

2019 SENATE JUDICIARY

SB 2140

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2140
1/14/2019
#30722 (23:00)

- Subcommittee
 Conference Committee

Committee Clerk: Meghan Pegel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 62.1-04-04 of the North Dakota Century Code, relating to producing a concealed weapon license upon request.

Minutes:

No Attachments

Chair Larson opens the hearing on SB 2140.

Oley Larsen, District 3 Senator, testifies in favor of bill.

Senator O. Larsen: It is a constituent's concern last session that if you do not have your concealed carry card on you, it may result in a misdemeanor. Other pieces of identification such as a driver's or duck license, you would only be fined \$20. Sometimes not carrying identification can be problematic, but we live in the United States and I don't think we need to be showing ID and it certainly shouldn't be a crime not to have those pieces of identification. I currently hold a concealed carry permit which isn't on me today. It did pass the Senate last session. The House put on an amendment to allow all elected officials to conceal carry, which I'm okay with it, but it was a way to kill the bill. Now since our constitutional carry has passed last session, this bill really doesn't matter. Anybody who is a citizen in North Dakota has the right to carry. I would still like to get rid of it being a potential crime to not have a piece of paper on you. I want to honor the wishes of that constituent who thought it was problematic.

(3:40) Senator Myrdal: This legislation sailed through the Senate last session. It was muddled up in a huge debate in conference committee in both sides which I was engaged in. That's why this particular provision vanished out of the picture. I want to commend you for bringing this back.

Chair Larson: Is it your intent that if you don't have your driver's license on you, you can't be charged with driving without a license? Is that part of this?

Senator O. Larsen: I don't carry my license now and instead pay the \$20 when I get pulled over if they decide to give me that fine. That's not in the legislation. However, when I get

pulled over and I don't have my driver's license, that doesn't show up as a misdemeanor on my criminal record. That's where the concern is.

Senator Myrdal: The intent is purely not to make it a crime. The fine is a different issue.

Senator O. Larsen: I think there still is a fine for not showing a concealed carry. That hasn't been an issue.

Senator Luick: Was there a bill last session that we gave people a week and a half or so to come up with proof of identity? Didn't that pass?

Senator O. Larsen: That did and I believe it was part of this bill. As the constitutional carry moved forward and passed, it makes no difference anymore. Even if I let my concealed carry expire, I don't even need that anymore. There should be no fines if you don't have your concealed carry. That was on that piece of legislation I believe, but it went south. My initial push this session is to simply say it's not a crime.

Senator Luick: Even for driver licenses. If you were stopped, you had 10 days or so to produce that information. That went south?

Senator O. Larsen: No, that's still in code. You can get the fine then you have time to provide proof. It's kind of the same with your duck and hunting license. Now what's really innovative with hunting, is you can download it on your phone. I don't know if there's been any fines for hunting lately since that app came about.

(8:20) Vice Chairman Dwyer: It's not in this bill, but is it a misdemeanor to not have your proof?

Senator O. Larsen: Currently as legislation is today, if I was pulled over and was asked for my concealed carry card and did not produce it while I was carrying, it would be a misdemeanor if they so decided to charge me with that.

Vice Chairman Dwyer: and it would also be a fine separately like a driver's license?

Senator O. Larsen: Currently I don't believe there's a fine. The language was put in in place of a misdemeanor. That is not available now, and I don't think there should be a fine for that anyway. The way the constitutional carry is now, the only thing that really needs to be addressed is to take it off a criminal offense. If that's the case, I'm just going to drop my concealed carry and just carry anyway so I don't have to worry about paying a fine.

Chair Larson: Why did you include a driver's license with a concealed carry. A driver's license issued by DOT- that is also included in your language.

Senator O. Larsen: That may be a mistake from the legislative counsel in drafting the legislation in our discussion.

Chair Larson: That wasn't your intent when you asked to have it done?

Senator O. Larsen: Yes, I don't believe it is a misdemeanor for not having your driver's license.

(10:44) Aaron Birst, Association of Counties, testifies in favor of bill

Birst: I'm here on behalf of my state's attorney members. I rise to support this bill. I'm in a position where we support the concepts. We want to suggest a few little changes to this bill. Page 2 says you present to "the clerk of court". We suggest prosecutor instead. In the proceedings, the prosecutor would be the one bringing these actions, not the clerk of court. We also suggest inserting somewhere some sort of time frame. I want to clarify a few things that I think got a little confusing. Last session in HB 1169, that's what we refer to as the open carry law, it says you don't need a permit anymore. The government does not have to issue a permit to carry concealed with a couple exceptions. The exceptions are you can't be prohibited from owning a weapon from federal law and the other is you need to have a valid, North Dakota issued ID for 1 year. If I moved up to North Dakota and have only had a license for 30 days and I'm carrying concealed, the open carry does not apply and you could be arrested for that. My assumption is this bill is for the North Dakotan who does have the license for a year, they get pulled over and don't have their license. Technically the open carry would not apply because the law in 62.1-04-04 specifically says that you must have a North Dakotan license when you are stopped and you must inform the officer of that.

How I look at this is if you don't have that license, the officer could arrest you, but you would not be prosecuted if you came back to the prosecutor with proof. That would then stop you from being prosecuted. We suggest what we do in suspended driver's license in 39-06-42. We say that if in 60 days you bring to the prosecutor that you have your license and it's not suspended, then it's dismissed. There should be some time frame in there because you could go 2 years and the case is pending then someone finally shows proof. That is why driver's license is in there.

(14:30) Senator Osland: Is this bill of any value?

Birst: I think so. I agree with what the sponsor is intending.

Senator Osland: isn't the license to carry antiquated?

Birst: Under the open carry that was passed last session, you have to have your North Dakota driver's license. If you don't, you have violated the law. You can't conceal carry without a permit unless you have your ND license on you at the time you are stopped. That is the law currently.

Senator Osland: so we're good to go right?

Birst: Yes, but this bill says if you forgot that license, you can later on clean it up by coming in and showing proof. This gives another exception for not having it on you when last year we said you have to have your license on you.

Senator Myrdal: From what I understand you do not need to carry your concealed within the state of North Dakota, as your driver's license is your carry permission within the state.

Birst: Correct. That's in current law.

Senator Myrdal: We're saying you can deal with it with your driver's license, that the actual permit to carry can be left at home. I think the intent of the sponsor is that if you don't carry that, it shouldn't be a crime.

Birst: That conceal permit and/or your driver's license because if you don't have a concealed, the only way you can carry legally is to have a 1-year North Dakota driver's license.

Senator Luick: Should this have a time frame on it?

Birst: We would like to see a time frame, perhaps 30-60 days, just to make sure that person understands they have to come in here and take care of business. Because if they don't, then we're going to have a criminal prosecutions started. It will push them to get this to us right away so we don't clog up the court system. If you said on subsection 4 "within 30 days, if an individual produces...", then on the back change clerk of court and put prosecutor's office, that would take care of any concerns we have. We support the underlying concept.

Vice Chairman Dwyer: Why did the legislature require a driver's license? What's the justification?

Birst: I'm not sure.

Senator Myrdal: I think it's because you have to prove that you've lived here for a year. You have to have a valid ID and that was the ID we chose.

Chair Larson: This law is intended for North Dakotans only.

(20:25) Vice Chairman Dwyer: The statute says that any person that violates this chapter is guilty of a class A misdemeanor. If you don't have your driver's license, you get a ticket in an envelope and you have the option to send in the fee or come to court. If we don't want it to be a class A misdemeanor, why don't we just change it to a fine?

Birst: Currently under ND law, if I'm driving around and don't have my license, that is a ticket. You don't have to have a permit to carry a gun. If I get pulled over, and have a license, then it's nothing. If that individual cannot produce a one year ND license, that is now an A misdemeanor because the exception has been swallowed and that individual could be arrested. In practice law enforcement officer will instruct them to get to the prosecutor's office within 30 days so they don't file a charge against you. That's how it should work. This bill helps clarify that.

Chair Larson closes the hearing on SB 2140.

Senator Myrdal: I will work on amendments.

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2140
1/15/2019
#30825 (03:53)

- Subcommittee
 Conference Committee

Committee Clerk: Meghan Pegel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 62.1-04-04 of the North Dakota Century Code, relating to producing a concealed weapon license upon request.

Minutes:

1 Attachment

Chair Larson calls the committee to order to discuss SB 2140.

Senator Myrdal: As discussed I've prepared some amendments (see attachment #1). Basically the concern from the counties were a couple of things. I also spoke with the sponsor of the bill, and he is in support. As it stands in code today, if you don't have your driver's license while carrying a concealed weapon, it's a crime. The intent of this legislation makes it not a crime. We amended and added a timeframe- 30 days. Also at the request of the counties, and I can see the reasoning for this, we replaced "clerk of court under which the matter will be heard" with "prosecutor responsible for prosecuting the matter". That was just a technical thing that the counties wanted.

Senator Myrdal: moves to adopt amendment 19.0479.01001 to insert language, replace language and renumber accordingly.

Senator Luick: Seconds.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent. The amendment is adopted.

Senator Myrdal: Moves a Do Pass as Amended.

Senator Osland: Seconds.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent. Motion carries.

Senator Myrdal will carry the bill.

19.0479.01001
Title.02000

Prepared by the Legislative Council staff for
Senator Myrdal

January 15, 2019

SLC
1061

PROPOSED AMENDMENTS TO SENATE BILL NO. 2140

Page 1, line 23, after "If" insert ", within thirty days of the alleged violation,"

Page 2, line 2, replace "clerk of court under which the matter will be heard" with "prosecutor responsible for prosecuting the matter"

Renumber accordingly

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2140**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: 19.0479.01001

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 Luick

Senators	Yes	No	Senators	Yes	No
Chair Larson	X		Senator Bakke	X	
Vice Chair Dwyer	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Add "within thirty days of the alleged violation"; Replace "clerk of court" with "prosecutor"; Renumber accordingly

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2140**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: 19.0479.01001

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 Osland

Senators	Yes	No	Senators	Yes	No
Chair Larson	X		Senator Bakke	X	
Vice Chair Dwyer	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Myrdal

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

REPORT OF STANDING COMMITTEE

SB 2140: Judiciary Committee (Sen. D. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2140 was placed on the Sixth order on the calendar.

Page 1, line 23, after "If" insert "", within thirty days of the alleged violation,"

Page 2, line 2, replace "clerk of court under which the matter will be heard" with "prosecutor responsible for prosecuting the matter"

Renumber accordingly

2019 HOUSE ENERGY AND NATURAL RESOURCES

SB 2140

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2140
2/28/2019
33016

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to producing a concealed weapon licenses upon request

Minutes:

Sen Ole Larsen, Dist.3: I bring this forward because if you do not produce you conceal carry card, it's still a misdemeanor or goes on your record. Whereas if you don't carry your driver's license it can be a \$20 fine. So the intention is to treat it like a fishing license, drivers license, where you could have a fee or fine but no longer a criminal offense.

Rep Bosch: What level of infraction is it? I don't see where it's a misdemeanor.

Sen. Larsen: A constituent brought it to me. I believe it's a misdemeanor for not having a conceal carry card on you. I'm not sure where in the code it is.

Rep. Roers Jones: Just looking at the changes in the bill, it doesn't appear to change the infraction level. What it appears to do is give someone who doesn't have that card in their possession, 30 days to produce the card. Is it your intent it should change the infraction level somewhere?

Sen. Larsen: The intent is it will not be an infraction, not be a misdemeanor if you do not carry your card. If we amend it and put in there, because the constitutional carry is now when you're asked to produce that you have to have a driver's license. We want to make these guidelines the same as a conceal and carry if you don't have it with you.

Chairman Porter: Further testimony in support? Opposition to SB 2140?
Mr. Miller, is it an infraction if you don't have it with you?

Casey Miller, Chief Agent with BCI: yes that's my understanding. I can verify and get back to you.

Chairman Porter: It does run the same course if you get charged with 2 infractions within a 12 month period, then it moves it to a B misdemeanor.

Casey Miller: yes, that's my understanding.

Chairman Porter: Have we ever allow a photograph of the license? Is it in law, is it valid?

Casey Miller: No it is not it has to be the fiscal card.

Chairman Porter: If you could find out, if that puts us at any risk in the reciprocity world, does that put us at risk of someone who would have a card without a picture.

Rep Heinert: In reference to the charge, 62.1.04-05, any violation of the chapter is a Class A misdemeanor. Legitimately a person could get charged for possession of a concealed weapon without the permit in hand with a Class A misdemeanor.

Rep. Keiser: If you fly fish in MT you have to have the license, there are no exceptions. If you don't have it with you, does this delay create a problem? The good guys are not the problem, it's the bad guys. If MT can require a license to fly fishing why can't we require it?

Casey Miller: This will give them 30 days to produce. Problematic, depending. There's checks and balances. It should show up on their records check that they have one.

11:20

Chairman Porter: Mr. Miller, 62.1.4-04 producing license on demand; we have it set up as two separate standards. Sub 1 talks about the conceal weapons permit without any exception it has to be the actual permit. Sub 3 says their valid driver's license or non drive id will work, and that's under the constitutional carry portion. It also says it can be on their mobile device. Maybe we want to look at consistency amongst what we're saying and make sure we're not messing with our reciprocity and that we're ok with their picture.

Rep. Ruby: Can you get us numbers of how many who have been charged with misdemeanor due to this.

Casey Miller: I don't know, I will check on that. Last 2 years.

Chairman Porter: Closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2140

4/5/2019

34561

Subcommittee

Conference Committee

Committee Clerk, Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to producing a concealed weapon licenses upon request

Minutes:

Attachment 1

Chairman Porter: opened the hearing on SB 2140.

Rep Heinert: presented Amendment 02004 as Attachment 1. One section is data disclosure for the Bureau of Criminal Investigation, shall or can receive the main DOB, driver's license number, and of all qualifying patients for medical marijuana for the sole purpose of compliance with 62.1-04, which is under the concealed licensing permit. This is because concealed licensing permit does not allow certain people to carry or have a concealed permit or purchase weapons. If we do not pass this, we probably would fall out of compliance with many states under our concealed weapons section. With that I move the amendment 02004 to SB 2104.

Rep. Roers Jones: second.

Chairman Porter: we have a motion and a second to adopt amendment 02004. Discussion?

Rep. Devlin: when the word disclosed is used in that section, is it only referring to disclosing to the BCI?

Chairman Porter: yes that's correct. This is still a closed record only BCI would be able to see. Voice vote, motion carried.

This discussion came up, we are unsure, but there's a definite risk with other states. We have accomplished something no other state has been able to accomplish with our Class 1 conceal carry permit that has reciprocity with 39 other states. The last thing we want to do is risk losing that reciprocity. Until the federal government fixes the marijuana and medical marijuana, I think we have to follow the federal law and make sure we are compliant so we don't lose any of our rights inside of conceal carry and reciprocity.

Rep Heinert: move a Do Pass as Amended.

Rep. Anderson: second.

Chairman Porter: we have a motion and a second for a Do Pass as Amended. Discussion?
Roll call vote: 11 yes. 0 no. 3 absent. Rep. Roers Jones is carrier.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2140
4/11/2019
34677

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to producing a concealed weapon licenses upon request

Minutes:

Attachment 1

Chairman Porter: opened the hearing on SB 2140.

Rep. Devlin: move to reconsider the action whereby we passed out SB 2140 to send it to the House floor with a Do Pass.

Rep. Marschall: second.

Chairman Porter: We have a motion and a second to reconsider our actions whereby we amended SB 2140. Voice vote, motion carried.

Rep. Ruby: Move to reconsider our actions on the amendments.

Rep. Zubke: second.

Chairman Porter: Discussion? We have a motion and a second to reconsider our actions on the amendments. Voice vote, motion carried.

We have the version 02000 in front of us. There still is an issue in what our previous amendment was going to do. It did not have the 2/3 vote necessary to do that. There was some trepidation on the floor thinking BCI was going on a witch hunt which they were not. In fact, trying to make sure people who had both cards were not committing felonies. So there was some mistrust. We tried to help the individuals out with the medical marijuana cards to make sure they are fully aware they are committing a federal felony if they have both cards. That didn't work so I truly hope no one gets caught up in the middle of the difference between having the medical marijuana card and the ND conceal carry card, which puts them into a federal felony. So we know we don't have the 2/3 to do the warning process previous proposed. Now we're back to this bill.

Rep. Ruby: We are drafting an amendment for HB 1283 which is one of the medical marijuana bills, to require anybody that gets approved for a medical marijuana card to have the division has to issue a disclaimer to let them know they could be in violation. That takes away the pleading ignorance argument they could have if they are in trouble, but it puts it back on them with the personal responsibility.

presented Attachment 1 (amendment 02005). The intent of Sen. Larsen's bill was not to have the 30 days.

The reason we went this way was even with the constitutional carry, you can produce an image of that (Subsection 3), so we're bringing it together with similar language. Right now if you don't have your concealed weapon on you, it's lumped in with crimes such as selling to a felon, unlawful sales, having a sawed off shotgun, much more serious crimes. With that I would move the amendment as follows:

Page 1 Line 2, after "request" insert "; and to provide a penalty"

Page 1 Line 6, after "request" insert "-penalty"

Page 1 Line 9, after "state" insert "or a digital image of one's concealed firearm or dangerous weapon license on an electronic device"

Page 1 Line 11, after "license" insert "or digital image of the license"

Page 2, after Line 3 insert, "5. An individual who violates this section is guilty of an infraction."

Rep. Lefor: second.

Chairman Porter: we have a motion and a second to adopt the amendment. Discussion? Voice vote, motion carried.

Rep. Ruby: move a Do Pass as Amended on SB 2140.

Rep. Lefor: second.

Chairman Porter: we have a motion and a second for a Do Pass as amended. Discussion? I am ok with going this route. Previous discussions would have had Subsection 4 in it and I was totally opposed to that because I think there's a definite responsibility to being a gun owner and having the proper paper work to show you can have the gun. I do not have any issue with making a digital image. In today's world we're moving that way. As long as they have something I'm fine in moving that direction.

Roll call vote: 12 yes, 0 no, 2 absent. Motion carried. Rep. Ruby is carrier.

Do 4/3/19

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2140

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 19-24.1 of the North Dakota Century Code, relating to the disclosure of registered qualifying patients to the bureau of criminal investigation; and"

Page 1, after line 3, insert:

"**SECTION 1.** A new section to chapter 19-24.1 of the North Dakota Century Code is created and enacted as follows:

Data - Disclosure - Bureau of criminal investigation.

Notwithstanding section 19-24.1-37, upon request from the bureau of criminal investigation, the department shall disclose the name, date of birth, and driver's license number of all registered qualifying patients for the sole purpose of determining eligibility and compliance with chapter 62.1-04."

Renumber accordingly

DR 4/11/19

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2140

In lieu of the amendments adopted by the House as printed on pages 1581 and 1582 of the House Journal, Engrossed Senate Bill No. 2140 is amended as follows:

Page 1, line 2, after "request" insert "; and to provide a penalty"

Page 1, line 6, after "**request**" insert "**- Penalty**"

Page 1, line 9, after "state" insert "or a digital image of one's concealed firearm or dangerous weapon license on an electronic device"

Page 1, line 11, after "license" insert "or digital image of the license"

Page 1, line 23, remove "If, within thirty days of the alleged violation, an individual produces satisfactory"

Page 1, remove line 24

Page 2, replace lines 1 through 3 with "An individual who violates this section is guilty of an infraction."

Renumber accordingly

Date: 4-5-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2140**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0479 02004

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. Zubke		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment Voice Vote. Motion carried.

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

Date: 4-5-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2140**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0479.02004

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 Anderson

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

Total (Yes) 11 No 0

Absent 3

Floor Assignment Rep Roers Jones

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

Date: 4-11-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2140**

House Energy and 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 the actions _____
to pass 2140 to the House

Motion Made By Rep Devlin Seconded By Rep Marschall

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. Zubke		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment Voice vote. Motion carried

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

Date: 4-11-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2140**

House Energy and 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 *the amendment passed out of committee* _____

Motion Made By Rep Ruby Seconded By Rep Zubke

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. Zubke		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment voice vote Motion carried

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

Date: 4-11-19
Roll Call Vote #: 3

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2140

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0479.02006

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. Ruby Seconded By Rep. Lefor

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. Zubke		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment Voice vote Motion carried.

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

Date: 4-11-19
 Roll Call Vote #: 4

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2140**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0479.02006

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 Ruby Seconded By Rep Lefor

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

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep Ruby

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

REPORT OF STANDING COMMITTEE

SB 2140, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2140 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 19-24.1 of the North Dakota Century Code, relating to the disclosure of registered qualifying patients to the bureau of criminal investigation; and"

Page 1, after line 3, insert:

"SECTION 1. A new section to chapter 19-24.1 of the North Dakota Century Code is created and enacted as follows:

Data - Disclosure - Bureau of criminal investigation.

Notwithstanding section 19-24.1-37, upon request from the bureau of criminal investigation, the department shall disclose the name, date of birth, and driver's license number of all registered qualifying patients for the sole purpose of determining eligibility and compliance with chapter 62.1-04."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2140, as engrossed and amended: 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). Engrossed SB 2140, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1581 and 1582 of the House Journal, Engrossed Senate Bill No. 2140 is amended as follows:

Page 1, line 2, after "request" insert "; and to provide a penalty"

Page 1, line 6, after "**request**" insert "**- Penalty**"

Page 1, line 9, after "state" insert "or a digital image of one's concealed firearm or dangerous weapon license on an electronic device"

Page 1, line 11, after "license" insert "or digital image of the license"

Page 1, line 23, remove "If, within thirty days of the alleged violation, an individual produces satisfactory"

Page 1, remove line 24

Page 2, replace lines 1 through 3 with "An individual who violates this section is guilty of an infraction."

Re-number accordingly

2019 CONFERENCE COMMITTEE

SB 2140

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2140
4/18/2019
#34854 (25:40)

- Subcommittee
 Conference Committee

Committee Clerk: Meghan Pegel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 62.1-04-04 of the North Dakota Century Code, relating to producing a concealed weapon license upon request; and to provide a penalty.

Minutes:

1 Attachment

Senator Myrdal, Chairman, calls the conference committee to order on SB 2140. All members were present: Senator Luick, Senator Bakke, Representative Ruby, Representative Damschen and Representative Zubke.

Senator Myrdal: I talked to the sponsor earlier today, and we're looking at some changes from the House side that we did not concur with. Please explain those changes.

Representative Ruby: (see attachment #1) Senator Larsen wanted to be able to have an electronic version the same way that we do for constitutional carry, but he wasn't intending being able to have the 30 days. We knocked it down to an infraction because right now it's considered a misdemeanor lumped in with the weapons charges which includes having a sawed off shotgun or owning a weapon with a felony on your record. Obviously not having a card is not near as severe as that. As far as an infraction goes, if you're convicted of it, it stays on your record. If you're charged with it and they don't convict, it's off your record and off public record in 3 years. If you have more than one infraction within 3 years with something like that, it bumps up. That was our reasoning behind it.

Senator Myrdal: Thank you. I don't believe we're concerned about page 1 with the digital image; I think that was an improvement and something we talked about last session. If I recall correctly, it was the wish of the sponsor to not have any penalty. We disagree with page 2, line 6, that it becomes an infraction. The reasoning for that is that we don't think it should be an infraction. We think that if you can produce it within 30 days, there's no need for an infraction. Someone compared it to a driver's license. The difference between the two is that a driver's license is a privilege, and carrying a gun is a 2nd amendment right. A driver's license is all you need for constitutional carry in ND to show that you can carry a firearm, and to make it an infraction is a violation of that right. That's the point of contention here; we would like it to stay as it was when it comes to that right.

Senator Luick: You're saying you reduced it from a misdemeanor to an infraction. Where is that language?

Representative Ruby: It's not here. I asked how many people have been charged with not having that, and when BCI got me their information, they said it's considered a weapons violation, so that's in a different chapter. They couldn't give me numbers because they didn't know if they've ever actually given a ticket for that, but they listed what everything else is considered for a weapons violation. I can get you those emails if you'd like.

Senator Bakke: If you can't produce any indication that you have a license or you are allowed to carry a concealed weapon even after 30 days, nothing happens to you?

Representative Ruby: Currently you don't get 30 days; you have to have it on you at all times. Then you're automatically going to get a weapons violation which I believe is a class a misdemeanor. Under this you would have the option to have it digitally, and if you don't then it's an infraction rather than a misdemeanor.

Senator Myrdal: Current law and the intent of the sponsor is it shouldn't be a misdemeanor not to have some card on you when you have the right in the state carry. When we passed constitutional carry, your driver's license suffices. I'm a concealed carrier and usually carry in my car. I might run into town to quickly run an errand. I don't have my purse with me, my gun is in my car, and I get stopped. If they found that weapon there, I would get a b misdemeanor. The intent of the Senate was that if I can just prove I have it within 30 days, I don't get penalized. I think we all agree with the digital image, but the contention is why even add an infraction? Why is that needed?

Representative Ruby: I share that same thought. I took the lead on this bill and wasn't going to put anything in there. However, when I went to Senator Larsen for further clarification, he was the one that told me to put it as an infraction rather than a misdemeanor. Maybe he didn't think that we would consider it not being a crime at all. The argument in favor of having something is when you go for a concealed weapons license, you're only doing it so you can carry outside of ND since we have constitutional carry. With that class, you have a sense of responsibility that you're taking on. I made the argument that a card doesn't make you a better shooter, but you should have a little bit of added responsibility, and that's where the argument was. That argument was with my chairman, and that's why we put in the infraction.

Representative Zubke: If we don't put something in here, then they are going to be guilty of a misdemeanor. That's my understanding; is that correct?

Representative Ruby: I believe so. If we want to wait, I will send an email to BCI for further clarification, but if we leave it as it is, I believe it would default back to a weapons violation.

Senator Bakke: I think our intent in the Senate was if within 30 days, you produce that license, you're good to go. If you don't, then it would be a misdemeanor because it kicks into that weapons violation. If you do produce it, then you're fine.

Senator Myrdal: Correct.

Senator Luick: We weren't looking for a way to reprimand anyone for not having this identification there. If you cannot produce it after the 30 days, then we're going to come after you for something.

Senator Myrdal: Probably the wisest thing would be to double check because maybe the language we put in there doesn't assure that.

(10:45) Representative Zubke: You don't have any problem with the misdemeanor charge; you just don't want it to be a lesser charge of an infraction?

Senator Myrdal: No. With the language we sent to you, we assumed that with the addition of subsection 4 that if you produce it within 30 days, there is no violation whatsoever.

Representative Zubke: If you produce it within 30 days, but if you don't produce it within the 30 days, then you're saying it's okay to charge them with a misdemeanor which is more substantive than an infraction.

Senator Myrdal: Yes, though I would be willing to go with the infraction, and I think the committee would too. I think the conflict is what does this bill do, and how does it default onto the b misdemeanor.

Representative Ruby: We discussed including the digital form or producing it later on. That's where the argument about having that responsibility came in. I know that even if I get pulled over and hand the officer my concealed weapons license, they don't even look at it. It's just having it, then they go to their system and look up whether you have it there. They could really do that now, and we figured this would mesh it a bit better.

Senator Bakke: If you're stopped and you don't have it with you right now, that would be a weapons violation. What we're saying is that sometimes you just don't carry it with you, so you have 30 days to get it. Then if you can't produce it, it's a weapons violation and kicks into current law. The way this is reading is that if you stop them and they don't have it, they get an infraction. I wouldn't want an infraction just because I forgot my purse at home. Oftentimes officers will follow them home or ask them to bring it down to the station so you can produce your license. If you're uncomfortable with that length of time, we could lower it, but they either have it or they don't.

Representative Zubke: My disagreement is the 30 days, not the penalty.

Senator Bakke: What would you be more comfortable with? 10 days?

Representative Zubke: What we discussed is if you remember to take the gun, it's not that hard to remember the permit. Plus, there are so many people using digital that no one leaves home without their cell phone. We didn't think it was a huge inconvenience to remember your permit if you are remembering your weapon also.

Representative Damschen: We assume some responsibility beyond the driver's license when we carry a weapon, and having it digitally available is very convenient.

Senator Myrdal: My problem is that it's a 2nd amendment right. Again if you run somewhere and forget your license, you now have an infraction. That's an issue for me personally.

Representative Ruby: As far as the time, I would look at how long you have to produce your driver's license.

Senator Luick: 2 weeks I believe.

Representative Ruby: I would like to keep it consistent there. I have a concealed weapon, and if I leave that at home but I have my driver's license, I could claim I have constitutional carry, and they can check how long I've lived in the state for verification. I'm not opposed to the 2 weeks, but I think it will be a little harder to sell, and I'm certain I will fight my Chairman on the floor on that part.

Representative Zubke: Would this cause conflict with reciprocity in relationship to what people understand they can and cannot do? That may be something we may want to research before we move.

Senator Myrdal: I don't think it would have an effect since you're under different laws when you travel in those 39 states. Certainly, we can ask legislative council, but I don't think our constitutional in-state laws have anything to do with our carry. Each state has their own laws on what that is.

Representative Ruby: I don't think it would risk reciprocity anywhere else. Minnesota was the toughest one to get reciprocity with, so I would like to verify that with Representative Porter.

Representative Damschen: I would go with the 2 weeks because it does away with the possibility of confusion between the driver's license and the concealed carry. That would be a wise thing to do. I don't think we would be compromising our reciprocity with the states, but it would be good to check just to be safe. We don't want to endanger that.

Senator Luick: Could we have Joe check that the timeline on driver's licenses is 2 weeks? We passed that a couple sessions ago.

Senator Myrdal: Yes. What I'm hearing is there's potential to change it to 2 weeks. After 2 weeks, where do we leave it- a misdemeanor, infraction or none? The original intent of 30 days was none. We need to check if that works with the other chapter that deals with gun violations.

Senator Bakke: If they can't produce it within 2 weeks, they either don't have it or they lost it, and that's a weapons violation.

(19:50) Representative Ruby: I wouldn't say it is. It's not having a card compared to owning an illegal firearm, and I don't think that's on the same level at all. I would struggle leaving it as a misdemeanor.

Senator Bakke: I know very little about guns, so I didn't realize that that would be the same level. I understand what you're saying, but I think there should definitely be a fine if they can't produce it, which is an infraction.

Senator Myrdal: An infraction is also criminal. We're leaning towards the 2-week agreement. We want conformity and consistency in law when it comes to that card. The question is should we write something in there that if you do produce it after 2 weeks, there should be nothing, and if you don't produce it within 2 weeks, what's the penalty?

Representative Damschen: I think we'd have a better chance of selling it if we had an infraction in there if they didn't produce their license after 2 weeks.

Senator Luick: I'm in favor of the infraction. I don't think it should be a gun violation per say.

Representative Ruby: I will double check to make sure we're not risking reciprocity.

Senator Myrdal: As far as putting in an infraction, I wonder if this has any effect on gun violations now. Does that nullify the b misdemeanor?

Representative Ruby: It does not. This is for an individual that violates this specific concealed carry section, so it won't lesson having a sawed off for instance. That will still be a misdemeanor.

Senator Myrdal: I meant it the other way around. As it was coming from the Senate, I fear that we may not have written it right as far as what was struck by the House with the 30 days. If they hadn't shown up in 30 days, it would have been a b misdemeanor. If we put it as an infraction here, I would hope they couldn't come from the other code and penalize with a misdemeanor.

Representative Ruby: Okay, I will double check that.

Senator Myrdal: Joe, did you find anything on the driver's licenses?

Joseph Jensen, UND Law Intern, neutral party

Jensen: The code doesn't list a specific time period. It just says that you have to produce it, and if you can't, as long as you do produce it in court or to the arresting officer, then you can't be charged with that specific section. There was no listing of timeframe as far as I could tell.

Representative Damschen: Is there any threat to our reciprocity in a class 1 if we have an infraction?

Representative Ruby: We'll check on that.

Senator Myrdal: I appreciate all the input. I'm personally concerned that we even have an infraction in there. I think we shouldn't have to do much more than have a driver's license with our constitutional carry. We will recess and meet soon.

Senator Myrdal ends conference committee discussion on SB 2140.

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2140
4/22/2019
#34878 (14:40)

- Subcommittee
 Conference Committee

Committee Clerk: Meghan Pegel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 62.1-04-04 of the North Dakota Century Code, relating to producing a concealed weapon license upon request; and to provide a penalty.

Minutes:

No Attachments

Senator Myrdal, Chair, calls the conference committee to order on SB 2140. All members were present: Senator Luick, Senator Bakke, Representative Ruby, Representative Damschen and Representative Zubke.

Senator Myrdal: We wanted to get more information on reciprocity and other issues. Please inform us

Representative Ruby: If we don't add an infraction, it would default back to a class a misdemeanor. Both BCI and Samantha Kramer do not see issues with reciprocity. As far as what we do here and how that applies to out of state concealed carry, reciprocity is different when it comes to concealed weapons. If I was a nurse and wanted to be a nurse in Minnesota, they would recognize my credentials here. It's flipped, so I would have to assume laws there. We make it so we can have a picture of it on our phone, and that means Minnesotans or anyone else could have a picture of it. That's where it gets sticky. They still don't think that there's worry there with reciprocity, but it gets confusing as they don't have the access as much to out of state databases as they do to ND databases. We need to discuss whether or not we want the picture of a concealed weapons for ND carries only or if we want to allow out of state individuals. Also instead of an infraction, we could drop that down to a noncriminal offense and set it as a fine. The reasoning is that the 2nd amendment is a right, not a privilege. To have a criminal charge for not having a card or a picture of a card seems egregious. The fee for not having your driver's license is \$20. BCI is also fine with having this as a fee rather than an infraction.

Senator Myrdal: If we lower it to a fee, does that take away from it being a b misdemeanor?

Representative Ruby: Yes. It would read as, “an individual who violates this section is guilty of a noncriminal offense and a fine of” whatever we set it as.

Senator Myrdal: Back to reciprocity and comparing it to when I became a citizen, anytime you visit a country, you are supposed to know their laws. I believe it’s the same for states as well. I would not feel comfortable that an out of state citizen has the same rights as a ND citizen. This deals with the constitutional carry that we have in ND. With the transient population we have now with oil and other things, there certainly are concerns.

Senator Bakke: My thought is that this would be for ND citizens because we don’t have access to other states’ databases. Isn’t that the concern they had?

Representative Ruby: Essentially yes. They would feel better if the picture of the concealed weapons was for ND citizens. We can refer to the 2006 version.

Senator Bakke: Line 9 we can take out “or another state.”

Representative Ruby: That is referring to the physical copy. We would want to reword that on line 10 after “license” we would say “from this state”. It would read, “shall have on one’s person the licensed issued by this state or another or digital image of one’s concealed weapons or dangerous weapons license from this state on electronic device.” Then it specifies it to the state.

(6:10) Senator Myrdal: To sum it up, we’re talking about the digital image, the penalty and the 30-day reporting. The reporting is difficult if you’re in Williston on vacation and live in Whapeton because you have to go back to the jurisdiction you were in within 30 days. I concur with the House for striking that language because it becomes too convoluted and actually takes more rights away. We’re dealing with language concerning in-state and whether we want to remove the infraction and make it a fine. Those are the questions before the committee.

Senator Bakke: I’m fine with a fine. I am concerned putting in “from the state”. Does it need to be more specific to “from North Dakota”?

Representative Ruby: It’s “from this state”. That’s consistent with the previous lines.

Senator Luick: Let’s go back and take one at a time.

Senator Myrdal: Is everyone okay with lines 9-12 that Representative Ruby read? (*committee members nod*) Page 2 we struck out the 30 days.

Senator Luick: I’m good with subsection 4 on the 2006 version and the noncriminal offense with a fine for whatever it is for not having a driver’s license.

Representative Ruby: I am waiting on a verification, but I did call Chris Joseph from legislative council to double check, and he’s fairly certain it’s \$20. An infraction can go up to \$1,000, and I thought that was a little extreme, so I’m fine setting anything.

Senator Myrdal: I am too. My concern initially was with it being an infraction.

Senator Bakke: I don't put not having your driver's license on the same level as not having your concealed carry because there's a weapon involved with it. I might put the fine up higher than \$20. Maybe \$50?

Representative Ruby: I was initially thinking that as well, and it came back to the personal responsibility part that we'd argued before. However, really your personal responsibility was going through the class, and having the card is a nonfactor. You spend a fair amount going through the concealed weapons process that I don't think it's that huge of an issue. I'm fine with \$20. That would be my argument.

Senator Luick: He put it very well. Having that proper documentation that you went through the class is not the issue here but instead whether you did go through that class and are capable and understanding of carrying that weapon.

Senator Myrdal: Also remember your driver's license in ND with constitutional carry is your concealed weapon.

Senator Luick: Eventually I would like to see that right on the driver's license so that there is only one piece of documentation you need to carry.

Senator Myrdal: We still have time for a delayed bill.

Representative Ruby: Motions to recede from the House amendments and further amend to include the language on version 2006 page 1, line 10 after license add "from this state". Then page 2, line 6 overstrike "an infraction" and include "a noncriminal offense and a fee of \$20".

Senator Bakke: Seconds.

Senator Myrdal: I think this is a good compromise and appreciate all the work from the House on this one.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent. Motion carries.

Senator Myrdal and Representative Ruby will carry the bill.

April 22, 2019

SK
1001
4/26

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2140

That the House recede from its amendments as printed on page 1609 of the Senate Journal and pages 1747 and 1748 of the House Journal and that Engrossed Senate Bill No. 2140 be amended as follows:

Page 1, line 2, after "request" insert "; and to provide a penalty"

Page 1, line 6, after "**request**" insert "**- Penalty**"

Page 1, line 9, after "state" insert "or a digital image of one's concealed firearm or dangerous weapon license issued by this state on an electronic device"

Page 1, line 11, after "license" insert "or digital image of the license"

Page 1, line 23, remove "If within thirty days of the alleged violation, an individual produces satisfactory"

Page 1, remove line 24

Page 2, replace lines 1 through 3 with "An individual who violates this section is guilty of a noncriminal offense punishable by a fee of twenty dollars."

Renumber accordingly

**2019 SENATE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. 2140

Senate Judiciary Committee

- Action Taken**
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows
 - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Ruby Seconded by: Senator Bakke

Senators	4/18	4/22	Yes	No	Representatives	4/18	4/22	Yes	No
Chair Myrdal	X	X	X		Representative Ruby	X	X	X	
Senator Luick	X	X	X		Representative Damschen	X	X	X	
Senator Bakke	X	X	X		Representative Zubke	X	X	X	
Total Senate Vote			3	0	Total Rep. Vote			3	0

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Senator Myrdal House Carrier Representative Ruby

LC Number 19.0479 . 02007 of amendment

LC Number 19.0479 . 05000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 19.0479.02007
Senate Carrier: Myrdal
House Carrier: M. Ruby

REPORT OF CONFERENCE COMMITTEE

SB 2140, as engrossed: Your conference committee (Sens. Myrdal, Luick, Bakke and Reps. M. Ruby, Damschen, Zubke) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1609, adopt amendments as follows, and place SB 2140 on the Seventh order:

That the House recede from its amendments as printed on page 1609 of the Senate Journal and pages 1747 and 1748 of the House Journal and that Engrossed Senate Bill No. 2140 be amended as follows:

Page 1, line 2, after "request" insert "; and to provide a penalty"

Page 1, line 6, after "**request**" insert "**- Penalty**"

Page 1, line 9, after "state" insert "or a digital image of one's concealed firearm or dangerous weapon license issued by this state on an electronic device"

Page 1, line 11, after "license" insert "or digital image of the license"

Page 1, line 23, remove "If within thirty days of the alleged violation, an individual produces satisfactory"

Page 1, remove line 24

Page 2, replace lines 1 through 3 with "An individual who violates this section is guilty of a noncriminal offense punishable by a fee of twenty dollars."

ReNUMBER accordingly

Engrossed SB 2140 was placed on the Seventh order of business on the calendar.

2019 TESTIMONY

SB 2140

19.0479.01001
Title.

Prepared by the Legislative Council staff for
Senator Myrdal
January 14, 2019

1
SB 2140
1/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2140

Page 1, line 23, after "lf" insert "", within thirty days of the alleged violation,"

Page 2, line 2, replace "clerk of court under which the matter will be heard" with "prosecutor responsible for prosecuting the matter"

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2140

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 19-24.1 of the North Dakota Century Code, relating to the disclosure of registered qualifying patients to the bureau of criminal investigation; and"

Page 1, after line 3, insert:

"**SECTION 1.** A new section to chapter 19-24.1 of the North Dakota Century Code is created and enacted as follows:

Data - Disclosure - Bureau of criminal investigation.

Notwithstanding section 19-24.1-37, upon request from the bureau of criminal investigation, the department shall disclose the name, date of birth, and driver's license number of all registered qualifying patients for the sole purpose of determining eligibility and compliance with chapter 62.1-04."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2140

In lieu of the amendments adopted by the House as printed on pages 1581 and 1582 of the House Journal, Engrossed Senate Bill No. 2140 is amended as follows:

Page 1, line 2, after "request" insert "; and to provide a penalty"

Page 1, line 6, after "request" insert "- Penalty"

Page 1, line 9, after "state" insert "or a digital image of one's concealed firearm or dangerous weapon license on an electronic device"

Page 1, line 11, after "license" insert "or digital image of the license"

Page 1, line 23, replace "thirty" with "seven"

Page 2, after line 3, insert:

"5. An individual who violates this section is guilty of an infraction."

Renumber accordingly

remove section 4

#1
SB 2140
4-18-19

19.0479.02006

FIRST ENGROSSMENT

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2140

Introduced by

Senators O. Larsen, Kannianen, Myrdal, Vedaa

Representatives Becker, D. Ruby

1 A BILL for an Act to amend and reenact section 62.1-04-04 of the North Dakota Century Code,
2 relating to producing a concealed weapon license upon request; and to provide a penalty.

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

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

6 **62.1-04-04. Producing license on demand upon request - Penalty.**

- 7 1. Every individual while carrying a concealed firearm or dangerous weapon, for which a
8 license to carry concealed is required, shall have on one's person the license issued
9 by this or another state or a digital image of one's concealed firearm or dangerous
10 weapon license on an electronic device and shall give it to any active law enforcement
11 officer for an inspection upon demand request by the officer. The failure of any
12 individual to give the license or digital image of the license to the officer is prima facie
13 evidence the individual is illegally carrying a firearm or dangerous weapon concealed.
- 14 2. Every individual carrying a concealed firearm under the authority granted in
15 subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the
16 individual's possession of a concealed weapon upon the initiation of a traffic stop or
17 any other in-person contact initiated by a law enforcement officer.
- 18 3. Every individual carrying a concealed firearm under the authority granted in
19 subsection 2 of section 62.1-04-02 must have on one's person a valid driver's license
20 or nondriver identification card issued by the department of transportation or a digital
21 image of one's valid driver's license or nondriver identification card on a mobile device
22 and shall provide the license or card to any law enforcement officer for inspection
23 upon demand request by the officer.

- 1 4. ~~If within thirty days of the alleged violation, an individual produces satisfactory~~
- 2 ~~evidence of a valid license to carry a concealed weapon, a valid driver's license, or a~~
- 3 ~~nondriver identification card issued by the department of transportation in effect at the~~
- 4 ~~time of the alleged violation of this section to the office of the prosecutor responsible~~
- 5 ~~for prosecuting the matter, that individual may not be found in violation of this~~
- 6 ~~section.~~An individual who violates this section is guilty of an infraction.