

1 10-12-01-14. Firearm or Dangerous Weapon Instructor Training and Testing

2 Procedures and Fees.

3 10-12-01-15. Denial, Suspension, or Revocation of Firearm or Dangerous Weapon

4 Instructor Certification.

5 Section 10-12-01-01 is amended as follows:

6 **10-12-01-01. Incomplete application.** ~~All applications for a concealed weapons permit~~

7 ~~must be made on a form approved by the chief agent of the bureau of criminal~~

8 ~~investigation. All applications received by the chief agent of the bureau of criminal~~

9 ~~investigation must be completed before they will be considered for approval and~~

10 ~~processing. To be considered complete, application must:~~

11 1. ~~Have all the information blanks on the front of the application answered,~~
12 ~~either with the information requested or marked "N/A" for non-applicable~~
13 ~~where appropriate.~~

14 2. ~~Have the test block section on the reverse side of the application filled in by~~
15 ~~the test administrator. The test administrator must indicate whether the~~
16 ~~written and proficiency tests, have been passed and must include that~~
17 ~~administrator's signature.~~

18 3. ~~Have the signed approval of the local county sheriff.~~

19 4. ~~Have the signed approval of the local chief of police, if there is one.~~

20 5. ~~Have one fingerprint card containing the classifiable fingerprints of the~~
21 ~~applicant attached.~~

22 6. ~~Have two driver's license style color photographs attached.~~

1 All incomplete applications received by the chief agent of the bureau of criminal
2 investigation will be returned to the applicant for completion.

3 **Definitions.** The terms used throughout this chapter have the same meaning as in
4 the North Dakota Century Code unless otherwise defined here:

5 1. "Agency" means the attorney general's office bureau of criminal investigation
6 division.

7 2. "Applicant" means an individual who is applying for a concealed weapons
8 license.

9 3. "Class 1 license" means a concealed weapons license issued to a person at least
10 twenty-one years of age who has participated in classroom instruction on
11 weapon safety rules and the deadly force law of North Dakota, has demonstrated
12 evidence of familiarity with a firearm or dangerous weapon, and has successfully
13 completed an actual shooting or certified proficiency exercise in accordance with
14 these rules.

15 4. "Class 2 license" means a concealed weapons license issued to a person at least
16 eighteen years of age who has participated in classroom instruction on weapon
17 safety rules and the deadly force law of North Dakota and has successfully
18 completed an open book examination on weapon safety rules and the deadly
19 force law of North Dakota

20 5. "Concealed weapons license" means a class 1 or class 2 license issued by the
21 director of the bureau of criminal investigation to carry a firearm or dangerous
22 weapon concealed.

23 6. "Director" means the director of the bureau of criminal investigation

1 7. "Instructor" means an individual certified by the attorney general to provide
2 classroom instruction on weapon safety rules and North Dakota deadly force law,
3 administer written examinations for concealed weapons licenses, determine
4 evidence of familiarity with firearms and dangerous weapons, and conduct
5 shooting and proficiency exercises for firearms and dangerous weapons.

6 **History:** Effective September 1, 1986. Amended effective:

7 **General Authority:** NDCC 62.1-04-03

8 **Law Implemented:** NDCC 62.1-04-03

9 Section 10-12-01-02 is amended as follows:

10 ~~10-12-01-02. **Permits for multiple types of weapons.** If an individual wishes a~~
11 ~~concealed weapons permit for several different weapons types, i.e., firearm and knife,~~
12 ~~stun gun and knife, etc., only one written test need be taken and passed. However, the~~
13 ~~applicant must pass a proficiency test for each weapon type for which a proficiency test~~
14 ~~is required. The test administrator may charge for each proficiency test, as long as the~~
15 ~~total charge does not exceed fifty dollars. If the applicant wishes to obtain a concealed~~
16 ~~weapons permit for additional weapons types after receiving the initial permit, then a~~
17 ~~new application with the word "amended" printed on the top must be completed. The~~
18 ~~only blank on the application that would not need to be completed is the blank indicating~~
19 ~~that the written test has been passed. The test administrator may charge a fee for the~~
20 ~~proficiency test is on these additional weapons types as long as that fee does not~~
21 ~~exceed fifty dollars.~~

22 **Application for concealed weapons license.**

1 1. An application for a class 1 or class 2 concealed weapons license must be on
2 a form approved by the director of the bureau of criminal investigation. Only a
3 completed application may be approved by the director. The application must
4 include:

5 a. All questions on the application answered, either with the information
6 requested or marked "N/A" for non-applicable where appropriate; and

7 b. A valid reason for the applicant carrying a concealed weapon; and

8 c. The signed approval of the sheriff of the applicant's county of residence.

9 The sheriff may not approve the application for a concealed weapons

10 license until the applicant has successfully completed a background

11 investigation in that county and has successfully completed the testing

12 procedures specified in this chapter; and

13 d. If the applicant resides in a city with a police department, signed approval

14 of the chief of police or the chief's designee; and

15 e. Two fingerprint cards containing the classifiable fingerprints of the

16 applicant; and

17 f. Two passport-size color photographs of the applicant.

18 g. The applicant shall provide to the agency all documentation relating to any

19 court-ordered treatment or commitment for mental health or alcohol or

20 substance abuse or incidents of domestic violence.

21 h. The applicant shall provide to the director written authorizations for

22 disclosure of the applicant's mental health and alcohol or substance abuse

23 evaluation and treatment records.

1 i. A license fee in the amount of \$45.00, by certified check or money order
2 payable to the order of the attorney general.

3 2. The sheriff shall process the application within thirty days after completion
4 of the testing portion of the application process.

5 3. If the applicant resides in a city that has a police department, the chief of
6 police shall process the application within ten working days from receipt of
7 the application by the city's police department.

8 4. The agency shall process the application and make a determination
9 whether to issue the concealed weapons license within thirty days from
10 receipt of the application from the forwarding law enforcement agency.

11 5. The applicant must be a citizen of the United States and successfully pass
12 a criminal history background investigation conducted by the agency.

13 6. The instructor shall complete the application as follows:

14 a. If the application is for a class 2 concealed weapons license, the
15 instructor shall complete the test block section and verify whether the
16 applicant has completed an open-book written test on weapon safety rules
17 and deadly force law in North Dakota. The instructor shall sign the
18 application.

19 b. If the application is for a class 1 concealed weapons license, the
20 instructor shall complete the test block section and verify whether the
21 applicant has participated in classroom instruction on weapon safety rules
22 and deadly force law of North Dakota, has demonstrated familiarity with a
23 firearm or dangerous weapon, has completed a shooting course for firearms

1 or a proficiency exercise for other dangerous weapons, and has passed an
2 open-book written test on weapon safety rules and deadly force law in North
3 Dakota. The instructor shall sign the application.

4 7. An incomplete application will be returned to the applicant for completion.

5 **History:** Effective September 1, 1986. Amended effective:

6 **General Authority:** NDCC 62.1-04-03

7 **Law Implemented:** NDCC 62.1-04-03(1), 62.1-04-03(4), 62.1-04-03(5)

8 Section 10-12-01-03 is amended as follows:

9 **10-12-01-03. Nonresident applicants.** ~~Residents of the United States~~ citizens who
10 are not residents of North Dakota may obtain a North Dakota concealed weapons
11 permit license. To obtain a permit license, the individual must non-resident shall
12 ~~complete the same application process and meet the same criteria as a North Dakota~~
13 ~~resident~~ comply with all requirements of chapter 62.1-04 of the North Dakota Century
14 Code and these rules.

15 **History:** Effective September 1, 1986. Amended effective:

16 **General Authority:** NDCC 62.1-04-03(1)

17 **Law Implemented:** NDCC 62.1-04-03

18 Section 10-12-01-04 is amended as follows:

19 **10-12-01-04. Classroom instruction and Written written test.** ~~The written test must~~
20 ~~be an open book test approved by the attorney general. The test must consist of ten~~
21 ~~questions.~~

1 1. Applicants for a class 2 concealed weapons license shall successfully complete
2 the written examination and submit an application for a concealed weapons
3 license.

4 2. Applicants for a class 1 concealed weapons license shall attend classroom
5 instruction on weapon safety rules and deadly force law of North Dakota before
6 they may complete the written examination and submit an application for a
7 concealed weapons license. Only instructors certified under this chapter may
8 conduct classroom instruction for applicants for concealed weapons licenses.

9 3. The written test must be an open-book test approved by the attorney general.
10 The written test must include examination on weapons safety rules and the
11 deadly force law of North Dakota. A minimum score of seventy percent overall
12 and one hundred percent on the deadly force law of North Dakota is necessary
13 to pass the written test. The written test may only be administered within the
14 state of North Dakota and by an instructor certified under this chapter. The
15 written test may not be administered in conjunction with any other state's
16 concealed weapon's laws or procedures.

17 **History:** Effective September 1, 1986. Amended effective:

18 **General Authority:** NDCC 62.1-04-03

19 **Law Implemented:** NDCC 62.1-04-03(2)

20 Section 10-12-01-05 is amended as follows:

21 **10-12-01-05. Proficiency and shooting test.** ~~The attorney general shall set forth the~~
22 ~~criteria for the proficiency tests. For firearms, it must be as follows:~~

- 23 ~~1. **Target.** Must be a humanoid, silhouette target of either the duelatron or the B-27~~
24 ~~type. Only an instructor certified under this chapter may administer a firearm~~

1 shooting or proficiency exercise. Successful completion of the firearm shooting
2 or proficiency exercise requires demonstrated familiarity and safety with a firearm
3 or dangerous weapon.

4 **2. Range.** ~~Seven yards (twenty-one feet [6.40 meters]).~~ Evidence of familiarity with a
5 firearm or dangerous weapon may be satisfied by one of the following:

6 a. Certification of familiarity with a firearm or dangerous weapon by an individual
7 who has been certified by the attorney general, which may include a law
8 enforcement officer, military or civilian firearms instructor, hunter safety
9 instructor, or dangerous weapons instructor;

10 b. Evidence of equivalent experience with a firearm or dangerous weapon through
11 participation in an organized shooting competition, law enforcement, military
12 service, or dangerous weapon course of training;

13 c. Possession of a license from another state to carry a firearm or dangerous
14 weapon, concealed or otherwise, which is granted by that state upon completion
15 of similar or equivalent classroom instruction, testing, and demonstration of
16 firearm or dangerous weapon familiarity and proficiency ; or

17 d. Evidence that the applicant, during military service, was found to be qualified to
18 operate a firearm or dangerous weapon.

19 **3. Time.** ~~Five minutes.~~ The firearm shooting exercise may only be conducted on a
20 shooting course within the state of North Dakota and in accordance with shooting
21 criteria approved by the director. The minimum passing score is seventy percent of the
22 total rounds fired.

23 **4. Number of rounds.** ~~Ten. No more than six rounds may be loaded at any time. The~~
24 ~~individual must safely reload during the firing sequence.~~ The applicant may use any
25 safe firearm with any type of ammunition suitable for that firearm. The instructor shall

1 determine whether the firearm is safe and the ammunition is appropriate before the
2 shooting exercise starts. The applicant must be able to load, unload, and holster and
3 carry the firearm safely. The applicant must have a holster that attaches to the belt and
4 two loading devices, which may be either magazines or speed loaders, depending on
5 the type of firearm.

6 **5. ~~Weapon.~~** Any safe weapon with any type of ammunition suitable for that
7 ~~weapon may be used.~~ If the applicant is applying for a concealed weapons
8 license for a dangerous weapon as defined in subsection 1 of section 62.1-01-01
9 and the weapon is not a firearm, the applicant shall demonstrate familiarity,
10 safety, and proficiency in handling the weapon.

11 **6. ~~Starting position.~~** The weapon must be loaded and holstered after
12 arrival to the line and under the direction and observation of the test
13 administrator. Upon command, the weapon should be drawn and fired.
14 If no holster is to be used, then any safe carrying method may be used. The firearm
15 shooting or proficiency exercise may not be administered in conjunction with any other
16 state's concealed weapon's license application process.

17 **7. ~~Scoring.~~** All hits on the silhouette count one point. Seven points are
18 needed to pass.

19 **8. ~~Position.~~** Any standing position may be used, i.e., one-handed or
20 two-handed, "weaver" stance, "crouch," etc.

21 **9. ~~Passing.~~** In order to pass, the individual must:

22 a. ~~Score a minimum of seven points; and~~

23 b. ~~Be able to load, unload, carry, and fire the weapon safely.~~

24 ~~Only this course of fire may be used.~~

25 ~~For other weapons, it must be designated by the attorney general on an~~

26 ~~individual weapon type basis. The emphasis on this testing must be testing the~~

1 applicant for familiarity with the weapon and to demonstrate safety in the handling
2 of that weapon type.

3 **History:** Effective September 1, 1986. Amended effective

4 **General Authority:** NDCC 62.1-04-03

5 **Law Implemented:** NDCC 62.1-04-03(2)

6 Section 10-12-01-06 is amended as follows:

7 **10-12-01-06. Lost or destroyed permits licenses.** If a ~~permitholder loses his or~~
8 ~~her permit or it~~ concealed weapons license is lost or destroyed, the license holder may
9 obtain a replacement ~~may be obtained~~ license. In order to obtain a ~~new~~ replacement
10 permit license, the ~~applicant must~~ license holder shall send a letter to the ~~chief agent~~
11 director of the bureau of criminal investigation indicating the ~~applicant's~~ license holder's
12 name, address, and date of birth. In addition, the letter must ~~state~~ include the reason
13 the ~~applicant~~ license holder needs a replacement ~~permit license~~. In addition, the
14 ~~applicant must also attach one driver's license style photograph to the letter.~~

15 **History:** Effective September 1, 1986. Amended effective:

16 **General Authority:** NDCC 62.1-04-03

17 **Law Implemented:** NDCC 62.1-04-03

18 Section 10-12-01-07 is amended as follows:

19 **10-12-01-07. ~~Revocation or suspension~~ Denial, revocation, or cancellation of a**
20 **concealed weapons permit license.** The ~~chief agent~~ director of the bureau of criminal
21 investigation may deny, revoke or ~~suspend~~ cancel a concealed weapons ~~permit license~~
22 for the following reasons:

- 23 1. The ~~permitholder~~ applicant or license holder is prohibited from owning,
24 possessing, or having a firearm under ~~has become one of the persons listed in~~

1 North Dakota Century Code section 62.1-02-01 or under federal law or has
2 committed any other violation of Title 62.1 of the North Dakota Century Code;
3 or

4 2. ~~Upon the written recommendation of any law enforcement officer or upon~~
5 ~~information received from any other source that would indicates to the chief~~
6 ~~agent of the bureau of criminal investigation that there exists a valid reason to~~
7 ~~revoke or suspend such the permit. Examples of those valid reasons are as~~
8 ~~follows include:~~

9 a. ~~A criminal violation occurred while the permitholder was in the possession~~
10 ~~of a concealed weapon.~~

11 b. ~~A conviction of any weapons law or has violated a provision of this~~
12 ~~chapter has occurred.~~

13 c. ~~The applicant made a material false statement misstatement on the~~
14 ~~application form for the concealed weapons permit license.~~

15 d. ~~Any other good and valid reason that has a direct bearing on the~~
16 ~~individual's fitness to carry and possess a concealed weapon.~~

17 ~~If revoked or suspended according to this section; an applicant may not reapply for a~~
18 ~~concealed weapons permit and/or instructor certification for one calendar year from the~~
19 ~~date of the revocation or suspension letter being issued.~~

20 **History:** Effective September 1, 1986. Amended effective:

21 **General Authority:** NDCC 62.1-04-03

22 **Law Implemented:** NDCC 62.1-04-03(1)(f), 62.1-04-03(6), 62.1-04-03(7).

23 Section 10-12-01-08 is amended as follows:

1 **10-12-01-08. Denial Renewal of a concealed weapons permit license.** The chief
2 agent of the bureau of criminal investigation may deny a concealed weapons permit for
3 any of the following reasons:

4 1. ~~The applicant is prohibited from owning, possessing, or using a firearm under~~
5 ~~North Dakota Century Code section 62.1-02-01.~~

6 2. ~~The applicant has failed to state a valid reason to possess a concealed~~
7 ~~weapon.~~

8 3. ~~The applicant has not filed a completed application as required in section 10-~~
9 ~~12-01-01.~~

10 4. ~~The applicant made a material false statement on the application for a~~
11 ~~concealed weapons permit.~~

12 5. ~~For any other good and valid reasons that has a direct bearing on the~~
13 ~~individual's fitness to carry and possess a concealed weapon.~~

14 ~~If denied according to this section, an applicant may not reapply for a concealed~~
15 ~~weapons permit and/or instructor certification for one calendar year from the date of the~~
16 ~~denial letter being issued.~~

17 A concealed weapons license may be renewed if a current license holder is
18 eligible for a concealed weapons license and completes a renewal application subject to
19 the following conditions:

20 1. Licenses issued before August 1, 2009, regardless of the age of the license
21 holder, convert to a class 2 license upon renewal and no additional testing is
22 required. No additional testing is required to renew a class 2 license.

23 Renewal applications for a class 2 license must be submitted not earlier than

1 90 days prior to and not later than 90 days after the class 2 license expires.

2 Approval of renewal applications received outside these time frames is at the
3 discretion of the Director.

4 2. A class 1 license may be renewed upon successful completion of the class 1
5 requirements within one year before submission of the application for
6 renewal. Renewal applications for a class 1 license must be submitted not
7 earlier than 90 days prior to and not later than 90 days after the class 1
8 license expires. Approval of renewal applications received outside these time
9 frames is at the discretion of the Director.

10 3. A license issued before August 1, 2009, and a class 2 license may be
11 upgraded to a class 1 license upon successful completion of the class 1
12 license requirements and satisfaction of the age requirement.

13 4. The renewal application must be processed with thirty days after its receipt by
14 the sheriff. The chief of police (if applicable) is required to process the
15 renewal application within ten working days of receipt by the agency. The
16 Bureau of Criminal Investigation is required to process the renewal
17 application and make a determination within thirty days of receipt.

18 **History:** Effective September 1, 1986. Amended effective

19 **General Authority:** NDCC 62.1-04-03

20 **Law Implemented:** NDCC 62.1-04-03

21 Section 10-12-01-09 is amended as follows:

22 **10-12-01-09. Residence change or change in material facts.** All holders of a
23 concealed weapons permit must

1 1. A concealed weapon license holder shall notify the ~~chief agent~~ director of the
2 bureau of criminal investigation within thirty days of ~~a their moving to an address~~
3 ~~different than what is listed on their permit of that a~~ change of address. ~~That~~ The
4 notification must be in writing and must ~~contain at a minimum~~ include the
5 applicant's license holder's name, former address, ~~permit~~ license number, and
6 new address. The new address must include the new house number or
7 apartment number, street name, city, zip code, and county.

8 2. The applicant or license holder shall notify the director of any change of
9 material facts that affect the need for or possession of a concealed weapons
10 license

11 **History:** Effective September 1, 1986. Amended effective

12 **General Authority:** NDCC 62.1-04-03

13 **Law Implemented:** NDCC 62.1-04-03(5)

14 Section 10-12-01-10 is amended as follows:

15 **10-12-01-10. Appeals and Reconsideration.** ~~All appeals of decisions of the chief~~
16 ~~agent of the bureau of criminal investigation must be made pursuant to and in accord~~
17 ~~with North Dakota Century Code chapter 28-32.~~

- 18 1. An individual who is aggrieved by the decision of the director to deny an
19 application for a license or a renewal of a license, or to suspend or cancel a
20 license may petition for reconsideration and rehearing under Section 28-32-
21 40 of the North Dakota Century Code.
- 22 2. An individual who is aggrieved by the decision of the director to deny an
23 application for a license or a renewal of a license, or to suspend or cancel a

1 license, may appeal to the district court of Burleigh County under Section 28-
2 32-42 of the North Dakota Century Code.

3 **History:** Effective September 1, 1986. Amended effective:

4 **General Authority:** NDCC 28-32-40, 28-32-42, 62.1-04-03

5 **Law Implemented:** NDCC 62.1-04-03(7)

6 Section 10-12-01-11 is amended as follows.

7 **10-12-01-11. Applicability of requirements. Reciprocity.** All three-year permits
8 ~~are issued pursuant to and subject to this chapter and all North Dakota weapons~~
9 ~~law restrictions.~~ The Attorney General may enter into reciprocity agreements with
10 other states to recognize another state's concealed weapons license if a
11 reciprocity agreement is required by the other state in order to recognize North
12 Dakota's concealed weapons license.

13 **History:** Effective September 1, 1986. Repealed effective

14 **General Authority:** NDCC 62.1-04-03

15 **Law Implemented:** NDCC 62.1-04-03

16 Section 10-12-01-12 is created as follows:

17 **10-12-01-12. Firearm or dangerous weapon instructor certification.**

- 18 1. The attorney general may certify firearm or dangerous weapon instructors to
19 conduct classroom instruction, administer the written examination, have the
20 applicant demonstrate familiarity with a firearm or dangerous weapon, and
21 conduct the shooting and dangerous weapons proficiency examination.
- 22 2. In order to become certified as a firearm or dangerous weapon instructor, an
23 individual shall successfully complete the concealed weapons instructor course

1 approved by the director. Successful completion of the certification program
2 requires a passing score on a written examination and a shooting course of fire.

3 3. The attorney general may certify a peace officer as a firearm or dangerous
4 weapon instructor to conduct classroom instruction and administer the written
5 examination who has current certification from the North Dakota peace officer
6 standards and training board in methods of instruction.

7 4. The attorney general may certify a peace officer as a firearm or dangerous
8 weapon instructor to conduct firearms and dangerous weapons familiarity
9 demonstrations and shooting and proficiency exercises who has current
10 certification from the North Dakota peace officer standards and training board as
11 a weapons instructor.

12 5. All applications for instructor certification must be made on a form approved by
13 the director of the bureau of criminal investigation.

14 6. Firearm or dangerous weapon instructor certification is effective for three years
15 from the date of certification.

16 **History:** Effective

17 **General Authority:** NDCC 62.1-04-03

18 **Law Implemented:** NDCC 62.1-04-03(1)(d)

19 Section 10-12-01-13 is created as follows:

20 **10-12-01-13. Renewal of Firearm or dangerous weapon instructor certification.**

- 21 1. The director shall prescribe and provide the required training program for
22 renewal of firearm or dangerous weapon instructor certification, including
23 classroom, firearms and dangerous weapons instruction. Successful

1 completion of the renewal training program requires a passing score on a
2 written examination and a shooting course of fire or dangerous weapons
3 proficiency.

- 4 2. Applications for renewal must be submitted on a form approved by the
5 director.

6 **History:** Effective

7 **General Authority:** NDCC 62.1-04-03

8 **Law Implemented:** NDCC 62.1-04-03(1)(d)

9 Section 10-12-01-14 is created as follows:

10 **10-12-01-14. Firearm or dangerous weapon instructor training and testing**
11 **procedures and fees.**

- 12 1. A certified firearm or dangerous weapon instructor may only conduct the training
13 and testing procedures according to the requirements established by the director.
14 The instructor may determine the frequency and class size of training and testing
15 sessions.
- 16 2. A certified firearm or dangerous weapon instructor shall submit all classroom
17 instruction and training information to the director on a form approved by the
18 director prior to the commencement of classroom instruction or training to
19 monitor course content and instructor development.
- 20 3. A certified firearm or dangerous weapon instructor may not charge a fee of not
21 exceeding more than fifty dollars to conduct the requirements for training and
22 testing for a concealed weapons license.

23 **History:** Effective

1 **General Authority:** NDCC 62.1-04-03

2 **Law Implemented:** NDCC 62.1-04-03(1)(d)

3 Section 10-12-01-15 is created as follows:

4 **10-12-01-15. Denial, ~~suspension, or revocation~~, or cancellation of firearm or**
5 **dangerous weapon instructor certification.**

6 1. The director may deny, ~~suspend, or revoke~~, or cancel firearm or dangerous
7 weapon instruction certification. Grounds for denial, ~~suspension, or revocation~~,
8 or cancellation include:

9 a. The instructor is prohibited from owning, possessing, or having a firearm
10 under section 62.1-02-01 or under federal law; or

11 b. The instructor has committed any other violation of Title 62.1 of the North
12 Dakota Century Code; or

13 c. The instructor willfully submitted material false information for the purposes of
14 obtaining instructor certification or renewal.

15 d. The instructor has failed to follow the approved procedures for the issuance of
16 a concealed weapon license.

17 e. The instructor has willfully submitted material false information concerning the
18 training or testing conducted for concealed weapon license.

19 f. The instructor has not filed a completed application for certification as a
20 firearms or dangerous weapons instructor or has not met the requirements for
21 certification as a firearms or dangerous weapons instructor.

22 **History:** Effective

23 **General Authority:** NDCC 62.1-04-03

1 **Law Implemented:** NDCC 62.1-04-03(1)(d)