

WEAPONS

CHAPTER 516

SENATE BILL NO. 2034

(Legislative Management)
(Judiciary Committee)

AN ACT to create and enact a new subsection to section 62.1-02-01, a new subsection to section 62.1-02-05, and a new subsection to section 62.1-02-10 of the North Dakota Century Code, relating to the possession of firearms; to amend and reenact subsection 1 of the new section to chapter 62.1-02 of the North Dakota Century Code as created by section 1 of House Bill No. 1332, as approved by the sixty-sixth legislative assembly, relating to the carrying of a concealed firearm on school property by qualified individuals; to amend and reenact subsections 3 and 7 of section 62.1-01-01, subsection 1 of section 62.1-02-01.1, subsection 1 of section 62.1-02-05, subdivision l of subsection 2 of section 62.1-02-05, section 62.1-02-07, subdivision a of subsection 6 of section 62.1-02-13, and sections 62.1-03-01 and 62.1-04-02 of the North Dakota Century Code, relating to the possession of firearms; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

²⁵⁵ **SECTION 1. AMENDMENT.** Subsections 3 and 7 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Firearm" or "weapon" means any device ~~which will expel~~that expels or is readily capable of expelling; a projectile by the action of an explosive and includes any such device, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon. ~~For a felon who is not sentenced under section 12.1-32-09.1, the term does not include a firearm or weapon that is a rifle that has a barrel sixteen inches [40.64 centimeters] or longer or a shotgun that has a barrel eighteen inches [45.72 centimeters] or longer and which is one of the following:~~
 - a. A firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899.
 - b. A replica of any firearm described in subdivision a, if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

²⁵⁵ Section 62.1-01-01 was also amended by section 1 of House Bill No. 1308, chapter 517.

~~e. A muzzleloading rifle or muzzleloading shotgun that is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.~~

7. "Law enforcement officer" means:

a. A public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for violations of law; or

b. A retired public servant in good standing who:

(1) Was authorized by law or by a government agency or branch for at least ten years to enforce the law and to conduct or engage in investigations or prosecutions for violations of law or who was separated from service due to a service-related physical disability;

(2) Maintains the same level of firearms proficiency as is required by the peace officers standards and training board for law enforcement officers, maintains the standards for qualifications in firearms training for active law enforcement officers as determined by the former agency of the individual in the state in which the individual resides, or maintains the standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers in the state in which the individual resides;

(3) Has a photo identification card issued by a local law enforcement agency which identifies the individual as having been employed by a government agency or branch as a law enforcement officer and indicates the individual has passed the firearms proficiency test within twelve months from the date of issue; and

(4) Has not been found by a qualified medical professional to be unqualified for reasons relating to mental health or entered an agreement with a government agency or branch in which the public servant acknowledges a lack of qualifications for reasons relating to the mental health of the public servant; ~~or~~

~~e. A retired public servant in good standing who:~~

~~(1) Was separated from service due to a service-related disability;~~

~~(2) Maintains the same level of firearms proficiency as is required by the peace officers standards and training board for law enforcement officers, maintains the standards for qualifications in firearms training for active law enforcement officers as determined by the former agency of the individual in the state in which the individual resides, or maintains the standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers in the state in which the individual resides;~~

~~(3) Has a photo identification card issued by a local law enforcement agency which identifies the individual as having been employed by a government agency or branch as a law enforcement officer and~~

indicates the individual has passed the firearms proficiency test within twelve months from the date of issue; and

- ~~(4) Has not been found by a qualified medical professional to be unqualified for reasons relating to mental health or entered an agreement with a government agency or branch in which the public servant acknowledges a lack of qualifications for reasons relating to the mental health of the public servant.~~

²⁵⁶ **SECTION 2. AMENDMENT.** Subsection 1 of the new section to chapter 62.1-02 of the North Dakota Century Code as created by section 1 of House Bill No. 1332, as approved by the sixty-sixth legislative assembly, is amended and reenacted as follows:

1. The superintendent of public instruction, in consultation with the department of emergency services and the attorney general, shall adopt rules to administer this section and develop criteria for approval of plans under this section.

SECTION 3. A new subsection to section 62.1-02-01 of the North Dakota Century Code is created and enacted as follows:

A felon who is not sentenced under section 12.1-32-09.1 may possess a rifle that has a barrel sixteen inches [40.72 centimeters] or longer or a shotgun that has a barrel eighteen inches [45.72 centimeters] or longer and which is one of the following:

- a. A firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899.
- b. A replica of any firearm described in subdivision a, if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.
- c. A muzzleloading rifle or muzzleloading shotgun designed to use black powder or a black powder substitute and which cannot use fixed ammunition.

SECTION 4. AMENDMENT. Subsection 1 of section 62.1-02-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual ~~who is~~ prohibited from possessing a firearm due to a conviction of a felony under subdivision b of subsection 1 of section 62.1-02-01 may petition the district court for restoration of the individual's firearm rights. If the felony offense was committed in this state, the petition must be filed with the district court in the county where the offense occurred. If the offense was a felony of another state or the federal government, the petition must be filed ~~with the district court in the county where the petitioner resides~~ in the venue where the rights of the individual were revoked. A copy of the petition must be served on the state's attorney's office in the county where the petition is filed in accordance with Rule 5 of the North Dakota Rules of Civil Procedure. The state's attorney's office ~~shall have~~ has twenty days to file a written response to the petition with the district court.

257 **SECTION 5.** A new subsection to section 62.1-02-05 of the North Dakota Century Code is created and enacted as follows:

This section does not prevent the governing body of a school or the entity exercising control over a publicly owned or operated building or property from authorizing the use of a less than lethal weapon as part of the security plan for the school, building, or property.

258 **SECTION 6. AMENDMENT.** Subsection 1 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church or other place of worship, and a publicly owned or operated building.

259 **SECTION 7. AMENDMENT.** Subdivision I of subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

- I. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a firearm or dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;

SECTION 8. AMENDMENT. Section 62.1-02-07 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-07. Use of firearm by certain minors prohibited - Penalty.

Any parent, guardian, or other person having charge or custody authorized by the parent or guardian of any minor under fifteen years of age who permits that minor to carry or use in public any firearm of any description loaded with powder and projectile, except when the minor is under the direct supervision of the parent, guardian, or other person authorized by the parent or guardian in public, is guilty of a class B misdemeanor. This section does not apply if the minor is under the direct supervision of the parent, guardian, or other person authorized by the parent or guardian.

257 Section 62.1-02-05 was also amended by section 1 of House Bill No. 1042, chapter 520, section 2 of House Bill No. 1163, chapter 519, section 2 of House Bill No. 1332, chapter 521, section 6 of Senate Bill No. 2034, chapter 516, and section 7 of Senate Bill No. 2034, chapter 516.

258 Section 62.1-02-05 was also amended by section 1 of House Bill No. 1042, chapter 520, section 2 of House Bill No. 1163, chapter 519, section 2 of House Bill No. 1332, chapter 521, section 5 of Senate Bill No. 2034, chapter 516, and section 7 of Senate Bill No. 2034, chapter 516.

259 Section 62.1-02-05 was also amended by section 1 of House Bill No. 1042, chapter 520, section 2 of House Bill No. 1163, chapter 519, section 2 of House Bill No. 1332, chapter 521, section 5 of Senate Bill No. 2034, chapter 516, and section 6 of Senate Bill No. 2034, chapter 516.

²⁶⁰ **SECTION 9.** A new subsection to section 62.1-02-10 of the North Dakota Century Code is created and enacted as follows:

An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

SECTION 10. AMENDMENT. Subdivision a of subsection 6 of section 62.1-02-13 of the North Dakota Century Code is amended and reenacted as follows:

- a. Any public or nonpublic elementary school, middle school, or high school property, except as otherwise provided in subsection 2 of section 62.1-02-05.

SECTION 11. AMENDMENT. Section 62.1-03-01 of the North Dakota Century Code is amended and reenacted as follows:

62.1-03-01. Carrying handgun - ~~Restrictions~~Limitations - Exceptions.

1. ~~A handgun may not be carried unless by an individual not otherwise prohibited and~~Unless otherwise prohibited by law, an individual may carry a handgun if:
 - a. ~~Between the hours of one hour before sunrise and one hour after sunset, the handgun is unloaded and either in plain view or secured~~The handgun is unloaded, in plain view or secured, and between the hours of one hour before sunrise and one hour after sunset.
 - b. ~~Between the hours of one hour after sunset and one hour before sunrise, the handgun is unloaded and secured~~The handgun is unloaded and secured and between the hours of one hour after sunset and one hour before sunrise.
2. ~~The restrictions provided in subdivisions~~A limitation under subdivision a and/or b of subsection 1 ~~does~~ not apply to:
 - a. An individual possessing a valid concealed weapons license from this state, an individual not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation, or an individual who has reciprocity under section 62.1-04-03.1.
 - b. An individual on that person's land, or in that individual's permanent or temporary residence, or fixed place of business.
 - c. An individual while lawfully engaged in target shooting.
 - d. An individual while in the field engaging in the lawful pursuit of hunting or trapping. However, nothing in this exception authorizes the carrying of a loaded handgun in a motor vehicle.

²⁶⁰ Section 62.1-02-10 was also amended by section 3 of House Bill No. 1042, chapter 520, and section 3 of House Bill No. 1163, chapter 519.

- e. An individual permitted by law to possess a firearm while carrying the handgun unloaded and in a secure wrapper from the place of purchase to that person's home or place of business, or to a place of repair or back from those locations.
- f. Any North Dakota law enforcement officer.
- g. Any law enforcement officer of any other state or political subdivision of another state if on official duty within this state.
- h. Any armed security guard or investigator as authorized by law when on duty or going to or from duty.
- i. Any member of the armed forces of the United States when on duty or going to or from duty and when carrying the handgun issued to the member.
- j. Any member of the national guard, organized reserves, state defense forces, or state guard organizations, when on duty or going to or from duty and when carrying the handgun issued to the member by the organization.
- k. Any officer or employee of the United States duly authorized to carry a handgun.
- l. An individual engaged in manufacturing, repairing, or dealing in handguns or the agent or representative of that individual possessing, using, or carrying a handgun in the usual or ordinary course of the business.
- m. Any common carrier, but only when carrying the handgun as part of the cargo in the usual cargo carrying portion of the vehicle.
- ~~n. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.~~

SECTION 12. AMENDMENT. Section 62.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-02. Carrying concealed firearms or dangerous weapons - License distinctions.

1. An individual, other than a law enforcement officer, may not carry a firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.
2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.
3. For purposes of this chapter, the difference between a class 1 and class 2 firearm and dangerous weapon license is only the extent to which a holder of either license may be eligible to receive reciprocal rights in other jurisdictions. A class 1 firearm and dangerous weapon licenseholder is eligible to receive

reciprocal rights in more jurisdictions than a class 2 firearm and dangerous weapon licenseholder. The rights and privileges conveyed by a class 1 or class 2 firearm and dangerous weapon license within the state are identical.

Approved April 18, 2019

Filed April 19, 2019

CHAPTER 517**HOUSE BILL NO. 1308**

(Representatives M. Ruby, Hoverson, Johnston, Marschall, Paulson, Porter, D. Ruby)
(Senators Hogue, O. Larsen, Vedaa)

AN ACT to amend and reenact subsection 8 of section 62.1-01-01 relating to the definition of machine gun, submachine gun, or fully automatic rifle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶¹ **SECTION 1. AMENDMENT.** Subsection 8 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Machine gun, submachine gun, or fully automatic rifle" means a firearm, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second. The term does not include a binary trigger that fires one round upon the pull of the trigger and one round upon release of the trigger.

Approved April 8, 2019

Filed April 9, 2019

²⁶¹ Section 62.1-01-01 was also amended by section 1 of Senate Bill No. 2034, chapter 516.

CHAPTER 518

HOUSE BILL NO. 1381

(Representatives Simons, Becker, Ertelt, Johnston, Jones, Kasper, B. Koppelman, K. Koppelman, McWilliams, D. Ruby, M. Ruby)
(Senator O. Larsen)

AN ACT to create and enact a new section to chapter 62.1-01 of the North Dakota Century Code, relating to a restriction on firearm buyback programs; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 62.1-01 of the North Dakota Century Code is created and enacted as follows:

Firearm buyback program - Prohibited.

1. As used in this section, "firearm buyback program" means a program to purchase privately owned firearms, firearm parts, or ammunition from private individuals or organizations for the purpose of providing cash, gifts, or vouchers; or reducing the number of firearms, firearm parts, or ammunition owned by civilians; or permitting a civilian to sell a firearm to the government without fear of prosecution. The term does not include the purchase of firearms, firearm parts, or ammunition from a licensed firearms dealer, or a program to purchase firearms, firearm parts, or ammunition for law enforcement purposes.
2. A state agency, political subdivision, or any law enforcement agency of this state may not conduct a firearm buyback program or participate in the implementation, administration, or operation of a firearm buyback program.
3. A state agency, political subdivision, or any law enforcement agency of this state may not expend any taxpayer dollars for the purpose of implementing, administering, or otherwise operating a firearm buyback program.
4. A violation of this section is a class A misdemeanor.

Approved April 8, 2019

Filed April 9, 2019

CHAPTER 519

HOUSE BILL NO. 1163

(Representatives B. Koppelman, Ertelt, Johnston, Karls, K. Koppelman, Magrum)
(Senators Luick, Myrdal)

AN ACT to amend and reenact subsection 1 of section 62.1-02-04, subsection 1 of section 62.1-02-05, and section 62.1-02-10 of the North Dakota Century Code, relating to the possession of firearms or dangerous weapons; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 62.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual who enters or remains in that part of the establishment that is set aside for the retail sale of alcoholic beverages and the consumption of purchased alcoholic beverages or used as a gaming site at which bingo is the primary gaming activity while that individual knowingly possesses a firearm or dangerous weapon is guilty of a ~~class A misdemeanor~~ infraction. In addition, an individual is guilty of an offense under this section for the knowing possession of a device that uses a projectile and voltage or a device that uses a projectile and may be used to apply multiple applications of voltage during a single incident in the part of an establishment that is set aside for the retail sale and consumption of alcoholic beverages.

²⁶² **SECTION 2. AMENDMENT.** Subsection 1 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a ~~class B misdemeanor~~ infraction. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.

²⁶³ **SECTION 3. AMENDMENT.** Section 62.1-02-10 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-10. Carrying loaded firearm in certain vehicles prohibited - Penalty - Exceptions.

An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile in this state. An individual violating this section is guilty of a ~~class B misdemeanor~~ infraction. This prohibition does not apply to:

²⁶² Section 62.1-02-05 was also amended by section 1 of House Bill No. 1042, chapter 520, section 2 of House Bill No. 1332, chapter 521, section 5 of Senate Bill No. 2034, chapter 516, section 6 of Senate Bill No. 2034, chapter 516, and section 7 of Senate Bill No. 2034, chapter 516.

²⁶³ Section 62.1-02-10 was also amended by section 3 of House Bill No. 1042, chapter 520, and section 9 of Senate Bill No. 2034, chapter 516.

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer.
3. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 with a handgun, or with a rifle or shotgun if not in the field hunting or trapping.
4. An individual in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.
5. A security guard or private investigator properly licensed to carry firearms.
6. An individual possessing a valid special permit issued pursuant to section 20.1-02-05.

Approved April 8, 2019

Filed April 9, 2019

CHAPTER 520

HOUSE BILL NO. 1042

(Representative Porter)

AN ACT to create and enact a new subsection to section 62.1-02-10 of the North Dakota Century Code, relating to possession of a loaded firearm in a vehicle; to amend and reenact subdivision 1 of subsection 2 of section 62.1-02-05 and subsection 4 of section 62.1-02-05 of the North Dakota Century Code, relating to possessing a firearm or dangerous weapon in a church; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶⁴ **SECTION 1. AMENDMENT.** Subdivision 1 of subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

- I. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a firearm or dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;

SECTION 2. AMENDMENT. Subsection 4 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a firearm or dangerous weapon concealed under this section.

²⁶⁵ **SECTION 3.** A new subsection to section 62.1-02-10 of the North Dakota Century Code is created and enacted as follows:

An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 8, 2019

Filed April 9, 2019

²⁶⁴ Section 62.1-02-05 was also amended by section 2 of House Bill No. 1163, chapter 519, section 2 of House Bill No. 1332, chapter 521, section 5 of Senate Bill No. 2034, chapter 516, section 6 of Senate Bill No. 2034, chapter 516, and section 7 of Senate Bill No. 2034, chapter 516.

²⁶⁵ Section 62.1-02-10 was also amended by section 3 of House Bill No. 1163, chapter 519, and section 9 of Senate Bill No. 2034, chapter 516 .

CHAPTER 521

HOUSE BILL NO. 1332

(Representatives Heinert, Johnston, Marschall, Porter, D. Ruby)
(Senators D. Larson, Luick, Myrdal, Oehlke)

AN ACT to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the carrying of a concealed firearm on school property by qualified individuals; and to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶⁶ **SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

Armed first responder in schools - Possession of a concealed weapon - Liability.

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for approval of plans under this section.
2. The superintendent of public instruction may accept a proposal from a public school, upon approval by the school board or governing board, indicating the intention by the school to participate in an armed first responder program.
3. Within ninety days of informing the superintendent of public instruction of the intent to participate in the program, the school shall:
 - a. Identify the individual selected by the school to participate in the program and attend training to become the school's armed first responder;
 - b. Submit a plan to the superintendent of public instruction specifying how the school will implement the program; and
 - c. Participate in a comprehensive emergency operations assessment for the purpose of identifying school crisis and emergency threats and risks.
4. The plan submitted by the school to the superintendent of public instruction is a security system plan as defined in section 44-04-24 and a public health and security plan as defined in section 44-04-25. The plan continues to be an exempt record after the required disclosures of the plan under this section.
5. The plan submitted by the school to the superintendent of public instruction must show response time from law enforcement.

²⁶⁶ Section 62.1-02-14 was amended by section 2 of Senate Bill No. 2034, chapter 516.

6. The plan submitted by the school to the superintendent of public instruction must be approved by local law enforcement and the department of homeland security.
7. The plan submitted by the school to the superintendent of public instruction must require the selected individual to complete training equivalent to the South Dakota school sentinel program as established on August 1, 2019, or complete the course established by the private investigative and security board.
8. An individual selected to become an armed first responder for a school participating in the program:
 - a. Must be a retired law enforcement officer or meet the requirements of subsection 7;
 - b. Must be a citizen of the United States;
 - c. Must be at least twenty-one years old;
 - d. Shall complete a criminal background check successfully and be approved by the local law enforcement agencies with jurisdiction over the school premises where the individual will be an armed first responder;
 - e. Must be a high school graduate or meet equivalency standards;
 - f. Shall complete successfully a physical performed by a physician or an advanced practice registered nurse and a mental evaluation by a qualified mental health provider who certifies the individual is capable of performing the duties of an armed first responder;
 - g. Shall complete successfully a faculty and administrator safety training and emergency response program in addition to the requirements under subsection 7;
 - h. Must be approved by the school board or governing board to carry a firearm concealed on school property;
 - i. Shall possess a valid class 1 firearm license from this state; and
 - j. May not be directly responsible for the supervision of children while serving as an armed first responder.
9. An individual selected to become an armed first responder at a school participating in the program shall cooperate in training with local law enforcement for school emergencies to provide a coordinated response to building lockdown and active killer events. The individual shall attend annual training and recertification courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment.
10. The school board or governing board of any school participating in the program shall inform local law enforcement, in writing, of the name of the individual authorized by the school to participate in the program.

11. The school board or governing board of any school participating in the program shall ensure the district participates in annual active shooter training.
12. An individual selected as an armed first responder may not carry a firearm concealed or a dangerous weapon on school premises unless:
 - a. The individual has been approved by the school board or governing board under subsection 8;
 - b. The individual has completed the armed first responder curriculum requirements under subsections 7 and 8; and
 - c. The individual completes the armed first responder recertification course requirements every twelve months.
13. A firearm or dangerous weapon carried by an armed first responder on school premises must remain concealed and under the direct control of the certified armed first responder or stored in a lockbox accessible only by the armed first responder.
14. The school board or governing board shall approve a posttraumatic stress disorder treatment program for armed first responders.
15. The school board or governing board may withdraw a school from participation in the program at any time.
16. A school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
17. The board of a school district or the governing body of a nonpublic school may establish a program for providing a plan to establish a school first responder which includes authorizing an individual to conceal and carry a weapon if the individual has received education and training in accordance with this section.
18. A staff member may choose not to function in the capacity of a school first responder.
19. An individual authorized to work as a first responder under subsection 17, a school district, the board of a school district, or the governing body of a nonpublic school that establishes a first responder program is not civilly or criminally liable for any act or omission of the first responder if the first responder is acting in good faith while providing protection to a student or the school, except if the first responder's conduct amounts to gross negligence.

²⁶⁷ **SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

2. This section does not apply to:

²⁶⁷ Section 62.1-02-05 was also amended by section 1 of House Bill No. 1042, chapter 520, section 2 of House Bill No. 1163, chapter 519, section 5 of Senate Bill No. 2034, chapter 516, section 6 of Senate Bill No. 2034, chapter 516, and section 7 of Senate Bill No. 2034, chapter 516.

- a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
- b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
- c. A competitor participating in an organized sport shooting event;
- d. A gun or antique show;
- e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
- g. A student and an instructor at a hunter safety class;
- h. Private and public security personnel while on duty;
- i. A state or federal park;
- j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
- k. An individual in a publicly owned or operated rest area or restroom;
- l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
- m. A state, federal, or municipal court judge, a district court magistrate judge or judicial referee, and a staff member of the office of attorney general if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient; and
- n. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:

- (1) The individual resides in the building;
 - (2) The storage is inside the individual's assigned residential unit; and
 - (3) The storage has been consented to by the state, the governing board, or a designee; and
- o. An individual authorized to carry a concealed weapon on school property under section 1 of this Act.

Approved April 10, 2019

Filed April 11, 2019

CHAPTER 522

SENATE BILL NO. 2140

(Senators O. Larsen, Kannianen, Myrdal, Vedaa)
(Representatives Becker, D. Ruby)

AN ACT to amend and reenact section 62.1-04-04 of the North Dakota Century Code, relating to producing a concealed weapon license upon request; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

62.1-04-04. Producing license ~~on demand~~upon request - Penalty.

1. Every individual while carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on one's person the license issued by this or another state or a digital image of one's concealed firearm or dangerous weapon license issued by this state on an electronic device and shall give it to any active law enforcement officer for an inspection upon ~~demand~~request by the officer. The failure of any individual to give the license or digital image of the license to the officer is prima facie evidence the individual is illegally carrying a firearm or dangerous weapon concealed.
2. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.
3. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 must have on one's person a valid driver's license or nondriver identification card issued by the department of transportation or a digital image of one's valid driver's license or nondriver identification card on a mobile device and shall provide the license or card to any law enforcement officer for inspection upon ~~demand~~request by the officer.
4. An individual who violates this section is guilty of a noncriminal offense punishable by a fee of twenty dollars.

Approved April 25, 2019

Filed April 26, 2019