

2025 HOUSE JUDICIARY

HB 1301

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1301
2/11/2025

A BILL for an Act to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to possession of a firearm while on probation; and to provide for application.

11:07 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Satrom, Tveit, VanWinkle, Wolff

Members Absent: Representatives S. Olson, Schneider

Discussion Topics:

- Firearm rights for individuals on probation
- Courts waving probation

11:07 a.m. Representative Ben Koppelman, North Dakota Representative for District 16, introduced the bill and provided testimony #37079.

11:21 a.m. Calvin Benson, North Dakota Peace Officers Association, testified in opposition.

11:23 a.m. Jonathan Byers, North Dakota State's Attorneys' Association, testified in opposition.

11:26 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

25.0038.01000

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1301

Introduced by

Representatives Koppelman, D. Johnston, Kasper, Marschall, Rios, M. Ruby

Senators Cory, Magrum, Myrdal, Wobbema

1 A BILL for an Act to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota
2 Century Code, relating to possession of a firearm while on probation; and to provide for
3 application.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 12.1-32-07 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 3. The court shall provide as an explicit condition of ~~every~~ probation that the defendant
8 may not possess a firearm, destructive device, or other dangerous weapon while the
9 defendant is on probation. ~~Except when the offense is for~~ a misdemeanor offense
10 under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-05, or 12.1-17-07.1, or
11 chapter 14-07.1, ~~the court may waive this condition of probation if the defendant has~~
12 ~~pled guilty to, or has been found guilty of, a misdemeanor or infraction offense, the~~
13 ~~misdemeanor or infraction is the defendant's first offense, and the court has made a~~
14 ~~specific finding on the record before imposition of a sentence or a probation that there~~
15 ~~is good cause to waive the condition. The court may not waive this condition of~~
16 ~~probation if the court places the defendant under the supervision and management of~~
17 ~~the department of corrections and rehabilitation. Except when the offense is for a~~
misdemeanor offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-
05, or 12.1-17-07.1, or chapter 14-07.1, the court may not prohibit the
18 defendant from possessing a firearm, destructive device, or other dangerous weapon
19 while on probation for any other misdemeanor offense unless the court determines that
the offense involved violence against an individual. ~~or~~ The court may not prohibit the
20 defendant from possessing a firearm, destructive device, or other dangerous weapon
21 while on probation for any infraction. The court shall
22 provide as an explicit condition of probation that the defendant may not willfully

23 defraud a urine test administered as a condition of probation. Unless waived on the
24 record by the court, the court shall also provide as a condition of probation that the
25 defendant undergo various agreed-to community constraints and conditions as

intermediate measures of the department of corrections and rehabilitation to avoid
revocation, which may include:

- a. Community service;
- b. Day reporting;
- c. Curfew;
- d. Home confinement;
- e. House arrest;
- f. Electronic monitoring;
- g. Residential halfway house;
- h. Intensive supervision program;
- i. Up to five nonsuccessive periods of incarceration during any twelve-month period, each of which may not exceed forty-eight consecutive hours;
- j. Participation in the twenty-four seven sobriety program; or
- k. One period of incarceration during a period of probation not to exceed thirty consecutive days in lieu of a petition for revocation of probation.

SECTION 2. APPLICATION. This Act applies to a sentence to probation or any sentence including a period of probation imposed after the effective date of this Act.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1301
2/12/2025

A BILL for an Act to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to possession of a firearm while on probation; and to provide for application.

2:45 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- North Dakota infractions
- Rights of individuals on probation

2:49 p.m. Representative Wolff moved to Amend LC# 25.0038.01001, testimony #37441.

2:49 p.m. Representative VanWinkle seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Steve Vetter	N
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	N
Representative SuAnn Olson	Y
Representative Bernie Satrom	N
Representative Mary Schneider	N
Representative Bill Tveit	N
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

3:04 p.m. Motion failed 7-7-0

3:05 p.m. Representative Hoverson moved a Do Pass.

3:05 p.m. Representative Henderson seconded the motion.

3:08 p.m. Representative Hoverson withdrew his motion.

3:12 p.m. Representative Vetter moved to Amend LC# 25.0038.01001, testimony #37441.

3:12 p.m. Representative Hoverson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	N
Representative SuAnn Olson	Y
Representative Bernie Satrom	N
Representative Mary Schneider	N
Representative Bill Tveit	N
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

3:18 p.m. Motion passed 8-6-0

3:18 p.m. Representative Tveit moved a Do Not Pass as Amended.

3:18 p.m. Representative Schneider seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	N
Representative Jeff Hoverson	Y
Representative Daniel Johnston	N
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	N

3:19 p.m. Motion passed 11-3-0

3:19 p.m. Representative Karls will carry the bill.

Additional written testimony:

Representative Ben Koppelman, North Dakota Representative for District 16, submitted testimony in favor #37441.

3:20 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1301

Introduced by

Representatives Koppelman, D. Johnston, Kasper, Marschall, Rios, M. Ruby

Senators Cory, Magrum, Myrdal, Wobbema

2-12-25
JB 1062

1 A BILL for an Act to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota
2 Century Code, relating to possession of a firearm while on probation; and to provide for
3 application.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 12.1-32-07 of the North Dakota
6 Century Code is amended and reenacted as follows:

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8 may not possess a firearm, destructive device, or other dangerous weapon while the
9 defendant is on probation. Except when the offense is for a misdemeanor offense
10 under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-05, or 12.1-17-07.1, or
11 chapter 14-07.1, the court may waive this condition of probation if the defendant has
12 pled guilty to, or has been found guilty of, a misdemeanor or infraction offense, the
13 misdemeanor or infraction is the defendant's first offense, and the court has made a
14 specific finding on the record before imposition of a sentence or a probation that there
15 is good cause to waive the condition. The court may not waive this condition of
16 probation if the court places the defendant under the supervision and management of
17 the department of corrections and rehabilitation. The court may not prohibit the
18 defendant from possessing a firearm, destructive device, or other dangerous weapon
19 while on probation for any other misdemeanor offense unless the court determines
20 the offense involved violence or a threat of violence against an individual. The court

JB 2 of 2

1 may not prohibit the defendant from possessing a firearm, destructive device, or other
2 dangerous weapon while on probation for any infraction. The court shall provide as an
3 explicit condition of probation that the defendant may not willfully defraud a urine test
4 administered as a condition of probation. Unless waived on the record by the court,
5 the court shall also provide as a condition of probation that the defendant undergo
6 various agreed-to community constraints and conditions as intermediate measures of
7 the department of corrections and rehabilitation to avoid revocation, which may
8 include:
9 a. Community service;
10 b. Day reporting;
11 c. Curfew;
12 d. Home confinement;
13 e. House arrest;
14 f. Electronic monitoring;
15 g. Residential halfway house;
16 h. Intensive supervision program;
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18 period, each of which may not exceed forty-eight consecutive hours;
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21 consecutive days in lieu of a petition for revocation of probation.

22 **SECTION 2. APPLICATION.** This Act applies to a sentence to probation or any sentence
23 including a period of probation imposed after the effective date of this Act.

**REPORT OF STANDING COMMITTEE
HB 1301**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** **(25.0038.01001)** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1301 was placed on the Sixth order on the calendar.

25.0038.01001
Title.

Prepared by the Legislative Council
staff for Representative Koppelman
February 11, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

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HOUSE BILL NO. 1301

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