



**HB 1297 – Relating to the possession of firearms or dangerous weapons at a public gathering.**

**January 21, 2021**

Chairman Porter and members of the House Energy and Natural Resources Committee – My name is Dr. Russ Ziegler, and I am the assistant director for the North Dakota Council of Educational Leaders. I am testifying today in opposition to HB 1297.

The section in this bill that NDCEL is in opposition to is the removal of the penalty for individuals who possess a firearm at locations which are not allowed. This would include school grounds, at athletic and/or sporting events/ at church or other place of worship, and at publicly owned or operated building. Striking out “who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of an infraction”, in our belief, would not be a deterrent for individuals to not carry at these places. However, this would put additional stress and duties on the supervisors and administrators in these locations. Of course, the unarmed supervisor of the event would be able to ask the armed individual to leave, but that might not be a successful conversation to have if the armed person knows there are no consequences for their actions. Especially if they do not know the individual to begin with, such as a parent from out of town.

A question that this also raises to me is that if having a law without any consequences, is that really a law? If consequences are set as a deterrent for people to not break the law, then if there are no consequences will that law actually be a deterrent in itself? If we think about this in terms of a different statute, let us say shoplifting. I believe if there was no penalty for shoplifting then the cases of shoplifting would go up. Another example would be speeding, we have speeding regulations in place, but if there were no fines for speeding would the occurrences of speeding go up? Plus, if there are no consequences for speeding would law-enforcement pull people over for speeding? Would the same outcome occur with this bill, with no punishment for carrying a firearm at a school event, would law-enforcement come to the event if called and what would their recourses be if they did?

This bill essentially creates a symbolic law which, according to the definition, is a law that tries to persuade rather than enforce, punish, or prevent. As a symbolic law is this legislation trying to persuade individuals not to carry on those specific public grounds instead of preventing them from doing so? In my opinion there is no reason to have a law if there are no consequences for individuals who break that law.