

March 31, 2025
Senate Judiciary Committee
HB 1326
Senator Diane Larson, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the Chiefs of Police Association of North Dakota. I am also the deputy director and attorney for the North Dakota League of Cities. The Chiefs of Police appear in support of HB 1326.

HB 1326 closes a loophole that exists in North Dakota's self-defense law. HB 1326 adds that an individual who possesses a firearm in violation of subsections a and b of subdivision 1 of NDCC § 62.1-02-01 cannot claim his or her use of force is justified as self-defense when that individual uses the firearm to kill or injure another individual.

NDCC § 62.1-02-01(1)(a) prohibits individuals from possessing firearms for 10 years when they are convicted of felony crimes involving violence or intimidation in NDCC chs. 12.1-16 through 12.1-25. Those chapters cover things like murder, manslaughter, assault, kidnapping, sex offenses, and robbery. NDCC § 62.1-02-01(1)(b) prohibits an individual from possessing a firearm for 5 years when convicted of a Class A misdemeanor involving violence or intimidation for the same set of crimes.

By passing this bill, an individual who is prohibited from possessing a firearm due to conviction for a felony or class A misdemeanor crime of violence or intimidation cannot then use self defense when a firearm is involved. This prevents a situation from occurring where two individuals are both prohibited from possessing a firearm and draw their firearms on each other and only the one left living after the incident can tell their side of the story and claim self-defense. Our current law appears to ignore the fact that neither of these individuals were legally allowed to have a firearm in the first place.

The Chiefs of Police respectfully request a Do Pass recommendation on HB 1326.