

ARTICLE 10-12

CONCEALED FIREARMS AND DANGEROUS WEAPONS

Chapter
10-12-01 Concealed Firearms and Dangerous Weapons License

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10-12-01-01. Definitions. The terms used throughout this chapter have the same meaning as in the North Dakota Century Code unless otherwise defined here:

1. "Agency" means the attorney general's office bureau of criminal investigation division.
2. "Applicant" means an individual who is applying for a concealed weapons license.
3. "Class 1 license" means a concealed weapons license issued to a ~~person~~ an individual at least twenty-one years of age who has participated in

classroom instruction on weapon safety rules and the deadly force law of North Dakota, has demonstrated evidence of familiarity with a firearm or dangerous weapon, and has successfully completed an actual shooting or certified proficiency exercise in accordance with these rules.

4. "Class 2 license" means a concealed weapons license issued to ~~a person~~ an individual at least eighteen years of age who has successfully completed an open-book examination on weapon safety rules and the deadly force law of North Dakota.
5. "Concealed weapons license" means a class 1 or class 2 license issued by the director of the bureau of criminal investigation to carry a firearm or dangerous weapon concealed.
6. "Crime of violence" means a violation of North Dakota Century Code sections 12.1-16-01, 12.1-16-02, 12.1-17-02, 12.1-18-01, subdivision a of subsection 1 or subdivision b of subsection 2 of section 12.1-20-03, section 12.1-22-01, subdivision b of subsection 2 of section 12.1-22-02, or an attempt to commit the offenses, or any equivalent statute of any other jurisdiction.
- ~~6-~~ 7. "Director" means the director of the bureau of criminal investigation.
- ~~7-~~ 8. "Instructor" means an individual certified by the attorney general to provide classroom instruction on weapon safety rules and the North Dakota deadly force law, administer written examinations for concealed weapons licenses, determine evidence of familiarity with firearms and dangerous

weapons, and conduct shooting and proficiency exercises for firearms and dangerous weapons.

9. "Mentally incompetent" means an individual requiring treatment as defined in North Dakota Century Code section 25-03.1-02(11).

10. "Offense involving moral turpitude" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States involving conduct that:

a. is done knowingly contrary to justice, honesty, or good morals;

b. includes as an element of the offense falsification or fraud; or

c. includes as an element of the offense harm or injury directed to another individual or entity or another individual's or entity's property; or

d. is in violation of North Dakota Century Code chapters 12.1-20 or 12.1-27 or the equivalent laws of another state or the federal government.

History: Effective September 1, 1986; amended effective April 1, 2010.

General Authority: NDCC 62.1-04-03

Law Implemented: NDCC 62.1-04-03

10-12-01-02. Application for concealed weapons license.

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

- a. All questions on the application answered either ~~with the information requested or marked "N/A" for nonapplicable, where appropriate~~ and all applicable information provided;
 - b. A valid reason for the applicant carrying a concealed weapon;
 - c. The signed approval of the sheriff of the applicant's county of residence. The sheriff may not approve the application for a concealed weapons license until the applicant has successfully completed a background investigation in that county and has successfully completed the testing procedures specified in this chapter;
 - d. If the applicant resides in a city with a police department, signed approval of the chief of police or the chief's designee;
 - e. Two fingerprint cards containing the classifiable fingerprints of the applicant; and
 - f. Two passport-size color photographs of the applicant.
2. The applicant shall provide to the agency all documentation relating to any court-ordered treatment or commitment for mental health or alcohol or substance abuse or incidents of domestic violence.
 3. The applicant shall provide to the director written authorizations for disclosure of the applicant's mental health and alcohol or substance abuse evaluation and treatment records.
 4. A non-refundable license fee in the amount of forty-five dollars, by certified check or money order, payable to the order of the attorney general.

- ~~2-5.~~ The sheriff shall process the application within thirty days after completion of the testing portion of the application process.
- ~~3-6.~~ If the applicant resides in a city that has a police department, the chief of police shall process the application within ten working days from receipt of the application by the city's police department.
- ~~4-7.~~ The agency shall process the application and make a determination whether to issue the concealed weapons license within ~~thirty~~ forty-five days from receipt of the application from the forwarding law enforcement agency.
- ~~5-8.~~ The applicant must be a citizen of the United States and successfully pass a criminal history background investigation conducted by the agency.
- ~~6-9.~~ The instructor shall complete the application as follows:
- a. If the application is for a class 2 concealed weapons license, the instructor shall complete the test block section and verify whether the applicant has successfully completed an open-book written test on weapon safety rules and the deadly force law of North Dakota. The instructor shall sign the application.
 - b. If the application is for a class 1 concealed weapons license, the instructor shall complete the test block section and verify whether the applicant has successfully participated in classroom instruction on weapon safety rules and the deadly force law of North Dakota, has demonstrated familiarity with a firearm or dangerous weapon, has completed a shooting course for firearms or a proficiency

exercise for other dangerous weapons, and has passed an open-book written test on weapon safety rules and the deadly force law of North Dakota. The instructor shall sign the application.

7-10. An incomplete application will be returned to the applicant for completion. The satisfactorily completed application must be returned to the agency no later than twenty days from the post-mark date the incomplete application was returned to the applicant. Failure to return the satisfactorily completed application within the time required may result in denial of the application and the applicant will be required to recommence the entire application process.

History: Effective September 1, 1986; amended effective April 1, 2010.

General Authority: NDCC 62.1-04-03

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

10-12-01-03. Nonresident applicants. United States citizens who are not residents of North Dakota may obtain a North Dakota concealed weapons license. To obtain a license, the nonresident shall comply with all requirements of North Dakota Century Code chapter 62.1-04 and these rules.

History: Effective September 1, 1986; amended effective April 1, 2010.

General Authority: NDCC 62.1-04-03

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

10-12-01-04. Classroom instruction and written test.

1. Applicants for a class 2 concealed weapons license shall successfully complete the written examination and submit an application for a concealed weapons license.
2. Applicants for a class 1 concealed weapons license shall attend classroom instruction on weapon safety rules and the deadly force law of North Dakota before they may complete the written examination and submit an application for a concealed weapons license. Only instructors certified under this chapter may conduct classroom instruction for applicants for concealed weapons licenses.
3. The written test must be an open-book test approved by the attorney general. The written test must include examination on weapons safety rules and the deadly force law of North Dakota. A minimum score of seventy percent overall and one hundred percent on the deadly force law of North Dakota is necessary to pass the written test. The written test may only be administered within the state of North Dakota and by an instructor certified under this chapter. The written test may not be administered in conjunction with any other state's concealed weapons laws or procedures.

History: Effective September 1, 1986; amended effective April 1, 2010.

General Authority: NDCC 62.1-04-03

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

10-12-01-05. Proficiency and shooting test.

1. Only an instructor certified under this chapter may administer a firearm shooting or proficiency exercise. Successful completion of the firearm shooting or proficiency exercise requires demonstrated familiarity and safety with a firearm or dangerous weapon.
2. Evidence of familiarity with a firearm or dangerous weapon may be satisfied by one of the following:
 - a. Certification of familiarity with a firearm or dangerous weapon by an individual who has been certified by the attorney general, which may include a law enforcement officer, military or civilian firearms instructor, hunter safety instructor, or dangerous weapons instructor;
 - b. Evidence of equivalent experience with a firearm or dangerous weapon through participation in an organized shooting competition, law enforcement, military service, or dangerous weapons course of training;
 - c. Possession of a license from another state to carry a firearm or dangerous weapon, concealed or otherwise, which is granted by that state upon completion of similar or equivalent classroom instruction, testing, and demonstration of firearm or dangerous weapon familiarity and proficiency; or
 - d. Evidence that the applicant, during military service, was found to be qualified to operate a firearm or dangerous weapon.

3. The firearm shooting exercise may only be conducted within the state of North Dakota and in accordance with shooting criteria approved by the director. The minimum passing score is seventy percent of the total rounds fired.
4. The applicant may use any safe firearm with any type of ammunition suitable for that firearm. The instructor shall determine whether the firearm is safe and the ammunition is appropriate before the shooting exercise starts. The applicant must be able to load, unload, and holster and carry the firearm safely.
5. If the applicant is applying for a concealed weapons license for a dangerous weapon as defined in subsection 1 of North Dakota Century Code section 62.1-01-01 and the weapon is not a firearm, the applicant shall demonstrate familiarity, safety, and proficiency in handling the weapon.
6. The firearm shooting or proficiency exercise may not be administered in conjunction with any other state's concealed weapons license application process.

History: Effective September 1, 1986; amended effective April 1, 2010.

General Authority: NDCC 62.1-04-03

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

10-12-01-06. Lost or destroyed licenses. If a concealed weapons license is lost or destroyed, the licenseholder may obtain a replacement license. In order to obtain a replacement license, the licenseholder shall send a letter to the director of the bureau of

criminal investigation indicating the licenseholder's name, address, and date of birth. In addition, the letter must include the reason the licenseholder needs a replacement license.

History: Effective September 1, 1986; amended effective April 1, 2010.

General Authority: NDCC 62.1-04-03

Law Implemented: NDCC 62.1-04-03

10-12-01-07. Denial, revocation, or cancellation of a concealed weapons license. The director of the bureau of criminal investigation may deny, revoke, or cancel a concealed weapons license for the following reasons:

1. The applicant or licenseholder is prohibited from owning, possessing, or having a firearm under North Dakota Century Code section 62.1-02-01 or under federal law or has committed any other violation of North Dakota Century Code title 62.1; or
2. The applicant made a material misstatement on the application for the concealed weapons license.
3. For a class 1 license in accordance with North Dakota Century Code section 62.1-04-03(1)(c) or (e).

History: Effective September 1, 1986; amended effective April 1, 2010.

General Authority: NDCC 62.1-04-03

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

10-12-01-08. Renewal of a concealed weapons license. A concealed weapons license may be renewed if a current licenseholder is eligible for a concealed weapons license and completes a renewal application subject to the following conditions:

1. Licenses issued before August 1, 2009, regardless of the age of the licenseholder, convert to a class 2 license upon renewal and no additional testing is required. No additional testing is required to renew for timely renewal of a class 2 license. ~~Renewal applications for a class 2 license must be submitted not earlier than ninety days prior to and not later than ninety days after the class 2 license expires. Approval of renewal applications received outside these timeframes is at the discretion of the director.~~
2. A class 1 license may be renewed upon successful completion of the class 1 requirements within one year before submission of the application for renewal. ~~Renewal applications for a class 1 license must be submitted not earlier than ninety days prior to and not later than ninety days after the class 1 license expires. Approval of renewal applications received outside these timeframes is at the discretion of the director.~~
3. Timely renewal is the responsibility of the applicant. The renewal application may be delivered to law enforcement not more than one hundred eighty (180) days and not less than ninety (90) days prior to the date the license expires. An incomplete application is not deemed to have been submitted to the BCI until after it has been returned satisfactorily completed. Failure to deliver a renewal application to the local law enforcement agency at least ninety (90) days prior to the license expiration date may result in the denial of the renewal application as

untimely. Licenseholder will be required to reapply as a new applicant and complete all testing.

4. A license issued before August 1, 2009, and a class 2 license may be upgraded to a class 1 license upon successful completion of the class 1 license requirements and satisfaction of the age requirement.
4. ~~5.~~ The renewal application must be processed within thirty days after its receipt by the sheriff. The chief of police, if applicable, is required to process the renewal application within ten working days of receipt by the agency. The bureau of criminal investigation is required to process the renewal application and make a determination within ~~thirty~~ forty-five days of receipt.

History: Effective September 1, 1986; amended effective April 1, 2010.

General Authority: NDCC 62.1-04-03

Law Implemented: NDCC 62.1-04-03

10-12-01-09. Residence change or change in material facts.

1. A concealed weapons licenseholder shall notify the director of the bureau of criminal investigation within thirty days of a change of address. The notification must be in writing and must include the licenseholder's name, former address, license number, and new address. The new address must include the new house number or apartment number, street name, city, zip code, and county.

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

History: Effective September 1, 1986; amended effective April 1, 2010.

General Authority: NDCC 62.1-04-03

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

10-12-01-10. Appeals and reconsideration.

1. An individual who is aggrieved by the decision of the director to deny an application for a license or a renewal of a license, or to suspend or cancel a license, may petition for reconsideration and rehearing under North Dakota Century Code section 28-32-40.
2. An individual who is aggrieved by the decision of the director to deny an application for a license or a renewal of a license, or to suspend or cancel a license, may appeal to the district court of Burleigh County under North Dakota Century Code section 28-32-42.

History: Effective September 1, 1986; amended effective April 1, 2010.

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

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

10-12-01-11. Reciprocity. The attorney general may enter into reciprocity agreements with other states to recognize another state's concealed weapons license if a reciprocity agreement is required by the other state in order to recognize North Dakota's concealed weapons license.

History: Effective September 1, 1986; amended effective April 1, 2010.

General Authority: NDCC 62.1-04-03
Law Implemented: NDCC 62.1-04-03

10-12-01-12. Firearm or dangerous weapons instructor certification.

1. The attorney general may certify firearm or dangerous weapons instructors to conduct classroom instruction, administer the written examination, have the applicant demonstrate familiarity with a firearm or dangerous weapon, and conduct the shooting and dangerous weapons proficiency examination.
2. In order to become certified as a firearm or dangerous weapons instructor, an individual shall successfully complete the concealed weapons instructor course approved by the director. Successful completion of the certification program requires a passing score on a written examination and a shooting course of fire.
3. The attorney general may certify a peace officer as a firearm or dangerous weapons instructor to conduct classroom instruction and administer the written examination who has current certification from the North Dakota peace officer standards and training board in methods of instruction.
4. The attorney general may certify a peace officer as a firearm or dangerous weapons instructor to conduct firearm and dangerous weapons familiarity demonstrations and shooting and proficiency exercises who has current certification from the North Dakota peace officer standards and training board as a weapons instructor.

5. All applications for instructor certification must be made on a form approved by the director of the bureau of criminal investigation.
6. Firearm or dangerous weapons instructor certification is effective for three years from the date of certification.
7. A firearm or dangerous weapons instructor must possess a current valid North Dakota concealed weapons license as a requirement for certification under this section.

History: Effective April 1, 2010.

General Authority: NDCC 62.1-04-03

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

10-12-01-13. Renewal of firearm or dangerous weapons instructor certification.

1. The director shall prescribe and provide the required training program for renewal of firearm or dangerous weapons instructor certification, including classroom, firearm, and dangerous weapons instruction. Successful completion of the renewal training program requires a passing score on a written examination and a shooting course of fire or dangerous weapons proficiency.
2. Applications for renewal must be submitted on a form approved by the director.
3. A firearm or dangerous weapons instructor must possess a current valid North Dakota concealed weapons license as a requirement for renewal of certification under this section.

History: Effective April 1, 2010.
General Authority: NDCC 62.1-04-03
Law Implemented: NDCC 62.1-04-03(1)(d)

10-12-01-14. Firearm or dangerous weapons instructor training and testing procedures and fees.

1. A certified firearm or dangerous weapons instructor may only conduct the training and testing procedures according to the requirements established by the director. The instructor may determine the frequency and class size of training and testing sessions.
2. A certified firearm or dangerous weapons instructor shall submit all classroom instruction and training information to the director on a form approved by the director prior to the commencement of classroom instruction or training to monitor course content and instructor development.
3. A certified firearm or dangerous weapons instructor may not charge a fee exceeding fifty dollars to conduct the requirements for a concealed weapons license.

History: Effective April 1, 2010.
General Authority: NDCC 62.1-04-03
Law Implemented: NDCC 62.1-04-03(1)(d)

10-12-01-15. Denial, revocation, or cancellation of firearm or dangerous weapons instructor certification. The director may deny, revoke, or cancel firearm or

dangerous weapons instruction certification. Grounds for denial, revocation, or cancellation include:

1. The instructor is prohibited from owning, possessing, or having a firearm under North Dakota Century Code section 62.1-02-01 or under federal law;
2. The instructor has committed any other violation of North Dakota Century Code title 62.1;
3. The instructor willfully submitted material false information for the purposes of obtaining instructor certification or renewal;
4. The instructor has failed to follow the approved procedures for the issuance of a concealed weapons license;
5. The instructor has willfully submitted material false information concerning the training or testing conducted for a concealed weapons license; or
6. The instructor has not filed a completed application for certification as a firearm or dangerous weapons instructor or has not met the requirements for certification as a firearms or dangerous weapons instructor.

History: Effective April 1, 2010.

General Authority: NDCC 62.1-04-03

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