

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1588

Introduced by

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

Senators Cory, Gerhardt

1 A BILL for an Act ~~to create and enact three new sections to chapter 62.1-02 of the North Dakota~~
2 ~~Century Code, relating to liability exemptions for public and private entities, the possession of a~~
3 ~~firearm or dangerous weapon at a publicly owned or operated building, and the use of binary~~
4 ~~triggers;~~ to amend and reenact subsection 1 of section 62.1-01-01 ~~and sections, section~~
5 62.1-02-05, subdivision d of subsection 1 of section 62.1-04-03, and section 62.1-04-04 of the
6 North Dakota Century Code, relating to dangerous weapons, the possession of a firearm or
7 dangerous weapon at a public gathering, testing for a license to carry a firearm or dangerous
8 weapon concealed, and producing a concealed carry license upon request; and to provide a
9 penalty.

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

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

- 13 1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,
14 stiletto, sword, dagger, or knife with a blade of ~~five inches [12.7 centimeters]~~six inches
15 [15.24 centimeters] or more; any throwing star, nunchaku, or other martial arts
16 weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any
17 slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is
18 readily capable of expelling, a projectile by the action of a spring, compressed air, or
19 compressed gas, including any such weapon, loaded or unloaded, commonly referred
20 to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object

1 containing or capable of producing and emitting any noxious liquid, gas, or substance.
2 "Dangerous weapon" does not include a spray or aerosol containing CS, also known
3 as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or
4 other irritating agent intended for use in the defense of an individual, nor does the term
5 include a device that uses voltage for the defense of an individual, unless the device
6 uses a projectile and voltage or the device uses a projectile and may be used to apply
7 multiple applications of voltage during a single incident, then the term includes the
8 device for an individual who is prohibited from possessing a firearm under this title.

9 ~~— **SECTION 2.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
10 and enacted as follows:~~

11 ~~— **Exemption from liability for public and private entities.**~~

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

15 ~~— **SECTION 3.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
16 and enacted as follows:~~

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

19 ~~— A political subdivision may enact and enforce an ordinance prohibiting the possession of a
20 firearm or dangerous weapon in public areas of a publicly owned or operated building.~~

21 ~~— **SECTION 4.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
22 and enacted as follows:~~

23 ~~— **Use of binary triggers - Penalty.**~~

24 ~~— An individual who uses a binary trigger in the commission of a crime is guilty of a class C
25 felony.~~

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

28 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**
29 **Penalty - Application.**

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

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

1 b. ~~Property leased or rented by a school;~~

2 ~~— c. A church or other place of worship; or~~

3 c. A publicly owned or operated building.

4 ~~d. Except as provided in section 62.1-02-13 or a policy adopted by the state board~~

5 ~~of higher education, buildings and property owned or under the control of the~~

6 ~~state board of higher education.~~

7 2. This section does not apply to:

8 a. A law enforcement officer, or a correctional officer employed by the department of
9 corrections and rehabilitation or by a correctional facility governed by chapter

10 12-44.1. A correctional officer employed by the department of corrections and

11 rehabilitation may carry a firearm only as authorized in section 12-47-34. A

12 correctional officer employed by a correctional facility governed by chapter

13 12-44.1 may carry a firearm or dangerous weapon only as authorized in section

14 12-44.1-30;

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

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

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

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

22 (4) The governing body or owner of the fire department or ambulance crew

23 provides written notice to the bureau of criminal investigation of the

24 individuals authorized or no longer authorized to carry a firearm or

25 dangerous weapon under this section, including that all training and

26 certification requirements have been satisfied;

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

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

30 e. A gun or antique show;

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

- 1 g. A firearm or dangerous weapon carried in a temporary residence or motor
2 vehicle;
- 3 h. A student and an instructor at a hunter safety class;
- 4 i. Private and public security personnel while on duty;
- 5 j. A state or federal park;
- 6 k. An instructor, a test administrator, an official, or a participant in educational,
7 training, cultural, or competitive events involving the authorized use of a
8 dangerous weapon if the event occurs with permission of the person or entity
9 with authority over the function or premises in question;
- 10 l. An individual in a publicly owned or operated rest area or restroom;
- 11 m. An individual who is authorized under section 62.1-04-02 to carry a firearm or
12 dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1
13 authorizing the individual to carry a firearm or dangerous weapon concealed if
14 the individual is in a church building or other place of worship and the primary
15 religious leader or the governing body of the church or other place of worship
16 approves the individual or group of individuals to carry a firearm or dangerous
17 weapon through a policy or any other means;
- 18 n. AThe governor, a state, federal, or municipal court judge, a retired state or federal
19 judge, a district court magistrate judge or judicial referee, and a staff member of
20 the office of attorney general if the individual maintains the same level of firearms
21 proficiency as is required by the peace officer standards and training board for
22 law enforcement officers. A local law enforcement agency shall issue a certificate
23 of compliance under this section to an individual who is proficient; and
- 24 o. An individual's storage of a firearm or dangerous weapon in a building that is
25 owned or managed by the state or a political subdivision, provided:
26 (1) The individual resides in the building;
27 (2) The storage is inside the individual's assigned residential unit; and
28 (3) The storage has been consented to by the state, the governing board, or a
29 designee; and
- 30 p. An individual authorized to carry a concealed weapon on school property under
31 section 62.1-02-14.

- 1 3. This section does not prevent any political subdivision or the state board of higher
2 education from enacting an ordinance or policy that is less restrictive than this section
3 relating to the possession of firearms or dangerous weapons at a public
4 gathering~~school-sponsored event on school property, or a church or other place of~~
5 worship. An enacted ordinance or policy supersedes this section within the jurisdiction
6 of the political subdivision or state board of higher education.
- 7 4. Notwithstanding any other provision of law, a church or place of worship may not be
8 held liable for any injury or death or damage to property caused by an individual
9 permitted to carry a dangerous weapon concealed under this section.
- 10 5. This section does not prevent the governing body of a school or the entity exercising
11 control over a publicly owned or operated building or property from authorizing the use
12 of a less than lethal weapon as part of the security plan for the school, building, or
13 property.
- 14 6. An individual who knowingly violates this section is guilty of ~~an infraction~~ a noncriminal
15 offense punishable by a fee of one hundred dollars ~~for a first offense and a fee of five-~~
16 ~~hundred dollars for a second or subsequent offense within three years.~~

17 **SECTION 3. AMENDMENT.** Subdivision d of subsection 1 of section 62.1-04-03 of the
18 North Dakota Century Code is amended and reenacted as follows:

- 19 d. The applicant has successfully completed the testing procedure conducted by a
20 certified test administrator. The person conducting the testing may assess a
21 charge of up to fiftyone hundred dollars for conducting this testing. The attorney
22 general may certify a test administrator based upon criteria and guidelines
23 prescribed by the director of the bureau of criminal investigation;

24 **SECTION 4. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **62.1-04-04. Producing license upon request - Penalty.**

- 27 1. ~~Every~~An individual ~~while~~ carrying a concealed firearm or dangerous weapon, for which
28 a license to carry concealed is required, shall have on ~~one's~~the individual's person the
29 license issued by this or another state or a digital image of ~~one's~~the individual's
30 concealed firearm or dangerous weapon license issued by this state on an electronic
31 device and shall give ~~it~~the license or digital image of the license to ~~any active~~a law

- 1 enforcement officer for an inspection upon request by the officer. The failure of anyan
2 individual to give the license or digital image of the license to the officer is prima facie
3 evidence the individual is illegally carrying a firearm or dangerous weapon concealed.
- 4 2. ~~Every~~An individual carrying a concealed firearm under the authority granted in
5 subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the
6 ~~individual's possession of a concealed weapon upon the initiation of a traffic stop or~~
7 ~~any other in-person contact initiated by a law enforcement~~firearm if the officer inquires
8 about the individual possession of a concealed firearm.
- 9 3. ~~Every~~An individual carrying a concealed firearm under the authority granted in
10 subsection 2 of section 62.1-04-02 shall have on ~~one's~~the individual's person a valid
11 driver's license or nondriver identification card issued by the department of
12 transportation or by the individual's state or territory of residence, or a digital image of
13 ~~one's~~the individual's valid driver's license or nondriver identification card on a mobile
14 device and shall provide the license or card to anya law enforcement officer for
15 inspection upon request by the officer.
- 16 4. An individual who violates this section is guilty of a noncriminal offense punishable by
17 a fee of twenty dollars.