inches [45.72 centimeters] or longer and which is one of the following:
 - a. A firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899.
 - b. A replica of any firearm described in subdivision a, if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and

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which is not readily available in the ordinary channels of commercial trade.

- c. A muzzleloading rifle or muzzleloading shotgun that is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.
4. "Gaming site" means any room or premises licensed by the attorney general or by a city or county governing body to conduct legal gaming operations.
5. "Government building" means a building which is owned, possessed, or used by or leased to the state of North Dakota, or any of its political subdivisions.
6. "Handgun" means any firearm that is not designed to be fired from the shoulder, which has a barrel less than sixteen inches [40.64 centimeters] long, and which is capable of firing, by the energy of an explosive in a fixed metallic cartridge, an exposed projectile through a rifled bore. The term includes all firearms that are designed to be readily modified between rifle and pistol forms, if in compliance with the National Firearms Act [26 U.S.C. 5801-5872].
7. "Law enforcement officer" means a public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for violations of law.
8. "Machine gun, submachine gun, or fully automatic rifle" means a firearm, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.
9. "Plain view" means the handgun is placed in such a location or carried in such a position as to be easily discernible by the ordinary observation of a passerby. In a motor vehicle, this includes being placed on the seat, dashboard, or in a gunrack as long as the handgun is not covered or is in any other way concealed from view.
10. "Rifle" means any firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.
11. "Secured" means the firearm is closed into the trunk or nonpassenger part of the vehicle; placed into a closed and secure carrying device; rendered inoperative by the use of a trigger, hammer, cylinder, slide, or barrel-locking device that renders the firearm incapable of firing until the device is unlocked and removed; or so disassembled or disabled as to be rendered incapable of firing.
12. "Secured court facility" means a building or portion of a building in which court proceedings occur and in which access is not permitted unless an

individual passes through equipment that detects weapons and is staffed by armed security personnel.

13. "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches [40.64 centimeters] in length and any firearm made from a rifle, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than twenty-six inches [66.04 centimeters].
- ~~13.~~14. "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches [45.72 centimeters] in length and any firearm made from a shotgun, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than twenty-six inches [66.04 centimeters].
- ~~14.~~15. "Shotgun" means a firearm designed or redesigned, made or remade, and intended to be fired with one hand below or behind and one hand in front of the breach, which uses the energy of the explosive in a fixed shotgun shell to fire through a smooth or a rifled bore either a number of ball shot or a single projectile for each single pull of the trigger.
- ~~15.~~16. "Silencer" means any device for or attached to any firearm which will silence or deaden the sound or natural report of the firearm when it is discharged.
- ~~16.~~17. "Unloaded" means the chamber of the firearm does not contain a loaded shell. If the firearm is a revolver, then none of the chambers in the cylinder may contain a loaded shell. Handguns with a removable magazine or clip must have the magazine or clip removed from the firearm if the magazine or clip contains any loaded shells."

Page 1, line 7, replace "public officials" with "or appointed statewide office holders, members of the legislative assembly, members of a governing body of a county or city, and school board members"

Page 1, line 8, after "building" insert "but not including a secured court facility or a court facility that is not secured if the official is the defendant in a criminal proceeding occurring in the building"

Renumber accordingly

AM

Date: 2-16-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES 1157
BILL/RESOLUTION NO.

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: see Below

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider

Motion Made By Rep. Karls Seconded By Rep. Paur

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

voice vote carried

Total (Yes) No

Absent

Floor Assignment

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

After word "and" on top of pge 3 after the word "and" add the words "which is staffed", and after the word "by" add the words "armed security", put a period after personnel, then strike "with a firearm".

Date: 2-16-15
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1151

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: See below

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Wallman Seconded By Rep. Johnson

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

State Capitol building security. Highway Patrol shall provide and operate metal detectors.

Date: 2-16-15
Roll Call Vote #: 3

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1157

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: 15.0461.02008

Recommendation: ☒ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Brabandt Seconded By Rep. Karls

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	✓		Rep. Pamela Anderson		✓
Vice Chairman Karls	✓		Rep. Delmore		✓
Rep. Brabandt	✓		Rep. K. Wallman		✓
Rep. Hawken		✓			
Rep. Mary Johnson		✓			
Rep. Klemin		✓			
Rep. Kretschmar		✓			
Rep. D. Larson		✓			
Rep. Maragos	✓				
Rep. Paur	✓				

Total (Yes) 5 No 8

Absent 0

Floor Assignment _____

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

Date: 2-16-15
Roll Call Vote #: 4

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1157

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: 15.0461.02008

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Hawken Seconded By Rep. Wallman

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman		✓	Rep. Pamela Anderson	✓	
Vice Chairman Karls		✓	Rep. Delmore	✓	
Rep. Brabandt		✓	Rep. K. Wallman	✓	
Rep. Hawken	✓				
Rep. Mary Johnson	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. D. Larson	✓				
Rep. Maragos		✓			
Rep. Paur		✓			

Total (Yes) 8 No 5

Absent 0

Floor Assignment Rep. Hawken

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

REPORT OF STANDING COMMITTEE

HB 1157: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1157 was placed on the Sixth order on the calendar.

Page 1, line 3, after "buildings" insert "; and to amend and reenact section 62.1-01-01 of the North Dakota Century Code, relating to definitions"

Page 1, after line 5, insert:

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

62.1-01-01. General definitions.

As used in this title, unless the context otherwise requires:

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 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.
2. "Direct supervision of an adult" means that an adult is present in such close proximity so as to be capable of observing and directing the actions of the individual supervised.
3. "Firearm" or "weapon" means any device which will expel, or is readily capable of expelling, a projectile by the action of an explosive and includes any such device, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon. For a felon who is not sentenced under section 12.1-32-09.1, the term does not include a firearm or weapon that is a rifle that has a barrel sixteen inches [40.64 centimeters] or longer or a shotgun that has a barrel eighteen inches [45.72 centimeters] or longer and which is one of the following:
 - a. A firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899.
 - b. A replica of any firearm described in subdivision a, if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

- c. A muzzleloading rifle or muzzleloading shotgun that is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.
4. "Gaming site" means any room or premises licensed by the attorney general or by a city or county governing body to conduct legal gaming operations.
5. "Government building" means a building which is owned, possessed, or used by or leased to the state of North Dakota, or any of its political subdivisions.
6. "Handgun" means any firearm that is not designed to be fired from the shoulder, which has a barrel less than sixteen inches [40.64 centimeters] long, and which is capable of firing, by the energy of an explosive in a fixed metallic cartridge, an exposed projectile through a rifled bore. The term includes all firearms that are designed to be readily modified between rifle and pistol forms, if in compliance with the National Firearms Act [26 U.S.C. 5801-5872].
7. "Law enforcement officer" means a public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for violations of law.
8. "Machine gun, submachine gun, or fully automatic rifle" means a firearm, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.
9. "Plain view" means the handgun is placed in such a location or carried in such a position as to be easily discernible by the ordinary observation of a passerby. In a motor vehicle, this includes being placed on the seat, dashboard, or in a gunrack as long as the handgun is not covered or is in any other way concealed from view.
10. "Rifle" means any firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.
11. "Secured" means the firearm is closed into the trunk or nonpassenger part of the vehicle; placed into a closed and secure carrying device; rendered inoperative by the use of a trigger, hammer, cylinder, slide, or barrel-locking device that renders the firearm incapable of firing until the device is unlocked and removed; or so disassembled or disabled as to be rendered incapable of firing.
12. "Secured court facility" means a building or portion of a building in which court proceedings occur and in which access is not permitted unless an individual passes through equipment that detects weapons and is staffed by armed security personnel.
13. "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches [40.64 centimeters] in length and any firearm made from a rifle, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than twenty-six inches [66.04 centimeters].

- ~~43.14.~~ "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches [45.72 centimeters] in length and any firearm made from a shotgun, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than twenty-six inches [66.04 centimeters].
- ~~44.15.~~ "Shotgun" means a firearm designed or redesigned, made or remade, and intended to be fired with one hand below or behind and one hand in front of the breach, which uses the energy of the explosive in a fixed shotgun shell to fire through a smooth or a rifled bore either a number of ball shot or a single projectile for each single pull of the trigger.
- ~~45.16.~~ "Silencer" means any device for or attached to any firearm which will silence or deaden the sound or natural report of the firearm when it is discharged.
- ~~46.17.~~ "Unloaded" means the chamber of the firearm does not contain a loaded shell. If the firearm is a revolver, then none of the chambers in the cylinder may contain a loaded shell. Handguns with a removable magazine or clip must have the magazine or clip removed from the firearm if the magazine or clip contains any loaded shells."

Page 1, line 7, replace "public officials" with "or appointed statewide office holders, members of the legislative assembly, members of a governing body of a county or city, and school board members"

Page 1, line 8, after "building" insert "but not including a secured court facility or a court facility that is not secured if the official is the defendant in a criminal proceeding occurring in the building"

Renumber accordingly

2015 TESTIMONY

HB 1157

#1
HB 1157
1-20-15
JF 1

2.20.2014

Testimony on HB 1157

Mr. Chairman and members of the Judiciary Committee, I am Rep. Ben Koppelman from District 16 in West Fargo, ND, and I am here to testify in favor of HB 1157.

HB 1157 is a fairly simple bill that would allow elected officials who possess a valid concealed weapons license to carry in publicly owned or operated buildings.

The inspiration for the bill was the situation in Canadian parliament last year where a gunman was shot by the sergeant-at-arms when he threatened to shoot lawmakers. This made me wonder what we in North Dakota would do if facing the same situation. I quickly realized that we would likely be sitting ducks. I then started contemplating what options that we would have, and I identified three basic options:

- 1) install metal detectors etc.
- 2) greatly increase the number of armed guards
- 3) allow elected officials to protect themselves by allowing them to carry

Options 1 and 2 have three distinct challenges. First, they tend to limit the openness and access that citizens of ND have to their elected officials by putting barriers in place. Second, both options come with a steep price tag. Last, they could only be effective when elected officials are in the secure areas, and have no protections when officials come and go or in unsecured areas. After all, you can't possibly have armed guards or metal detectors everywhere. It is my opinion that Option 3 has the right balance of keeping our buildings and process open while allowing our elected officials to protect themselves.

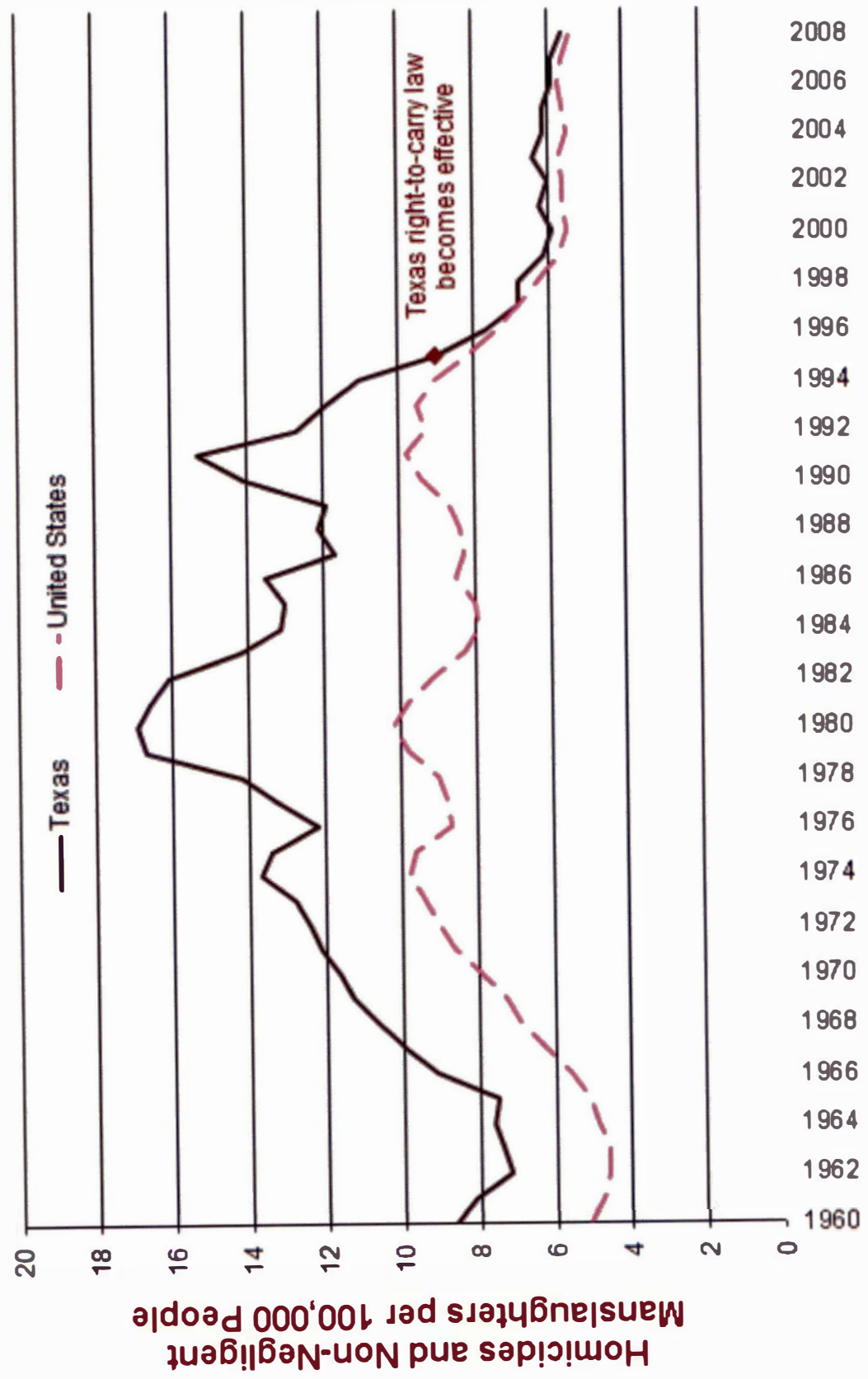
Statistics have shown that there is a direct correlation between the increase in the number of conceal carry permits and the decline in violent crime.

These statistics suggest that when there is a possibility that a victim could be armed that criminals think twice. Lets remember, that most mass shootings typically occur in "gun free zones".

I respectfully request that you give HB 1157 a do-pass recommendation, and would be happy to stand for any questions that you may have.

#2
HB 1157
1-20-15
pg 1

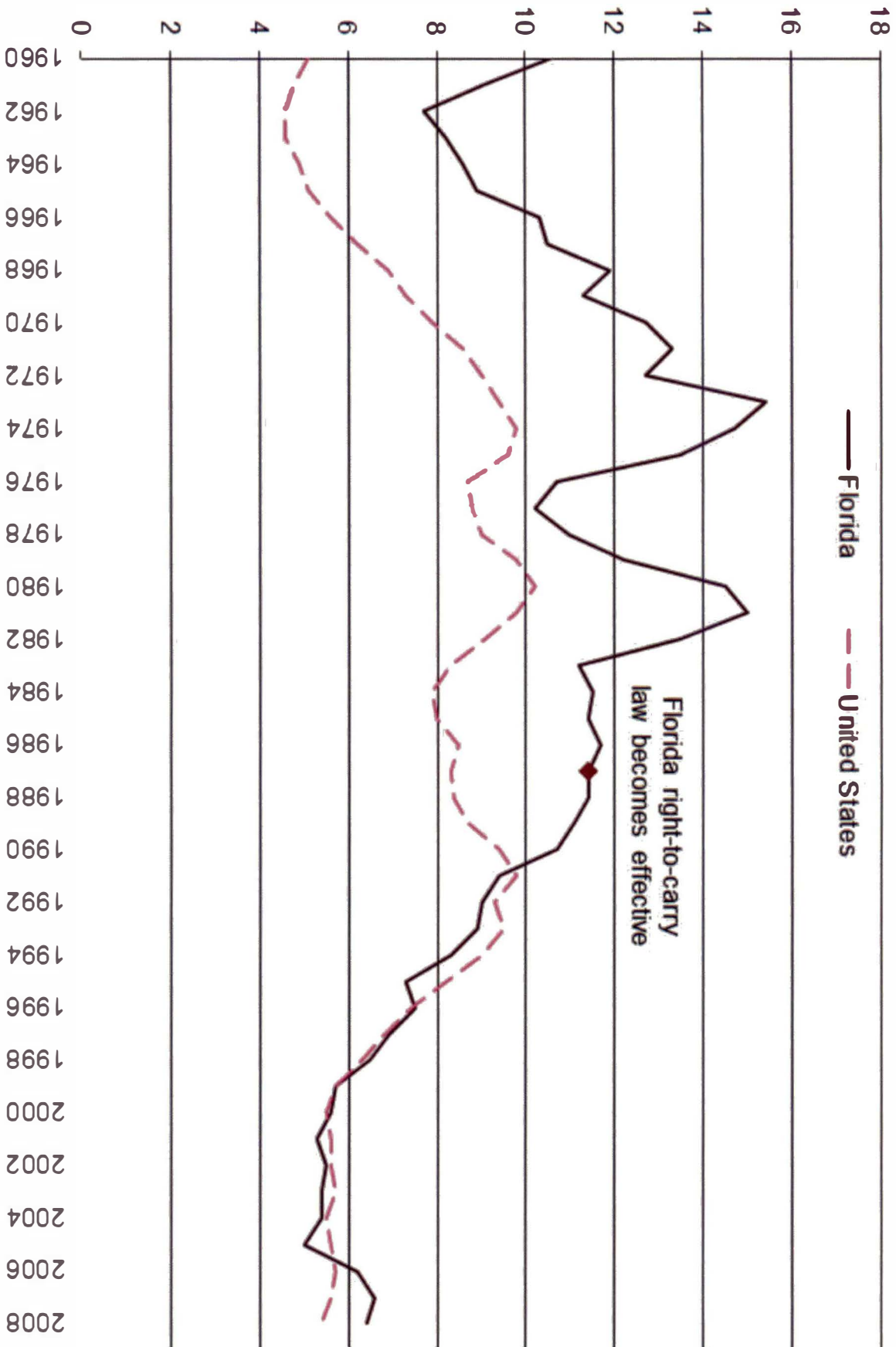
Murder Rates in Texas and the United States, 1960-2008



2
HB 1157
12/2/15
pg 2

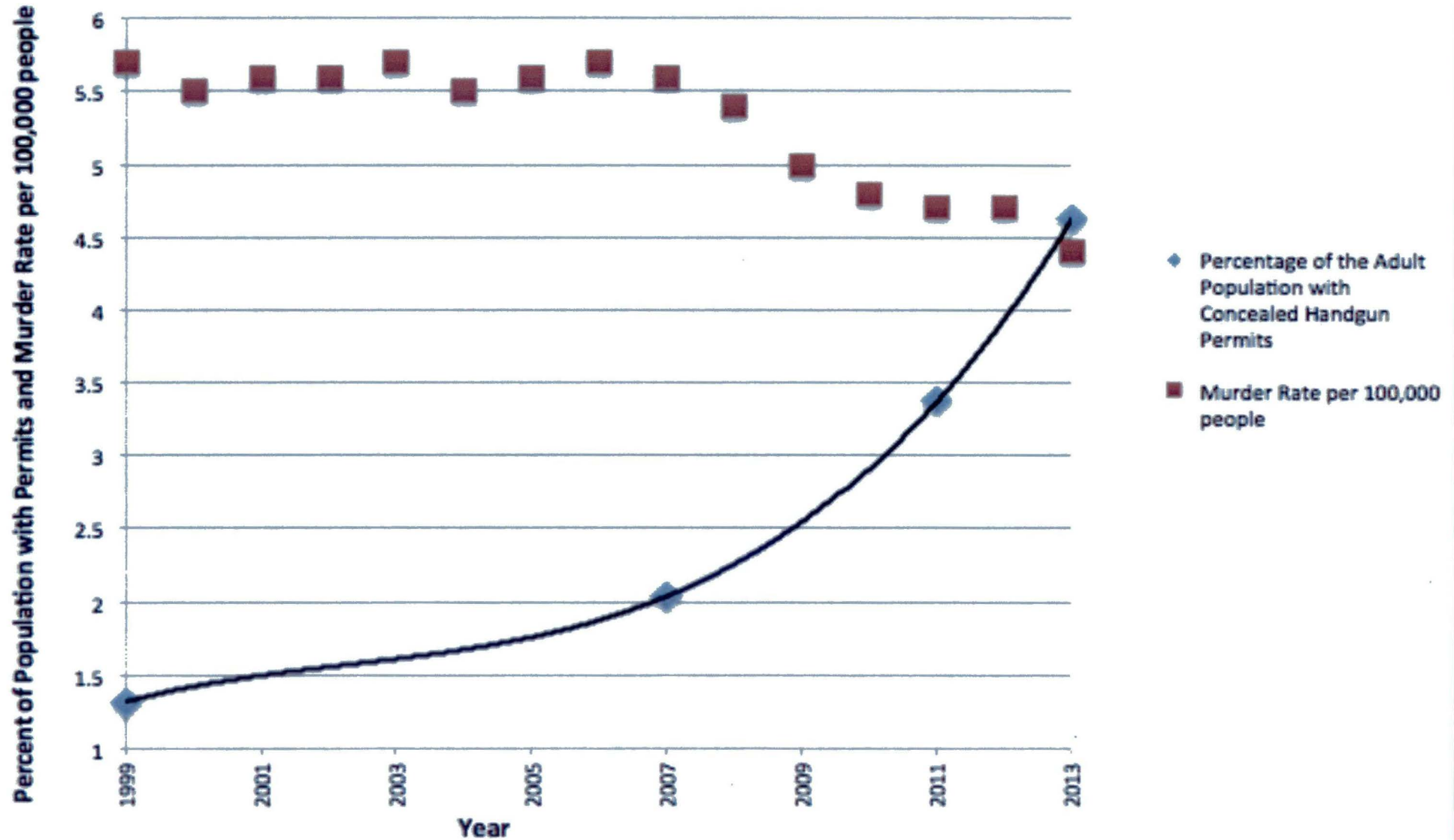
Homicides and Non-Negligent Manslaughters per 100,000 people

Murder Rates in Florida and the United States, 1960-2008



#2
HB 1157
1-20-15
pg 3

Murder Rates have fallen as the Percentage of the Adult Population with Permitted Concealed Handguns has increased



#3
HB 1157
1-20-15
pg 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1157

Page 1, line 8, after "building" insert "other than a court facility"

Renumber accordingly

House Bill 1157
House Judiciary Committee
Representative Kim Koppelman, Chairman
January 20, 2015

#4
HB 1157
1-20-15
pg 1

Mr. Chairman and members of the House Judiciary Committee, my name is Tom Iverson, safety and education officer for the North Dakota Highway Patrol. I am here to provide testimony regarding House Bill 1157.

It's understandable that elected officials have the need to feel safe, especially in publicly-owned buildings.

To obtain a Class 1 concealed weapons license, applicants must pass an open book test, demonstrate familiarity with a firearm, and successfully complete a certified proficiency exercise; however, a Class 2 license simply requires the successful completion of an open book test.

In comparison, law enforcement officers undergo a thorough, multiple-day training in active threat response that provides instruction on responding to active violence threats. It teaches tactics to diffuse threatening situations while minimizing injury or death. This training is scenario-based, testing the officer's decision-making skills as well as marksmanship under stressful conditions. Law enforcement officers are trained to neutralize the threat in an attempt to save lives. In addition, law enforcement conducts weapons training throughout the year and must qualify with their weapon annually.

Citizens bearing a concealed weapons license do not receive training on how to respond to active threat situations; they should not be obligated to respond to such incidents. This bill could open the door to future legislation allowing citizens to carry concealed weapons in publically-owned buildings. Our security protocols would need to change.

Law enforcement's priority during an active threat response situation is the safety of everyone involved. The threat during this type of situation is determined by actions of those involved, and who may be carrying a weapon. This bill may cause confusion among first responders during an active threat as it is extremely difficult to determine who the real threat may be.

This concludes my testimony. I would be happy to answer questions.

#5 HB 1157
1-20-15
rg1

Testimony before the 64th Legislative Assembly

House Judiciary Committee

Tuesday, January 20, 2015 at 9:25 A.M.

By Glen E. Baltrusch

Mr. Chairman and Committee Members,

Good morning! My name is Glen Baltrusch, and I reside at Harvey, ND; which is in District 14. I stand before you this morning in opposition of **House Bill No. 1157**. This bill as written and introduced, is not a sound and reasonable piece of legislation that is before this House Committee and the 64th Legislative Assembly; and it definitely is not worthy of enactment.

House Bill No. 1157 is absolutely unacceptable in its present form. Let me be honest with you; it's not that I disapprove of your right to carry, it's the fact that HB 1157 provides privileges and exemptions for elected public officials to carry concealed in publically owned and / or operated properties while the citizens of North Dakota, including Concealed Weapon License holders, are prohibited from doing the same. I pray that this body has not become a dictatorial, self-ruling, elitist group, overseeing the citizen as a substandard group of Electors.

The North Dakota Legislative Assembly has always been considered as a citizen legislature. Sadly, House Bill No. 1157 abuses that conception and may become a myth with the Electors of this State, especially when legislation is enacted that provides special exemptions and privileges to elected officials.

Mr. Chairman and Committee Members, on January 22, 2015, House Bill No. 1241 is scheduled for hearing before the House Energy and Natural Resources Committee at 2:30 P.M., which I strongly support. With the enactment of House Bill No. 1241 by the 64th Legislative Assembly, you will have accomplished in part what House Bill No. 1157 attempted to provide, accept it does not provide for special exemptions and privileges for elected officials. Enactment of House Bill No. 1241 would provide for the same exemption to all Concealed Weapon License holders with equal application of the law, including elected public officials that have a valid concealed license.

Mr. Chairman and Committee Members, I ask that you support a "Do Not Pass" in committee of House Bill No. 1157 with a recommendation of "Do Not Pass" to the House of Representatives to be voted on the floor of the 64th Legislative Assembly.

Thank you for your time and consideration of this pertinent matter. If you have any questions, I will try to answer them for you.

HB 1157
2-16-15
#1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1157

Page 1, line 3, after "buildings" insert "; and to amend and reenact section 62.1-01-01 of the North Dakota Century Code, relating to definitions"

Page 1, after line 4, insert:

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

62.1-01-01. General definitions.

As used in this title, unless the context otherwise requires:

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 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.
2. "Direct supervision of an adult" means that an adult is present in such close proximity so as to be capable of observing and directing the actions of the individual supervised.
3. "Firearm" or "weapon" means any device which will expel, or is readily capable of expelling, a projectile by the action of an explosive and includes any such device, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon. For a felon who is not sentenced under section 12.1-32-09.1, the term does not include a firearm or weapon that is a rifle that has a barrel sixteen inches [40.64 centimeters] or longer or a shotgun that has a barrel eighteen inches [45.72 centimeters] or longer and which is one of the following:
 - a. A firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899.
 - b. A replica of any firearm described in subdivision a, if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and

which is not readily available in the ordinary channels of commercial trade.

- c. A muzzleloading rifle or muzzleloading shotgun that is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.
4. "Gaming site" means any room or premises licensed by the attorney general or by a city or county governing body to conduct legal gaming operations.
5. "Government building" means a building which is owned, possessed, or used by or leased to the state of North Dakota, or any of its political subdivisions.
6. "Handgun" means any firearm that is not designed to be fired from the shoulder, which has a barrel less than sixteen inches [40.64 centimeters] long, and which is capable of firing, by the energy of an explosive in a fixed metallic cartridge, an exposed projectile through a rifled bore. The term includes all firearms that are designed to be readily modified between rifle and pistol forms, if in compliance with the National Firearms Act [26 U.S.C. 5801-5872].
7. "Law enforcement officer" means a public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for violations of law.
8. "Machine gun, submachine gun, or fully automatic rifle" means a firearm, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.
9. "Plain view" means the handgun is placed in such a location or carried in such a position as to be easily discernible by the ordinary observation of a passerby. In a motor vehicle, this includes being placed on the seat, dashboard, or in a gunrack as long as the handgun is not covered or is in any other way concealed from view.
10. "Rifle" means any firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.
11. "Secured" means the firearm is closed into the trunk or nonpassenger part of the vehicle; placed into a closed and secure carrying device; rendered inoperative by the use of a trigger, hammer, cylinder, slide, or barrel-locking device that renders the firearm incapable of firing until the device is unlocked and removed; or so disassembled or disabled as to be rendered incapable of firing.
12. "Secured court facility" means a building or portion of a building in which court proceedings occur and in which access is not permitted unless an

individual passes through equipment that detects weapons and by personnel with a firearm.

13. "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches [40.64 centimeters] in length and any firearm made from a rifle, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than twenty-six inches [66.04 centimeters].
- 13-14. "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches [45.72 centimeters] in length and any firearm made from a shotgun, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than twenty-six inches [66.04 centimeters].
- 14-15. "Shotgun" means a firearm designed or redesigned, made or remade, and intended to be fired with one hand below or behind and one hand in front of the breach, which uses the energy of the explosive in a fixed shotgun shell to fire through a smooth or a rifled bore either a number of ball shot or a single projectile for each single pull of the trigger.
- 15-16. "Silencer" means any device for or attached to any firearm which will silence or deaden the sound or natural report of the firearm when it is discharged.
- 16-17. "Unloaded" means the chamber of the firearm does not contain a loaded shell. If the firearm is a revolver, then none of the chambers in the cylinder may contain a loaded shell. Handguns with a removable magazine or clip must have the magazine or clip removed from the firearm if the magazine or clip contains any loaded shells."

Page 1, line 7, replace "public officials" with "or appointed statewide office holders, members of the legislative assembly, members of a governing body of a county or city, and school board members"

Page 1, line 8, after "building" insert "but not including a secured court facility or a court facility that is not secured if the official is the defendant in a criminal proceeding occurring in the building"

Renumber accordingly

HB 1157
2-16-15
#2Microsoft
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Options



Sign out

Mail



Calendar



Contacts



Deleted Items (368)



Drafts [48]



Inbox (219)



Junk E-Mail [35]

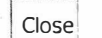
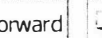
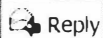


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**Capitol Security Costs**

Solberg, Maj. Brandon J.

Sent: Friday, February 13, 2015 1:33 PM

To: Wallman, Kris

Cc: Gerhart, Col. Michael T.

Hello Representative Wallman,

I spoke with our Director of Capitol Security, Sgt. Pat Hudson, yesterday, and he said that our agency has five magnetometers in storage that could be used to screen for weapons. They are about 10 years old and would likely need to be replaced at some point, but if something was ever needed quickly, we have several units available.

Sgt. Hudson felt that two FTEs would be required for every door that needs to be secured for the purpose of screening visitors, and one additional FTE would be needed for roaming duties. So, if two doors were converted to visitor entrances with screening provided by Capitol Security, a total of five FTEs would be the estimated need. Related to costs for a non-sworn Capitol Security Officer, an estimate would be \$550,000 for five FTEs per biennium or \$110,000 per employee.

Converting existing public entrances to card access only for employees would result in an additional cost for card reader equipment. That cost is unknown, but I can work on gathering an estimate if you feel that it's needed. Sgt. Hudson also informed me that the director of facility management, John Boyle, has discussed converting the south entrance to a visitor entrance and securing other doors for employees only. Sgt. Hudson felt that a plan was drafted at one point, but it has never been implemented.

If you need anything further, please let me know. I know you said that you were meeting on this topic early next week so I wanted to send the information I had gathered.

Brandon Solberg, Major
Chief of Staff
North Dakota Highway Patrol
Office (701) 328-2586

HB 1157
2-16-15
#3

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1157

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-21 of the North Dakota Century Code, relating to state capitol building security.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-21 of the North Dakota Century Code is created and enacted as follows:

State capitol building security.

The highway patrol shall provide and operate magnetometers and x-ray machines at each public entrance to the state capitol building. An individual without a state-issued access card is subject to the security measures operated by the highway patrol as a condition of entry to the capitol."

Renumber accordingly

HB 1157
2-10-15
#4

Metal Detectors in State Capitols

State	Installed at Public Entrances	Required to Pass Through Metal Detectors
Alabama	Yes	All visitors (during session only)
Alaska	No	n/a
Arizona	No	n/a
Arkansas	Yes	Members of the public who are unknown to security
California	Yes	Everyone except legislators
Colorado	Yes	All visitors
Connecticut	No	n/a
Delaware	Yes	Everyone except legislators
Florida	Yes	Media, lobbyists, general public, school groups, orchestras
Georgia	Yes	All visitors
Hawaii	No	n/a
Idaho	No	n/a
Illinois	Yes	All visitors except those with a state-issued access card or ID
Indiana	Yes	All visitors
Iowa	Yes	All visitors and any state employees without cardkey access.
Kansas	No	n/a
Kentucky	Yes	All visitors except those with a state-issued ID.
Louisiana	Yes	All visitors
Maine	No	n/a
Maryland	Yes	All visitors except those with a state-issued ID.
Massachusetts	Yes	All visitors
Michigan	No	n/a
Minnesota	No	n/a
Mississippi	Yes	All visitors
Missouri	No	n/a
Montana	No	n/a
Nebraska	No	n/a
Nevada	No	n/a
New Hampshire	No	n/a
New Jersey	Yes	All visitors
New Mexico	No	n/a
New York	Yes	All visitors
North Carolina	No	n/a
North Dakota	No	n/a
Ohio	No	n/a
Oklahoma	Yes	Everyone except Governor, Lt. Gov., First lady & their security details
Oregon	No	n/a
Pennsylvania	Yes	All visitors
Rhode Island	Yes	All visitors
South Carolina	Yes	All visitors including school groups, bands, etc.
South Dakota	No	n/a
Tennessee	Yes	All visitors except those with a state-issued ID.
Texas	No	n/a
Utah	No	n/a
Vermont	No	n/a
Virginia	Yes	All visitors including custodial staff, media, lobbyist, general public, school groups, orchestra/bands.
Washington	No	n/a
West Virginia	No	n/a
Wisconsin	No	n/a
Wyoming	No	n/a

Source: NCSL Survey January 2008