

2025 HOUSE ENERGY AND NATURAL RESOURCES

HB 1326

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1326

1/23/2025

Relating to self-defense and the unlawful possession of a firearm; and to provide a penalty.
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2:00 p.m. Chairman Porter opened the hearing.

Members Present: Chairman Porter, Vice Chairman D. Anderson, Vice Chairwoman Novak, Representatives: Dockter, Hagert, Johnson, Marschall, J. Olson, M. Ruby, Conmy, Foss

Members absent: Representative Heinert, Representative Headland

Discussion Topics:

- Self-defense claim
- Penalties
- Felony possession

2:00 p.m. Representative Schneider introduced the bill and submitted testimony #31013 and #31088.

2:06 p.m. Chairman Porter closed the hearing.

Janae Pinks, Committee Clerk for Leah Kuball, Committee Clerk

INTRODUCTION

By Representative Mary Schneider

HB 1326--Armed Felons Self-Defense Exception

Energy and Natural Resources Committee, Representative Todd Porter, Chairman

January 23, 2025

Chairman Porter and distinguished members of the Energy and Natural Resources Committee. HB 1326 presents a simple and straightforward commonsense exception to North Dakota's self-defense law.

This bill would keep convicted felons who used an impermissible firearm in a subsequent crime from escaping conviction by claiming "justified use of force" or self-defense as they can, and have, under our current law.

This is a "bad guys" bill. I call it my drug-dealer shootout bill, because that's one of the situations in which we would find this. Two parties to a drug deal, or two quarrelling dealers, both armed, draw on each other, shoot, and if there is one left standing, that person can claim he or she shot (and likely killed or critically injured) the other in self-defense or a justified use of force. A jury can apply our current law and find that person not guilty. That is even though the felon is prohibited from having or owning a firearm. If the one claiming self-defense used a firearm prohibited by the terms and conditions of the individual's probation or parole for a previous felony, is that the outcome we want?

Our law now provides that the gun used can be seized, and there is extensive detail in how it can be sold or disposed of. Probation or parole may be deemed violated and the felon could be back in jail, or in jail, if that penalty is pursued. But wouldn't it be better if we prosecuted that individual for the actual crime committed, such as murder, attempted murder, or similar lesser crimes? Do we really want that killer back in our community after a self-defense acquittal?

This issue arose in walking distance of my home. It appeared to be a drug deal gone wrong with two armed perpetrators or might have been another dispute with one unarmed good guy. The one left standing claimed justification or self-defense, and he was a convicted felon armed with a loaded firearm he was prohibited from possessing by the terms of his parole.

1/22/25, 1:56 PM

'I did what I had to do': Court docs suggest man shot at Arbors approached suspect with gun - InForum | Fargo, Moorhead and Wes...



NEWS FARGO

'I did what I had to do': Court docs suggest man shot at Arbors approached suspect with gun

The investigation into the death of Zion Brooks remains active, but a murder charge had not been filed against Amire Logan as of Tuesday, nearly a week after his arrest.



Amire Logan, previously known as J'Veonte Logan. Contributed / Fargo Police Department

By [April Baumgarten](#) and [Matt Henson](#)

July 02, 2024 at 4:36 PM

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FARGO — The man suspected of shooting and killing another at The Arbors apartment complex says the man he shot came at him with a gun brandished, court documents state.

The revelation came as Cass County State's Attorney Kim Hegvik announced two charges of unlawful possession of a firearm against 20-year-old Amire J. Logan, also known as J'Veonte Logan, in a Tuesday, July 2, news release. One charge is in connection to the June 24 shooting at The Arbors at McCormick Park.

That's where Fargo police found 24-year-old Zion Brooks with a gunshot wound to his face, and Logan was arrested on suspicion of killing Brooks.

MORE ON ZION BROOKS



Neighbors of shooting victim at The Arbors recall 'respectful' young man (<https://www.inforum.com/news/fargo/neighbors-of-shooting-victim-at-the-arbors-recall-respectful-young-man>)

(<https://www.inforum.com/news/fargo/neighbors-of-shooting-victim-at-the-arbors-recall-respectful-young-man>) Jun 25, 2024 · 3

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Police call fatal shooting at The Arbors 'tragic,' say
victim was not involved in criminal
activity(<https://www.inforum.com/news/fargo/police-call-fatal-shooting-at-the-arbors-tragic-say-victim-was-not-involved-in-criminal-activity>)

Jun 27, 2024 · 1

(<https://www.inforum.com/news/fargo/police-call-fatal-shooting-at-the-arbors-tragic-say-victim-was-not-involved-in-criminal-activity>)

Police have revealed few details about the shooting, though they said Brooks and Logan knew each other. Court documents for the firearms charges, which were unsealed Tuesday, shed light on the shooting, a possible motive and a potential self-defense claim.

'I did what I had to do': Court docs suggest ...

Two witnesses told police Brooks, who lived at The Arbors, came out of the apartment and walked toward Logan, who was at the north end of the parking lot, according to a police incident report.

Brooks had a gun out as he approached Logan and said, "You think (expletive) funny over here," according to court documents.

Neither witness saw Brooks get shot but heard a gun fire, court documents said.

Detectives also said they learned Logan told his mother in a phone call that "a guy put a gun in my face," court documents said.

"I did what I had to do, Mom. I shot him back. I am so sorry. I am so sorry. I love you," Logan said, according to court documents.

Brooks was pronounced dead at the scene. Court documents indicated the wound was "a close contact shot."

A resident found a gun under Brooks, according to court documents.

Brooks' girlfriend, Diamond Coleman, told police Brooks left their apartment to go hang out at their vehicle, which was parked a few spots from where his body was found, according to court documents. She also said Logan "had beef" with Brooks, possibly because Logan's girlfriend "almost hit" her once and Brooks didn't like it, court documents said.

24-year-old Zion Brooks. Contributed

Diamond said Logan is "the only one that seemed to have an issue with" Brooks, adding that Logan continuously taunted Brooks, court documents said.

Court documents noted he was prohibited from possessing a gun due to a conviction from less than five years ago. He was on two years of unsupervised probation after being sentenced Feb. 14, 2023, for carrying a pistol without a permit on Sept. 1, 2022.

The firearms charge connected to The Arbors shooting alleged Logan had a .45 caliber firearm, which is typically classified as a handgun.

Logan, who was arrested June 26, has not been charged with the homicide. He remains in custody at the Cass County Jail.

Murder charges typically are filed within days of an arrest. The investigation into Brooks' death remains active, prosecutor Joshua

Traiser told The Forum.

Traiser said he couldn't discuss why a murder charge hadn't been filed against Logan due to the ongoing nature of the investigation. Traiser noted Logan is presumed innocent until proven guilty on any charges brought against him.

An incident report for the other firearms charge alleged Logan possessed an AR-15-style pistol between Jan. 1, 2023, to June 25, 2024. Someone who knew Logan told police they found the gun on June 25 at Logan's apartment, 2925 40th Ave. S. in Fargo, according to court documents.

The person handed the gun over to police because they didn't want Logan to have it, court documents said.

Court records did not list an attorney for Logan.

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By April Baumgarten(<https://www.inforum.com/april-baumgarten>)

April Baumgarten has been a journalist in North Dakota since 2011. She joined The Forum in February 2019 as an investigative reporter. Readers can reach her at 701-241-5417 (tel:7012415417) or abaumgarten@forumcomm.com (<mailto:abaumgarten@forumcomm.com>).
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CONVERSATION

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1326
2/14/2025
Subcommittee

Relating to self-defense and the unlawful possession of a firearm; and to provide a penalty.
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9:07 a.m. Chairman Heinert called the meeting to order.

Members Present: Chairman Heinert, Representatives Dockter, Hagert, Conmy

Discussion Topics:

- Discussed a future motion.

9:08 a.m. Representative Docker talked about a motion he was going to make in full committee.

9:08 a.m. Chairman Heinert closed the hearing.

Leah Kuball, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1326
2/20/2025

Relating to self-defense and the unlawful possession of a firearm; and to provide a penalty.

11:09 a.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Conmy,
Foss

Members absent: Representative M. Ruby

Discussion Topics:

- Committee action

11:10 a.m. Representative Heinert moved a Do Pass.

11:10 a.m. Representative Dockter seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared c. Hagert	Y
Representative Craig Headland	Y
Representative Pat D. Heinert	Y
Representative Jorin Johnson	N
Representative Andrew Marschall	Y
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	AB

Motion carried: 11-1-1

Bill carrier: Representative Conmy

11:12 a.m. Chairman Porter closed the hearing.

Leah Kuball, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1326 ([25.0446.02000](#))

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1326 was placed on the Eleventh order on the calendar.

2025 SENATE JUDICIARY

HB 1326

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1326
3/31/2025

A BILL for an Act to amend and reenact section 12.1-05-03 of the North Dakota Century Code, relating to self-defense and the unlawful possession of a firearm; and to provide a penalty.

11:00 a.m. Chair Larson called the meeting to order.

Members present: Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Possession Definition
- Felon Firearm Possession
- Self-Defense Law Exceptions
- Public Safety Concerns
- Affirmative Defense Implications

11:01 a.m. Representative Schneider testified in favor and submitted testimony #44426.

11:17 a.m. Stephanie Engebretson, Chiefs of Police Association of ND Lobbyist, testified in favor and submitted testimony #44414.

11:21 a.m. Donnell Preskey, Public Relations Specialist, ND Association of Counties, testified in favor.

11:22 a.m. Brian Gosch, National Rifle Association Lobbyist, testified in opposition.

11:26 a.m. Jaclyn Hall, ND Association for Justice Executive Director, testified in opposition and submitted testimony #44431.

11:28 a.m. Chair Larson closed the hearing.

11:29 a.m. Senator Myrdal moved a Do Not Pass.

11:30 a.m. Senator Castaneda seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	N
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 6-1-0.

Senator Casteneda will carry the bill.

Additional Written Testimony:

Nicholas Samuelson, Cass County State's Attorney's Office Assistant State Attorney, submitted testimony in favor #44449.

11:34 a.m. Chair Larson closed the hearing.

Elizabeth Reiten for Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1326 ([25.0446.02000](#))

Judiciary Committee (Sen. Larson, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1326 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

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 injury 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.

INTRODUCTION

By Representative Mary Schneider

HB 1326--Armed Felons Self-Defense Exception

Senate Judiciary Committee

March 31, 2025

Chairman Larson, Vice Chairman Paulson, and distinguished members of the Senate Committee. I am Representative Mary Schneider, and I proudly represent District 21, central Fargo and West Fargo. I'm here to present HB 1326 for your consideration and to speak in favor of it.

HB 1326 presents a simple and straightforward commonsense exception to North Dakota's self-defense law intended to keep us safer.

This bill would prevent convicted felons who use a forbidden firearm in a subsequent crime from escaping conviction by claiming "justified use of force" or self-defense as they can, and have, under our current law.

This is a "bad guys" bill. I call it my drug-dealer shootout bill, because that's one of the situations in which we would find this. Two parties to a drug deal, or two quarrelling dealers, both armed, draw on each other, shoot, and if there is one left standing, that person can claim he or she shot (and likely killed or critically injured) the other in self-defense or a justified use of force. A jury can apply our current law and find that person not guilty. That is even though the felon is prohibited from having or owning a firearm. If the one claiming self-defense used a firearm prohibited by the terms and conditions of the individual's probation or parole for a previous felony, is that the outcome we want?

Our law now provides that the gun used can be seized, and there is extensive detail in how it can be sold or disposed of. Probation or parole may be deemed violated and the felon could be back in jail, or in jail, if that penalty was pursued. For possession of the prohibited firearm, the person could be charged with a Class C felony and get a maximum penalty of five years.

But wouldn't it be better if we prosecuted that individual for the actual crime committed, such as murder, attempted murder, or similar lesser crimes? Do we really want that killer back in our community in a short time because he wasn't charged with the actual crime committed, or after a self-defense acquittal? Do we want him back in the community after serving part or all of the gun sentence when he's actually murdered someone?

This issue allegedly arose in walking distance of my home. It might have been a drug deal gone wrong or just a dispute, with two armed perpetrators or perhaps one perpetrator with two guns--one to leave near the body. One man allegedly shot the other in the face, killing him, and the one left standing claimed justification or self-defense. He was a convicted felon armed with a loaded firearm he was prohibited from possessing by the terms of his parole. He killed another person with it. But he claimed self-defense and was not charged with the killing by county prosecutors. No witnesses actually saw the shooting. The convicted felon was arrested sometime later when, in a traffic stop, he allegedly again had a gun in his possession. He also allegedly had drugs taped to the inside of his thighs. When he was in jail, police executed a search warrant and found four more guns with their identifying markings removed. So, this is a bad guy, on parole and forbidden to have a gun, and he's got five or six of them. He allegedly kills someone with one of those guns and doesn't get charged with the killing because he claims self-defense. Is that right? Is that what we want?

Let's look at the bill. There are few actual changes to the law in this bill besides the elimination of self-defense for certain armed crimes. Most of the changes are updates in style and verbiage that we frequently see in law updates by Legislative Council.

So here are the significant changes:

- On line 9 "an individual is not justified in using force:

- On line 13 if the individual:

- On line 22 c. Possesses a firearm in violation of subdivision a or b of subsection 1 of section 62.1-02-01 and used the firearm at the time the danger of imminent unlawful bodily injury, sexual assault, or detention occurred.

So, the change reads, "An individual is not justified in using force if the individual possesses a firearm in violation of subdivision a or b of subsection 1 of section 62.1-02-01 and used the firearm at the time the danger of imminent unlawful bodily injury, sexual assault, or detention occurred."

This bill doesn't change the facts of the case or tell a jury or judge what to do with them. A person might still get acquitted depending on the facts and circumstances of the shooting. It just says convicted bad actors who shouldn't have a gun, who have been told they can't have a gun, who use it to commit violent acts, can't then claim justification or self-defense. They lose the right to use self-defense as an affirmative defense.

There are already restrictions on who can claim self-defense in the statute, so that isn't new. This just adds another one and fills a gap that now allows violent convicted criminals to escape proper charges for an act they committed.

Certain rights are routinely taken away because a person has been convicted of a violent crime. Parole or probation statuses are still part of that person's sentence. Our statutes already say owning or possessing a firearm for a certain period of time after conviction or on probation or parole is one of the rights you lose. If you violate that law, there are penalties for doing so. This bill just says, if you violate that law, **and** use that unlawful weapon in a subsequent--and additional violent act--you can't claim the affirmative defense of justification. It's a penalty that's been missing and is needed for the proper charging of the use of that illegal gun in another violent act.

You might describe this as a tough on crime bill or a law-and-order bill. It is. But it's not what people call an anti-gun bill. I have absolutely nothing against lawful gun ownership. This bill involves guns, but only the illegal or impermissible possession and use of a firearm by convicted criminals. It does not involve responsible firearm owners or hunters. It just penalizes convicted offenders using firearms impermissibly and/or violently in violation of their probation or parole.

I'm asking you to pass this bill to help convict violent offenders of the crimes they commit with guns they can't have--to deny them the opportunity to escape conviction by wrongfully claiming their violations were justified, that their actions were self-defense.

It may not be needed often. Hopefully never or seldom. But when it is, this bill, if it becomes law, might keep our neighborhoods just a little bit safer.



North Dakota Association for Justice
PO Box 365
Mandan, ND 58554
The Trial Lawyers of North Dakota

Jaclyn Hall, Executive Director
jaclyn@ndaj.org

Madam Chair Larson and members of the Senate Judiciary Committee, my name is Jaci Hall, Executive Director of the North Dakota Association for Justice. Today, I am opposed to HB326.

HB1326 will restrict the ability for someone to use self-defense as if they are an armed felon.

It is a wildly accepted principle that a person has the legal right to protect themselves and defend others. However, self-defense is an affirmative defense. This means the defendant must present evidence to show they acted in self-defense AND the use of force was justified and in response to an immediate threat.

HB1326 will create an exception where those who illegally use a firearm to protect themselves cannot claim self-defense.

Proponents of the bill claim this will protect North Dakotans from the 'bad guys' and it makes it sound like we have gang shootouts daily here in North Dakota. According to the ND Attorney General crime data, in 2023, we only had 14 homicides in ND where a firearm was used.

Even in these scenarios, does the bad guy deserve to die by the hands of the other bad guy with a gun because he is not supposed to carry a firearm?

How about the woman being sexually assaulted by a man with a gun? If she would have had a drug charge on her record from nine years ago – does she not have the right to do everything she can to get the gun from her assailant and use it?

What happens if someone breaks into your home. You may not own a firearm due to a past conviction, but if you can protect your family from eminent danger or harm – would you?

In closing, HB1326 is not needed and should receive a Do Not Pass. I urge this committee to not support HB1326 and I will stand for questions.

Chair Larson and Members of the Senate Judiciary Committee,

House Bill 1326 prevents recent felons and violent misdemeanants from using firearms in subsequent shootings. This is good sense policy.

The law currently restricts a narrow class of people from possessing firearms for a defined period of time.¹ This restriction reflects the risk that recent felons and violent misdemeanants may reoffend and use firearms to further criminal activity or escalate violence. It implicitly acknowledges that recent felons and violent misdemeanants have demonstrably disregarded the law and, therefore, should have their ability to possess firearms restricted for a period of time.

House Bill 1326 extends the prohibition on possessing firearms to a prohibition on using firearms. Under our current law and depending upon the facts, a recent felon or violent misdemeanant who uses a firearm to shoot and kill another in self-defense may only be sentenced up to a five-year term of imprisonment and/or a ten thousand dollar fine. Under House Bill 1326, such a person would be subject to prosecution for the killing. This appropriately reflects the danger such shooters pose to our community and further dissuades restricted persons from using firearms, especially while committing crimes.

I encourage a **DO PASS** recommendation on House Bill 1326.

Respectfully,

A handwritten signature in black ink, appearing to read 'N. Samuelson', with a stylized flourish at the end.

Nicholas S. Samuelson
Assistant Cass County State's Attorney

¹ See generally, N.D.C.C. § 62.1-02-01 (prohibiting violent felons from possessing a firearm or ammunition for 10 years; prohibiting all other felons and violent misdemeanants from possessing a firearm or ammunition for 5 years).