

**BEFORE THE ADMINISTRATIVE RULES COMMITTEE****March 9, 2010**

Chairman Jerry Klein, Members of the Administrative Rules Committee:

The following information is submitted by Ken Sorenson, Assistant Attorney General, on behalf of the North Dakota Attorney General, to supplement the written testimony already provided to the Administrative Rules Committee.

There are thirty-three states that either have formal reciprocity arrangements with Utah, or recognize the Utah's concealed weapons permit without a formal reciprocity arrangement. Of these thirty-three states, four states have declined reciprocity with North Dakota after the 2009 amendments to N.D.C.C. § 62.1-04-03. These four states are Minnesota, Mississippi, Washington, and Wyoming.

The 2009 amendments to N.D.C.C. § 62.1-04-03(1)(e) require an applicant to provide the Bureau of Criminal Investigation ("BCI") with all documentation regarding court-ordered treatment or commitment for mental health or alcohol or substance abuse or incidents of domestic violence. These four states have declined reciprocity with North Dakota because its statutory laws on the prohibition of firearms are not as restrictive as their state laws, e.g., they do not necessarily prohibit criminals or persons with a mental illness diagnosis from eventually receiving concealed weapons licenses, and law enforcement may not learn of or receive all of an applicant's mental health and treatment records.

While the above four states so far have declined reciprocity, North Dakota has gained reciprocity with states including Arizona, New Mexico, West Virginia, Virginia, and North Carolina because of the new class 1 license. Georgia has verbally indicated it will recognize North Dakota's class 1 license but will require a written reciprocity agreement. Negotiations are pending with New Hampshire and Maine.

In addition, North Dakota has requested reciprocity with a number of other states, including New Jersey, Ohio, Rhode Island, and South Carolina. Those requests are still pending.