



**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

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**HB 1297**

**Testimony of Amy DeKok**

**House Energy and Natural Resources Committee**

**January 22, 2021**

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Amy DeKok. I am in-house Legal Counsel for the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I am here today in opposition to HB 1297.

Our schools serve arguably the most vulnerable population of citizens. Parents entrust their children to our schools to protect them and keep them safe from harm. If passed, HB 1297 will make it even more difficult for schools to keep kids safe and protected.

NDSBA opposes HB 1297 to the extent it seeks to eliminate the criminal penalty for unlawful possession of a firearm or dangerous weapon at a public gathering, including a school, an athletic or sporting event, or publicly owned or operated building. These are all places where students may be in attendance for school-related purposes. Last legislative session, the criminal penalty for unlawful possession of a firearm or dangerous weapon was lowered from a class B misdemeanor to an infraction. Completely eliminating the criminal penalty from this section essentially removes any remaining deterrent there is for unlawful possession of a firearm or dangerous weapon at a public gathering. By doing so, it is likely to increase the instances of such unlawful possession. In addition, without the possibility of any criminal penalty, I worry about the impact it will have on a school official's ability to prohibit unlawful possession on school property. I also worry about local law enforcement's ability or willingness in those situations to respond to calls from school administrators for possible instances of unlawful possession at school or at a heated board meeting.

NDSBA further opposes HB 1297 because it would eliminate the words "dangerous weapon" from subsection 1 of section 62.1-02-05. "Dangerous weapon" is defined in section 62.1-01-01 and includes a myriad of dangerous items, including such things as a knife, switchblade, sword or machete. With this language removed, it would arguably make it lawful for anyone to possess a dangerous weapon at a public gathering, including a public school.

For these reasons, NDSBA stands in opposition to HB 1297 and asks this committee to give it a do not pass recommendation. I would be happy to answer any questions the committee may have.