

Madam Chairman, Committee Members

My name is Wallace Keller and I am here today to testify in opposition to HB 1588.

My specific issue with HB 1588 is Section 3.

SECTION 3. A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows: Possession of a firearm or dangerous weapon at a publicly owned or operated building. A political subdivision may enact and enforce an ordinance prohibiting the possession of a firearm or dangerous weapon in public areas of a publicly owned or operated building.

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - 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. Property leased or rented by a school;
 - c. A church or other place of worship
 - d. Except as provided in section 62.1 - 02 - 13 or a policy adopted by the state board of higher education, buildings and property owned or under the control of the state board of higher education.

This section does not apply to a law enforcement officer

I do not agree with the decision to give a political subdivision the authority to enact and enforce an ordinance prohibiting the possession of a firearm or dangerous weapon in public areas of a publicly owned or operated building. Section 3

A political subdivision should not be granted the authority to make ordinances/rules or laws on any question regarding/touching a constitutional right. In this case we are looking at the Second amendment in the U.S. Bill of Rights and also North Dakota State Constitution, Article I Section I. I believe that if there is any issue with a constitutional right, it should always be taken up at the highest level of Government, which is this body, and not off-loaded with a political subdivision.

If this bill were passed, it would become a guessing game on every political subdivisions particular ordinances. Would Dickinson's ordinances look like Fargo's ordinances? Bismarck's different than Minot? When traveling through the state, would you need a guide to every political subdivision's ordinances to make sure you were not violating their particular firearms restrictions? This would be confusing to say the least. There should be consistency across the state when it comes to questions of constitutional rights, and the body to make sure they are consistent is this body, not political subdivisions.

I encourage a "Do Not Pass" recommendation on HB 1588.

I also have a short read in this testimony, and in the essence of time, I will not read it here, but if you are so inclined, please take a moment to give it a quick read.

Thank you, and I stand for any questions.

On Crimes and Punishments (1764)

Cesare Beccaria (15 March 1738-28 November 1794)

Italian criminologist, jurist, philosopher, economist and politician.

Beccaria is considered the father of modern criminal law and the father of criminal justice.

From Beccaria's book "On Crime and Punishment".

Quote" A principal source of errors and injustice are the false ideas of utility. For example: that legislator has false ideas of utility who considers particular more than general conveniences, who had rather command the sentiments of mankind than excite them, and dares say to reason, Be 'thou a slave'; who would sacrifice a thousand real advantages to the fear of an imaginary or trifling inconvenience; who would deprive men the use of fire for fear of their being burnt, and of water for fear of their being drowned; and who knows of no means of preventing evil but by destroying it.

The laws of this nature are those which forbid to wear arms, disarming those only who are not disposed to commit the crime which the laws mean to prevent. Can it be supposed, that those who have the courage to violate the most sacred laws of humanity, and the most important of the code, will respect the less considerable and arbitrary injunctions, the violation of which is so easy, and of so little comparative importance? Does not the execution of this law deprive the subject of that personal liberty, so dear to mankind and to the wise legislator? And does it not subject the innocent to all the disagreeable circumstances that should only fall on the guilty?

[It certainly makes the situation of the assaulted worse, and of the assailants better, and rather encourages that prevents murder, as it requires less courage to attack unarmed than armed persons. (Thomas Jefferson noted this passage in his "Legal Commonplace Book")]