

Sixty-first
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2415

Introduced by

Senators Triplett, J. Lee, Miller

Representatives Gruchalla, Porter

1 A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code,
2 relating to a reciprocal licensure to carry a firearm or dangerous weapon concealed; and to
3 provide application.

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

5 **SECTION 1. AMENDMENT.** Section 62.1-04-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **62.1-04-03. License to carry a firearm or dangerous weapon concealed.**

- 8 1. The chief of the bureau of criminal investigation shall issue a license to carry a
9 firearm or dangerous weapon concealed upon review of an application submitted
10 to the chief if the following criteria are met:
- 11 a. The applicant has a valid reason for carrying the firearm or dangerous
12 weapon concealed, including self-protection, protection of others, or
13 work-related needs.
 - 14 b. The applicant is not a person specified in section 62.1-02-01.
 - 15 c. The applicant has the written approval for the issuance of a license from the
16 sheriff of the applicant's county of residence, and, if the city has one, the chief
17 of police or a designee of the city in which the applicant resides. The
18 approval by the sheriff may not be given until the applicant has successfully
19 completed a background investigation in that county and has attended a
20 testing procedure conducted pursuant to rules adopted by the attorney
21 general. ~~The testing procedure for approval of a concealed weapons license~~
22 ~~must be an open book test to be given from a manual that sets forth weapon~~
23 ~~safety rules and the deadly force law of North Dakota, including judicial~~
24 ~~decisions and attorney general opinions.~~ A weapons instructor certified by

1 the attorney general shall conduct the testing procedure. ~~The attorney~~
2 ~~general shall develop rules that ensure that this testing will be conducted.~~
3 ~~The person conducting the testing may assess a charge of up to twenty-five~~
4 ~~dollars for conducting this testing.~~ The testing procedure is not required for a
5 renewal of a concealed weapons license.

6 d. The applicant satisfactorily completes the bureau of criminal investigation
7 application form and has successfully passed a background investigation or
8 criminal records check conducted by that agency.

9 e. The applicant is not prohibited under federal law from owning, possessing, or
10 having a firearm under that person's control.

11 2. The sheriff is required to process the application within thirty days after the
12 completion of the testing portion unless the application is for renewal of a license
13 and in such case the application must be processed within thirty days after its
14 receipt by the sheriff, the chief of police is required to process the application
15 within ten working days of receipt by the agency, and the bureau of criminal
16 investigation is required to process the application and make a determination
17 within thirty days of receipt from the forwarding agency.

18 3. The license fee for a concealed weapons license is twenty-five dollars. Ten dollars
19 of this fee must be credited to the state general fund and fifteen dollars of this fee
20 must be credited to the attorney general's operating fund up to a total of
21 seventy-five thousand dollars each biennium. Any collections from fifteen dollars
22 of this fee in excess of the seventy-five thousand dollars credited to the attorney
23 general's operating fund each biennium must be credited to the state general fund.
24 The license fee must be paid before the license is issued by the director of the
25 bureau of criminal investigation.

26 4. The chief of the bureau of criminal investigation shall prescribe the form of the
27 application and license, which must include the name, address, description, a
28 photograph, and the signature of the individual. The application form must require
29 sufficient information to properly conduct a background investigation and be
30 accompanied by two sets of classifiable fingerprints. The two sets of classifiable
31 fingerprints are not required for a renewal of a concealed weapons license. The

license is valid for ~~three~~ five years. The license must be prepared in triplicate, and the original must be delivered to the licensee, the duplicate must be sent by mail, within seven days after issuance, to the sheriff of the county in which the applicant resides, and the triplicate must be preserved for six years by the chief. In those cases in which the licensee resides in a city, an additional copy of the license must be made and sent by mail, within seven days after issuance, to the chief of police of the city in which the applicant resides. The individual shall notify the chief of the bureau of criminal investigation of any change of address or any other material fact which would affect the restrictions on or the need for the license.

5. The chief of the bureau of criminal investigation may deny an application or revoke or cancel a license after it has been granted for any material misstatement by an applicant in an application for the license or any violation of this title.
6. The applicant may appeal a denial or revocation of this license to the district court of the applicant's county of residence.
7. Information collected from an applicant under this section is confidential information. However, the information may be disclosed:
 - a. To a governmental agency or court for a law enforcement purpose, including the investigation, prosecution, or punishment of a violation of law.
 - b. To a court to aid in a decision concerning sentence, probation, or release pending trial or appeal.
 - c. Pursuant to a court order or a judicial, legislative, or administrative agency subpoena issued in this state.
8. The attorney general ~~may~~ shall ~~adopt rules to carry out this title~~ by rule written and practical training and testing for a license so that the license is offered reciprocity or is otherwise valid in as many states as possible. The rules must allow a resident of another state to apply for a license in this state. The provisions as to delivery of a license to the sheriff and chief of police of a city as to nonresidents and as to court jurisdiction as to nonresidents do not apply to this subsection. A nonresident may appeal the denial or revocation of an alternative license to any district court.

1 9. After December 31, 2010, the attorney general may not change or adopt rules to
2 implement this section, but shall recommend legislation to the legislative assembly.
3 If any other change to the law is needed to increase reciprocity or the validity of the
4 license in other states, the attorney general shall recommend appropriate
5 legislation to the next regular session of the legislative assembly.

6 **SECTION 2. APPLICATION.** A license issued before the effective date of this Act is
7 valid until the license must be renewed or upon issuance of a license to a licensee under this
8 Act.