

Introduced by

Representative B. Koppelman

1 A BILL for an Act to amend and reenact subsection 1 of section 62.1-04-03 of the North Dakota  
2 Century Code, relating to a license to carry a firearm or dangerous weapon concealed; and to  
3 provide a contingent effective date.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 62.1-04-03 of the North Dakota  
6 Century Code is amended and reenacted as follows:

- 7 1. The director of the bureau of criminal investigation shall issue a license to carry a  
8 firearm or dangerous weapon concealed upon review of an application submitted to  
9 the director if the following criteria are met:
- 10 a. The applicant is at least twenty-one years of age for a class 1 firearm license or  
11 at least eighteen years of age for a class 2 firearm and dangerous weapon  
12 license;
- 13 b. The applicant can demonstrate that the applicant is a resident of this state by  
14 providing a copy of a valid driver's license or state-issued identification card from  
15 this state that establishes personal identification through photographic means  
16 and shows the applicant's name associated with a valid residential street address  
17 in this state or the applicant possesses a valid driver's license from the  
18 applicant's state of residence that establishes personal identification through  
19 photographic means and shows the applicant's name associated with a valid  
20 residential street address and a valid concealed weapons license from the  
21 applicant's state of residence, which state has reciprocity with this state under  
22 section 62.1-04-03.1;
- 23 c. The applicant is not an individual specified in section 62.1-02-01 and for a class 1  
24 firearm license the applicant:

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- 1 (1) Has not been convicted of a felony;
- 2 (2) Has not been convicted of a crime of violence;
- 3 (3) ~~Has not been convicted of an offense involving the use of alcohol within ten~~
- 4 ~~years prior to the date of application;~~
- 5 (4) Has not been convicted of a misdemeanor offense involving the unlawful
- 6 use of narcotics or other controlled substances within ten years prior to the
- 7 date of application;
- 8 (5)(4) Has not been convicted of an offense involving moral turpitude;
- 9 (6)(5) Has not been convicted of an offense involving domestic violence;
- 10 (7)(6) Has not been adjudicated by a state or federal court as mentally
- 11 incompetent, unless the adjudication has been withdrawn or reversed; and
- 12 (8)(7) Is qualified to purchase and possess a firearm under federal law;
- 13 d. The applicant has successfully completed the testing procedure conducted by a
- 14 certified test administrator. The person conducting the testing may assess a
- 15 charge of up to fifty dollars for conducting this testing. The attorney general may
- 16 certify a test administrator based upon criteria and guidelines prescribed by the
- 17 director of the bureau of criminal investigation;
- 18 e. The applicant satisfactorily completes the bureau of criminal investigation
- 19 application form and has successfully passed the criminal history records check
- 20 conducted by the bureau of criminal investigation and the federal bureau of
- 21 investigation. The applicant shall provide all documentation relating to any
- 22 court-ordered treatment or commitment for mental health ~~or alcohol~~ or substance
- 23 abuse. The applicant shall provide the director of the bureau of criminal
- 24 investigation written authorizations for disclosure of the applicant's mental health
- 25 ~~and alcohol~~ or substance abuse evaluation and treatment records. The bureau
- 26 may deny approval for a license if the bureau has reasonable cause to believe
- 27 that the applicant or licenseholder has been or is a danger to self or others as
- 28 demonstrated by evidence, including past pattern of behavior involving unlawful
- 29 violence or threats of unlawful violence; past participation in incidents involving
- 30 unlawful violence or threats of unlawful violence; or conviction of a weapons
- 31 offense. In determining whether the applicant or licenseholder has been or is a

1 danger to self or others, the bureau may inspect expunged or sealed records of  
2 arrests and convictions of adults and juvenile court records; and

- 3 f. The applicant is not prohibited under federal law from owning, possessing, or  
4 having a firearm under that individual's control.

5 **SECTION 2. CONTINGENT EFFECTIVE DATE.** This Act becomes effective on the date the  
6 attorney general certifies to the legislative council that the enactment of section 1 of this Act will  
7 not impact the reciprocity of class 1 firearm and dangerous weapons license holders carrying a  
8 concealed firearm or dangerous weapon in the state of Minnesota.