

**HOUSE BILL NO. 1589**

Introduced by

Representatives Heinert, Dockter, Hagert, Hauck, Headland, Novak, M. Ruby

Senators Cory, Gerhardt

1 A BILL for an Act to create and enact a new section to chapter 62.1-01 of the North Dakota  
2 Century Code, relating to law enforcement agency and concealed weapon test administrator  
3 certifications and firearm proficiency qualification course records; and to amend and reenact  
4 subsection 7 of section 62.1-01-01 of the North Dakota Century Code, relating to standards for  
5 qualification in firearms training for retired officers.

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

7 **SECTION 1. AMENDMENT.** Subsection 7 of section 62.1-01-01 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9 7. "Law enforcement officer" means:

10 a. A public servant authorized by law or by a government agency or branch to  
11 enforce the law and to conduct or engage in investigations or prosecutions for  
12 violations of law; or

13 b. A retired public servant in good standing who:

14 (1) Was authorized by law or by a government agency or branch for at least ten  
15 years to enforce the law and to conduct or engage in investigations or  
16 prosecutions for violations of law or who was separated from service due to  
17 a service-related physical disability;

18 (2) Maintains the same;

19 a. Same level of firearms proficiency as is required by the peace officers  
20 standards and training board for law enforcement officers, maintains  
21 the standards for qualifications in firearms training for active law  
22 enforcement officers as determined by the former agency of the  
23 individual in the state in which the individual resides, ~~or maintains the~~  
24 ~~standards;~~

1                   b. Standards used by a certified firearms instructor qualified to conduct a  
2                   firearms qualification test for active duty officers in the state in which  
3                   the individual resides; or

4                   c. Standards for qualification in firearms training as determined by the  
5                   attorney general used by a certified concealed weapon test  
6                   administrator qualified to conduct a firearms qualification test by the  
7                   attorney general for retired officers in the state or out-of-state;

8                   (3) Has a photo identification card issued by a local law enforcement agency  
9                   which identifies the individual as having been employed by a government  
10                  agency or branch as a law enforcement officer and indicates the individual  
11                  has passed the firearms proficiency test within twelve months from the date  
12                  of issue; and

13                  (4) Has not been found by a qualified medical professional to be unqualified for  
14                  reasons relating to mental health or entered an agreement with a  
15                  government agency or branch in which the public servant acknowledges a  
16                  lack of qualifications for reasons relating to the mental health of the public  
17                  servant.

18                  **SECTION 2.** A new section to chapter 62.1-01 of the North Dakota Century Code is created  
19                  and enacted as follows:

20                  **Law enforcement agency and concealed weapons test administrator certification -**

21                  **Records.**

22                  1. A law enforcement agency or a concealed weapon test administrator may certify an  
23                  individual has maintained the qualifications under section 62.1-01-01, but may not  
24                  qualify an individual to carry a concealed firearm under the Law Enforcement Officer's  
25                  Safety Act Improvement Act of 2010 [Pub. L. 111-272].

26                  2. A law enforcement agency and a concealed weapon test administrator shall forward to  
27                  the peace officer standards and training board a record of all individuals who have  
28                  successfully completed a proficiency qualification course.