Fifty-sixth Legislative Assembly of North Dakota

HOUSE BILL NO. 1447

Introduced by

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Representatives Weisz, Brusegaard, DeKrey, Delzer, Timm

- 1 A BILL for an Act to amend and reenact section 62.1-02-01 of the North Dakota Century Code,
- 2 relating to possession of weapons.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 62.1-02-01 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-01. Who not to possess firearms - Penalty.

- 1. A person who has been convicted anywhere for a felony involving violence or intimidation, as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of ten years after the date of conviction or release from incarceration or probation, whichever is the latter.
- 2. A person who has been convicted of any felony not provided for in subsection 1 or has been convicted of a class A misdemeanor involving violence or intimidation and that crime was committed while using or possessing a firearm or dangerous weapon, as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of five years after the date of conviction or release from incarceration or probation, whichever is the latter.
- 3. A person who is or has ever been diagnosed and confined or committed to a hospital or other institution in North Dakota this state or elsewhere by a court of competent jurisdiction, other than a person who has had the petition that provided the basis for the diagnosis, confinement, or commitment dismissed under section 25-03.1-17, 25-03.1-18, or 25-03.1-19, or equivalent statutes of another jurisdiction, as a mentally ill person as defined in section 25-03.1-02, or as a

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1 mentally deficient person as defined in section 25-01-01, is prohibited from 2 purchasing a firearm or having one in possession or under control. This limitation 3 does not apply to a person who has not suffered from the disability for the previous 4 three years. 5 A person under the age of eighteen years may not possess a handgun except that 6 such a person may, while under the direct supervision of an adult, may possess a 7 handgun for the purposes of firearm safety training, target shooting, or hunting. 8 A person who is prohibited by federal law from owning a firearm, possessing a 5. 9 firearm, or having a firearm under that person's control is prohibited from owning a 10 firearm, possessing a firearm, or having a firearm under that person's control. 11 A person who violates subsection 1 or, 2, or 5 is guilty of a class C felony, and a person who 12 violates subsection 3 or 4 is guilty of a class A misdemeanor. For the purposes of this section, 13 "conviction" means determination by a jury or court that a person committed one of the 14 above-mentioned crimes even though the court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02 or deferred imposition of sentence in 15 16 accordance with subsection 4 of section 12.1-32-02, placed the defendant on probation, 17 granted a conditional discharge in accordance with section 19-03.1-30, the defendant's 18 conviction has been reduced in accordance with subsection 10 of section 12.1-32-02 or section 19 12.1-32-07.1, or a determination under chapter 27-20 that the person committed a delinquent

act equivalent to the offenses provided in subsection 1 or 2.