

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1348

Introduced by

Representatives DeKrey, Damschen, Uglem, Weisz

Senators Lyson, Wanzek

1 A BILL for an Act to amend and reenact sections 62.1-02-04 and 62.1-02-05 of the North
2 Dakota Century Code, relating to the possession of a firearm or dangerous weapon by a person
3 licensed to carry a concealed weapon.

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

5 **SECTION 1. AMENDMENT.** Section 62.1-02-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **62.1-02-04. Possession of firearm or dangerous weapon in liquor establishment**
8 **or gaming site prohibited - Penalty - Exceptions.** ~~Any person~~ An individual who enters or
9 remains in that part of the establishment that is set aside for the retail sale in an establishment
10 engaged in the retail sale of alcoholic beverages or used as a gaming site while in the
11 possession of a firearm or dangerous weapon is guilty of a class A misdemeanor. This section
12 does not apply to:

- 13 1. A law enforcement officer.
- 14 2. The proprietor.
- 15 3. The proprietor's employee.
- 16 4. A designee of the proprietor when the designee is displaying an unloaded firearm
17 or dangerous weapon as a prize or sale item in a raffle or auction.
- 18 5. Private security personnel while on duty for the purpose of delivering or receiving
19 moneys used at the liquor establishment or gaming site.
- 20 6. An individual licensed under 62.1-04-03 unless in that part of an establishment
21 engaged in the retail on sale of alcoholic beverages.

22 **SECTION 2. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **62.1-02-05. Possession of a firearm at a public gathering - Penalty - Application.**

- 1 1. A person who possesses a firearm at a public gathering is guilty of a class B
2 misdemeanor. For the purpose of this section, "public gathering" includes athletic
3 or sporting events, schools or school functions, churches or church functions,
4 political rallies or functions, musical concerts, and individuals in publicly owned
5 parks where hunting is not allowed by proclamation and publicly owned or
6 operated buildings.
- 7 2. This section does not apply to law enforcement officers; members of the armed
8 forces of the United States or national guard, organized reserves, state defense
9 forces, or state guard organizations, when on duty; competitors participating in
10 organized sport shooting events; gun and antique shows; participants using blank
11 cartridge firearms at sporting or theatrical events; any firearms carried in a
12 temporary residence or motor vehicle; students and instructors at hunter safety
13 classes; or private security personnel while on duty. In addition, a municipal court
14 judge licensed to practice law in this state, a district court judge, and a retired North
15 Dakota law enforcement officer are exempt from the prohibition and penalty in
16 subsection 1 if the individual is otherwise licensed to carry a firearm under section
17 62.1-04-03 and maintains the same level of firearms proficiency as is required by
18 the peace officers standards and training board for law enforcement officers. A
19 local law enforcement agency shall issue a certificate of compliance under this
20 section to an individual who is proficient.
- 21 3. This section does not apply to an individual licensed to carry a firearm under
22 section 62.1-04-03 unless that individual is on the real property comprising a public
23 or nonpublic elementary, middle, or high school.
- 24 4. This section does not prevent any political subdivision from enacting an ordinance
25 which is less restrictive than this section relating to the possession of firearms at a
26 public gathering. Such an ordinance supersedes this section within the jurisdiction
27 of the political subdivision.