

FISCAL NOTE
Requested by Legislative Council
02/20/2017

Amendment to: HB 1169

- 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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 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 allows an individual who qualifies for a class 2 firearm and dangerous weapon license and has had a driver's license or non-driver identification card for 1 year from the Department of Transportation to carry a concealed weapon.

- 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.*

N/A

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.*

N/A

- 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.*

N/A

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 328-3622

Date Prepared: 02/21/2017

FISCAL NOTE
Requested by Legislative Council
01/06/2017

Bill/Resolution No.: HB 1169

- 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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 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 reorganizes the concealed weapon language for better understanding.

- 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.*

N/A

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.*

N/A

- 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.*

N/A

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 328-3622

Date Prepared: 01/12/2017

2017 HOUSE ENERGY AND NATURAL RESOURCES

HB 1169

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1169
1/26/2017
27446

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to the possession of firearms and licensing of individuals to carry firearms

Minutes:

Attachments #1 - #15

Chairman Porter: Stated there would be 50" for proponents, and 50" for opposition. Called the committee to order on HB 1169.

Rep. Rick Becker: District 7, presented the bill and testified in favor of HB 1169, known also as the constitutional carry bill. There's passion on both sides of this issue. This isn't about how many guns are on the street, or who should carry a gun or where a gun should be carried. This is about whether a person should be required to have a permit to carry open or concealed. This bill does not change the requirements or how concealed weapons permitting is handled, or for Class 2 or 1. It's important those stay in play because it's going through Class 1 and 2 that gives us reciprocity with other states. Class 1 also gives some proficiency testing. What changes is currently ND is an open carry state. You can open carry on your permit. Most people don't know that. You cannot carry a concealed weapon without the permit. This would make it so people who are currently not prohibited already from carrying a weapon, would not be able to carry a weapon without the permit. It doesn't change who can carry. In law wherever a person is carrying a weapon, if this bill becomes law, all of that stays in effect. Some concerns I want to address is one, we already need permits for so many things we do. It's not unreasonable to say let's have a permit for a gun. We need permit for a driver's license, we need a library card, whatever it might be. Consider that the 2nd Amendment is very clear. It states towards the end, the right of the people to keep and bear arms, shall not be infringed. There are no other amendments that are so explicit that there cannot be any restrictions on it. The right to have a driver's license is not in the bill of rights or the constitution. We need to separate out, not compare it to a driver's license, but compare it to free speech which is in the constitution. We don't need a permit to disagree with our government, say what's on our mind, to be free from search and seizure. That's what we're talking about being on par with. We want to keep the 2nd Amendment in line with our explicit freedoms. We are an open carry state. Person can carry on them, person can keep it in their car as long as it's in plain view, without any kind of training. This doesn't change whether a person needs training or not, but simply changes it if they are able to carry concealed Class 2 permit is an open book test. It has value but doesn't give you proficiency. If I take off my

sport coat, walk down the street, have a gun on my hip, I have no concealed weapon permit, that's legal. But if I put on my suit jacket, I'm not illegal if I don't have a concealed weapon permit. If I have a gun on my hip at 7 in the evening on a summer night, that's legal, but 7 pm on a December evening, that's illegal because it's 1 hour past sunset. The idea of needing training, we currently don't have that. The last one and concerns people, but doesn't have a solid basis, are we putting our LEO (Law enforcement officers) at risk? Our law enforcement officers must assume everyone has a gun. The fact that a person doesn't have a concealed weapon permit, doesn't put them at ease to assume there's no weapon. The idea that an officer is at great risk if we allow concealed weapon carry without a permit is erroneous. If someone is going to cause harm to an officer, they aren't going to worry if they have the proper permit to carry a weapon. They'll have the weapon on them. The conceal and carry without a permit truly pertains to the law abiding citizens don't care. This is a fee on law abiding citizens. This bill recognizes that and removes that barrier that the 2nd Amendment explicitly states should not be there.

Vice Chairman Damschen: Did you explain that open carry is an unloaded weapon unless you have a permit?

9:27

Rep. Rick Becker: I did not explain the current open carry is unloaded. Most handguns are semi-automatic now. That means the magazine can be completely full, in the weapon, it can't be chambered. In practical terms, there's little difference. That's different than a revolver in which you can't have bullets in.

Dr. Christopher Kopacki, State Liaison, NRA, presented **Attachment #1** in Support HB 1169.

14:11

Rep. Heinert: What's the definition of the NRA to bear arms?

Dr. Kopacki: In line with the constitution is the right for a free people that are again not prohibited by law to be openly or discretely carry in the defense of themselves and others.

Chairman Porter: Questions? Welcomed students from New Salem-Almont.

15:01

Roger Kasemen, presented in support of HB 1169 **Attachment #2.**

22:00

Aaron West, Minot ND, Ward County Sheriff's Dept. **Attachment #3**

29:45

Jordan Mason: ND director of State Legislation National Gun Rights, over 15k members from ND. Presented **Attachment #4** in full support of 1169.

Chairman Porter: clarified the ND membership because you initially stated SD.

Jordan Mason: North Dakota.

Rep. Heinert: Can you tell me the other states that have the constitutional carry, do they allow people from every state in the US to come to their state and carry concealed.

Mason: I would encourage you to talk to legal counsel about this. In SD, Smith vs SD, a federal district court case, where it was ruled a natural resident who reside in SD for 37 years was denied a conceal carry permit because in SD we have a residency requirement. The federal district court overturned that and said under the 14th amendment he would be allowed. Similar cases across the nation have declared residence requirements may be unconstitutional.

Rep. Heinert: No, I asked specifically do these other states that have constitutional carry allow anybody from the US to come into their state and carry concealed?

Mason: Most with exceptions, WY has a residence requirement.

Craig Roe, Kindred, ND. Myself and my business partner, Dennis Jones, own Carry For Defense. We are certified instructors for the State of ND, concealed weapons permit instructors. I'm also MN, UT permit instructor, NRA instructor, certified instructor of their various functions, ND hunter education instructor for 18-19 years and I hold a federal firearms license to buy and sell guns. In favor of this bill. What happens as an instructor? We teach this class, full time job, our living. Taught probably 1000s of people. Very busy in last 6 years. I find people coming to class for different reasons. The idea of self-defense and personal protection. The right to do so. They come to get the permits and information on how to handle guns. Lot of people carry in their vehicles, and they want to know they're not breaking the law. This bill is extremely good. Sends a message that ND is up on the 2nd Amendment, the right to keep and bear arms is in the Constitution. To be able to carry a firearm should be an individual right. If you want to carry a gun in ND, you can, anybody can as long as you can legally buy a firearm. You can carry a gun in various ways. Plain view carrying, secured, in your vehicle. Lots of ways to carry w/o a permit. When you get to the concealed weapons permit that you can carry guns in the open whether they're loaded or unloaded at certain time, they can be loaded during hunting, but you need a permit to carry a concealed. You don't always want people to know you're carrying a gun. Law enforcement has concerns. Again, you can carry a gun in ND, there's many ways to do it. Whether or not it's concealed or not depends on different factors, time of day, etc. We don't need to worry about the people of ND having constitutional carry because they have the right to do it, and it is a right under the 2nd Amendment. What I see in my classes, is people have no idea what these laws are. Some laws are complicated and hard to understand and need to be simplified. You should not be restricted to own a firearm. Class 1 and 2 are great and absolutely necessary to keep reciprocity with other states. Training is whether anyone thinks so or not, I teach this all the time the training is minimal. They're not going to come out of the proficiency test and be the next Wyatt Erp or Wild Bill Hickok, they're not. It comes down to personal responsibility to

take more training, keep up with the laws, understand the laws. We should allow ND to feel they have that personal responsibility and we can trust them to understand that personal responsibility. Conceal carry is good, open carry fine, constitutional carry should be passed. I actually think it's a feel good thing more than anything else. It's not going to stop bad people. It's going to allow honest people of ND to exercise their 2nd Amendment rights.

Chairman Porter: New Salem- Almont students again. Further testimony.

42:00

Justin Labar, Stanley, ND, District 2 4th grade school teacher, husband and father, hunter education teacher, conceal weapon permit holder, presented **Attachment #5** and asked for a Do Pass. He stated, "when we have to ask the government, then it's no longer a right. If we have to ask, it's a privilege."

47:56

Donna Henderson, Calvin ND. A lot of women that depend on a firearm for their personal safety and protection. I live rural, 911 would not be there in 5 minutes. I often travel long distances with my children, I don't always have my husband there to protect me. I wouldn't win in a wrestling match. That's the best way to defend myself. If it will help us law abiding citizens in our safety and protection, I urge you to Do Pass.

49:00

Jared Hendricks read testimony for Dr. Jeremiah Glosenger in **Attachment #6**.

Chairman Porter testimony in support

57:27

Brett Wieland, Bismarck ND, in support of HB 1169. A story told to me, a friend of hers was going to school in the Twin Cities. She carried a rape whistle. She was brutally raped by 2 men in an alley. Both a rape whistle and a Glock 26 make a lot of noise. But she only managed to only get one toot off the rape whistle but if she carried a Glock 26, she could have dumped a mag into both individuals who had the intention of raping her. Because of strict gun control laws both in the city and state of MN she couldn't carry. If this same thing would have happened here in ND, how would members of that family feel if this woman of 100 lbs, how could have defended herself. A pistol, especially a concealed one, is a great equalizer. I used to be an ambulance driver in SD. We were always first on scene if domestic or accident. It was my job to oversee the safety of my crew. I was in rural SD, help half an hour away. I was not allowed to carry a pistol. We always managed to diffuse without a gun but there's always that possibility. I recommend a do pass.

Chairman Porter: questions? We'll start opposition in 10 minutes.

1:02:32

Todd Kranda, Kelsh Kelsch Ruff Law Firm. **Attachment #7** recommended a Do Not Pass.

1:05:38

Eric Thompson, Bismarck. We've heard proficiency doesn't make a difference. Ask any police officer, any battlefield soldier, whether in a gun fight, if proficiency makes a difference. I think you'll get the same answer. If you are not trained with a weapon, and you go up against someone who has better training than you, you will lose. To assume this law says lives will be saved assumes every person that is a victim will be more proficient than the person they're up against. I don't think the population in ND practices enough with their weapons to equal what most weapons practice with their weapons. So don't assume this will save lives. We live in a very different age than when the constitution was written. They didn't have malls. Do you really want your loved ones in a mall where 2-3-4 people start pulling out weapons? We've heard hands-hands-hands. I also worked in Corrections law enforcement. Try to imagine hands, hands, hands, if you're a law enforcement officer responding to a DAPL protest. How many hands can you watch all those hands?

1:09:51

Susan Beehler, Mandan, District 31. Mom, grandmother, I am a survivor of domestic violence. I asked for a Do Not Pass. Will this insure more safety or more violence.

Robert Timian, Chief Game and Fish Warden. **Attachment #8**.

Chairman Porter: Further testimony in Opposition of HB 1169?

Rep. Keiser: Could we have BCI come up?

Chairman Porter: Yes

1:29

Rep. Keiser: Convicted felons aren't going to be applying for a conceal carry. How many applications for conceal and carry? How many denied?

Phil Phennig, chief agent with BCI: 48,700 concealed licenses that are out there. In 2016 there were 12,246 issued. Since statistics have been kept, 3151 denied between Dec 2003-Dec.2016.

Chairman Porter: Requested the total applications

Phil Phennig: I can get that.

Rep. Keiser: If there's a 5-year reapplication, we don't want to count, I would like that broke out, how to count those. Is one person 3 times, or 3 people one time?

Chairman Porter: Further questions? None. Closed the hearing.
Additional attachments presented but not did not speak, are as follows:

Judge Thomas A. Davies	Attachment #9	Do Not Pass
Matt Evans	Attachment #10	Do Pass
Roberta Harnish	Attachment #11	Do Not Pass
Marie D. Hoff, PhD., MSW	Attachment #12	Do Not Pass
Cathy Lee	Attachment #13	Do Not Pass
Cole Lovitt	Attachment #14	Do Pass
Ken Torkelson	Attachment #15	Do Not Pass

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1169
2/2/2017
27849

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to the possession of firearms and licensing of individuals to carry firearms

Minutes:

Proposed Amendment

Meeting Location: Coteau Room

Date: 2/2/17 Time: 4:23

Member Present: Chairman Lefor, Rep. Roers Jones, Rep. Mock, Rep. Heinert

Other Present: Chairman Porter, Rep. Mitskog, Rep. Anderson, Rep. Bosch,
Rep. Koppelman, Chief Phil Pfennig, BCI

Topics discussed:

1. Taking out the 3 day provision
2. License under electronic format
3. Conceal and carry, carry a loaded weapon without permit
4. Amending Section 1-2-3
5. Hoghouse takes those other provisions out
6. Still need an open carry provision
7. Don't want to get rid of Class 1 or 2 or daylight language

Time adjourned: 4:46 pm

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1169
2/9/2017
28159

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to the possession of firearms and licensing of individuals to carry firearms

Minutes:

Attachment #1

Meeting Location: Coteau Room

Date: 2/9/17 **Time:** 4:05 – 4:14 pm

Member Present: Chairman Lefor, Rep. Roers Jones, Rep. Heinert

Other Present: Chairman Porter, Rep. Mitskog, Rep. Anderson, Rep. Bosch, Rep. Koppelman, Chief Phil Pfennig, BCI

Topics discussed:

1. Proposed amendments discussion

Rep. Heinert: Page 2 #3, 5th line down, starting with "if within 3 days of an alleged violation" to the end, I would move we strike that language from the amendment.

Rep. Roers Jones: second

Rep. Lefor: Discussion? All in favor say aye, opposed. Voice vote, motion carries.

2. Electronic form of ID, Page 2 Line 3; and or an electronically produced copy of a driver's license or photo id card, could also suffice the residency requirement.

Rep. Roers Jones: Move to amend as follows: After driver's license, or non-driver identification card, or an electronic copy of the same, and continue on with issued by the Dept. of Transportation.

Rep. Heinert: second

Rep. Lefor: Discussion? All in favor say aye, opposed. Voice vote, motion carries.

-
-
3. In reference to duty to inform upon the request of a law enforcement officer, your driver's license, that you are carrying concealed. (already in there)

Minutes of the

(HOUSE) (SENATE) BILL NO. 1169 SUBCOMMITTEE OF THE

STANDING COMMITTEE

28432

Meeting location: Coteau

Date of meeting: 2-16-17

Time meeting called to order: 9 AM

Members present: Chairman Lefor, Rep Roers Jones, Rep Marschall

Absent - Rep Mock

Others present (may attach attendance sheet):

Tom Gerhardt, Fern Pokorny, ND United

Todd Kranda, attorney every town for gun safety

Topics discussed:

consider amendment #17.0086.04007 - recommend accepting

consider amendment # 17.0086.04008 - recommend rejecting

Motion and vote:

Motion to accept these recommendations, Rep. Roers Jones

Second, Rep Heinert

Roll call vote - all Aye motion carried

Time of adjournment: 9:05

Note: If a motion is made, a description of the motion must be provided along with the member seconding the motion. A recorded roll call vote must be taken and reported for any nonprocedural motion.

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1169
2/16/2017
28472

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to the possession of firearms and licensing of individuals to carry firearms

Minutes:

Attachment #1-#2

Chairman Porter: Called the committee to order on HB 1169.

Rep. Lefor: Presented Attachments #1 (04007). The subcommittee recommends to the full committee amendment 04007, a hoghouse amendment.

Rep. Mock: Presented Attachment #2 (04008). This amendment is virtually identical. We made it so it was the 04007 version in all other aspects with the exception of one area. That is the firearm for permit less conceal carry would have to be unloaded. The reason for this is right now in ND allows for open carry but the law's restricting that is that it has to be unloaded. If we pass this, and have permitless conceal carry, and allow someone to carry concealed a firearm that is loaded, as soon as that weapon is brandished or is out in the open, if it's out in the open, it's illegal. So if we're going to have permitless carry, and our open carry laws and our permitless conceal carry laws are inconsistent as the bill sponsor had mentioned, the whole purpose of this is that if you can wear a gun on your hip during the day, and that's legal, and all they want to do is put a jacket on, because that would make it concealed, the very act of removing one's jacket, we wouldn't want them to be violating the law, if the concealed weapon was loaded, and once it was brandished or open, that it would be a violation of the law. So the 04008 version would simply say that a permitless, a firearm that is carried, that is concealed, must be unloaded to be consistent with our open carry laws.

Chairman Porter: You made a comment that doesn't seem clear to me. If somebody pulls that weapon out that's loaded, under 04007, they're breaking the law.

Rep. Mock: My understand of the law, and I would defer to others that may know more about our open carry laws, but, if I am carrying, if I have a gun on my hip, and it's exposed, I'm exercising the right as allowed in ND as open carry, it would have to be unloaded. Am I correct in that.

Chairman Porter: During daylight hours that is correct.

Rep. Mock: during daylight hours. If this bill were to pass I would then be allowed to cover that by wearing a jacket. If that firearm, if this law passes with the 04007 amendment, when I wear the jacket, it can be loaded. But when I take the jacket off, it must be unloaded.

Chairman Porter: No. That's not correct. Because they would have the same rights as a person with a conceal carry permit, and they can always have a loaded gun.

Rep. Mock: My understanding is we would then have to amend our open carry laws if we're going to make that consistent.

Rep. Lefor: May I recommend Samantha Kramer come up?

Samanth Kramer: Section 1 of the 04007 version you all have and recommended by the subcommittee, that adds a new subdivision to Subsection 2 of 62.1-03-01 which takes care of the issue raised by Rep. Mock.

Chairman Porter: Questions for Ms. Kramer. Rep. Mock, do you want to move your amendment for a vote.

Rep. Mock: No

Rep. Lefor: I move the committee accept Amendment 17.0086.04007

Rep. Keiser: Second

Chairman Porter: we have a motion to accept amendment 04007 from Rep. Lefor, second from Rep. Keiser. Discussion? See all those in favor say Aye, opposed. Voice vote, motion carries.

Rep. Lefor: I would then recommend a Do Pass as recommended on HB 1169.

Rep. Heinert: second

Chairman Porter: We have a motion for a Do Pass as Amended to HB 1169, second from Rep. Heinert. Discussion? Roll call vote:

Yes 12 No 0 Absent 2 Motion carries. Rep. Lefor is carrier.

2/16/17 DA
LOF2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1169

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code, relating to carrying a handgun; to amend and reenact sections 62.1-04-02 and 62.1-04-04 of the North Dakota Century Code, relating to carrying concealed firearms or dangerous weapons; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code is created and enacted as follows:

An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

SECTION 2. AMENDMENT. Section 62.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-02. Carrying concealed firearms or dangerous weapons ~~prohibited~~.

1. An individual, other than a law enforcement officer, may not carry any firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.
2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.

SECTION 3. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-04. Producing license on demand.

1. Every ~~person~~individual while carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on one's person the license issued by this or another state and shall give it to any law enforcement officer for an inspection upon demand by the officer. The failure of any ~~person~~individual to give the license to the officer is prima facie evidence ~~that the person~~that the individual is illegally carrying a firearm or dangerous weapon concealed.
2. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer

2/16/17 DP
2 of 2

of the individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.

3. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 must have on one's person a valid driver's license or nondriver identification card or a digital image of one's valid driver's license or nondriver identification card on a mobile device and shall provide the license or card to any law enforcement officer for inspection upon demand by the officer."

Renumber accordingly

Date: 2-9-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1169

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions Reconsider _____

Motion Made By Rep Heinert Seconded By Rep Roers Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

Total (Yes) _____ No _____

Absent _____
Voice vote motion carries

Floor Assignment _____

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

Pg 2 # 3 5th line down starting with "if within 3 days of an alleged violation" to the end, move we strike that language

Date: 2-9-17

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1169

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions Reconsider _____

Motion Made By Rep Roers Jones Seconded By Rep Heinert

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

Voice Vote Motion Carried

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

Move: After drivers license, or non-driven ID cards, or an electronic copy of the same, and continue on with issued by the Dept of Transportation.

Date: 2-16-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1169

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation
- Adopt Amendment
 - Do Pass Do Not Pass Without Committee Recommendation
 - As Amended Rerefer to Appropriations
 - Place on Consent Calendar
- Other Actions Reconsider _____

Motion Made By Rep Roers Jones Seconded By Rep Heinert

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor	<input checked="" type="checkbox"/>	
Vice Chairman Damschen			Rep. Marschall	<input checked="" type="checkbox"/>	
Rep. Anderson			Rep. Roers Jones	<input checked="" type="checkbox"/>	
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert	<input checked="" type="checkbox"/>				
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

Motion Carried

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

accept 17.0686.04007
reject 17.0086.04008

Date: 2-16-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1169

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17.0086.04007

Recommendation

- Adopt Amendment
 - Do Pass Do Not Pass Without Committee Recommendation
 - As Amended Rerefer to Appropriations
 - Place on Consent Calendar
- Other Actions Reconsider _____

Motion Made By Rep Lefor Seconded By Rep Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

voice vote carries

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: accept 04007

Date: 2-16-17

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1169

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions Reconsider _____

Motion Made By Rep Lefor Seconded By Rep Heinert

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	AB	
Rep. Anderson	✓		Rep. Roers Jones	✓	
Rep. Bosch	✓		Rep. Ruby	AB	
Rep. Devlin	✓		Rep. Seibel	✓	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	✓	
			Rep. Mock	✓	

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep Lefor

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

REPORT OF STANDING COMMITTEE

HB 1169: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1169 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code, relating to carrying a handgun; to amend and reenact sections 62.1-04-02 and 62.1-04-04 of the North Dakota Century Code, relating to carrying concealed firearms or dangerous weapons; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code is created and enacted as follows:

An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

SECTION 2. AMENDMENT. Section 62.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-02. Carrying concealed firearms or dangerous weapons prohibited.

1. An individual, other than a law enforcement officer, may not carry ~~any~~ a firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.
2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.

SECTION 3. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-04. Producing license on demand.

1. Every ~~person~~individual while carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on one's person the license issued by this or another state and shall give it to any law enforcement officer for an inspection upon demand by the officer. The failure of any ~~person~~individual to give the license to the officer is prima facie evidence ~~that the person~~that the individual is illegally carrying a firearm or dangerous weapon concealed.
2. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.
3. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 must have on one's person a valid driver's license or nondriver identification card or a digital image of one's

valid driver's license or nondriver identification card on a mobile device and shall provide the license or card to any law enforcement officer for inspection upon demand by the officer."

Renumber accordingly

2017 SENATE JUDICIARY

HB 1169

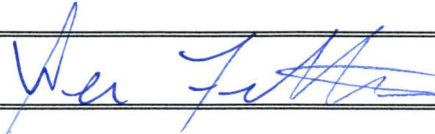
2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1169
3/14/2017
29138

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to carrying a handgun; relating to carrying concealed firearms or dangerous weapons; and to provide a penalty.

Minutes:

Testimony attached #

1,2,3,4,5,6,7,8,9,10,11,12,13

Chairman Armstrong called the committee to order on HB 1169. All committee members were present.

Attachment 13 was handed in as support testimony but the person was not here to testify.

Todd Porter, North Dakota State Representative District 34 (2:10 – 4:40), introduce and testified in support of the bill. No written testimony.

“This is similar to class 2 schedule licenses, but where a concealed carrier doesn’t have to tell a police officer he is carrying a gun, a non-license person must tell the cop he has a gun. The carrier must be a resident of the state and it is his duty to inform that he is a resident of the state. If they don’t inform the state they are a resident and they are found with a gun, then they have committed a Class B Misdemeanor. This is different than those who have permits since they don’t have to inform they are residents of the state.”

Senator Larson (4:45): “Looking at line 11 on the bill, should that say North Dakota Department of Transportation?”

Representative Porter: “I’m not sure. That’s what Legislative Council gave us.”

Rick Becker, North Dakota state Representative District 7 (5:55 – 9:15), testified in support of the bill. No written testimony.

“This is known as the constitution protection bill. The genesis on why this is being put forward is that this law is happening all over the country. North Dakota would be the 14th state to implement this if we passed it. There isn’t really a lot of training needed for class 2 license the way it is, that doesn’t real confer a sense of proficiency. Also, if a person is openly carrying then they don’t need any type of training at all. So this opens it up like a normal open carry would. I think this bill takes care of all concerns and I hope you pass it.”

Senator Nelson (9:15): "I live a block from Moorhead. These people could not carry in Minnesota, they would need a class 2 to cross?"

Representative Becker: "My understanding is they would need a Class 1 license based on Minnesota's laws."

Chairman Armstrong: "We've sent a bill to your side that made it if you got pulled over and you had a concealed and you forgot your license, you had 10 days to show the courts you had a license but you just forgot it."

Representative Becker: "That seems like a good idea."

Roger Kaseman (10:45 - 19:00), Deputy Sheriff, Deputy Coroner/Senior Investigator for three jurisdictions in California, testified in support of the bill. (see attachment 1)

Dr. Chris Kapacki, National Rifle Association (19:10 - 25:25), testified in support of the bill. (see attachment 2,3)

Senator Luick (25:25): "It was mentioned earlier about how there is no training involved with this. What's your thought with that?"

Dr. Kapacki: "As a member of the NRA we advocate for firearm training for every responsible gun owner, but that should be up to them. My father gave me and my sister training, taught us about safety and how to shoot, etc. I probably got a better education from him than I could by taking a two, three, or eight-hour course. There shouldn't be a government imposed mandate on specific type of training. We like training for everyone but we don't want to mandate it."

Senator Luick: "You are a specific type of case, sometimes there aren't those who get trained from their parents. Is that a concern and are any of these other states mandating training?"

Dr. Kapacki: "To my knowledge there are no other states that require mandatory training."

Chairman Armstrong (27:35): "Are you aware of any data that shows constitutional carry causes more accidental gun injuries?"

Dr. Kapacki: "I'm not aware of any."

Craig Roe, Carry 4 Defense owner, and firearm instructor (28:10 – 38:00), testified in support of the bill. No written testimony.

"We do like this bill. And there is no data that says this bill does more harm than good. Constitutional carry is a good bill and there are states that have it and you don't hear any horror stories coming from those states. Vermont has had that law since it's conception and we don't hear any bad stories from there either. I'm not sure what open carry means in this state. I think North Dakota has plain view carry. Open carry is where you can have ammo in the chamber and carry it 24/7, plain view is where you can't have it loaded and you can only carry in daylight hours. That's just my belief on the difference and that's what I teach

my students. The class 2 test is already pretty easy and there is little to no training involved, this is essentially the same as that in terms of experience and safety. I don't see this causing a big problem in the future."

Senator Luick (38:00): "You're from Kindred, what's the population of Kindred?"

Craig Roe: "730 people or so."

Senator Luick: "Has the number of people carrying in Kindred increased?"

Craig Roe: "Yes, I believe it has."

Senator Luick: "So the percent of those who carry are like 1-2%?"

Craig Roe: "Yeah, or around, maybe, 6-7%?"

Senator Nelson: "How do you get a class 1 license?"

Craig Roe: "It's more involved training. More in depth of training on where to carry, how to handle firearms, the actions of firearms. Then there is a proficiency test that makes sure you can hit a target from a certain distance."

Donna Henderson, North Dakota citizen (43:15 – 43:45), briefly testified in support of the bill.

"There are a lot of women out there who would appreciate this bill getting passed. A gun is a great equalizer and it will make me feel safer, and I know there are a lot of women that feel like I do. A lot of us live in rural North Dakota, and I just feel a lot more comfortable for my own safety and if I have my family with me I know I just feel more comfortable being able to protect them with a gun."

Grady Thorsgard, North Dakota citizen (43:55 – 45:20), testified in opposition of the bill. (see attachment 4)

Jennifer Kross, North Dakota citizen (45:30 – 49:20), testified in opposition of the bill. No written testimony.

"I see this bill as dangerous. It allows anyone to carry a weapon that doesn't have proper training. Statistically, a gun fired by an untrained person will not hit its target. We as humans are compassionate and reactionary. Without any background and where you aren't informed of those responsibilities, you just aren't safe carrying a gun. I hope that you do not pass this bill."

Senator Luick (49:20): "Do you hunt?"

Jennifer Kross: "Yes."

Senator Luick: "Do you feel comfortable with the guns you use?"

Jennifer Kross: "I do."

Senator Luick: “Do you think this bill will obligate you to carry a revolver or a concealed gun?”

Jennifer Kross: “That’s not really my point. There are laws in place right now that inform people of their responsibilities to carry a firearm. I took a hunter safety class, and that’s where I was drilled about safety, and it’s a big responsibility when you carry that hand gun. This law in front of us removes that element and I just don’t see that as safe.”

Susan Beehler, North Dakota citizen (50:45 – 1:02:40), testified in opposition of the bill. No written testimony.

“My issue is a safety issue. I’ve heard some different things regarding this bill. I am a survivor of domestic violence which I will get to later. My father had a gun accident in the past which cost him to lose his leg. This happens a lot. I know people who were shot and killed by a .22. A .22 is a tiny bullet. This goes to show that any gun can kill someone and any gun can be dangerous, especially if not handled safely.”

She continued to discuss stories of people she knew who were victims of gun crimes, either self-defense, homicide, or random accidents, as well as how her father tried to kill her.

“I believe my dad’s accident affected his self-esteem which caused him to abuse me and then almost kill me. What I’m asking you as a committee is to look at the hard facts of the safety of the state. Will this make North Dakota safer? This is important to me because I have a different idea of safety. I know that my father could have killed me, and I know having a gun wouldn’t have helped me.

I am fearful of people who carry guns. I am fearful of that person deciding to do harm by using that gun. Look what’s going on in Chicago, and they recently just passed a concealed carry permit law. There’s no cause and effect.”

Chairman Armstrong (57:55): “Can you provide us any information where Chicago passed a concealed carry law because my understanding is that that is not accurate.”

Susan Beehler: “Well they did pass a law that would allow them to use a gun in self-defense. I could be wrong, but I’ll check, but since you’re asking for my statistics I ask that you ask for statistics from others too.”

Susan Beehler continued her testimony.

“You don’t even need a license to buy guns online. You can buy guns on many different websites, there is no background check in North Dakota.”

Chairman Armstrong (59:25): “Commercially buying firearms without a background check is against the law, but it doesn’t exist between private sales of two individuals.”

Susan Beehler: “Right. This deserves much more study before we open this up to North Dakotans. We shouldn’t hurry to be the next state to pass this. We have time to study it.”

Bill Carter, North Dakota citizen (1:02:50 – 1:08:50), testified in opposition of the bill.

“I have a feeling that in a few years Fargo will be as big as Omaha, around 350 thousand people. With concealed carry there are a few factors to consider when calculating public safety. I’m asking that you don’t pass this law. A lot of people are going to feel that they can

use a gun to protect people for small reasons. This is going to create a risk that wasn't there before. Guns are not tools, they are weapons, and they are meant for killing."

Todd D. Kranda, attorney, (1:09:35 – 1:21:50), testified in opposition of the bill. (see attachment 5,6,7,8,9,10,11,12)

Chairman Armstrong (1:15:50): "Are your clients aware that we don't have safety training for a class 2 license? I'm asking you since they aren't here."

Todd Kranda: "They did monitor laws across the state. I think you do have a better recognition of the registration that goes with the class 2, so I cannot answer what they do or don't know."

Senator Myrdal (1:18:05): "What's your organization's opinion on the 2nd amendment?"

Todd Kranda: "We think class 1 and 2 permits in North Dakota allow at least training for gun carriers. It's not just my organization, your constituents believe in requiring a permit to carry guns as well based on this survey. (see attachment 12) Question 7 says: If this permit requirement is removed, it would make it easy for people with no safety training or with histories of violent behavior to carry concealed handguns in public. Given this, would you strongly support? Support? Oppose? Or strongly oppose removing the requirement for a permit to carry concealed handguns in North Dakota? As you can see 50% of them strongly oppose and 26% of them oppose."

Chairman Armstrong: "I'm actually shocked that's not 100% given the way the question is worded?"

Kay Solberg-Hink, North Dakota citizen (1:22:00 – 1:24:45), testified in opposition of the bill.

"I'm a pacifist. I don't like to see any kind of fighting; any kind of war. I'd like to see all guns buried. I grew up but I left for a long time to live in a bigger city. I came back eventually and I want to say that North Dakota doesn't need to follow suit of the other states. I work in a homeless mission a lot of the time. A lot of those people are ex-cons and many are there because they used guns. There's no reason for doing this. It just makes things unsafe. Let's not follow suit, let's be the ones who make a difference and don't do the gun thing"

Chairman Armstrong closed the hearing on HB 1169.

No motions were made.

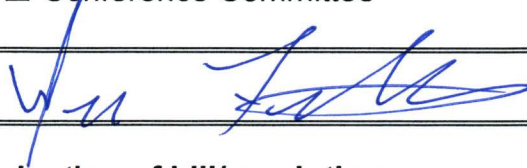
2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1169 Committee Work
3/20/2017
29451

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to carrying a handgun; relating to carrying concealed firearms or dangerous weapons; and to provide a penalty.

Minutes: **No written testimony**

Chairman Armstrong began the discussion on HB 1169. All committee members were present.

Chairman Armstrong: "This bill is one of the bills that has the most trepidation for most people. Unless anybody is bringing amendments to this bill, I'd be interesting in hearing the committee's recommendation on this bill."

Senator Myrdal motioned for a Do Pass. **Senator Larson** seconded.

Senator Luick: "I've been getting a lot of emails regarding this and I'm wondering about the necessity of training, or lack thereof? I have a hard time thinking I can vote for this because of all the people that want training in this. I'm wondering about putting an amendment on it."

Chairman Armstrong: "Well, my only response to that would be that at the end of the day that would be more restrictive than our current class 2 requirements, because there is no training in a class 2 license. It's an open book test. That's the reality taking it in North Dakota. You will not fail it. If you really want to create an amendment for this, you can but I know I'm not going to support it. I don't know where everybody else stands, just because of the nature of it being more restrictive than a class 2."

Senator Myrdal (2:05): "I feel the same way as Chairman Armstrong. With all due respect to your constituents, Senator Luick, I feel that this is a knee jerk reaction to the whole package of the gun bills we heard. I don't think they are differentiating between these seven gun bills. I wouldn't support that amendment either."

Senator Larson (2:53): "I would add to that too that it's a constitutional right to carry a gun. I feel it restricts the freedom of our individual liberties. I am supporting that we still have those rights in our constitution that we still hold to today."

Senator Luick: "I guess I just look at this and I feel that the concern is do we really want to open it up to everybody like this without training? I know for myself and the people that I hang out with it is not a problem, it is a great deal. But if you look at downtown Fargo, for example, you have to wonder if they even know what they're doing."

Chairman Armstrong (4:55): "I like how you need to report that you are a resident and that you have to tell a cop if you are carrying and you get pulled over. We pass lots of laws in the legislature that we know people are going to violate, an example is DUI laws. Criminals will have a gun no matter what. If the criminal needs a gun and wants a gun than he will have a gun. So when we pass laws restricting guns to regular citizens, we are not solving the problem we are looking to solve."

Senator Luick (6:50): "Don't get me wrong, I think in the instance where you are talking about protecting yourself, I'm 100% for that. That's not my issue. The issue is that you get a bunch of 20-year-olds together and everybody's packing and they are intoxicated and that kind of attitude can get out of hand."

Chairman Armstrong: "That's already a violation though; for that kind of behavior."

Senator Osland: "We already have a process to get a license to carry. Isn't that good enough? Do we need this bill?"

Chairman Armstrong (8:35): "It's the same answer that is used to the question of why do you need an AR-15 to hunt? That's not the right question to ask. What part of my constitutional right does not allowing this bill stop? That's always the question I've been trying to ask. We expand the First Amendment to expand anything and everything that's on the internet, and then those same people want to restrict the Second Amendment. You don't get to treat the amendments differently just when you go down the order of them. I have a constitutional right to carry a firearm; we've always had that right. The question isn't do we need this, the question is what public policy reason are we doing for it that infringes on constitutional rights? The only difference between constitutional carry and concealed carry is the word concealed."

Senator Myrdal (9:35): "To add to that, I am a concealed carrier. But if I wasn't and I was carrying a gun in the open that would be fine, but I put a coat on and it covers my gun than I'm all of a sudden breaking the law. To carry a gun is a constitutional right, to drive a car or to hunt is a privilege."

Senator Larson: "I was just thinking too that this bill doesn't create the right, it just recognizes the right."

Senator Luick (12:50): "For this particular bill, can you carry that weapon with a bullet in the chamber?"

Chairman Armstrong: “Yes. You can carry a concealed weapon in this bill, unless you are a convicted felon or convicted domestic violence offender. Essentially, that is who cannot carry.”

Senator Myrdal (13:40): “I’ve never understood anything that precludes me from having a bullet in the chamber? I think we are chipping away at the Second Amendment and I also feel we are chipping away at the First Amendment with respect to religious liberty and things like that.”

Chairman Armstrong: “We are talking about open-carry now but just to add regarding training. There is nobody who is ever going to train you that says you should carry a gun unloaded. Nobody. There are very few people who will tell you that if you are carrying a gun for protection that you should carry the gun unloaded. That’s just not how training works.”

A Roll Call Vote was taken. Yea: 4 Nay: 2 Absent: 0.

The motion carried.

Chairman Armstrong carried the bill.

Chairman Armstrong ended the discussion on HB 1169.

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1169**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Senator Myrdal Seconded By Senator Larson

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Nelson		X
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland		X			

Total (Yes) 4 No 2

Absent 0

Floor Assignment Chairman Armstrong

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

REPORT OF STANDING COMMITTEE

HB 1169, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1169 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1169

#1
HB 1169
1-26-17

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400

MEMORANDUM OF SUPPORT

DATE: January 26, 2017

TO: North Dakota House of Representatives, Energy and Natural Resources Committee

FROM: Christopher G. Kopacki, Ph.D., State Liaison

RE: House Bill 1169 - SUPPORT

On behalf of the National Rifle Association of America, I would like to express our strong support for House Bill 1169, which would allow the permitless carry of a firearm in North Dakota for law-abiding people.

Currently, 10 other states already allow law-abiding individuals to carry a concealed handgun without a government-issued permit. These states include Vermont, Alaska, Arizona, Wyoming, Kansas, Maine, Idaho, West Virginia, Mississippi, and Missouri. Similarly, 31 states allow the open carry of a handgun without a government permit. Therefore, carrying a firearm without a government-issued permit is not a new or uncommon policy. North Dakota already allows open carry without a permit. This year we are also seeing similar permitless carry measures in other states moving through the legislative process. They include South Dakota, New Hampshire, Indiana, and others.

Permitless carry simply allows a person who is otherwise legally able to possess and carry a firearm to do so in a discrete, concealed manner. Permitless carry does not change prohibited person laws or any law governing the misuse of a firearm to include illegal brandishing, discharge, or threatening. Permitless carry does not affect prohibited places where a firearm cannot be carried, or when force may be used in defense of self or others. Private property owners still maintain discretion over their own property, including whether and on what terms to allow firearms.

It is also important to point out that this law does not affect those still wishing to obtain a permit for purposes of reciprocity. Concealed carry permitting will remain an option for those who wish to take advantage of concealed carry reciprocity with other states.

Those that oppose the concept of permitless carry often claim that this will turn North Dakota into the "wild west". As indicated by Arizona, who passed a similar permitless carry bill in

2010, and other states, there is no evidence that this policy increases violent crime. Arizona for example has seen a reduction in murders since 2010.

Enacting a permitless carry policy in North Dakota removes the burden of receiving government permission to exercise a constitutional right. This bill is for law-abiding people who want to protect themselves and their family

North Dakota firearms and NRA members urge you to vote in favor of HB 1169. Should you have any additional questions or concerns, please feel free to contact me at 703-267-1192.

Sincerely,

Christopher G. Kopacki, Ph.D.
State Liaison
National Rifle Association

#2
HB 1169
1-26-17

Roger Kaseman
223 Ashlee Avenue
Bismarck, ND 58504
701-751-0882

My name is Roger Kaseman. I am here to support of HB 1169. I had the privilege of serving as a Deputy Sheriff, Deputy Coroner/Senior Investigator for three jurisdictions in California. I started my law enforcement career with the Burleigh County Sheriff's Department over 40 years ago. I spent the last 16 years of my career investigating homicides, suicides, and deaths of every type imaginable. I moved home to North Dakota after I retired from Sacramento County.

Article 1, Section 1 of the ND Constitution, guarantees North Dakotans the right, "...to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed." The meaning of infringe has not changed since the adoption our state constitution. In the past, Legislative Assemblies exceeded their constitutional authority and infringed on the right to keep and bear arms. If a private business offered a similar guarantee and then placed restrictions on that guarantee that nullified the guarantee, the Attorney General would sue that company for fraud.

Some individuals argue that passing this bill will allow people with criminal intent to carry concealed weapons. California has some of the strictest gun control laws in the nation. With hundreds of homicide investigations on my resume, I cannot recall a single case where tough gun laws prevented a criminal from committing murder.

Eleven states have enacted the same type of law under consideration. I list the states in an attached appendix. Vermont abided by the state's 1791 constitution and did not restrict the right to keep and bear firearms. Vermont has the third lowest homicide rate in the nation ahead of Hawaii and New Hampshire. North Dakota ranks 13 from the bottom. Not a single state that passed a similar law had an increase in deaths due to concealed carry; several had a decline in homicides. Twenty-two states have introduced Constitutional Carry bills or plan to introduce similar bills. **A study of concealed carry in Florida and Texas concluded that concealed carry individuals are convicted of misdemeanors or felonies at one-sixth the rate that police officers are convicted of the same offenses.**

Earlier this month, a criminal shot an Arizona State Trooper aiding a motorist and then attacked the wounded Trooper. An armed driver stopped, ordered the attacker to stop, and where he refused, the Samaritan killed the attacker. Arizona passed a law similar to the bill under consideration in 2010.

Last September, a terrorist walked into the Crossroads Mall in Saint Cloud, Minnesota. He asked shoppers if they were Muslim, and when they said no, he stabbed them. An off-duty police officer from another jurisdiction shot and killed the attacker. ISIS claimed responsibility. In 2015, the FBI reported open ISIS investigations in all 50 states. We live in a new world.

The debated over the right to keep and bear arms ended in 1791 when the original 13 states ratified the Second Amendment. We should not be considering a right guaranteed by both the state and federal constitution.

Appendix 1: East Area Rapist, Sacramento, California

Between 1976 and 1978, the East Area Rapist raped at least 45 women in the east area of Sacramento County. The rapist picked victims that lived on the second floor in apartments that had balconies with a fenced patio below the balcony that he could climb.

As fear spread, thousands of people armed themselves. News footage showed counters at gun stores stripped bare. There were long waiting lists for guns on backorder. New shipments sold out in minutes.

As the news media publicized the run on guns, criminals took notice; crime in Sacramento County took a dramatic nosedive. Daily crime statistics kept by the Sheriff's Department showed a 70% decline. I talked to Sheriff's dispatch multiple times while on duty as a matter of routine by phone and on the radio during the rapist's reign of terror; dispatchers joked that they were going to get laid off for lack of work; the 911 lines were silent.

The rapes suddenly stopped. The residents of Sacramento County were no longer passive and dependent on law enforcement for protection, they were protecting themselves.

Rapists with a certain mental makeup tend to escalate into murder. In 2013, homicide detectives in Southern California linked DNA from the East Area Rapist to four murders near Santa Barbara. Detectives believe that the Sacramento rapist killed a dozen people in various jurisdictions across Southern California.

The East Area Rapist proves that an armed society is a safer society; safer, not safe; totally safe is beyond human reach. No matter how well trained, no matter how dedicated your local police force, you are on your own until officers arrive when a violent criminal comes calling. The national average response time to an emergency call is 10 minutes. If somebody is kicking in your door intend on doing you or your family harm, or if somebody starts shooting people in a shopping center, airport, or gay night club, 10 minutes is an eternity; the wait might send you and member of your family to eternity.

Appendix 2: How Often Are Firearms Used in Self-Defense?

There are approximately two million defensive gun uses (DGU's) per year by law abiding citizens. That was one of the findings in a national survey conducted by Gary Kleck, a Florida State University criminologist in 1993. Prior to Dr. Kleck's survey, thirteen other surveys indicated a range of between 800,000 to 2.5 million DGU's annually. However these surveys each had their flaws which prompted Dr. Kleck to conduct his own study specifically tailored to estimate the number of DGU's annually.

Subsequent to Kleck's study, the Department of Justice sponsored a survey in 1994 titled, Guns in America: National Survey on Private Ownership and Use of Firearms (text, PDF). Using a smaller sample size than Kleck's, this survey estimated 1.5 million DGU's annually.

Appendix 3: States That Passed Constitutional Carry

Montana in 1991

Alaska in 2003

Texas in 2007

Arizona in 2010

Wyoming in 2011

Arkansas in 2013

Kansas in 2015

Maine in 2015

West Virginia in 2016, with an override of the Governor's veto

Idaho in 2016

Mississippi in 2016

Not one of these states had a rise in shootings after the laws passed.

Appendix 4: Use of Guns in Self-Defense

Source: "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun," by Gary Kleck and Marc Gertz, in *The Journal of Criminal Law & Criminology*, Northwestern University School of Law, Volume 86, Number 1, Fall, 1995

According to the National Self Defense Survey conducted by Florida State University criminologists in 1994, the rate of Defensive Gun Uses can be projected nationwide to approximately 2.5 million per year -- one Defensive Gun Use every 13 seconds.

Among 15.7% of gun defenders interviewed nationwide during The National Self Defense Survey, the defender believed that someone "almost certainly" would have died had the gun not been used for protection -- a life saved by a privately held gun about once every 1.3 minutes. (In another 14.2% cases, the defender believed someone "probably" would have died if the gun hadn't been used in defense.)

In 83.5% of these successful gun defenses, the attacker either threatened or used force first -- disproving the myth that having a gun available for defense wouldn't make any difference.

In 91.7% of these incidents the defensive use of a gun did not wound or kill the criminal attacker (and the gun defense wouldn't be called "newsworthy" by newspaper or TV news editors). In 64.2% of these gun-defense cases, the police learned of the defense, which means that the media could also find out and report on them if they chose to.

In 73.4% of these gun-defense incidents, the attacker was a stranger to the intended victim. (Defenses against a family member or intimate were rare -- well under 10%.) This disproves the myth that a gun kept for defense will most likely be used against a family member or someone you love.

In over half of these gun defense incidents, the defender was facing two or more attackers -- and three or more attackers in over a quarter of these cases. (No means of defense other than a firearm -- martial arts, pepper spray, or stun guns -- gives a potential victim a decent chance of getting away uninjured when facing multiple attackers.)

In 79.7% of these gun defenses, the defender used a concealable handgun. A quarter of the gun defenses occurred in places away from the defender's home.

Appendix 5:*****Kennesaw, Georgia and the National Institute of Justice Research

In 1982, the Kennesaw, Georgia City Council passed a law that required heads of households to keep at least one firearm in the house. The residential burglary rate subsequently dropped 89% after the law passed. In 1991, the burglary rate in Kennesaw was still 72% lower than it had been in 1981, before the law passed.

=====

In July 1985, the National Institute of Justice published a research paper titled, "The Armed Criminal in America: A Survey of Incarcerated Felons,". DOJ researchers surveyed incarcerated felons and established the following facts:

* 60% of felons polled agreed that "a criminal is not going to mess around with a victim he knows is armed with a gun."

* 74% of felons polled agreed that "one reason burglars avoid houses when people are at home is that they fear being shot during the crime."

* 57% of felons polled agreed that "criminals are more worried about meeting an armed victim than they are about running into the police."

Appendix 6: Study of Concealed Carry Permit Holders Across the United States

John R. Lott Jr.

Crime Prevention Research Center

July 13, 2015

Abstract:

Since President Obama's election, the number of concealed handgun permits has soared, growing from 4.6 million in 2007 to over 12.8 million this year. Among the findings in our report:

-- The number of concealed handgun permits is increasing at an ever-increasing rate. Over the past year, 1.7 million additional new permits have been issued – a 15.4% increase in just one single year. This is the largest ever single-year increase in the number of concealed handgun permits.

-- 5.2% of the total adult population has a permit.

-- Five states now have more than 10% of their adult population with concealed handgun permits.

-- In ten states, a permit is no longer required to carry in all or virtually all of the state. This is a major reason why legal carrying handguns is growing so much faster than the number of permits.

-- Since 2007, permits for women has increased by 270% and for men by 156%.

-- Some evidence suggests that permit holding by minorities is increasing more than twice as fast as for whites.

-- Between 2007 and 2014, murder rates have fallen from 5.6 to 4.2 (preliminary estimates) per 100,000. This represents a 25% drop in the murder rate at the same time that the percentage of the adult population with permits soared by 156%. Overall violent crime also fell by 25 percent over that period of time.

-- States with the largest increase in permits have seen the largest relative drops in murder rates.

-- Concealed handgun permit holders are extremely law-abiding. **In Florida and Texas, permit holders are convicted of misdemeanors or felonies at one-sixth the rate that police officers are convicted.**

Accessed: 1/22/2017 @ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2629704

#3
HB1169
1-26-17
Aaron West

In regards to constitutional carry,

First off, I would like to introduce myself, my name is Aaron West, I currently reside in Minot, ND, I am also currently employed with the Ward County Sheriff's Department as a Jail Deputy. I am here because I find it impossible to be a law enforcement officer dictating someone's means of self defense, I have had weapons pulled on me on a few occasions, one of them being last year after work, a disgruntled inmate who was being released at the same time we were leaving pulled out what looked like to be a firearm, near our vehicles. However that day I left my wallet at home on accident and was unable to carry my firearm in my vehicle, the day that I possibly needed my firearm the most and it was across town at my home. All because the state and county believe that I need a permit to protect myself, unfortunately there are too many common misconceptions in regards to constitutional carry.

One of the main arguments in regards to this piece of legislation is to a shooters proficiency or training. ~~In the link provided there is a video which shows one part of a North Carolina Concealed Carry "proficiency test."~~ From what the video shows, the woman shooting seems to be very accurate about where her shots land, but it also took her 34 seconds to pull off five shots at three yards, facing a non-moving target from a ready position ~~(her gun is already out, pointed in the general direction of the target).~~ The average gun fight unfortunately is over within 3-5 seconds, with the weapons typically starting from concealment. Considering it took her 34 seconds to finish the exercise, would she be considered "proficient"? Most people would say no, considering a fire fight usually only lasts from 3-5 seconds, the state of North Carolina would disagree. Forcing law abiding citizens to pay a fee then having to register with the state for a license that may take up to 3 months to receive only to have to pass a "proficiency test" (in the case of a North Dakota class 1 permit) which has been proven time and time again to not actually be proficient, but instead burdensome to the law abiding citizen only to maybe quell a misconceived fear. So if the "proficiency" test for a shooter doesn't help, than how would a class 2 open book "paper competency test" demanded by lawmakers make those who obtain a permit any more safe, or any more proficient?

The second misconception is that the CCW permit process will no longer exist, however that is not true. As shown in many states like Wyoming and Arizona, after constitutional carry was passed the number of permit applications for CCW's actually jumped. Unnecessary, however people still like having a form of firearms license to produce in case of need.

Third wont constitutional carry allow criminals to carry firearms? the answer is no, people who could not legally carry a gun previously cannot legally carry a gun under this law, no more, no less. "Prohibited persons" will still be listed as those whom are criminals, illegal aliens and others forbidden to carry arms will remain banned as always.

Fourth will training be eliminated? Absolutely not, Training is indeed a good thing and it is *not* eliminated. Anyone can and should take as much training as they want, which is voluntary. What has changed is that you are no longer forced to take under par government-mandated classes, registration and taxes before you can exercise your right to carry.

Lastly wont people shoot each other if they're not required to take the training? Twelve states currently issue CCW permits *without* a training requirement and they're doing no better than we are, in regards to gun accidents. The idea that you're only safe if government requires training is statist, foolish and incorrect, I have myself seen law enforcement from quite a few counties who don't practice safe firearms handling or weapons safety.

An incompetent concealed carrier may very likely end up dead or severely injured. If they survive but have used their firearm incompetently or unlawfully, they also risk the possibility of a lengthy incarceration by the criminal justice system and financial ruin via the civil court system. Constitutional carry is both a step towards acknowledging that reality, and refuting the silliness of our current permitting schemes.

Constitutional carry should be encouraged, in conjunction with the vigorous prosecution of gun laws when people commit violent crimes with firearms.

In the end, we're all in agreement that we want those who decide to carry firearms for self-defense to be as proficient as they may possibly be. We simply disagree on the best way to accomplish that higher-degree of proficiency. I completely understand what lawmakers had hoped to accomplish by imposing a set of standards for issuing concealed carry permits in their states, but the sad reality is that those efforts resulted in an unconstitutional burden on the rights of citizens, a sense of false confidence and competence on those who obtained permits, and more of a strain on current law enforcement.

Aaron West

A handwritten signature in black ink, appearing to read 'Aaron West', followed by a long horizontal line.

Mason
HB1169
1-26-17
#4

Chairman Porter and Members of the Committee,

Thank you for the opportunity to publicly address House Bill 1169.

My name is Jordan Mason, and I am the North Dakota Director of State Legislation for the National Association for Gun Rights, a member supported organization with over 15,000 members and supporters in the State of North Dakota.

Today, the committee will hear comments on House Bill 1169, a bill that is commonly referred to as Constitutional Carry in many states around the country.

On behalf of the National Association for Gun Rights and our members in North Dakota, I speak in full support of House Bill 1169.

We urge the passage of this very important piece of legislation without amendments.

At the heart of House Bill 1169 is the idea that our Second Amendment rights, and our right to self-defense, should not subject to the whims of the state.

The concept of House Bill 1169 and other Constitutional Carry bills like it are quite simple.

Constitutional Carry laws recognize the right of every law-abiding citizen to carry a firearm, openly or concealed, on their person without having to receive government permission in the form of a mandatory state issued permit.

By rendering the concealed carry permit optional within the state of North Dakota, this state will be joining the likes of Arizona, Alaska, Wyoming, West Virginia, Kansas, Missouri, Mississippi, Idaho, Vermont and Maine.

The number of Constitutional Carry states continues to grow, and North Dakota will be joining 10 other states which have some of the lowest crime rates in the nation.

House Bill 1169 is a very simple bill.

It doesn't allow anyone to carry a weapon that cannot legally possess one.

Criminals will not suddenly be able to legally carry a gun.

This bill does nothing more than restore law-abiding gun owners' ability to carry a lawfully possessed gun on their person, while in public, without having to pay a government fee to do so.

With full support from our members in North Dakota, I urge you to vote yes on House Bill 1169 without any amendments.

Thank you.

LaBar
HB 1169
1-26-17
#5

**Testimony in Favor of Constitutional Carry
to
North Dakota House Energy & Natural Resources Committee
By: Justin R. LaBar
January 26, 2017**

Thank you for the opportunity to testify in favor of House Bill 1169, often referred to as “Constitutional Carry.” My name is Justin LaBar. I am a native North Dakotan from District 2. I am a lifelong hunter, Concealed Weapon Permit holder, volunteer Hunter's Safety Instructor, 4th Grade School Teacher, and more importantly; a husband and father of nine children.

As a teenager, my father instilled in me a love for Liberty. I have waited a long time for a bill such as this. I am grateful to Rep. Rick Becker for sponsoring such legislation. Why do I support Constitutional Carry and believe that this committee should give it a DO PASS recommendation?

- 1. Aside from the United States Constitution, the Constitution of North Dakota in Article I, Section 1 identifies the right “to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.”**

I firmly believe that the moment an individual must seek permission from the government to carry a gun, they are no longer exercising an inalienable right, but their right has been relegated to a privilege.

- 2. Permitting requirements can sometimes make criminals of non-violent individuals who are otherwise good citizens.**

Many years ago while my brother was traveling, he was pulled over for a minor traffic violation. Doing his best to be in conformity with the law, he had his pistol on the dash in “plain view” for the officer to see when he came to the window.

As the officer approached, he very quickly reached into my brother's vehicle and grabbed the pistol. Unfortunately, my brother was not aware that the law at the time still considered it a violation if the clip was in it (eventhough there was no shell in the chamber). When the officer discovered the clip, he arrested my brother. While it was certainly my brother's responsibility to know the law, had he harmed anyone? No.

Initially, the prosecuting attorney was not sympathetic to my brother's plight. Then she found out that my brother and his wife were foster parents. Conviction of such a charge as my brother was facing could have jeopardized their licensure. The charges were immediately dropped.

- 3. Requiring a permit to carry concealed does little or nothing to prevent crime. Bad guys are bad buys for a reason. They don't follow the law. If they are going to do harm to others, concealed carry restrictions will not stop them, but constituional carry might.**

In closing, it is my hope that you will honor and uphold our federal and state constitutions by empowering individuals to truly exercise their right to keep and bear arms through Constitutional Carry. Doing so will make people more safe, not less. Please give HB 1169 a DO PASS recommendation.

Thank You,

**Justin LaBar
District 2**

Glosenger
HB 1169
1-26-17
#6

Dear members of the committee,

My name is Dr. Jeremiah Glosenger, and I'm an NRA firearms instructor, range safety officer, and a North Dakota Concealed Weapons Test Administrator. I've taught concealed weapons classes in both Ohio and North Dakota for a combined total of seven years. I'm also ranked as an expert by the International Defensive Pistol Association and am the match director for the Minot Rifle and Pistol Club. I design a variety of self-defense scenarios and watch civilians, law enforcement, and military personnel alike negotiate these with a concealed weapon under stressful conditions. These years of experience, combined with extensive professional training, have given me first-hand knowledge of both the people who carry firearms in North Dakota and what happens when they need to perform under stress with training that varies from nothing at all to really extensive training.

I would like to testify in favor of passing HB1169.

The ND Attorney General's office does an excellent job of administering the concealed weapons permit program as stated in the law; however, one of the problems with requiring the permit before someone can bear arms has to do with timing. It takes time to find a class, study, take the test, get fingerprinted, send in the application, and then wait for about two more months before receiving your permit.

When a woman is attacked and finds herself in danger from the perpetrator, her attacker is likely to make bond in days while it would take her several months to obtain a concealed weapons permit. A restraining order is just a piece of paper and useless for self-defense purposes. I met a young lady that was severely beaten by her boyfriend and hospitalized. She weighed about 100lbs and he was over 200lbs. He threatened to come after her when he got out of jail and kill her. I taught a class just for her, so I could try to expedite the process so she could protect herself before he got out of jail. It is a travesty that she should have to ask the government for permission to provide an effective means to defend her own life. Fortunately, she survived; however, not everyone does.

In June of 2015, Carol Bowne of New Jersey was brutally stabbed to death getting out of her car in front of her home. After realizing she was in danger from her violent ex-boyfriend, she had applied for a gun permit and was still anxiously waiting for permission to exercise a constitutionally-protected right when she was stabbed to death in broad daylight. Her restraining order and surveillance cameras did nothing to stop the knife attack. As great as our law enforcement is, calling the police just doesn't work in these situations, because when seconds count—the police are minutes away. Do we need to wait for a North Dakota woman to be murdered waiting for her permit, before we are willing to allow law-abiding citizens to freely exercise their basic constitutional rights? We need this legislation to protect against this infringement on the second amendment.

The principle concern that is brought up when constitutional carry is proposed is that, without the state mandated training, the citizens that are choosing to carry will be more dangerous to the public at large. This seems to be a valid point until we look further into the facts.

Who is it that will be carrying without a permit? It won't often be those who are regularly carrying concealed. We will all eventually get the permit so we can carry in 39 states instead of just one. Those most likely to carry without a permit will be those who only wish to carry a firearm, because of a new specific threat to themselves, and do not have time to get the permit. The truth is their ability to defend

themselves safely is actually similar to the average person holding a concealed weapons permit. Most permit holders admit that they do not train regularly to keep up on their shooting proficiency which is a perishable skill. As a firearms instructor myself, I strongly believe in the benefits of professional supervised instruction and regular practice; however, much to my dismay, most of the people that get the permit practice very little—if at all. That being said, I've read thousands of news accounts over the years of regular citizens—with no state mandated training—safely and successfully defending themselves with firearms in a variety of high-stress incidents. The reasons why are simple. According to John Lott's data, about 95% of the time, simply brandishing the firearm is sufficient to stop an assailant. When shots do need to be fired, the assailant is almost always at close range making missing your target less likely. While it is true that under stress, civilians and law enforcement alike do not have 100% hit rates in real life shootings, it needs to be remembered that the vast majority of those missed shots do not hit innocent bystanders. It is extremely rare indeed, to find an incident where someone was accidentally shot in the crossfire by a civilian.

When we look at the safety data on constitutional carry laws, we realize that there are only 3 states with sufficient accidental gun death data both before and after passing of constitutional carry laws. Those states (Alaska, Arizona, and neighboring Montana) have not seen an increase in accidental gun deaths after passage of the laws. The concerns about safety you are hearing now from those that are against the passage of this bill are the same concerns that were heard in those states prior to passage. Fortunately, they were all unfounded.

It should also be noted that according to the FBI, in 2013 Vermont has the lowest crime rate in the nation and has allowed constitutional carry for residents since it became a state in 1791. No...the earth will not end as we know it if we pass this bill. We will be just as safe as the citizens of Vermont.

Some opponents like to use learning to drive and passing a driving test for a driver's license as an analogy to a concealed weapons permit; however, this analogy fails in two important ways. First, about 40,000 of our approximately 50,000 current permit holders never had to take a shooting test to get their permit. Second, no woman has ever stood at a car dealership anxiously waiting for them to process her paperwork so she could get a car to defend her own life and children with.

In the end, the possession of a firearm is not in and of itself inherently evil or immoral; therefore, it should not be designated a crime by itself. It is what one does with a weapon (if anything at all) that determines if the person is a criminal or a saint. We should maintain and strengthen strong laws and consequences against violent criminals, but trust the law-abiding citizens of North Dakota to exercise their constitutional rights in a responsible ways. Someone's life may very well depend on passage of this bill. Their rights most assuredly do. I encourage each of you to vote "Do Pass" on this important and historic legislation. Thank you.


Dr. Jeremiah J. Glosenger

Reasons for Constitutional Carry

1. You shouldn't have to ask the government for permission to exercise a constitutionally protected right that you did not receive from the government itself.
2. The possession of a firearm, in areas where it is legal to have one, is not in and of itself inherently evil and should not be designated a crime by itself. It is what one does with a weapon (if anything at all) that determines if you are dealing with a criminal or hero.
3. The concealed weapons permit process represents an unnecessary and unconstitutional infringement on our 2nd amendment rights by doing the following:
 - a. If a woman is attacked and finds herself in danger from the perpetrator, her attacker is likely to make bond in days while it would take her several weeks or months to obtain a concealed weapons permit. A restraining order is just a piece of paper and useless for self-defense purposes. I met a young lady that was severely beaten by her boyfriend and hospitalized. She weighed about 100lbs and he was over 200lbs. He threatened to come after her when he got out of jail and kill her. I taught a class just for her, so I could try to speed up the process so she could protect herself before he got out of jail. It is a travesty that she should have to ask the government for permission to provide an effective means to defend her own life. Fortunately, she has survived; however, not everyone does.
 - b. In June of 2015, Carol Bowne of New Jersey was brutally stabbed to death getting out of her car in front of her home. After realizing she was in danger from her violent ex-boyfriend, she had applied for a gun permit and was still anxiously waiting for permission when she was killed. Her restraining order and surveillance cameras did nothing to stop the knife attack. As great as our law enforcement is, calling the police just doesn't work, because when seconds count—the police are minutes away. Do we need to wait for a North Dakota woman to be murdered waiting for her permit, before we are willing to allow law-abiding citizens to freely exercise their basic constitutional rights?
 - c. People with a concealed weapons permit that carry regular may occasionally leave their home for work in the morning only to realize they have forgotten their wallet or purse that contains their permit. By law they must present their permit upon demand. Now they are a criminal, because they forgot their wallet at home. This legislation fixes that.
4. It makes us all safer
 - a. I hear from people all the time that would like to obtain a concealed weapons permit, but they have a hard time getting their work schedule or other competing responsibilities to line up with taking the necessary written test to obtain a permit. We currently have almost 50,000 people with North Dakota concealed weapons permits, but so many more people would be able to carry if it wasn't for the time and costs associated with obtaining the permit. In an age of increasing hatred, violence, active shooters, and terrorism, more law abiding citizens carrying makes us all safer.
 - b. The most common concern is that we will not be safer, because there will be no government mandated training. Initially that seems to be a valid concern, so I will address it with the facts.
 - i. Virtually all the people that are serious about carrying a firearm and do so regularly will eventually get the permit when their time and circumstances allow

them. Why? Because they want the reciprocity to carry in 39 states and need the permit to do so.

- ii. Those who only wish to carry a firearm, because of a specific threat to themselves will not have time to get the permit, but their ability to defend themselves safely is actually similar to the average person holding a concealed weapons permit. Most permit holders admit that they do not train regularly to keep up on their shooting proficiency which is admittedly a perishable skill. As a firearms instructor, CWP test administrator, and the IDPA Match Director who runs defensive pistol scenarios at the club in Minot, I strongly believe in the benefits of professional supervised instruction and regular practice; however, much to my dismay, most of the people that get the permit practice very little if at all. That being said, I've read thousands of news accounts over the years of regular citizens--with no state mandated training—safely and successfully defending themselves with firearms in a variety of high-stress incidents. The reasons why are simple. According to John Lott's data, about 95% of the time, simply brandishing the firearm is sufficient to stop an assailant. When shots do need to be fired, the assailant is almost always at close range making missing your target less likely. That said, under stress, civilians and law enforcement alike do not have 100% hit rates in real life shootings. Fortunately, the vast majority of those missed shots do not hit innocent bystanders. It is very rare, indeed, to try to find incidents where someone was accidentally killed.
 - iii. When we turn to the data, we realize that there are only 3 states with sufficient accidental gun death data both before and after passing of constitutional carry laws. Those states (Alaska, Arizona, and neighboring Montana) have not seen an increase in accidental gun deaths after passage of the laws. The concerns about safety you are hearing now from those that are against the passage of this bill are the same concerns that were heard in those states prior to passage. Fortunately, they were all unfounded.
 - iv. FYI: According to the FBI, in 2013 Vermont has the lowest crime rate in the nation and has allowed concealed carry for residents since it became a state in 1791. No...the earth will not end as we know it if we pass this bill.
5. But isn't it just like requiring training before getting a driver's license?
- a. No. Initially this analogy seems reasonable, until you realize that isn't the same situation at all. No woman has ever stood at a car dealership anxiously waiting for them to process her paperwork so she could get a car to defend her own life and children with.
 - b. About 40,000 of our 50,000 current concealed weapons permit holders have never passed a shooting test to obtain their permit—unlike a driver's license it is not required to carry.



<http://www.foxnews.com/us/2015/06/10/no-one-helped-her-nj-woman-murdered-by-ex-while-waiting-for-gun-permit.html>



**Testimony in Opposition to
HOUSE BILL NO. 1169
House Energy and Natural Resources Committee
January 26, 2017**

Kranda
HB 1169
1-26-17
#7

Chairman Porter, House Energy and Natural Resources Committee members, for the record my name is Todd D. Kranda. I am an attorney with the Kelsch Kelsch Ruff & Kranda Law Firm in Mandan. I appear before you today as a lobbyist on behalf of Everytown for Gun Safety to oppose HB 1169.

Everytown is an American nonprofit organization which is a pro-Second Amendment rights group that advocates for gun control and against gun violence. Everytown was founded in 2014, combining Mayors Against Illegal Guns and Moms Demand Action for Gun Sense in America. The organization works to "support efforts to educate policy makers, as well the press and the public, about the consequences of gun violence and promote efforts to keep guns out of the hands of criminals." Everytown works to end gun violence and build safer communities. Gun violence touches every town in America. More than 3 million mayors, moms, cops, teachers, survivors, gun owners, and everyday Americans have come together to make their own communities safer. Everytown and its members are fighting for the changes that will save lives. The attached Handout summarizes the specific concerns with HB 1169, the permitless carry legislation.

I have also included written testimony from four (4) individuals who cannot attend today's hearing but wanted this committee to consider their concerns and opposition as stated by each of them with regard to HB 1169.

In conclusion, on behalf of Everytown for Gun Safety, I urge you to give **HB 1169** a **Do Not Pass** recommendation. I would be happy to try to answer any questions.



H 1169: Concealed Carry in Public with No Permit and No Training

- ❑ **Bottom Line:** The gun lobby is pushing legislation in North Dakota that would dismantle the concealed carry permit requirement and let people carry hidden, loaded handguns in public without a permit or safety training. H 1169 would lower the bar for who may carry concealed handguns in public in North Dakota, and would let dangerous individuals and people with no safety training legally carry hidden, loaded handguns in crowded town centers and on city streets. Lawmakers should put the safety of their constituents first and reject permitless carry in North Dakota.
- ❑ **The vast majority of states require that a person get a permit before carrying a concealed gun in public.**
 - In the vast majority of US states, including North Dakota, a person must have a permit to carry a loaded, concealed handgun in public. These laws ensure that core public safety standards are preserved when people carry guns in public places.
 - Permitless carry bills would repeal these important public safety laws, allowing people to carry concealed guns in public without a permit or safety training.
 - **Eighty-eight percent** of Americans think you should get a permit before carrying a concealed handgun in public.¹
- ❑ **Permitless carry would dramatically lower the bar for who can carry a concealed handgun in public in North Dakota—to include dangerous people and those with no firearms training.**
 - **Dangerous people:** Under current North Dakota law, law enforcement can deny carry permits to people who present a danger to themselves or others, including those who have histories of unlawful violence or of making violent threats.² But permitless carry would strip law enforcement of this authority, and allow these dangerous people to legally carry hidden, loaded handguns throughout the state.
 - **No firearms training:** Most states require a handgun safety course before a person can get a permit and carry a concealed handgun. Under current North Dakota law, applicants for carry permits must complete safety training conducted by a certified administrator.³ But under permitless carry, people who have never handled a gun before would be able to legally carry hidden, loaded handguns on our city streets.
 - **No background check:** The vast majority of US states require a criminal background check before a person can get a permit and carry a concealed handgun. Under current North Dakota law, applicants for carry permits must pass state and federal criminal history records checks to ensure that they are not a felon, domestic abuser, person with dangerous mental illness, or otherwise legally prohibited from having guns.⁴ But permitless carry would remove this important safeguard and allow people who have never passed a criminal background check to legally carry hidden, loaded handguns throughout the state.

¹ Strategies 360 Survey, March 2015.

² N.D. Cent. Code § 62.1-04-03(e).

³ N.D. Cent. Code § 62.1-04-03(d).

⁴ N.D. Cent. Code § 62.1-04-03(e).

Todd D. Kranda
- EGS Lobbyist -
2



Timian
HB 1169
1-26-17
#8

House Energy and Natural Resources Committee
Testimony on HB 1169

North Dakota Game and Fish Department
Robert Timian, Chief Game Warden
January 26, 2017

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Robert Timian, Chief Game Warden of the North Dakota Game and Fish Department. I am testifying today in opposition of HB 1169 as written.

My testimony will be limited to Section 9, which repeals 62.1-02-10 and 62.1-02-10.1. These are the sections that deal with when and where an individual can and cannot have a firearm loaded with "shell in the chamber" with regard to a vehicle, and the penalty while afield legally hunting. Current law does not allow an individual to have a rifle or shotgun in or on a vehicle with a shell in the chamber unless they meet one of the exceptions written law. Essentially this means an individual cannot drive around hunting with a shell in the chamber of their shotgun or rifle. By repealing these sections and without a specific law in NDCC 20.1 addressing this, individuals under this bill, could have a shell in the chamber of the shotgun or rifle in the vehicle. There already have been incidents of shotguns and rifles discharging inside of a vehicle resulting in vehicle damage, serious injuries, and even a fatality under existing law. HB 1169, as written, we believe would create and encourage an even greater safety risk and is in direct conflict with current Hunter Education instruction in safe gun handling. Additionally it would give anti-hunting groups another way to portray a negative picture of hunters and hunting.

For these reasons, the Department respectfully request a DO NOT PASS on HB 1169 as written.

Judge Davies
HB 1169
1-26-17
#9

From:

Judge Thomas A. Davies (retired)
1739 3rd Street North
Fargo, North Dakota 58102
tadavies@cableone.net
January 23, 2017

To: Members of the House Energy and Natural Resources Committee.

Subject: HB 1169

Thank you for allowing my testimony today. I appreciate the opportunity to be included in this debate, and know that you have many other pressing issues in front of your committee today.

I write in total opposition to HB1169. I rely on my years on the bench and in the private practice of law. This legislation will (not may) result in danger not only to citizens but in particular to our already over-burdened law enforcement.

Permitless carry would dismantle our state's concealed carry permit system and allow people to carry concealed, loaded handguns in public without a permit or safety training. Permitless carry lowers the bar for who may carry hidden handguns in public, abandoning core public safety standards. That's just not good for public safety, and even responsible gun owners can agree that's not the kind of community we want to live in: 88% of Americans oppose permitless carry, including 80% of gun owners.

Concealed carry of a handgun without a permit and no training is a recipe for disaster. If HB1169 passes, how many arguments that go badly will result in use of firearms? How many accidental shootings will take place; how many children will be killed or injured by untrained adults?

There are numerous examples of day-to-day life that can unexpectedly escalate to a tense moment – sporting events, traffic and daily commutes, frustrations at work – all that could be made more deadly if you add in firearms and individuals who lack training and proper understanding.

Not everyone with a weapon is foolish; North Dakotans have proved that getting a Concealed Weapons Permit is a simple task, and those individuals who have taken the time to learn about firearms, understand their responsibility when carrying in public, and do so in a conscientious way should be commended. Carrying a concealed handgun without training or a permit is a clear and present.

Use the scenario of a crowded theater where there is a shooter, and everyone else is armed. In the dark how does anyone tell the good guys from the bad guys and how will police have any means of determining that.

This is North Dakota and with the troubles that came with the influx of oil workers and increase in crime, we don't need nor should we have a wild west atmosphere.

I ask that the committee vote against HB1169, and keep the permit system in place that has protected so many.

HB 1169
1-26-17
Matt Evans
#10

I am writing in support of constitutional carry; that is, the right of citizens to carry arms on their person, either openly or concealed, without permission from the state government.

My wife and I have had North Dakota concealed weapons permits for several years. We have basic familiarity with the requirements for the current permit, and some awareness of how those requirements have changed over time.

The current requirements for obtaining a class two ND weapons permit are that you attend, in person, a privately offered class which explains the weapons laws of ND that you pass, in the classroom setting, either individually or as part of a group, an open book test covering the class material that you pay a fee

A class two weapons permit is what is required for someone to legally carry a loaded handgun in North Dakota. One unfamiliar with the process, or with gun laws more broadly, might suppose that this permit is only granted to a small subset of the population who have been found especially virtuous, and who have undergone rigorous training. Yet, carefully examining the current permit requirements shows that in effect, they simply demand that people have some extra time and some extra money.

I will argue, via several different avenues, that since the class 2 permit requirements are, in effect, simply a test of the applicants time and money, we should drop these requirements, and allow people in good legal standing to carry guns with no permit at all.

For one thing, the right to keep and bear arms is a strongly protected right in our nation, now fully incorporated against the states. The right is to not only keep arms, but to also bear them. This is not a right that allows us to keep guns locked away in our homes. It is a right that codifies and re-affirms that we may be armed as we go about our public business.

The current class 2 permitting process does not wholly abridge this right, but it does restrict it, and it does place an impediment ahead of actually realizing this right.

I contend that it is illustrative to compare our right to keep and bear arms to some of our other federally protected rights. Currently, we do not need to pass a written test or pay a small fee, or carry a small ID card, if we wish to speak in the public square. We do not need to have a state issued ID card if we want to avoid an unreasonable search or seizure. Indeed, I cannot identify any other constitutionally protected right that requires me to pay a fee, pass an exam, and carry a state permit on my person, if I wish to actually exercise it.

Very topically for this legislature, I believe that courts have found it illegal to require people to carry an ID card before they may vote in elections.

In fact, we have ample evidence with voting law that the courts have found it wholly unacceptable to require citizens to pass a written test or to pay any kind of a fee prior to being allowed to exercise their voting rights. Yet passing a test and paying a fee are precisely the legally constructed impediments in North Dakota if one wishes to exercise their right to bear arms.

Secondly, the current permitting requirements, while not severe, do constitute an effective impediment against lawful permit applicants. The fee involved is necessarily discriminatory against those in more modest financial situations. Yet our constitution does not specify that the right to bear arms is limited to those who have had bountiful harvests or large inheritances; it is clearly a right for all citizens.

Perhaps, however, the larger impediment is the time required to actually secure the permit. This involves the requirement to take a class and take the exam. In the past, it has also required that one travel to the local

sheriff's office and be finger printed by the staff there. After completing these tasks, the applicant must wait for the BCI to process the application and actually issue the permit.

It is not that the test is difficult to pass; indeed, I've never heard of someone not passing the test. Rather, sitting for the class and the exam requires setting aside several hours, and waiting for the permit to issue involves many weeks.

Again, if one has a flexible work arrangement, plenty of leisure time, and no family commitments, then this is not much of an impediment.

But ask, for instance, people working two jobs, or people who care for young children, if they can afford to give up three to four hours to sit through a permit class. Ask our citizens who live in rural communities what the time commitment entails when adding travel time to and from a large town to attend the class.

Shortly after my wife and I moved to a rural acreage, she had a vivid dream. In the dream, she was home with our children, when two men barged into the house. She demanded that they leave immediately. The men responded that they didn't have to go anywhere, and that there was nothing she could do to make them leave if they didn't want to. She threatened to call the police. The men laughed, and explained to my wife how long it would take for any law enforcement to respond to an emergency call in a rural area.

When my wife awoke from this dream, she immediately asked how to get a concealed weapons permit in our state, and then set about the process of obtaining one.

While the scenario in her dream is thankfully entirely imaginary, the hassle involved in actually obtaining a permit is very real.

In her case, it was several months between her dream and when she was able to actually obtain a class 2 permit. The elapsed time was dominated by her trying to find a class that was held in a nearby area, and held at an hour that worked for her schedule. I should point out that she is a stay-at-home mom on a small farmstead. Imagine how much more scheduling difficulty there must be for single parents, or people working multiple jobs. Should those people, in effect, not have the right to bear arms?

It has been reported that the BCI has had to hire additional staff to process the continually increasing number of ND permit requests. Indeed, state law was changed a few years ago to establish mandatory time frames for BCI to issue permits, because the office was unable to keep up with demand. I believe that we could reduce the costs associated with the permitting department by allowing constitutional carry.

We are blessed to live in a safe state with good people and hard working law enforcement. If we truly believe that the majority of our neighbors are good, honest, responsible people, then we should make it as simple as possible for them to keep and bear arms. The current permit process places an impediment in the way of our neighbors arming themselves. Furthermore, that impediment is one that will be ignored by that slim minority of folks who are irresponsible or have malicious intent. Like many gun laws, the current paradigm simply tips the odds into the favor of the wrong people - those disinclined to obey our laws altogether.

Finally, the other aspect of constitutional carry we must discuss is the legalization of "open carry", that is, the carry of a loaded handgun in a manner that is plainly visible. Under current North Dakota law, open carry is illegal. That should change, and with this bill, we can change it.

When I first started wearing a concealed weapon, I remember how apprehensive I was that someone might notice. The legal requirement today is that the weapon be concealed. The current law is sufficiently vague that it's not clear exactly when you would and wouldn't be breaking the law, even as a responsible permit holder who is trying to comply with the law. Suppose that one is wearing a concealed weapon in a belt holster, and is wearing a waist length coat. Suppose that they lift up their arms to reach something on the top shelf at a

store. The waistband of the coat will lift up when they raise their arms. The muzzle of the weapon is likely to protrude from underneath their coat. If someone happens to notice the temporarily exposed weapon, is the shopper guilty of breaking the law? These sorts of legal ambiguities are a great deal of stress and concern among people who choose to carry. Open Carry - which is part of Constitutional carry - eliminates these legal ambiguity questions entirely.

I have another story about my wife that I'd like to share.

Those of you who have the pleasure of spending time in the rural parts of our state may have shared in the joy of walking, jogging, or running along section-line roads. This is a great way to stay healthy, and to enjoy the glorious natural beauty God has granted our state.

In our particular area, part of that natural beauty includes coyotes - coyotes that sometimes venture a little too close to roads and people.

Currently, if my wife wants to bring along a handgun while she runs - in the event that she has a problem with predators - she needs to do two things. First, she needs to find some way of carrying her gun that makes it completely hidden or invisible, because of the ban on open carry. Second, she needs to make sure to bring an ID card with her, because of the legal requirement to produce a valid concealed weapons permit to law enforcement anytime she is carrying a gun. I don't know if you've paid close attention to the latest trends in women's exercise clothing, but there is barely any provision for hiding your carry permit ID card; there certainly isn't anywhere to hide a handgun!

So the practical upshot of the current law is that my wife can either leave her gun at home when she runs, or she can choose to break the law.

We should always look carefully at our laws, and try to determine if a well-intentioned law is unintentionally turning good people into law breakers - law breakers who just aren't getting caught yet. And if we find that our laws are being ignored by the bad guys, but are causing hardship to the good guys, then what use are they?

Our people have shown great responsibility and judgement under our current weapon laws. Other states that have transitioned to constitutional carry have not experienced increased hardship or social unrest. Carrying weapons has been part of North Dakota, and part of America, since the very beginning.

It's time to pass constitutional carry in our state.

Matt Evans
Richland County, ND

Harnisch
HB 1169
1-26-17
#11

Roberta Harnisch Testimony, Fargo, ND

To the Members of the House Energy and Natural Resources Committee.

Thank you so much for allowing my testimony this morning. I speak to you today as a citizen of this state for over 37 years, a citizen of this great nation, but more importantly as a mother, grandmother and educator.

I speak to you today in opposition to HB1169. I see no conceivable reason that hand guns should be carried without a permit. I support the second amendment and though not a hunter myself, support those who are.

However, every day in this country there are children walking to school, playing in their neighborhood, sleeping in their beds that senselessly become victims of gun violence.

We see it every day in newspapers and on TV: Aurora, Sandy Hook, Orlando. And though it has not reached epidemic portions yet here in North Dakota, I believe we are foolhardy and naive to not be proactive and demand that in order to carry a gun, one must have a clean criminal record and complete basic handgun safety training.

This is about being a responsible, law abiding citizen. It is not an infringement of one's rights.

I respectfully ask that the committee votes against HB1169.

Thank you.

Hoff
HB 1169
1-26-17
#12

911 N. MANDAN Street
Bismarck, ND 58501
January 26, 2017

Chairman Porter and Committee Members
House Energy and Natural Resources Committee
RE: HB 1169

My apologies for incorrectly offering my testimony against HB 1169 during the hearing of another bill this morning. I was attending a hearing in another room and mistakenly thought you were receiving testimony on this bill when I arrived, since guns were being talked about. Here is a brief summary of my major points re HB 1169, and thank you for your understanding.

According to the CDC 33,736 people were killed by firearms in the US in 2016; 10,945 were homicides and 21,334 were suicide by firerms. The CDC also reported than 135 police were killed by firearms in 2016. In comparison, about 30 people died from guns in Britain, according to last year's news reports; & 5,292 people died from terrorist attacks in Afghanistan that year. I hope you can absorb the enormity of this imbalance between one of the "most violent" countries on earth, and the mass slaughter in our own country due to firearms. (In my recollection, most of the terrorist attacks in our own country were committed with other means (mostly home-made bombs). We have a pandemic of gun violence in this country. With any other problem, it is highly unlikely we would "pour on" more of the same substance that is killing us in the first place. The deaths alone do not account for the tremendous costs of medical, emotional, financial and other long-term effects of gun violence in America : it borders on insanity!

North Dakota used to be last in the nation in violent crime ratings by the FBI. There has been a cultural change toward more violence, more reliance on guns to supposedly solve social problems. **Other cultural and policy ways to reduce violent behavior of all kinds, involve more complex, research-based and FUNDED methods – I refer to efforts to support good parenting, teach children conflict resolution, recognize and treat mental illness early on (some can be detected even in the early grades). With determination we have reduced tobacco use in ND. Let's get to the root of why people resort to violent behavior; let's stop treating symptoms with more of the same poison.**

Due to the increasing prevalence of guns, I am becoming increasingly anxious about going out into public places, or stating a brief, polite reprimand to people who are violating common norms (cleaning up after your dog, or not harming public property, or picking flowers) as I stated this morning in my oral testimony.

Second Amendment "Fundamentalism" [which demands that everyone can have a gun] violates common sense that we also have a right to walk in public without fear. Concealed carry heightens fear; it does NOT provide the "safety" that those in favor claimed with their anecdotal evidence. The Vast majority of Americans supports permits to carry a gun in public, denial of guns to persons with mental illness, and background checks and firearms training for those who do obtain guns. I support MORE control of guns, NOT less. THANK YOU.

MARIE D. HOFF, Ph.D., MSW

Lee
HB 1169
#13
1-26-17

To the members of the House Energy and Natural Resources Committee,

I'm a fourth generation North Dakotan, raised on the family farm on which I still reside. My family has helped to shape this state. Beginning with my great-grandfather John Plath who served in both the ND senate and the ND house, along with my grandfather Bill Plath who founded and served as president and director of the ND Farm Bureau. So, when I think of this place, I think of a thoughtful and considerate people that worked hard to build this state and protect its people. This concealed permitless carry legislation, HB1169, defies that idea.

Everyone I grew up with took a hunter safety course. Why? Because it promotes responsibility and safety for the gun handler and those around them. But this legislation goes against everything we were raised to think here. Firearms in the hands of untrained people are deadly.

Right now, applicants for carry permits have to pass criminal history records checks. Why? To ensure, for the safety of others North Dakotans, that this person isn't a felon, or a domestic abuser, or has a dangerous mental illness, or isn't legally prohibited from having guns. Permitless carry would sidestep this enormously important safeguard for the public.

North Dakota has grown considerably in the past decade. This state isn't just respectable farmers and small town folks anymore. The permits and training that are now required are for our safety, and the safety of our police officers and sheriffs. Making it legal for anyone to concealed carry a gun not only needlessly endangers the public, but our officers of the law as well.

Please, reject permitless carry , HB1169, in North Dakota and protect our citizens. Such careless and dangerous legislation doesn't belong here, in my home state.

Thanks,

Cathy Lee
Davenport, ND

HB 1169
1-26-17
Cole Lovitt
#14

North Dakota Constitutional Carry.

I voice my opinion on the North Dakota Constitutional Carry as it is my inalienable right as US citizen, guaranteed by the United States Constitution.



Correctional Officer

Cole Lovitt

Torkelson
HB 1169
1-26-17
#15

Chairman Porter and members of the House Energy and Natural Resources Committee:

Thank you for the opportunity to offer this testimony.

I am sorry I cannot be there in person to talk to you about HB 1169 regarding permitless carry of loaded handguns in public.

I was born and raised in North Dakota, and have lived in Bismarck for the past 35 years. I am a concealed carry permit holder. I own three handguns, a shotgun, a rimfire rifle and a centerfire rifle.

But I am asking you to oppose this bill.

Before I could obtain my carry permit, I had to take a training and safety course, pass a test, get fingerprinted and undergo a background check. I believe that is the very least that should be required before a person is allowed to carry a loaded concealed handgun in public.

I read recently that more than 48,000 of my fellow North Dakotans have legally qualified to do just that. I don't worry about them. What concerns me is the unknown thousands who won't or can't successfully complete that bare-bones process. Please don't add even one more of those.

If you'll permit one short story: my father served as a deputy sheriff and was later elected sheriff of Walsh County. During those years, the late 1940s and early 1950s, he never felt the need to draw his gun. Not even once. We all know that times have changed, and it's a rare officer today who has never unholstered his weapon to protect the public. HB 1169 would make their job more dangerous than it already is.

I still feel somewhat of a bond with today's officers. I want every one of them to return to their loved ones at the end of their shifts. I'm sure you do, too. By defeating this bill, you can help accomplish that.

Please vote "No" on HB 1169.

Thank you.

Ken Torkelson
1112 N. 15th St.
Bismarck, N.D. 58501
[701-527-0730](tel:7015270730)

16
1-26-17
HB 1169

Testimony on HB1169

Good Morning, Chairman Representative Porter and members of the committee.

My name is Susan Beehler a resident of Mandan District 31. I am mom to 5 children and grandmother to 3. I am a survivor of domestic violence.

Supporting the second amendment goes hand and hand with keeping guns away from criminals and other dangerous people. Eighty-eight percent of Americans think you should get a permit before carrying a concealed handgun in public.

It is already easy for guns to end up in the wrong people's hands this bill makes it easier for anyone without training or a permit to conceal a gun in places I may be with my grandchildren such as a playground or park or while I am walking down the street or going to a political rally.

This bill on page 3 takes the provision of requiring a church to inform local law enforcement of who is conceal carrying at church. Does this make church goers safer, law enforcement safer?

Page 5 allows anyone 21 years old to carry a gun concealed. As a resident of Morton County with the influx of people coming from all over the country this bill would now allow them to be able to conceal a gun. How will this make our law enforcement safer, are residents safer? Representative Porter testified for a bill which would make it a crime to conceal your face while on a highway and now this bill will allow a gun to be concealed while on a highway. Does a face or a gun pose more risk to law enforcement in the situation that has been ongoing in Morton County? In Mandan we had two murders in 2014 and one in November all involved firearms.

There is a fiscal note attached to this bill with N/A listed; no revenue will be affected or expense incurred? This is quite a contrast to the fiscal note which was attached to a conceal carry bill in 2013 which shows revenue of a little over 200,000. On Page 6 list the requirements for a Class 1 and 2. Yet if they want to bypass this all they have to do is just buy a gun and conceal it (page 3). A domestic violent offender will just not bother applying for the license and could easily purchase a gun online, at a gun show or from his Uncle Joe. According to the North Dakota Domestic Violence Fatality Review commission between 1992 and 2012, 51% of homicide deaths involved domestic violence. In the North Dakota report on Homicide persons killed in domestic violence incidents were more likely to be killed with a firearm with 80 percent of those victims being female. Will allowing anyone to conceal a gun make women safer, families safer? Our citizens deserve safe guards in place to keep dangerous people from getting a gun and especially not giving them a pass to conceal it. From 2012 to 2015 North Dakota had 74 homicides compared to 46 from 2008 to 2011. Firearms are more likely to be used in domestic violence homicides.

We have long held the tradition in North Dakota with requirements and licensing for concealed carry for public safety and eighty-eight percent of Americans think you should get a permit before carrying a concealed handgun in public.

I am asking the committee for a DO NOT pass. Law enforcement and North Dakota should have their safety put first not put them at more risk.

Susan Beehler Mandan 701 220-2297 suzybbuzz@gmail.com

17
1-26-17
HB 1169

To the members of the House Energy and Natural Resources Committee,

I'm a fourth generation North Dakotan, raised on the family farm on which I still reside. My family has helped to shape this state. Beginning with my great-grandfather John Plath who served in both the ND senate and the ND house, along with my grandfather Bill Plath who founded and served as president and director of the ND Farm Bureau. So, when I think of this place, I think of a thoughtful and considerate people that worked hard to build this state and protect its people. This concealed permitless carry legislation, HB1169, defies that idea.

Everyone I grew up with took a hunter safety course. Why? Because it promotes responsibility and safety for the gun handler and those around them. But this legislation goes against everything we were raised to think here. Firearms in the hands of untrained people are deadly.

Right now, applicants for carry permits have to pass criminal history records checks. Why? To ensure, for the safety of others North Dakotans, that this person isn't a felon, or a domestic abuser, or has a dangerous mental illness, or isn't legally prohibited from having guns. Permitless carry would sidestep this enormously important safeguard for the public.

North Dakota has grown considerably in the past decade. This state isn't just respectable farmers and small town folks anymore. The permits and training that are now required are for our safety, and the safety of our police officers and sheriffs. Making it legal for anyone to concealed carry a gun not only needlessly endangers the public, but our officers of the law as well.

Please, reject permitless carry , HB1169, in North Dakota and protect our citizens. Such careless and dangerous legislation doesn't belong here, in my home state.

Thanks,

Cathy Lee
Davenport, ND

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1169

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code, relating to carrying a handgun; to amend and reenact sections 62.1-04-02 and 62.1-04-04 of the North Dakota Century Code, relating to carrying concealed firearms or dangerous weapons; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code is created and enacted as follows:

An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

SECTION 2. AMENDMENT. Section 62.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-02. Carrying concealed firearms or dangerous weapons ~~prohibited.~~

1. An individual, other than a law enforcement officer, may not carry anya firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.
2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.

SECTION 3. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-04. Producing license-on demand.

1. Every ~~person~~individual while carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on one's person the license issued by this or another state and shall give it to any law enforcement officer for an inspection upon demand by the officer. The failure of any ~~person~~individual to give the license to the officer is prima facie evidence ~~that the person~~individual is illegally carrying a firearm or dangerous weapon concealed.
2. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer

of the individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.

3. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall have on one's person a valid driver's license or nondriver identification card issued by the department of transportation and shall give it to any law enforcement officer for inspection upon demand by the officer. If, within three days of an alleged violation of this subsection, the individual produces satisfactory evidence of a valid driver's license or nondriver identification card in effect at the time of the alleged violation of this subsection to the office of the clerk of court under which the matter will be heard, that individual may not be found in violation of this section."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1169

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code, relating to carrying a handgun; to amend and reenact sections 62.1-04-02 and 62.1-04-04 of the North Dakota Century Code, relating to carrying concealed firearms or dangerous weapons; and to provide a penalty.

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2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.

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2. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer

of the individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.

3. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall have on one's person a valid driver's license or nondriver identification card issued by the department of transportation and shall give it to any law enforcement officer for inspection upon demand by the officer. If, within three days of an alleged violation of this subsection, the individual produces satisfactory evidence of a valid driver's license or nondriver identification card in effect at the time of the alleged violation of this subsection to the office of the clerk of court under which the matter will be heard, that individual may not be found in violation of this section."

Renumber accordingly

HB 1169
Subcommittee
2-16-17

Gun Subcommittee Meeting

Thursday, February 16, 2017

9:00 AM

Mike Lefor

Corey Mock

Patrick Heinert

Shannon Roers Jones

Agenda:

HB 1169

Consider Amendment #17.0086.04007 (Lefor) ACCEPT

Consider Amendment #17.0086.04008 (Mock) REJECT

Sub Committee Recommendation to the full committee.

HB 1273

Consider Amendment #17.0754.02003 (Lefor) ACCEPT

Sub Committee Recommendation to the full committee.

HB 1278

Consider Amendment #17.0753.02002 (Koppelman) REJECT

Sub Committee Recommendation to the full committee.

HB 1279

Consider Amendment #17.0755.01001 (Lefor) ACCEPT

Sub Committee Recommendation to the full committee.

HB 1391

Sub Committee Recommendation of Do Not Pass.

February 9, 2017

2
HB 1169
Subcommittee
2-16-17

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1169

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62.1-04-02. Carrying concealed firearms or dangerous weapons ~~prohibited~~.

1. An individual, other than a law enforcement officer, may not carry ~~any~~ a firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.
2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.

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2. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer

of the individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.

3. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall have on one's person a valid driver's license or nondriver identification card or a digital image of one's valid driver's license or nondriver identification card on a mobile device and shall provide the license or card to any law enforcement officer for inspection upon demand by the officer."

Renumber accordingly

3
HB 1169
Subcommittee
2-16-17

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1169

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 62.1-04-02 and 62.1-04-04 of the North Dakota Century Code, relating to carrying concealed firearms or dangerous weapons; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 62.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-02. Carrying concealed firearms or dangerous weapons ~~prohibited~~.

1. An individual, other than a law enforcement officer, may not carry ~~any~~ a firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.
2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation may carry an unloaded firearm concealed under this chapter.

SECTION 3. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-04. Producing license on demand.

1. Every ~~person~~ individual while carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on one's person the license issued by this or another state and shall give it to any law enforcement officer for an inspection upon demand by the officer. The failure of any ~~person~~ individual to give the license to the officer is prima facie evidence ~~that the person~~ that the individual is illegally carrying a firearm or dangerous weapon concealed.
2. Every individual carrying an unloaded concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the individual's possession of an unloaded concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.
3. Every individual carrying an unloaded concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall have on one's person a valid driver's license or nondriver identification card or a digital image of one's valid driver's license or nondriver identification card on a mobile device and shall provide the license or card to any law enforcement officer for inspection upon demand by the officer."

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1169

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code, relating to carrying a handgun; to amend and reenact sections 62.1-04-02 and 62.1-04-04 of the North Dakota Century Code, relating to carrying concealed firearms or dangerous weapons; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code is created and enacted as follows:

An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

SECTION 2. AMENDMENT. Section 62.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-02. Carrying concealed firearms or dangerous weapons ~~prohibited.~~

1. An individual, other than a law enforcement officer, may not carry any firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.
2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.

SECTION 3. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-04. Producing license on demand.

1. Every ~~person~~individual while carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on one's person the license issued by this or another state and shall give it to any law enforcement officer for an inspection upon demand by the officer. The failure of any ~~person~~individual to give the license to the officer is prima facie evidence ~~that the person~~that the individual is illegally carrying a firearm or dangerous weapon concealed.
2. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer

of the individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.

3. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall have on one's person a valid driver's license or nondriver identification card or a digital image of one's valid driver's license or nondriver identification card on a mobile device and shall provide the license or card to any law enforcement officer for inspection upon demand by the officer."

Renumber accordingly

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HB1169
2-16-17
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PROPOSED AMENDMENTS TO HOUSE BILL NO. 1169

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 62.1-04-02 and 62.1-04-04 of the North Dakota Century Code, relating to carrying concealed firearms or dangerous weapons; and to provide a penalty.

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SECTION 1. AMENDMENT. Section 62.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

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2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation may carry an unloaded firearm concealed under this chapter.

SECTION 3. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-04. Producing license on demand.

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2. Every individual carrying an unloaded concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the individual's possession of an unloaded concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.
3. Every individual carrying an unloaded concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall have on one's person a valid driver's license or nondriver identification card or a digital image of one's valid driver's license or nondriver identification card on a mobile device and shall provide the license or card to any law enforcement officer for inspection upon demand by the officer."

HB 1169

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3/14/17

Roger Kaseman
223 Ashlee Avenue
Bismarck, ND 58504
701-751-0882

My name is Roger Kaseman. I had the privilege of serving as a Deputy Sheriff, Deputy Coroner/Senior Investigator for three jurisdictions in California. I spent the last 16 years of my career investigating homicides and suicides. I retired from Sacramento County after 22 years and moved home to North Dakota. I am here to support HB 1169.

Between 1976 and 1978, the East Area Rapist attacked at least 45 women in Citrus Heights, Rancho Cordova, and Carmichael. After the Sacramento County Sheriff's Sexual Assault unit released information on the serial rapist, fear spread and people armed themselves. News footage showed gun store counters stripped bare. There were waiting lists for guns on backorder. New shipments sold out in minutes. I talked to Sheriff's dispatch multiple times while on duty during the rapist's reign of terror. Criminals took notice of the armed population; 911 emergency lines stopped ringing. Daily crime statistics tracked in real time showed a 70% decline.

The East Area Rapist proves that an armed society is a safer society; safer, not safe; totally safe is beyond human reach.

The right to defend self, family, and neighbor when necessary, is a basic human right. Priests, Ministers and Rabbis that condemn evil from the pulpit, do not condemn an abstract theological theory. Evil is real; evil acts. This premise is either overlooked or ignored by those that oppose the Second Amendment right to self-defense. The question that we ought to debate is how we confront evil as a society and as individuals in the face of violence. The people that oppose the Constitutional right to self-defense have deadened their conscience to the existence of evil people. They offer economic and psychological excuses for the acts that evil people commit. They favor creating a society of helpless victims.

People that oppose the basic right of self-defense offer several broad arguments.

The first argument, defending against a violent attack should be left to professionals. During my 22-year law enforcement career, response time was a critical issue for every supervisor and administrator that I worked for. No matter how well trained, no matter how dedicated your local police force, you are on your own until officers arrive when a violent criminal decides to attack. The national average response time to an emergency call is 10 minutes. If somebody starts shooting or stabbing people in a shopping center, airport, or gay night club, 10 minutes is an eternity; the wait might send you and members of your family to an early grave.

The second argument opponents advance; criminals will carry guns. That is a self-refuting argument; criminals bent on violence will not stop because the law prohibits concealed carry.

The third common argument advance is that the average citizen lacks the training to confront an armed assailant. The good news is that the criminal is probably just as untrained, the bad news is that the alternative creates unarmed, helpless victims.

I have listened to arguments against the Second Amendment all my life. The people that oppose bills like the one under consideration prefer that the citizens of this country accept victimhood as the only alternative. We are better than that.

States That Passed Constitutional Carry

Montana in 1991

Alaska in 2003

Texas in 2007

Arizona in 2010

Wyoming in 2011

Arkansas in 2013

Kansas in 2015

Maine in 2015

West Virginia in 2016, with an override of the Governor's veto

Idaho in 2016

Mississippi in 2016

Not one of these states had a rise in shootings after the laws passed.

The Armed Criminal in America

In July 1985, researchers at the National Institute of Justice, a branch of the U.S. Department of Justice, published a paper titled, "The Armed Criminal in America: A Survey of Incarcerated Felons,". DOJ researchers surveyed incarcerated felons and established the following facts:

* 60% of felons polled agreed that "a criminal is not going to mess around with a victim he knows is armed with a gun."

* 74% of felons polled agreed that "one reason burglars avoid houses when people are at home is that they fear being shot during the crime."

* 57% of felons polled agreed that "criminals are more worried about meeting an armed victim than they are about running into the police."

Swiss Gun Ownership

Switzerland has compulsory gun ownership for military age males, yet it has a far lower murder rate than the U.S.

Able-bodied civilian men of military age keep fully automatic weapons at home in case of a national emergency.

After completion of mandatory military service, the individual has the option of keeping the weapon. If the individual opts to keep the weapon, the weapon is converted to semi-auto only by the military and returned to the individual.

Competitive shooting is the Swiss national sport. North Dakota high school students primarily play basketball and football, Swiss students compete in shooting matches with the same enthusiasm.

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3/14/17

HB 1169

March 10, 2017

HB 1169 North Dakota

Existing draft

SECTION 1. A new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code is created and enacted as follows:

1. A handgun may not be carried unless by an individual not otherwise prohibited and if:
 - a. Between the hours of one hour before sunrise and one hour after sunset, the handgun is unloaded and either in plain view or secured.
 - b. Between the hours of one hour after sunset and one hour before sunrise, the handgun is unloaded and secured.
2. The restrictions provided in subdivisions a and b of subsection 1 do not apply to:
 - a. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1.
 - b. An individual on that person's land, or in that individual's permanent or temporary residence, or fixed place of business.
 - c. An individual while lawfully engaged in target shooting.
 - d. An individual while in the field engaging in the lawful pursuit of hunting or trapping. However, nothing in this exception authorizes the carrying of a loaded handgun in a motor vehicle.
 - e. An individual permitted by law to possess a firearm while carrying the handgun unloaded and in a secure wrapper from the place of purchase to that person's home or place of business, or to a place of repair or back from those locations.
 - f. Any North Dakota law enforcement officer.
 - g. Any law enforcement officer of any other state or political subdivision of another state if on official duty within this state.
 - h. Any armed security guard or investigator as authorized by law when on duty or going to or from duty.
 - i. Any member of the armed forces of the United States when on duty or going to or from duty and when carrying the handgun issued to the member.
 - j. Any member of the national guard, organized reserves, state defense forces, or state guard organizations, when on duty or going to or from duty and when carrying the handgun issued to the member by the organization.
 - k. Any officer or employee of the United States duly authorized to carry a handgun.

l. An individual engaged in manufacturing, repairing, or dealing in handguns or the agent or representative of that individual possessing, using, or carrying a handgun in the usual or ordinary course of the business.

m. Any common carrier, but only when carrying the handgun as part of the cargo in the usual cargo carrying portion of the vehicle.

An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

Proposed substitute:

62.1-03-01. Carrying handgun--Restrictions--Exceptions

~~1. A An individual may carry a handgun may not be carried unless by an the individual is not otherwise prohibited by law and if:~~

~~a. Between the hours of one hour before sunrise and one hour after sunset, the handgun is unloaded and either in plain view or secured.~~

~~b. Between the hours of one hour after sunset and one hour before sunrise, the handgun is unloaded and secured.~~

~~2. The restrictions provided in subdivisions a and b of subsection 1 do not apply to:~~

~~a. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1.~~

~~b. An individual on that person's land, or in that individual's permanent or temporary residence, or fixed place of business.~~

~~c. An individual while lawfully engaged in target shooting.~~

~~d. An individual while in the field engaging in the lawful pursuit of hunting or trapping. However, nothing in this exception authorizes the carrying of a loaded handgun in a motor vehicle.~~

~~e. An individual permitted by law to possess a firearm while carrying the handgun unloaded and in a secure wrapper from the place of purchase to that person's home or place of business, or to a place of repair or back from those locations.~~

~~f. Any North Dakota law enforcement officer.~~

~~g. Any law enforcement officer of any other state or political subdivision of another state if on official duty within this state.~~

~~h. Any armed security guard or investigator as authorized by law when on duty or going to or from duty.~~

~~i. Any member of the armed forces of the United States when on duty or going to or from duty and when carrying the handgun issued to the member.~~

~~j. Any member of the national guard, organized reserves, state defense forces, or state guard organizations, when on duty or going to or from duty and when carrying the handgun issued to the member by the organization.~~

~~k. Any officer or employee of the United States duly authorized to carry a handgun.~~

~~l. An individual engaged in manufacturing, repairing, or dealing in handguns or the agent or representative of that individual possessing, using, or carrying a handgun in the usual or ordinary course of the business.~~

~~m. Any common carrier, but only when carrying the handgun as part of the cargo in the usual cargo carrying portion of the vehicle.~~

Existing draft

SECTION 2. AMENDMENT. Section 62.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-02. Carrying concealed firearms or dangerous weapons prohibited.

1. An individual, other than a law enforcement officer, may not carry ~~any~~ a firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.

2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.

Proposed substitute:

62.1-04-02. Carrying concealed firearms or dangerous weapons prohibited

1. An individual, other than a law enforcement officer, may not carry any firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.

2. An individual who is a citizen or legal resident of the United States, resident in the State of North Dakota, and at least eighteen years of age may carry any firearm or dangerous weapon concealed unless otherwise prohibited by law.

Existing draft

SECTION 3. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-04. Producing license on demand.

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

another state and shall give it to any law enforcement officer for an inspection upon demand by the officer. The failure of any ~~person~~ individual to give the license to the officer is prima facie evidence that the ~~person~~ individual is illegally carrying a firearm or dangerous weapon concealed.

2. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.

3. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 must have on one's person a valid driver's license or nondriver identification card issued by the department of transportation or a digital image of one's valid driver's license or nondriver identification card on a mobile device and shall provide the license or card to any law enforcement officer for inspection upon demand by the officer.

Proposed substitute:

Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-04. Producing license on demand

1. Every person while carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is ~~required~~ has been issued, shall have on one's person the license issued by this or another state and shall give it to any law enforcement officer for an inspection upon demand by the officer. ~~The failure of any person to give the license to the officer is prima facie evidence that the person is illegally carrying a firearm or dangerous weapon concealed.~~

2. Every person carrying a concealed firearm under the authority of section 62.1-04-02 shall inform a law enforcement officer of the person's possession of a concealed weapon upon demand by a law enforcement officer.

Additional Changes

SECTION X. AMENDMENT. Section 62.1-04-03 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-03. License to carry a firearm or dangerous weapon concealed—Class 1 firearm license and class 2 firearm and dangerous weapon license

1. The director of the bureau of criminal investigation shall issue a license to carry a firearm or dangerous weapon concealed upon review of an application submitted to the director if the following criteria are met:

a. The applicant is at least twenty-one years of age for a class 1 firearm license or at least eighteen years of age for a class 2 firearm and dangerous weapon license;

b. The applicant can demonstrate that the applicant is a resident of this state by providing a copy of a valid driver's license or state-issued identification card from this state that establishes

personal identification through photographic means and shows the applicant's name associated with a valid residential street address in this state or the applicant possesses a valid driver's license from the applicant's state of residence that establishes personal identification through photographic means and shows the applicant's name associated with a valid residential street address and a valid concealed weapons license from the applicant's state of residence, which state has reciprocity with this state under section 62.1-04-03.1;

c. The applicant is not an individual specified in section 62.1-02-01 and for a class 1 firearm license the applicant:

- (1) Has not been convicted of a felony;
- (2) Has not been convicted of a crime of violence;
- (3) Has not been convicted of an offense involving the use of alcohol within ten years prior to the date of application;
- (4) Has not been convicted of a misdemeanor offense involving the unlawful use of narcotics or other controlled substances within ten years prior to the date of application;
- (5) Has not been convicted of an offense involving moral turpitude;
- (6) Has not been convicted of an offense involving domestic violence;
- (7) Has not been adjudicated by a state or federal court as mentally incompetent, unless the adjudication has been withdrawn or reversed; and
- (8) Is qualified to purchase and possess a firearm under federal law;

d. The applicant has successfully completed the testing procedure conducted by a certified test administrator. The person conducting the testing may assess a charge of up to fifty dollars for conducting this testing. The attorney general may certify a test administrator based upon criteria and guidelines prescribed by the director of the bureau of criminal investigation;

e. The applicant satisfactorily completes the bureau of criminal investigation application form and has successfully passed the criminal history records check conducted by the bureau of criminal investigation and the federal bureau of investigation. The applicant shall provide all documentation relating to any court-ordered treatment or commitment for mental health or alcohol or substance abuse. The applicant shall provide the director of the bureau of criminal investigation written authorizations for disclosure of the applicant's mental health and alcohol or substance abuse evaluation and treatment records. The bureau may deny approval for a license if the bureau has reasonable cause to believe that the applicant or licenseholder has been or is a danger to self or others as demonstrated by evidence, including past pattern of behavior involving unlawful violence or threats of unlawful violence; past participation in incidents involving unlawful violence or threats of unlawful violence; or conviction of a weapons offense. In determining whether the applicant or licenseholder has been or is a danger to self or others, the bureau may inspect expunged records of arrests and convictions of adults and juvenile court records; and

f. The applicant is not prohibited under federal law from owning, possessing, or having a firearm under that individual's control.

2. The attorney general shall offer class 1 firearm and class 2 firearm and dangerous weapon licenses to carry a firearm or dangerous weapon concealed under the following requirements:

a. An applicant for a class 1 firearm license shall successfully participate in a classroom instruction that sets forth weapon safety rules and the deadly force law of North Dakota, complete an open book test based upon a manual, demonstrate familiarity with a firearm, and complete an actual shooting or certified proficiency exercise. Evidence of familiarity with a firearm to be concealed may be satisfied by one of the following:

(1) Certification of familiarity with a firearm by an individual who has been certified by the attorney general, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor;

(2) Evidence of equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service;

(3) Possession of a license from another state to carry a firearm, concealed or otherwise, which is granted by that state upon completion of a course described in paragraphs 1 and 2; or

(4) Evidence that the applicant, during military service, was found to be qualified to operate a firearm.

b. An applicant for a class 2 firearm and dangerous weapon license is required to successfully complete the open book test offered for the class 1 firearm license.

c. A North Dakota resident who has a valid class 1 firearm license also may carry a class 2 dangerous weapon without any further testing required. Class 1 and class 2 permits are equally valid in this state.

d. Additional testing is not required to renew a class 2 firearm and dangerous weapon license. A class 1 firearm license may be renewed upon successful completion of the class 1 firearm requirements within thirty days before submission of the application for renewal.

3. The director of the bureau of criminal investigation shall send by mail to a holder of a license a notice of the procedures for renewal of the license issued under this section. The director shall give the notice at least one hundred fifty days but not more than one hundred eighty days before the expiration of the license.

4. The bureau of criminal investigation is required to process the application and make a determination within sixty days of receipt of the properly completed application.

5. The fee for a concealed weapons license must be credited to the attorney general's operating fund. All fees must be paid before the license application may be processed by the director of the bureau of criminal investigation. The attorney general shall list the fees associated with the license, including the costs of the fingerprint-based federal criminal history record check, in the attorney general's administrative rules.

6. The director of the bureau of criminal investigation shall prescribe the form of the application and license, which must include the name, address, description, a photograph, and the signature of the individual. The application form must require sufficient information to properly conduct a criminal history record check and be accompanied by:

a. A photocopy of a valid driver's license or identification card issued by this state which establishes personal identification through photographic means and shows the applicant's name associated with a valid residential street address in this state or a valid state-issued driver's license from the applicant's state of residence which establishes personal identification through photographic means and shows the applicant's name associated with a valid residential street address and a valid concealed weapons license from the applicant's state of residence, which has reciprocity with this state under section 62.1-04-03.1; and

b. Two sets of classifiable fingerprints. The two sets of classifiable fingerprints are not required for a renewal of a concealed weapons license. The license is valid for five years. The original license must be delivered to the licensee and an electronic copy must be preserved for six years by the director. Access to license information must be available to law enforcement through electronic means for official law enforcement purposes. The applicant or licensee shall notify the director of the bureau of criminal investigation of any change of address or any other material fact which would affect the restrictions on or the need for the license.

7. The director of the bureau of criminal investigation may deny an application or revoke or cancel a license after it has been granted for any material misstatement by an applicant in an application for the license or any violation of this title. The director of the bureau of criminal investigation shall disclose to the applicant the specific reason for denial or revocation of the license.

8. The applicant may appeal a denial or revocation of this license to the district court of Burleigh County.

9. Information collected from an applicant under this section is confidential information. However, the information may be disclosed:

a. To a governmental agency or court for a law enforcement purpose, including the investigation, prosecution, or punishment of a violation of law.

b. To a court to aid in a decision concerning sentence, probation, or release pending trial or appeal.

c. Pursuant to a court order or a judicial, legislative, or administrative agency subpoena issued in this state.

10. The attorney general may adopt any rules necessary to implement this title.

11. Licenses to carry a firearm or dangerous weapon concealed issued under this section shall be recognized throughout the State. The availability of a license to carry a firearm or dangerous weapon concealed under this section or under any other provision of law shall not be construed

to prohibit the carrying of a firearm or dangerous weapon concealed on or about one's person, as provided in section 62.1-04-02.

SECTION X. AMENDMENT. Section 62.1-02-10 of the North Dakota Century Code is amended and reenacted as follows:

§ 62.1-02-10. Carrying loaded firearm in certain vehicles prohibited—Penalty—Exceptions

An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile in this state. An individual violating this section is guilty of a class B misdemeanor. This prohibition does not apply to:

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer.
3. An individual possessing a valid concealed weapons license from this state or who is carrying a concealed firearm under the authority of and in compliance with section 62.1-04-02 or who has reciprocity under section 62.1-04-03.1 with a handgun, or with a rifle or shotgun if not in the field hunting or trapping.
4. An individual in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.
5. A security guard or private investigator properly licensed to carry firearms.
6. An individual possessing a valid special permit issued pursuant to section 20.1-02-05.

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3/14/17

HB 1169

Permitless Carry

1. More than half of U.S. states have allowed permitless open carry (31) throughout the 20th and 21st Centuries. The bill simply recognizes that it is often more convenient and socially acceptable to carry discretely in today's society.
2. Eleven other states – Alaska, Arizona, Idaho, Kansas, Maine, Mississippi, Missouri, New Hampshire, Vermont, West Virginia and Wyoming – already allow law-abiding individuals to carry a concealed handgun without a government-issued permit. Montana allows Permitless Carry for all areas outside city limits (99.4% of the state).
3. Permitless Carry simply allows a person who is otherwise legally able to possess and carry a firearm to do so in a discrete, concealed manner.
4. Permitless Carry does not change prohibited person laws or any law governing the misuse of a firearm (illegal brandishing, discharge, threatening, etc.), prohibited places where a firearm cannot be carried, or when force may be used in defense of self or others.
5. Private property owners still maintain discretion over their own property, including whether and on what terms to allow firearms.
6. Criminals already carry concealed firearms without regard for the law. The bill isn't for them. Permitless Carry simply puts the law-abiding on equal footing.
7. Permitless Carry helps law-abiding people avoid being targeted by criminals seeking to steal guns or neutralize any source of resistance at the scene of a crime.
8. Permitless Carry gives criminals a reason to fear that any potential victim could be armed and disincentivizes criminal conduct.
9. Concealed Carry permits will remain an option for those who wish to take advantage of concealed carry reciprocity with other states, NICS exemption, and carrying in federal school zones.
10. Permitless Carry ensures the privacy of those who exercise their Second Amendment rights.
11. According to a December 2016 article in the Idaho State Journal, "Despite the implementation of Idaho's Permitless Carry law this past July, the number of Idahoans obtaining concealed weapons permits has remained steady." At least one key reason for this is the benefit of concealed carry license reciprocity for those travelling out-of-state.
12. The Second Amendment refers to keeping AND bearing arms. It doesn't say keep arms, and if you meet a bunch of additional state requirements, bear them as well.

States that Enact Permitless Carry Do Not Devolve into the Wild West

The National Rifle Association compiled key statistics on Permitless Carry, also known as Constitutional Carry, at the state level in response to a request from an Indiana House Public Policy Committee staffer.

The history of Permitless Carry laws in the U.S. is as follows:

- Vermont has had Permitless Carry since the nation's founding in 1791 and has never enacted a law banning the right to discreetly bear arms.
- Montana enacted Permitless Carry in 1991 for all areas outside city limits (99.4% of the state).
- Alaska enacted Permitless Carry on June 11, 2003.
- Arizona enacted Permitless Carry on April 16, 2010.
- Wyoming enacted Permitless Carry for residents in 2011.

- Kansas enacted Permitless Carry on April 2, 2015
- Maine enacted Permitless Carry on July 8, 2015.
- Idaho enacted Permitless Carry for residents on March 25, 2016.
- West Virginia enacted Permitless Carry on March 4, 2016.
- Mississippi enacted Permitless Carry on April 15, 2016.
- Missouri enacted Permitless Carry on September 14, 2016 (effective January 1, 2017).
- New Hampshire Governor signed Permitless Carry legislation on February 22, 2017.

To examine the impact of Permitless Carry, we selected those states that have enacted a relevant law and for which sufficient public data is available for both the pre- and post-law periods. Three states that meet both requirements: Alaska, Arizona, and Wyoming.

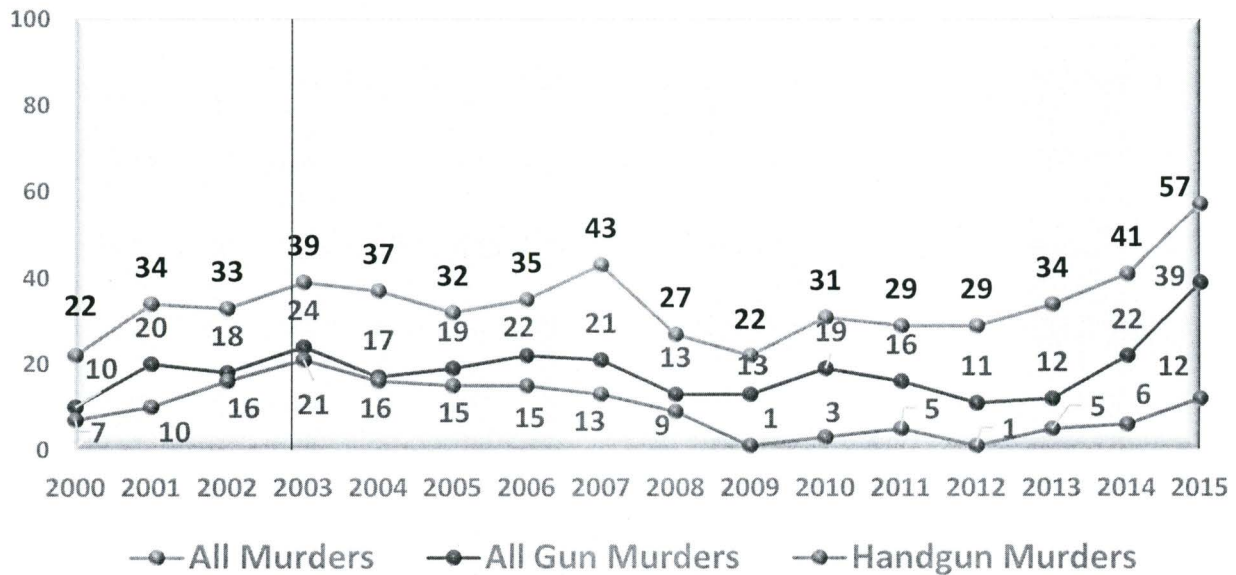
Vermont has always had Permitless Carry and Montana's law is not statewide. Other states enacted Permitless Carry laws too recently to allow a comparison of murder statistics before and after the law took effect.

Using data from the Federal Bureau of Investigation's annual "Crime in the United States Report," our analysis focuses on the number of murders, including both those committed with a firearm and those committed with a handgun, in the states of Alaska, Arizona, and Wyoming.

Based on our analysis, it is clear that none of the three states with sufficient available data experienced an increase in the number of murders, including handgun murders, after enacting Permitless Carry. Data for each state is presented on the following pages.

Alaska
Permitless Carry Enacted June 11, 2003
Comparison of Murders before and after Permitless Carry

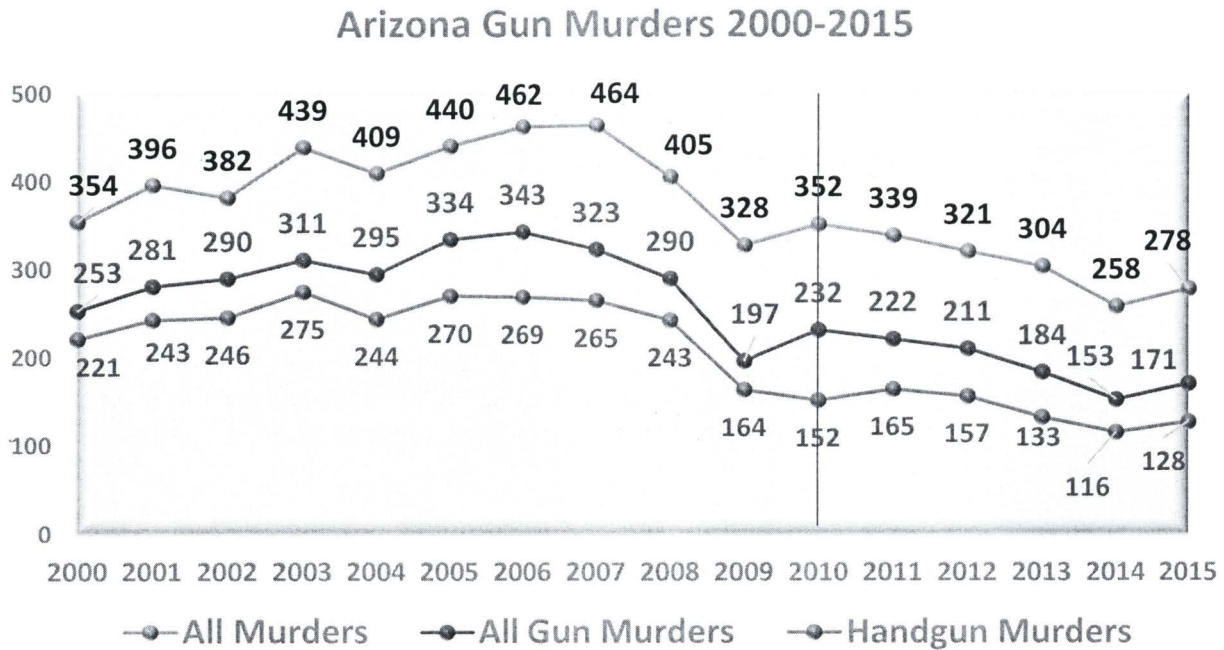
Alaska Gun Murders 2000-2015



- After Alaska adopted Permitless Carry in 2003, there was no spike in the number of murders, including those committed with guns – and with handguns explicitly.
- Handgun murders declined after 2003 and declined faster than the overall number of murders in Alaska.
- Handguns have declined as a percentage of all murders in the years since Permitless Carry took effect.
- As the number of murders increased in 2014 and 2015, handguns murders remained comparatively low.
 - The percent of all murders committed with handguns in these years did not rise as quickly as the percent of all murders committed with any type of firearm.
- As the total number of murders hit a high point (at that time) in 2007, the number of handgun murders actually slightly declined from the previous years.

Source: FBI "Crime in the United States Report", 2000-2015. Table 20: Murder by State, Type of Weapon. Accessed 11 January 2017. FBI reports based on supplemental homicide data.

Arizona
Permitless Carry Enacted April 16, 2010
Comparison of Murders before and after Permitless Carry



- After Arizona adopted Permitless Carry in 2010, There was no increase in the number of murders, including those committed with guns – including handguns explicitly.
- The downward trend of murders continued after Permitless Carry.
- The percent of murders committed with a handgun decreased after Permitless Carry took effect (from an average of 60% per year before Permitless Carry to less than 50% in the Permitless Carry years).
- The percentage of murders that were committed with a gun of any type declined after Permitless Carry.
- Even as the number of murders rebounded from 2009-2010, the percentage that were committed with handgun did not return to previous levels (on average, 60% before and 46% after Permitless Carry).

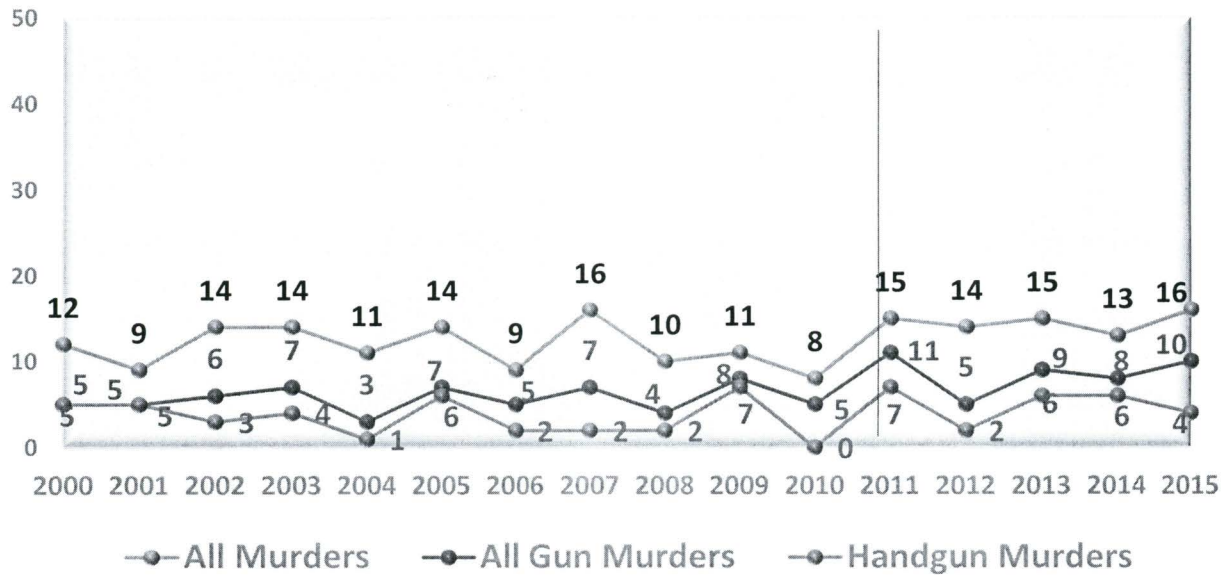
Source: FBI "Crime in the United States Report", 2000-2015. Table 20: Murder by State, Type of Weapon. Accessed 11 January 2017. FBI reports based on supplemental homicide data.

Wyoming

Permitless Carry Enacted for Residents March 2, 2011

Comparison of Murders before and after Permitless Carry

Wyoming Gun Murders 2000-2015



- Wyoming has historically had few murders and that trend continued after Permitless Carry took effect in 2011.
- Without drawing inferences from this limited number of cases, the data indicates that the number of murders committed with handguns held at or near the same level both before and after Permitless Carry became law.
- The increase in murders, including handgun and all firearm murders, in 2011 should not be attributed directly to Permitless Carry; the law took effect in July. This analysis is focused on examining the number of murders before and after the state law. External factors that may contribute to crime have not been controlled for in this analysis.

Source: FBI "Crime in the United States Report", 2000-2015. Table 20: Murder by State, Type of Weapon. Accessed 11 January 2017. FBI reports based on supplemental homicide data.

FBI Definitions and Data

Murder and non-negligent manslaughter are defined as the willful killing of one human being by another. The data used in the FBI's aggregation, and in our analysis, is from all law enforcement agencies that submitted supplemental homicide data for the years under examination, and the weapon totals are aggregated from all murders for which the FBI received supplemental homicide data. The "All Gun Murders" data includes homicides and non-negligent manslaughter committed with any of the categories of firearms included in the Uniform Crime Report: handguns, rifles, shotguns, and "type unknown."

Data pulled from FBI "Crime in the United States Report," 2000-2015. Table 20.

Alaska			
Year	All Murders	All Gun Murders	Handgun Murders
2000	22	10	7
2001	34	20	10
2002	33	18	16
2003	39	24	21
2004	37	17	16
2005	32	19	15
2006	35	22	15
2007	43	21	13
2008	27	13	9
2009	22	13	1
2010	31	19	3
2011	29	16	5
2012	29	11	1
2013	34	12	5
2014	41	22	6
2015	57	39	12

Arizona			
Year	All Murders	All Gun Murders	Handgun Murders
2000	354	253	221
2001	396	281	243
2002	382	290	246
2003	439	311	275
2004	409	295	244
2005	440	334	270
2006	462	343	269
2007	464	323	265
2008	405	290	243
2009	328	197	164
2010	352	232	152
2011	339	222	165
2012	321	211	157
2013	304	184	133
2014	258	153	116
2015	278	171	128

Wyoming			
Year	All Murders	All Gun Murders	Handgun Murders
2000	12	5	5
2001	9	5	5
2002	14	6	3
2003	14	7	4
2004	11	3	1
2005	14	7	6
2006	9	5	2
2007	16	7	2
2008	10	4	2
2009	11	8	7
2010	8	5	0
2011	15	11	7
2012	14	5	2
2013	15	9	6
2014	13	8	6
2015	16	10	4

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HB

1169

3/14/17

To: Grady Thorsgard gthorsgard@hotmail.com

Grady Thorsgard from Northwood ND My son is a chiropractor in Northwood and a member of the Northwood school board, his wife is a daycare provider and they have five children in the Northwood school. When he heard I had testified on another bill he said if you want to do something important, go testify against the constitutional carry bill. North Dakota requires 12 to 14 hours of excellent training to complete the hunter safety course before you can get a license to hunt animals. If this bill passes you will not need any training or experience to carry a concealed weapon for the purpose of shooting another person if you think it is necessary. This scares me, I have a lot of respect for firearms after serving in the army.

We have a lot of rights in North Dakota, we can fly a plane, we can drive a car or hunt deer, but they all require training and a license. I believe the framers of the constitution expected us to use good judgment and common sense.

Please give this bill a do not pass

Sent from my iPhone

Senators

If you wish to verify my service in Vietnam you can search "citation for silver star"

Grady Thorsgard

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3/14/17

**Testimony in Opposition to
HOUSE BILL NO. 1169
Senate Judiciary Committee
March 14, 2017**

Chairman Armstrong, Senate Judiciary Committee members, for the record my name is Todd D. Kranda. I am an attorney with the Kelsch Kelsch Ruff & Kranda Law Firm in Mandan. I appear before you today as a lobbyist on behalf of Everytown for Gun Safety to oppose HB 1169.

Everytown is an American nonprofit organization which is a pro-Second Amendment rights group that advocates for gun control and against gun violence. Everytown was founded in 2014, combining Mayors Against Illegal Guns and Moms Demand Action for Gun Sense in America. The organization works to "support efforts to educate policy makers, as well the press and the public, about the consequences of gun violence and promote efforts to keep guns out of the hands of criminals." Everytown works to end gun violence and build safer communities. Gun violence touches every town in America. More than 3 million mayors, moms, cops, teachers, survivors, gun owners, and everyday Americans have come together to make their own communities safer. Everytown and its members are fighting for the changes that will save lives. The attached Handout summarizes the specific concerns with HB 1169, the permitless carry legislation.

I have also obtained and included for you to consider written testimony from four (4) individuals, Cathy Lee of Davenport, Judge Thomas Davies of Fargo, Roberta Harnish of Fargo & Ken Torkelson of Bismarck, who cannot attend today's hearing but had provided written statements in opposition to HB 1169. These written statements express the concerns and opposition that each individual has with regard to HB 1169.

In conclusion, on behalf of Everytown for Gun Safety, I urge you to give **HB 1169** a **Do Not Pass** recommendation. I would be happy to try to answer any questions.



HB 1169: Concealed Carry in Public with No Permit and No Training

- ❑ **Bottom Line:** The gun lobby is pushing legislation in North Dakota that would dismantle the concealed carry permit requirement and make it easy for people to carry hidden, loaded handguns in public without a permit or safety training. HB 1169 would lower the bar for who may carry concealed handguns in public in North Dakota, and would make it easy for dangerous individuals and people with no safety training carry to hidden, loaded handguns in crowded town centers and on city streets. Lawmakers should put the safety of their constituents first and reject permitless carry in North Dakota.
- ❑ **The vast majority of states require that a person get a permit before carrying a concealed gun in public.**
 - In the vast majority of US states, including North Dakota, a person must have a permit to carry a loaded, concealed handgun in public. These laws ensure that core public safety standards are preserved when people carry guns in public places.
 - Permitless carry bills would repeal these important public safety laws, allowing people to carry concealed guns in public without a permit or safety training.
 - **Eighty-eight percent** of Americans think you should get a permit before carrying a concealed handgun in public.¹
- ❑ **Permitless carry would dramatically lower the bar for who can carry a concealed handgun in North Dakota—and would make it easy for dangerous people, and those with no firearms training, to carry hidden, loaded handguns in public.**
 - **Dangerous people:** Under current North Dakota law, law enforcement can deny carry permits to people who present a danger to themselves or others, including those who have histories of unlawful violence or of making violent threats.² But permitless carry would make it easy for these dangerous people to carry hidden, loaded handguns in our communities.
 - **No firearms training:** Most states require a handgun safety course before a person can get a permit and carry a concealed handgun. Under current North Dakota law, applicants for carry permits must complete safety training conducted by a certified administrator.³ But under permitless carry, there would be no way to make sure that people have received safety training before they carry hidden, loaded handguns on our city streets.
 - **No background check:** The vast majority of US states require a criminal background check before a person can get a permit and carry a concealed handgun. Under current North Dakota law, applicants for carry permits must pass state and federal criminal history records checks to ensure that they are not a felon, domestic abuser, person with dangerous mental illness, or otherwise legally prohibited from having guns.⁴ But permitless carry would remove this important safeguard that keeps un-vetted people from carrying hidden, loaded handguns throughout the state.

¹ Strategies 360 Survey, March 2015.

² N.D. Cent. Code § 62.1-04-03(1)(e).

³ N.D. Cent. Code § 62.1-04-03(1)(d).

⁴ N.D. Cent. Code § 62.1-04-03(1)(e).

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HB 1169

From:

Judge Thomas A. Davies (retired)
1739 3rd Street North
Fargo, North Dakota 58102
tadavies@cableone.net
March 14, 2017

To: Members of the Senate Judiciary Committee.

Subject: HB 1169

Thank you for allowing my testimony today. I appreciate the opportunity to be included in this debate, and know that you have many other pressing issues in front of your committee today.

I write in total opposition to HB1169. I rely on my years on the bench and in the private practice of law. This legislation will (not may) result in danger not only to citizens but in particular to our already over-burdened law enforcement.

Permitless carry would dismantle our state's concealed carry permit system and allow people to carry concealed, loaded handguns in public without a permit or safety training. Permitless carry lowers the bar for who may carry hidden handguns in public, abandoning core public safety standards. That's just not good for public safety, and even responsible gun owners can agree that's not the kind of community we want to live in: 88% of Americans oppose permitless carry, including 80% of gun owners.

Concealed carry of a handgun without a permit and no training is a recipe for disaster. If HB1169 passes, how many arguments that go badly will result in use of firearms? How many accidental shootings will take place; how many children will be killed or injured by untrained adults?

There are numerous examples of day-to-day life that can unexpectedly escalate to a tense moment – sporting events, traffic and daily commutes, frustrations at work – all that could be made more deadly if you add in firearms and individuals who lack training and proper understanding.

Not everyone with a weapon is foolish; North Dakotans have proved that getting a Concealed Weapons Permit is a simple task, and those individuals who have taken the time to learn about firearms, understand their responsibility when carrying in public, and do so in a conscientious way should be commended. Carrying a concealed handgun without training or a permit is a clear and present.

Use the scenario of a crowded theater where there is a shooter, and everyone else is armed. In the dark how does anyone tell the good guys from the bad guys and how will police have any means of determining that.

This is North Dakota and with the troubles that came with the influx of oil workers and increase in crime, we don't need nor should we have a wild west atmosphere.

I ask that the committee vote against HB1169, and keep the permit system in place that has protected so many.

To the members of the Senate Judiciary Committee,

I'm a fourth generation North Dakotan, raised on the family farm on which I still reside. My family has helped to shape this state. Beginning with my great-grandfather John Plath who served in both the ND senate and the ND house, along with my grandfather Bill Plath who founded and served as president and director of the ND Farm Bureau. So, when I think of this place, I think of a thoughtful and considerate people that worked hard to build this state and protect its people. This concealed permitless carry legislation, HB 1169, defies that idea.

Everyone I grew up with took a hunter safety course. Why? Because it promotes responsibility and safety for the gun handler and those around them. But this legislation goes against everything we were raised to think here. Firearms in the hands of untrained people are deadly.

Right now, applicants for carry permits have to pass criminal history records checks. Why? To ensure, for the safety of others North Dakotans, that this person isn't a felon, or a domestic abuser, or has a dangerous mental illness, or isn't legally prohibited from having guns. Permitless carry would sidestep this enormously important safeguard for the public.

North Dakota has grown considerably in the past decade. This state isn't just respectable farmers and small town folks anymore. The permits and training that are now required are for our safety, and the safety of our police officers and sheriffs. Making it legal for anyone to concealed carry a gun not only needlessly endangers the public, but our officers of the law as well.

Please, reject permitless carry , HB 1169, in North Dakota and protect our citizens. Such careless and dangerous legislation doesn't belong here, in my home state.

Thanks,

Cathy Lee
Davenport, ND

3/14/17

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HB 1169

Roberta Harnisch Testimony, Fargo, ND

To the Members of the Senate Judiciary Committee.

Thank you so much for allowing my testimony this morning. I speak to you today as a citizen of this state for over 37 years, a citizen of this great nation, but more importantly as a mother, grandmother and educator.

I speak to you today in opposition to HB 1169. I see no conceivable reason that hand guns should be carried without a permit. I support the second amendment and though not a hunter myself, support those who are.

However, every day in this country there are children walking to school, playing in their neighborhood, sleeping in their beds that senselessly become victims of gun violence.

We see it every day in newspapers and on TV: Aurora, Sandy Hook, Orlando. And though it has not reached epidemic portions yet here in North Dakota, I believe we are foolhardy and naive to not be proactive and demand that in order to carry a gun, one must have a clean criminal record and complete basic handgun safety training.

This is about being a responsible, law abiding citizen. It is not an infringement of one's rights.

I respectfully ask that the committee vote against HB 1169.

Thank you.

HB 1169

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3/14/17

Chairman Armstrong and members of the Senate Judiciary Committee:

Thank you for the opportunity to offer this testimony.

I am sorry I cannot be there in person to talk to you about HB 1169 regarding permitless carry of loaded handguns in public.

I was born and raised in North Dakota, and have lived in Bismarck for the past 35 years. I am a concealed carry permit holder. I own three handguns, a shotgun, a rimfire rifle and a centerfire rifle.

But I am asking you to oppose this bill.

Before I could obtain my carry permit, I had to take a training and safety course, pass a test, get fingerprinted and undergo a background check. I believe that is the very least that should be required before a person is allowed to carry a loaded concealed handgun in public.

I read recently that more than 48,000 of my fellow North Dakotans have legally qualified to do just that. I don't worry about them. What concerns me is the unknown thousands who won't or can't successfully complete that bare-bones process. Please don't add even one more of those.

If you'll permit one short story: my father served as a deputy sheriff and was later elected sheriff of Walsh County. During those years, the late 1940s and early 1950s, he never felt the need to draw his gun. Not even once. We all know that times have changed, and it's a rare officer today who has never unholstered his weapon to protect the public. HB 1169 would make their job more dangerous than it already is.

I still feel somewhat of a bond with today's officers. I want every one of them to return to their loved ones at the end of their shifts. I'm sure you do, too. By defeating this bill, you can help accomplish that.

Please vote "No" on HB 1169.

Thank you.

Ken Torkelson
1112 N. 15th St.
Bismarck, N.D. 58501
701-527-0730

HB 1169

(11)

3/14/17

To the members of the Senate Judiciary Committee

Thank you for allowing my testimony this morning. My name is Luke Entelis, and I am a Counsel at Everytown for Gun Safety. Unfortunately, weather has made it impossible for me to join you in person today.

I submit testimony today in opposition to HB 1169. This legislation would dismantle the concealed carry permit requirement, and make it easy for people to carry hidden, loaded handguns in public without a permit or any safety training. H 1169 would lower the bar for who can carry concealed handguns in public in North Dakota, and would let dangerous individuals and people with no safety training carry hidden, loaded handguns in crowded town centers and on city streets. I ask that you put the safety of your constituents first and reject permitless carry in North Dakota.

In the vast majority of US states, including North Dakota, a person must have a permit to carry a concealed handgun in public. These laws ensure that core public safety standards are preserved when people carry guns in public places. That's why 86% of Americans -- including 80% of gun-owners -- think you should get a permit before carrying a concealed handgun in public. Recent polling conducted by Survey USA shows that North Dakotans agree. SurveyUSA interviewed 850 state of North Dakota adults 03/07/17 through 03/13/17. 85% of respondents, including 78 percent of gun owners, said they oppose or strongly oppose legislation that would dismantle North Dakota's permit requirement for carrying a concealed handgun in public. 80% of Republicans and 90% of Democrats surveyed said they oppose or strongly oppose dismantling the state's permit requirement for carrying a concealed handgun in public. We submit the full results of this poll to committee members.

But permitless carry bills, like HB 1169, seek to repeal these important public safety laws, and allow people to carry concealed guns in public without a permit or safety training. I'd like to discuss a few ways this bill would affect public safety in North Dakota.

Under current law, law enforcement can deny carry permits to people who present a danger to themselves or others. That includes people who are known to law enforcement as having histories of violence or of making threats of violence, and people who have been convicted of weapons crimes. But this bill would effectively strip law enforcement of this authority to keep their communities safe, making it easy for these dangerous people to carry hidden, loaded handguns in public throughout the state.

In addition, North Dakota -- like most states -- requires a person to complete handgun safety training before getting a permit to carry a concealed handgun. But under this bill, there would be no way to make sure that people have received safety training before they carry hidden, loaded handguns on city streets.

Finally, the vast majority of US states require a criminal background check before a person can get a permit and carry a concealed handgun. Under current North Dakota law, applicants for carry permits must pass state and federal criminal history records checks to ensure that they are not felons, domestic abusers, or suffering from dangerous mental illnesses. But permitless carry would remove this important safeguard and let someone who has never passed a criminal background check carry hidden, loaded handguns in public.

Thank you for your time today, I appreciate the opportunity to submit this testimony and am available if anyone has additional or specific questions.

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HB 1169

Here Are The Results of SurveyUSA Mkt Research Study #23441

Geography Surveyed: North Dakota
Data Collected: 03/07/2017 - 03/13/2017
Release Date: 03/13/2017 07:20 ET
Sponsor: Everytown for Gun Safety

About: SurveyUSA interviewed 850 state of North Dakota adults 03/07/17 through 03/13/17. Of the adults, 757 are eligible to vote. Of the eligible voters, 602 report having voted in the 11/08/16 general election.

1

Asked of **850 adults**

Margin of Sampling Error for this question = $\pm 2.1\%$

Are you eligible to vote in the state of North Dakota?

89% Yes
9% No
2% Not Sure

2

Asked of **757 registered voters**

Margin of Sampling Error for this question = $\pm 3.6\%$

In the election for President last November, did you ... vote for Donald Trump? Vote for Hillary Clinton? Vote for another candidate? Or did you not get a chance to vote?

46% Trump
22% Clinton
12% Other
20% Did Not Vote

3

Asked of **602 2016 voters**

Margin of Sampling Error for this question = $\pm 4.1\%$

Do you consider yourself ... a strong Republican? A Republican? An Independent who leans Republican? An Independent? An Independent who leans Democratic? A Democrat? Or a strong Democrat?

12% Strong Republican
20% Republican
15% Indy Leans Republican
19% Independent
10% Indy Leans Democratic
10% Democrat
7% Strong Democrat
8% Not Sure

4

Asked of 602 2016 voters

Margin of Sampling Error for this question = $\pm 4.1\%$

A few questions today about guns... Do you ... strongly support? Support? Oppose? Or strongly oppose ... requiring all gun buyers to pass a criminal background check, no matter where they buy a gun or whom they buy a gun from?

51% Strongly Support
35% Support
5% Oppose
5% Strongly Oppose
4% Not Sure

5

Asked of 602 2016 voters

Margin of Sampling Error for this question = $\pm 4.1\%$

Under current North Dakota law, people are required to get a permit to carry concealed handguns in public places. In order to get a permit, a person needs to have a clean criminal record and complete handgun safety training. Do you ... strongly support? Support? Oppose? Or strongly oppose ... requiring a permit to carry a concealed handgun in public in North Dakota?

54% Strongly Support
31% Support
8% Oppose
5% Strongly Oppose
2% Not Sure

6

Asked of 602 2016 voters

Margin of Sampling Error for this question = $\pm 4.1\%$

Some lawmakers would like to remove the requirement to get a permit in order to carry concealed handguns in public places. Would you ... strongly support? Support? Oppose? Or strongly oppose ... removing the requirement for a permit to carry concealed handguns in North Dakota?

10% Strongly Support
13% Support
28% Oppose
43% Strongly Oppose
5% Not Sure

7

Asked of 602 2016 voters

Margin of Sampling Error for this question = $\pm 4.1\%$

If this permit requirement is removed, it would make it easy for people with no safety training or with histories of violent behavior to carry concealed handguns in public. Given this, would you ... strongly

support? Support? Oppose? Or strongly oppose ... removing the requirement for a permit to carry concealed handguns in North Dakota?

- 10% Strongly Support
- 10% Support
- 26% Oppose
- 50% Strongly Oppose
- 3% Not Sure

8

Asked of 602 2016 voters

Margin of Sampling Error for this question = $\pm 4\%$

Let's say a candidate for office supported removing the requirement to get a permit in order to carry loaded handguns in public places. Would you be more or less likely to vote for that candidate, or would it not make a difference in your vote?

- 12% More Likely To Vote For That Candidate
- 56% Less Likely
- 23% No Difference
- 9% Not Sure

9

Asked of 602 2016 voters

Margin of Sampling Error for this question = $\pm 4.1\%$

Do you ... strongly support? Support? Oppose? Or strongly oppose ... allowing people in North Dakota to carry loaded guns into K-12 schools?

- 6% Strongly Support
- 15% Support
- 27% Oppose
- 41% Strongly Oppose
- 11% Not Sure

10

Asked of 602 2016 voters

Margin of Sampling Error for this question = $\pm 4.1\%$

Let's say a candidate for office supported changing the law to allow people in North Dakota to carry loaded guns into K-12 schools. Would you be more or less likely to vote for that candidate, or would it not make a difference in your vote?

- 11% More Likely To Vote For That Candidate
- 54% Less Likely
- 23% No Difference
- 12% Not Sure

Asked of 602 2016 voters

11 Margin of Sampling Error for this question = $\pm 4.1\%$

Do you ... strongly support? Support? Oppose? Or strongly oppose ... prohibiting anyone convicted of a misdemeanor crime of domestic violence or subject to a domestic violence protection order from purchasing a gun?

32% Strongly Support
34% Support
16% Oppose
8% Strongly Oppose
10% Not Sure

12 Asked of 602 2016 voters
Margin of Sampling Error for this question = $\pm 4.1\%$

Do you ... strongly support? Support? Oppose? Or strongly oppose ... requiring anyone convicted of a misdemeanor crime of domestic violence or subject to a domestic violence protection order to turn in any guns they have to law enforcement or to a licensed gun dealer?

27% Strongly Support
31% Support
19% Oppose
7% Strongly Oppose
16% Not Sure

HB 1169

Chairman Armstrong and members of the Judiciary committee I am Bruce Burkett the lobbyist for the North Dakota Peace Officers Association. We would like to comment on HB1169 known as the constitutional firearms carry bill. Law enforcement acknowledges that all citizens that are not prohibited from possessing firearms have a right to own and use firearms legally. During the development of the provisions of HB1169, a representative from the Bureau of Criminal Investigation was an available resource to the committee on technical issues during the development of the final version.

HB 1169 allows any citizen to carry a firearm concealed if he or she has been a resident of North Dakota and possessed for at least one year a valid North Dakota driver's license or non-driver identification card issued by the department of transportation; who also is not precluded from obtaining and possessing a class 2 firearm permit and dangerous weapon license.

NDPOA believes the bill is more enforceable because of the residency provision restricting HB1169 to resident of North Dakota only; and the requirement for any person carrying a firearm concealed upon being contacted by law enforcement to inform the contacting officer that he possesses a concealed weapon.

There are times and places that possession of firearms are already prohibited. When law enforcement officers make contact on a professional level, we already anticipate the individual may already be carrying a firearm or dangerous weapon anyway.

For citizens to qualify for carrying concealed firearms in states other than North Dakota, current law provides the option of obtaining Class 2 and Class 1 licenses that are recognized in many other states.

Bruce Burkett

NDPOA LOBBYIST 283