



HB 1311 – Relating to possession of a firearm or dangerous weapon at a public gathering.

January 27, 2021

Chairman Klemin and members of the House Judiciary Committee. Thank you for the opportunity to testify on this HB 1311. I am Dr. Russ Ziegler, assistant director for the North Dakota Council of Educational Leaders. I am also a former United States Marine Reservist where I served in the infantry as a mortarman. Today I will be providing testimony in opposition to HB 1311.

I think the intent of this bill was to define what a public gathering would mean. However, making the changes suggested would muddy the waters for schools. The current language in the bill states that an individual may not possess a firearm or dangerous weapon at: a. A school or school-sponsored athletic or sporting event; b. A church or other place of worship; or c. Except as provided in subsection 6, a publicly owned or operating building.

Letter A concerns us because there are numerous activities that are school sponsored and yet are not athletic or sporting related. For example, speech meets, Science Olympiad, FFA events, spelling bee's and numerous others. Many of these events take place in public areas but not necessary on school grounds or even in buildings This is our concern with letter c. in the bill. An example of this would be FFA events, some of these are hosted at the county fairgrounds or rodeo grounds. In these cases, would those areas be designed as places where carrying would not be allowed? And if so, how would individuals know that when FFA is at the fairgrounds you are not allowed to carry? Would the county fairgrounds or rodeo grounds be considered a building? Section 6 of this bill states that "an individual possessing a valid class 1 or class 2 firearm and dangerous weapons license under section 62.1-04-03 may possess a firearm or dangerous weapon at a publicly owned or operated building". Is the term building literal – would a public park or other public grounds fall under this code or is it strictly in a brick and mortar building?

If public parks fall under this provision, then individuals could carry at the public soccer fields in the communities. In Bismarck non-school sponsored activities occur in our public parks. Youth soccer for example could have numerous kids participating in the city sponsored tournament or even practice. Flag football, at public tennis courts, at public pools, are all other examples where this bill will have an effect.

Another concern of ours for this bill is that the minimum age for an individual to possess a Class 2 license is 18. In most schools that could be ½ or more of the senior class. With this bill could a student carry in a publicly owned building such as the community bowl, Fargo Dome, or the Alerus Center? Would the school be able to say that students are not allowed to carry at those places? Or



33 does this bill take that authority away from the local boards? This also bring up another issue that
34 deals with blurring the lines between regular school discipline and criminal activities. IF you have
35 a student, for example, who is carrying a weapon that is accused of bullying or harassment, since
36 that student is carrying a firearm or dangerous weapon on public grounds, during a non-athletic
37 event would that issue be moved up to a criminal activity with larger consequences since they are
38 armed?

39 With my years of military service and years of experience working in public schools I could give
40 you more scenarios of the what ifs. I will not do that however, I would like to say that if this bill
41 were to pass, I would not want to be the youth soccer referee with individuals who are carrying a
42 weapon, or the school official who will have to try to calm down patron at the Bismarck
43 Community Bowl because they did not like the call on the field.

44 Because of these and other concerns I have to respectfully request a DO NOT pass on HB 1311.