

Introduced by

Representative Klemin

1 A BILL for an Act to create and enact section 62.1-01-05, subdivision f of subsection 2 of section
2 62.1-04-03, and section 62.1-04-06 of the North Dakota Century Code, relating to the voluntary
3 surrender of a firearm by a family or household member and a firearm safety and suicide
4 prevention video; and to amend and reenact subsection 28 of section 50-06-05.1 and
5 subdivision d of subsection 2 of section 62.1-04-03 of the North Dakota Century Code, relating
6 to the duties of the department of human services and concealed weapons license
7 requirements.

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

9 **SECTION 1. AMENDMENT.** Subsection 28 of section 50-06-05.1 of the North Dakota
10 Century Code is amended and reenacted as follows:

11 28. To provide resources, including a brochure, on mental health awareness and suicide
12 prevention to the behavioral health resource coordinator at each school and the
13 bureau of criminal investigation. The resources must include information on identifying
14 warning signs, risk factors, and the availability of resources in the community.

15 **SECTION 2.** Section 62.1-01-05 of the North Dakota Century Code is created and enacted
16 as follows:

17 **62.1-01-05. Voluntary surrender of a firearm by family or household member - Rules.**

18 1. As used in this section:

19 a. "Family or household member" means an individual who is at least eighteen
20 years of age, lives with the owner cohabitant, and:

21 (1) Is married to the owner cohabitant;

22 (2) Is related by blood or marriage to the owner cohabitant;

23 (3) Has one or more children in common with the owner cohabitant; or

24 (4) Has an interest in the safety and well-being of the owner cohabitant.

- 1 b. "Law enforcement agency" means a nonfederal public agency authorized by law
2 or by a government agency or branch to enforce the law and to conduct or
3 engage in investigations or prosecutions for violations of law, including the
4 authority to conduct or engage in seizure and forfeiture of property or to
5 collaborate with a federal agency under federal law to conduct or engage in
6 seizure and forfeiture of property.
- 7 c. "Owner cohabitant" means an individual who owns a firearm.
- 8 2. Notwithstanding any other provision of law, if a family or household member
9 reasonably believes the owner cohabitant or another family or household member with
10 access to the firearm is an immediate threat to the owner cohabitant, the family or
11 household member, or any other individual, the family or household member may
12 voluntarily surrender the firearm to a law enforcement agency for safekeeping.
- 13 3. Notwithstanding section 62.1-01-02, a law enforcement agency may possess a firearm
14 under this section if the family or household member voluntarily surrenders the firearm
15 to the law enforcement agency at the law enforcement agency's office.
- 16 4. Except as provided in subsection 5, upon receipt of a firearm under this section, the
17 law enforcement agency shall:
- 18 a. Record:
- 19 (1) The name, address, and telephone number of the owner cohabitant;
20 (2) The name, address, telephone number, and electronic mail address of the
21 family or household member who voluntarily surrendered the firearm;
22 (3) The serial number, make, and model of each firearm that belongs to the
23 owner cohabitant; and
24 (4) The date the firearm was received.
- 25 b. Require the family or household member to sign an affidavit declaring the family
26 or household member is a family or household member as defined in this section.
- 27 c. Hold the firearm for sixty days after the day the firearm was surrendered.
- 28 d. Upon proof of identification, return the firearm to:
- 29 (1) The owner cohabitant after the expiration of the sixty days;
30 (2) The family or household member who voluntarily surrendered the firearm
31 upon written request before the expiration of the sixty days; or

- 1 (3) An owner other than the owner cohabitant as provided in subsection 8.
- 2 5. If a law enforcement agency receives an illegal firearm, the law enforcement agency
3 shall notify the owner cohabitant and the family or household member trying to
4 voluntarily commit the firearm that the firearm is illegal and confiscate and dispose of
5 the firearm as provided in section 62.1-01-02.
- 6 6. Upon the expiration of the initial sixty days and the request of the family or household
7 member or owner cohabitant, the law enforcement agency shall hold the firearm for an
8 additional sixty days.
- 9 7. If, after a reasonable attempt to return the firearm and one year has passed since the
10 date the firearm was received by the law enforcement agency, a law enforcement
11 agency is unable to locate an owner cohabitant to return the firearm, the law
12 enforcement agency shall dispose of the firearm as provided in section 62.1-01-02.
- 13 8. a. If an individual other than the owner cohabitant claims ownership of the firearm,
14 the individual may request the law enforcement agency return the firearm as
15 provided under subdivision b or petition the court for the firearm's return under
16 subdivision c.
- 17 b. Except as otherwise provided in this section, the law enforcement agency shall
18 return the firearm to an individual who claims ownership of the firearm and who is
19 not the owner cohabitant if:
- 20 (1) The sixty-day period described in subsection 4 has expired;
21 (2) The individual provides identification; and
22 (3) The individual signs an affidavit attesting the individual has an ownership
23 interest in the firearm.
- 24 c. Upon petition of the court and after sufficient notice is given to the interested
25 parties, the court may order the firearm be:
- 26 (1) Returned to the rightful owner as determined by the court; or
27 (2) Disposed as provided in section 62.1-01-02.
- 28 d. A law enforcement agency shall return a firearm pursuant to a court order under
29 subdivision c within five business days of the date the order was signed.
- 30 9. Notwithstanding any other provision of law, a law enforcement agency shall destroy
31 any law enforcement record created under this section within five days of the return of

1 the firearm to the owner cohabitant or disposal of the firearm as provided in this
2 section.

3 10. The attorney general shall adopt rules necessary to implement this section.

4 **SECTION 3. AMENDMENT.** Subdivision d of subsection 2 of section 62.1-04-03 of the
5 North Dakota Century Code is amended and reenacted as follows:

6 d. ~~Additional~~Except as otherwise required by section 62.1-04-06, additional testing
7 is not required to renew a class 2 firearm and dangerous weapon license. A
8 class 1 firearm license may be renewed upon successful completion of the
9 class 1 firearm requirements and the requirements provided in section
10 62.1-04-06 within thirty days before submission of the application for renewal.

11 **SECTION 4.** Subdivision f of subsection 2 of section 62.1-04-03 the North Dakota Century
12 Code is created and enacted as follows:

13 f. An applicant for a class 1 firearm license or a class 2 firearm and dangerous
14 weapon license shall complete the firearm safety and suicide prevention video
15 requirements in section 62.1-04-06.

16 **SECTION 5.** Section 62.1-04-06 of the North Dakota Century Code is created and enacted
17 as follows:

18 **62.1-04-06. Concealed firearm permit - Firearm safety and suicide prevention video -**
19 **Rules.**

20 1. The bureau of criminal investigation shall coordinate with the behavioral health division
21 of the department of human services to create a firearm safety and suicide prevention
22 video.

23 2. The video must be accessible online, no longer than ten minutes in length, and include
24 information about:

25 a. Safe handling, storage, and use of firearms in a home;

26 b. Individuals who are at-risk and individuals who are legally prohibited from
27 possessing firearms; and

28 c. Suicide prevention awareness.

29 3. Before an individual may receive or renew a concealed weapons license under section
30 62.1-04-03, the individual shall view the firearm safety and prevention video and
31 submit proof in the form required by the bureau of criminal investigation.

- 1 4. The attorney general may adopt any rules necessary to implement this section.