

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1365

Introduced by

Representatives Koppelman, Frelich, J. Johnson, Novak, M. Ruby

Senators Magrum, Boehm, Castaneda, Cory, Paulson

1 A BILL for an Act to create and enact ~~two~~^a new ~~sections~~^{section} to chapter 62.1-02 of the North
2 Dakota Century Code, relating to ~~exemption from liability for public and private entities and~~
3 possession of firearms or dangerous weapons at a publicly owned or operated building; and to
4 amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to
5 possession of firearms or dangerous weapons at a ~~school or school-sponsored event on school~~
6 ~~property~~^{public gathering}.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 ~~— SECTION 1. A new section to chapter 62.1-02 of the North Dakota Century Code is created~~
9 ~~and enacted as follows:~~

10 ~~— Exemption from liability for public and private entities.~~

11 ~~— Notwithstanding any other provision of law, a public or private entity may not be held liable~~
12 ~~for any injury or death or damage to property caused by an individual permitted to carry a~~
13 ~~dangerous weapon concealed under this chapter.~~

14 **SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Possession of a firearm or dangerous weapon at a publicly ~~owned or operated~~**
17 **building.**

18 ~~1. A city, county, or township, may enact and enforce an ordinance prohibiting the~~
19 ~~possession~~^{Possession} of a firearm or dangerous weapon ~~is prohibited~~^{is prohibited} in public areas ~~of~~^{within} a
20 publicly ~~owned or~~ operated building if:

~~a.1.~~ All individuals possessing a valid class 1 or class 2 firearm and dangerous weapons license are restricted from possessing a firearm; and

~~b.2.~~ Access is not permitted unless an individual passes through equipment that detects weapons and is staffed by armed security personnel.

~~2. This section does apply to nonpublic areas of a publicly owned and operated building.~~

SECTION 2. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering on school property - Penalty - Application.

1. An individual may not possess a firearm or dangerous weapon at:

a. A school or school-sponsored event on school property;

b. A church or other place of worship; or

c. ~~A Nonpublic areas within a publicly owned or operated building; or~~

A building operated by the university system.

2. This section does not apply to:

a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;

b. An individual who is on an ambulance or firefighter crew while the individual is on duty if:

(1) The individual has written permission from the governing body or owner of the fire department or ambulance service;

(2) The individual possesses a valid class 1 concealed weapons license;

(3) The individual has successfully completed a weapons training course developed by the North Dakota private investigative and security board; and

(4) The governing body or owner of the fire department or ambulance crew provides written notice to the bureau of criminal investigation of the

1 individuals authorized or no longer authorized to carry a firearm or
2 dangerous weapon under this section, including that all training and
3 certification requirements have been satisfied;

4 c. A member of the armed forces of the United States or national guard, organized
5 reserves, state defense forces, or state guard organizations, when on duty;

6 d. A competitor participating in an organized sport shooting event;

7 e. A gun or antique show;

8 f. A participant using a blank cartridge firearm at a sporting or theatrical event;

9 g. A firearm or dangerous weapon carried in a temporary residence or motor
10 vehicle;

11 h. A student and an instructor at a hunter safety class;

12 i. Private and public security personnel while on duty;

13 j. A state or federal park;

14 k. An instructor, a test administrator, an official, or a participant in educational,
15 training, cultural, or competitive events involving the authorized use of a
16 dangerous weapon if the event occurs with permission of the person or entity
17 with authority over the function or premises in question;

18 l. An individual in a publicly owned or operated rest area or restroom;

19 m. An individual who is authorized under section 62.1-04-02 to carry a firearm or
20 dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1
21 authorizing the individual to carry a firearm or dangerous weapon concealed if
22 the individual is in a church building or other place of worship and the primary
23 religious leader or the governing body of the church or other place of worship
24 approves the individual or group of individuals to carry a firearm or dangerous
25 weapon through a policy or any other means;

26 n. A state, federal, or municipal court judge, a district court magistrate judge or
27 judicial referee, and a staff member of the office of attorney general if the
28 individual maintains the same level of firearms proficiency as is required by the
29 peace officer standards and training board for law enforcement officers. A local
30 law enforcement agency shall issue a certificate of compliance under this section
31 to an individual who is proficient;

- 1 o. An individual's storage of a firearm or dangerous weapon in a building that is
2 owned or managed by the state or a political subdivision, provided:
3 (1) The individual resides in the building;
4 (2) The storage is inside the individual's assigned residential unit; and
5 (3) The storage has been consented to by the state, the governing board, or a
6 designee; and

7 p.~~k.~~ An individual authorized to carry a concealed weapon on school property under
8 section 62.1-02-14.

9 3. This section does not prevent any political subdivision from enacting an ordinance that
10 is less restrictive than this section relating to the possession of firearms or dangerous
11 weapons at a public gathering~~school or school-sponsored event on school property.~~
12 An enacted ordinance supersedes this section within the jurisdiction of the political
13 subdivision.

14 4. Notwithstanding any other provision of law, a church or place of worship may not be
15 held liable for any injury or death or damage to property caused by an individual
16 permitted to carry a dangerous weapon concealed under this section.

17 5. This section does not prevent the governing body of a school or the entity exercising
18 control over a publicly owned or operated building or property from authorizing the use
19 of a less than lethal weapon as part of the security plan for the school, building, or
20 property.

21 6.~~5.~~ An individual who knowingly violates this section is guilty of an infraction.