



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
www.ndsba.org

HB 1297
Testimony of Amy DeKok
Senate Judiciary Committee
April 6, 2021

Chair Larson and members of the Senate Judiciary Committee, my name is Amy DeKok. I am in-house Legal Counsel for the North Dakota School Boards Association (NDSBA). NDSBA represents all 175 North Dakota public school districts and their governing 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. NDSBA stands in opposition to HB 1297 because it limits the prohibition on possession of a dangerous weapon or firearm “at a school or school-sponsored even on school property.” Many schools sanction or sponsor events that occur off school property or on property leased, but not owned by, the school. Our schools are responsible for ensuring the safety of students at the events they sponsor or sanction. In furtherance of this responsibility, we ask that the Committee consider amending the bill to include the following language on Page 1, line 11: “A school, property or facility owned or leased by a school, or at a school sponsored or sanctioned event.”

NDSBA also opposes HB 1297 to the extent it seeks to further reduce the criminal penalty from an infraction to a noncriminal offense punishable by a fifty-dollar fee. Last legislative session, the criminal penalty for unlawful possession of a firearm or dangerous weapon at a public gathering was lowered from a class B misdemeanor to an infraction. We believe removing the criminal penalty and adding a noncriminal offense in 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 may increase the instances of such unlawful possession. In addition, without the possibility of any criminal penalty, we worry about the impact it will have on a school official’s ability to prohibit unlawful possession on school property. We 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 event or at a heated board meeting.

Finally, HB 1339 has already been passed by both chambers this session and is on its way to the Governor. HB 1339 requires legislative management to consider studying the definitions of “dangerous weapon” and “public gathering.” It further requires the study to consider which weapons should be considered dangerous weapons and whether a “public gathering” includes athletic or sporting events, school buildings, or churches. It seems appropriate to allow for the study to be completed before making further changes to the definition of “public gathering” in section 62.1-02-05.

For these reasons, NDSBA stands in opposition to HB 1297 and asks this committee to give it a do not pass recommendation. Thank you for your time. I would be happy to answer any questions from the committee.