

2025 HOUSE ENERGY AND NATURAL RESOURCES

HB 1588

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1588

2/6/2025

Relating to dangerous weapons, the possession of a firearm or dangerous weapon at a public gathering, and producing a concealed carry license upon request; and to provide a penalty.

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

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

Discussion Topics:

- Concealed weapons permit
- Concealed weapon restrictions
- Prohibited areas

2:45 p.m. Representative Heinert introduced the bill.

2:59 p.m. Jonathan Alm, Department of Health and Human Services, testified in favor and submitted testimony. #35947

3:00 p.m. Cole Higlin, Chair Public Policy, ND Recreation and Park Association, testified in opposition and submitted testimony. #35577

3:05 p.m. Lloyd Halvorson, VP of Academic and Student Affairs at Lake Region State College, testified in opposition and submitted testimony. #36015

3:17 p.m. Katie Fitzsimmons, Director of Student Affairs, ND University Systems, testified in opposition and submitted testimony. #35918

3:23 p.m. Christopher Scott, Director of Policy, ND Student Association, testified in opposition and submitted testimony. #35962

3:29 p.m. Katherine Kempel, Government Affairs, UND Student Government, testified in opposition and submitted testimony. #35838

3:33 p.m. Christopher Dodson, Executive Director of the ND Catholic Conference, testified in opposition.

Additional written testimony:

Amy De Kok, Executive Director, ND School Boards Association, submitted testimony in opposition #35771.

Andrew Armacost, President, UND, submitted testimony in opposition #35880.

Zarrina Azizova, University Senate Chair, UND, submitted testimony in opposition #35940.

Representative Liz Conmy, ND House of Representatives, submitted testimony in favor #37711.

3:35 p.m. Chairman Porter closed the hearing.

Janae Pinks, Committee Clerk for Leah Kuball, Committee Clerk

Testimony of Cole Higlin
North Dakota Recreation & Park Association
To House Energy and Natural Resources Committee
In Opposition to HB 1588
Thursday, February 6, 2025

Chairman Porter and members of the Committee, my name is Cole Higlin, and I am the public policy chair of the North Dakota Recreation & Park Association (NDRPA). We represent more than 900 members, primarily park districts, and work to advance parks, recreation and conservation for an enhanced quality of life in North Dakota.

We oppose House Bill 1588. The implementation of this bill would create significant confusion and enforcement challenges for local park districts and their staff. Park districts oversee numerous public spaces, many of which are shared with schools and other organizations. For example, the Rough Rider Center in Watford City and the Williston Area Recreation Center share space with high schools and host elementary school programming at different times throughout the day. This bill, as written, would introduce ambiguity regarding when weapons are permitted on park district property, particularly in areas with multiple functions.

For instance, a facility may host both a school sporting event and a private event, such as a wedding or corporate gathering, on the same day. This overlap would create confusion over whether weapons should be allowed or prohibited at any given time.

Additionally, the bill would place an undue burden on staff, many of whom are students or young adults, requiring them to continually monitor and enforce complex, case-by-case decisions about whether weapons should be allowed, particularly during events where the distinction between public and private use of a facility is unclear.

In conclusion, we urge the committee to carefully consider the enforcement challenges, potential confusion, and safety concerns this bill would create. We request your support in opposing this legislation and encourage you to explore alternative approaches that better balance public safety with individual rights.

Thank you for your time and consideration. We would be happy to answer any questions you may have.



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

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HB 1588
Testimony of Amy De Kok
House Energy & Natural Resources Committee
February 6, 2025

Chairman Porter and members of the House Energy & Natural Resources Committee, thank you for the opportunity to provide testimony today. My name is Amy De Kok, and I serve as the executive director for the North Dakota School Boards Association. NDSBA represents all 168 public school districts and their governing boards. I write to express opposition to HB 1588 to the extent that it would allow political subdivisions—including cities, counties, or townships—to enact ordinances that are less restrictive regarding the possession of firearms or dangerous weapons at school-sponsored events on school property.

This provision, found at the bottom of page 4 of the bill starting at line 26, significantly undermines the authority of school districts in determining firearm policies on their own grounds. Schools Boards should be the sole governing body in making decisions regarding the presence of weapons at school-sponsored events, ensuring a consistent and carefully considered approach to student safety across all educational institutions in the state.

Granting authority to municipalities, counties, or townships to set their own regulations could result in a confusing patchwork of firearm policies, making it difficult for school administrators, parents, law enforcement, and the public to understand and enforce safety measures. More concerning, this provision could lead to an erosion of protections that currently exist to keep firearms away from school functions, jeopardizing the security of students, teachers, and families attending these events.

The safety of our schools is paramount, and allowing other political subdivisions to override established school district policies on firearm possession creates unnecessary risk and uncertainty. The NDSBA strongly urges this committee to amend HB 1588 to ensure that school districts retain exclusive authority over firearm policies on school property.

Thank you for your time and consideration. I urge you to oppose this provision and support an amendment that upholds the authority of school districts in maintaining a safe learning environment.



Katherine Kempel | Governmental Affairs Commissioner
katherine.kempel@und.edu

House Bill 1588
Energy and Natural Resources Committee
February 6, 2025

Chairman Porter and Members of the Energy and Natural Resources Committee,

My name is Katherine Kempel, and I serve as the Governmental Affairs Commissioner for the University of North Dakota (UND) Student Government. I am submitting testimony in opposition to HB 1588 as it relates to the possession of a firearm or dangerous weapon at a public gathering.

As proposed, the amendments listed in Section 4 of this bill would allow individuals to possess firearms or dangerous weapons in publicly owned or operated buildings. In your assessment of this bill, please consider the impact this would have on North Dakota's institutions of higher education, including the University of North Dakota. All buildings owned by UND are considered public property and would be affected by this amendment, allowing individuals to bring firearms and dangerous weapons into university-owned buildings such as residence halls, academic buildings, dining halls, and recreational facilities.

UND's current policy regarding firearms and dangerous weapons in campus buildings reflects State Board of Higher Education (SBHE) policy which states that "Except as provided by law, firearms and dangerous weapons are prohibited from campus buildings owned or operated by the SBHE, including the eleven institutions."¹ HB 1588 directly opposes this policy that is in place to ensure the safety of students, staff, faculty, and the public.

Prior to the current legislative session, UND's Student Government, which is made up of elected student representatives from across campus, unanimously passed Senate Resolution 2425-05 outlining the legislative priorities of UND's Student Government. Campus safety was included as one of UND Student Government's priorities for this legislative session. This bill

¹ <https://und.policystat.com/policy/17207934/latest/#autoid-a59d3>

does not increase safety on campuses; instead, it stands to decrease both real and perceived campus safety.² Students living, working, and studying on campus deserve to have a reasonable expectation that those around them are not carrying firearms or dangerous weapons.

Under this amendment, students would be able to possess firearms and dangerous weapons in on-campus student residence halls. This would be a change from UND's current policy, which instead allows students to store weapons in a 24-hour accessible gun locker facilitated by the University Police Department. This current policy allows for easy access to personal firearms and dangerous weapons without allowing students to store these items in student residence halls where the safe storage of these items cannot be guaranteed. This policy has not been opposed by students.

For many students, college is a time of increased stress and potential mental health issues. With increased access to firearms and dangerous weapons, the risk of students potentially harming themselves or others is also increased.³ UND's community values statement specifies that everyone be allowed to work, learn, and live in a safe, caring environment. Out of concern for the safety of students, staff, faculty, and the public when in university-owned buildings, firearms and dangerous weapons should continue to be prohibited in university-owned public buildings.

Chairman Porter and members of the Energy and Natural Resources Committee, I respectfully request a **Do Not Pass** recommendation on HB 1588 as currently written. If this bill were to be amended to exclude institutions of higher education and their events on property owned or leased by the institutions, I would take a neutral stance on this bill. Thank you for your time, and I am available to answer any questions.

Respectfully submitted,

Katherine Kempel

² <https://news.gallup.com/poll/611459/students-prefer-colleges-restrict-guns-campus.aspx>

³ <https://publichealth.jhu.edu/2016/allowing-guns-on-college-campuses-unlikely-to-reduce-mass-shootings>



Testimony for the 69th Legislative Assembly – House Energy and Natural Resources

February 6, 2025

Andy Armacost, President, UND

andrew.armacost@UND.edu | 701.777.2121

Bill: HB1588

Position: In Opposition

Dear Chairman Porter and Members of the Committee.

For the record, my name is Andrew Armacost, and I am the President of the University of North Dakota. I'm writing in opposition to House Bill 1588, specifically our concern about the proposed language that would allow possession of firearms or dangerous weapons on college campuses and at campus events.

Among my concerns are the growing behavioral health risks and substance use disorders that exist on our campuses. Introducing firearms and dangerous weapons into that mix could prove fatal. The Kaiser Family Foundation has demonstrated the connection between higher suicide rates and access to firearms.

Our campus, along with the other campuses in the NDUS, already sustain strong safety records and currently have high perceptions of safety among students, faculty, and staff. We pride ourselves on the great work of our University Police Department and their response to any issues on our campus.

Legalizing weapons on the campus might provide a higher perception of safety for some, but perceptions of less safety for others. These perceptions will impact how our students and faculty engage with one another and will impact our ability to attract and retain employees on our campuses.

Let me close by encouraging the bill authors to consider adding college campuses as an exception to the provisions of this bill. Thank you.



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HB 1588

House Energy and Natural Resources | February 6, 2025

Katie Fitzsimmons, NDUS Director of Student Affairs

701-328-4109 | katie.fitzsimmons@ndus.edu

Chair Porter and Committee Members, my name is Katie Fitzsimmons and I serve as the Director of Student Affairs for the North Dakota University System. I am representing the System Office and the eleven NDUS campuses in opposition to HB 1588. The bill would allow for the open and concealed carry and possession of a firearm on our campuses. I will focus on several issues in my testimony: current law and State Board Policy regarding firearms; the varied environments on our campuses; and finally, a note on access to lethal means. We are fortunate to have NDUS students, faculty, and administration providing testimony on this bill and HB 1365, so I will leave the campus-specific arguments to them.

Under current law, NDUS institutions are classified as “public gatherings,” where the possession of firearms and dangerous weapons is restricted. As a result, the State Board of Higher Education enacted State Board Policy 916.1 to follow state law, which prohibits the possession of firearms and dangerous weapons in campus buildings owned or operated by the State Board of Higher Education. However, recognizing that there may be necessary exceptions to this general rule, this body passed HB 1279 in 2017 (it created a new subdivision to subsection 2 of section 62.1-02-05, which is deleted in this bill) and the State Board updated Policy 916.1, which now authorizes the Chancellor or institution president to permit a qualifying individual to store a firearm or dangerous weapon in a campus residence provided that certain requirements are met. Additionally, most of our campuses provide secure weapon storage options for our students and students, faculty, staff, and visitors have the ability to store firearms in their personal vehicles that are on public property. At this time, these policies work beautifully for our students, faculty, and staff. As a result, the System Office sees no benefit, and many potential drawbacks, to expanding firearm possession on our campuses.

Our campuses are places where students of all ages go to learn, live, eat, workout, perform, practice, research, connect, and compete. Students sleep on the property and attend events, faculty and staff work all hours. We have highly competent campus police or security to respond to emergencies, and our campuses have cafeterias, swimming pools, theaters, classrooms, labs, and libraries. Most of these spaces are open to the public. When you

compare the happenings of a campus to that of a courthouse, a K-12 school, or a state office building, it is plain to see that we are different animals than other public gathering spaces and thus, I would argue we should be treated differently. This bill does not allow campuses to adjust firearm policies to their unique spaces and events, nor to their staff or resources available. This bill does not account for staff or students who require accommodations to work in a gun-free area, such as our students with veteran status or those who are survivors of domestic violence, nor does it factor the importance that intimidation can play if a student is involved in a student conduct or Title IX case. Let us not forget that the students that are currently enrolled on our campuses have participated in active shooter drills since they were in kindergarten. To now require those students to no longer “say something when they see something” will have impacts on local law enforcement and how they would respond to our campuses. The inflexibility of this proposed bill does not take countless variables into account and would place our campus communities in precarious, dangerous positions.

Finally, the added level of suicide risk this would pose to our campuses is real. The closer proximity to lethal means, the higher the suicide rate. 48% of those that die by suicide decided to take their own lives with less than nineteen minutes of deliberation¹. 62% of suicides in North Dakota happen with the means of a firearm². Suicide is the 2nd leading cause of death for ages 10-34. Added to that, our on-campus population primarily consists of 18–24-year-olds, who do not have fully formed frontal lobes, and thus, lack full executive function including complex decision making and impulse control. We are far less concerned about homicide or accidental injury on our campuses than we are about access to self-harm. The more time and distance we can place between an individual under stress and a firearm, the more likely we are to save that life.

On behalf of the System Office and the eleven institutions, I respectfully request a Do Not Pass on HB 1588 or an amendment to the bill to add a subsection to NDCC 62.1-02-05(1) adding this designee to prohibited spaces: "Any property owned, leased, or under the control of the North Dakota state board of higher education." Further, to be able to maintain the exceptions we have in place, made possible by 2017's HB 1279 and SBHE Policy 916.1, we would ask that the deletion of subsection (o) of 62.1-02-05 be reinstated in this bill and amended to read:

¹ Means Matter: *Duration of Suicidal Crisis* <https://means-matter.hsph.harvard.edu/means-matter/duration/>

² John Hopkins Center for Gun Violence Solutions. <https://publichealth.jhu.edu/center-for-gun-violence-solutions/north-dakota>

- (o) An individual's storage of a firearm or dangerous weapon in a building that is owned, leased, or under the control of the North Dakota state board of higher education, provided:
- (1) The individual resides in the building; and
 - (2) The storage has been consented to by the North Dakota state board of higher education, or its designee.

I thank you for your time and service and stand ready to answer your questions to the best of my ability.

To: Chair Porter and the Energy and Natural Resources Committee
From: The Senate Executive Committee of the University of North Dakota
Subject: Opposition to House Bill 1588
Date: February 6, 2025

Dear Chairman Porter and members of the Energy and Natural Resources Committee,

I am Zarrina Azizova, an Associate Professor of higher education, and I currently serve as the Chairs of the University Senate and the Senate Executive Committee at the University of North Dakota (UND). On behalf of the Senate Executive Committee, I submit this testimony in opposition to HB 1588. The bill exempts from liability public and private entities for injuries caused by and individual in lawful possession of a firearm or dangerous weapon at a publicly owned or operated building. The current bill, as proposed, includes several clauses which may create the perception of increasing safety, but, in reality, it creates uncertain and concerning outcomes for students, staff, and educators.

As educators, staff, and students, we assume that our public institution of higher education is a safe place and see our campus as a “sensitive place” (by the definition of the Supreme Court’s “sensitive places” doctrine) to teach, work, live, and learn. This includes all of our campus, from our classrooms and offices to our dining facilities, residential halls, sports arenas, and beyond. The assumption of safety is essential for the faculty, staff, and students here at UND to thoughtfully engage with the subject matter at hand, support the success and retention of our students and employees, allow for a sense of communal security in dorms, offices and classrooms, as well as to create the freedom to enjoy UND-sponsored events (from hockey games to art exhibits to commencement).

The current bill includes wording which may be intended to increase a sense of safety, but when implemented may cause several adverse consequences for students, staff, and faculty:

- **Negatively impacts student educational/learning/living environments:** Nearly all faculty and staff meet the requirements of Constitutional Concealed Carry as outlined by NDCC 62.1-04. Open carry of a firearm or dangerous weapon by an educator or staff member is a shift from a duty of education and support to a presumable duty of defense. University faculty and staff work hard to create a welcoming educational environment to promote learning. However, with the exception of the University Police Department, a university employee with a weapon greatly effects the power dynamic between educators/staff and students. An armed educator or staff member may make students uncomfortable with approaching the educator/staff member for assistance, questioning their instructions, and/or just generally cause them to feel unsafe depending on their personal backgrounds.

Likewise, nearly all college/university students also meet the requirements of Constitutional Concealed Carry, which means nearly everywhere a student goes, they may encounter someone carrying a weapon, which may have a chilling effect on

discussions inside and outside the classroom, may increase the risk of self-harm, and may increase the risk of on campus violence as otherwise minor altercations that happen in close environments can escalate very quickly.

- **Inability of institutions of higher education to comply with the mandates of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101), its subsequent amendments, and implementing regulations (29 CFR Part 1630).** Like all employers, institutions of higher education must make reasonable accommodations for employees who are documented as having “a physical or mental impairment that substantially limits one or more of the major life activities of such individual” (29 CFR 1630.2(g)(1)(i)) “Major life activities” include, but are not limited, to “learning, reading, concentrating, thinking, communicating, interacting with others, and working” (29 CFR 1630.2(i)(1)(i)). ADA accommodations also extend to our student body.

Post-traumatic stress disorder (PTSD; ICD-10 code F43.1) is diagnosis that is recognized by most major medical associations; UND and other entities, such as the Veterans Affairs Administration, recognize PTSD as a “mental impairment” that impacts “major life activities” and make accommodations (or, in the case of the VA, disability payments) accordingly. Due to the significant number of veterans and active-duty service members on UND’s campus (faculty, staff, and students), UND already sends out notifications of the monthly emergency siren warning to accommodate those who may live with PTSD.

That said, if dangerous weapons/firearms are permitted to be carried on campus, those who live with PTSD or other qualifying diagnoses under ADA may request accommodations for a weapon-free work, learning, and living environment so that they are not “substantially limited” in their “major life activities.” If UND or other NDUS institutions are prevented from granting accommodations as a result of this proposed bill, there is the risk that lawsuits will be filed.

- **Prohibitive expense of passing a more restrictive city ordinance:** While the proposed bill does state that a city, county, or township “*may enact*” an ordinance prohibiting weapons locally, such an ordinance would only be allowable if two conditions are met. The second condition is not feasible for a campus as large as UND. It is cost prohibitive to install “equipment that detects weapons” or “armed security personnel” at every access point on campus. Consequently, as written, it is not a viable option.

Consequently, unless there is an amendment that also exempts institutions of higher education under the control of the NDUS from this bill, UND’s University Senate Executive Committee urges a **DO NOT PASS** recommendation on HB 1588.

Respectfully Submitted,

Zarrina Azizova, Ph.D.
2024-2025 Chair, University Senate of the University of North Dakota



Health & Human Services

Testimony
House Bill No. 1588
House Energy and Natural Resources Committee
Representative Todd Porter, Chairman
February 6, 2025

Chairman Porter, and members of the House Energy and Natural Resources Committee, I am Jonathan Alm, an attorney with the Department of Health and Human Services (Department). I appear before you to present an amendment on behalf of the Department.

House Bill No. 1588 removes the general prohibition on possessing a firearm or dangerous weapon at a publicly owned or operated building. In its current form, House Bill No. 1588 would allow firearms or dangerous weapons at the North Dakota State Hospital, Life Skills and Transition Center, and at the State's Human Service Centers and satellite locations (Behavioral Health Clinics) as these locations do not have metal detectors or armed security.

The Department is requesting this committee adopt the amendment attached to my testimony to mitigate the risk of violence and injury between clients, employees, and the general public. The proposed amendment would prohibit the possession of a firearm or dangerous weapon at the portion of buildings occupied, owned, or leased by the North Dakota State Hospital, Life Skills and Transition Center, and Human Service Centers and satellite locations.

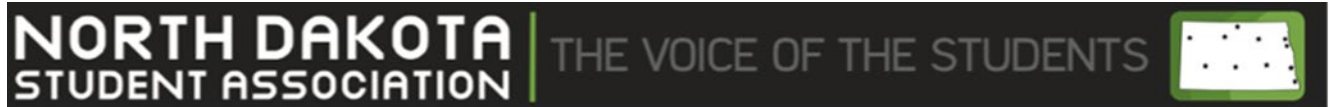
This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1588

Page 2, lines 24 through 29:

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; ~~or~~
 - b. A church or other place of worship; ~~or~~
 - c. ~~A publicly owned or operated building~~ The portion of buildings occupied, owned, or leased by the state hospital, life skills and transition center, and human service centers and satellite locations.



HB 1588

February 6th, 2025

Christopher Scott, North Dakota Student Association

701-340-3380 | Christopher.m.scott@ndus.edu

Chair Porter and members of the committee:

My name is Christopher Scott, and I am the current Policy, Advocacy and Research Director for the North Dakota Student Association. I am here to express the NDSA's opposition to HB 1588.

The North Dakota Student Association (NDSA) is a student organization established in 1969 that is dedicated to ensuring that students have a voice in policy that affects Higher Education. The NDSA consists of delegates from each of the 11 public institutions that meet monthly to engage students in Higher Education policy in North Dakota. Our mission is to empower students, foster collaboration between students across campuses in the North Dakota University System, and to advocate on issues of higher education in support of access, affordability, quality, and the student experience.

HB 1588 proposes to permit the possession of firearms and dangerous weapons in publicly owned and operated buildings. Additionally, it would allow cities, counties and townships the authority to enforce and enact ordinances prohibiting the possession of firearms or dangerous weapons in publicly owned areas. However, if passed, HB 1588 would also allow firearms and dangerous weapons on college campuses. The current wording of HB 1588 would prevent institutions and the State Board of Higher Education from implementing policies that prohibit the possession of firearm on college campuses, jeopardizing the safety of thousands of students, staff and faculty across the state.

Historically, the NDSA has opposed state gun legislation that would threaten the safety of the students of North Dakota. In 2021, the NDSA opposed HB 1311, which would have allowed the possession of a firearm or dangerous weapon in a public space. In response to HB 1311, the NDSA passed NDSA Resolution [NDSA-16-2021](#): A Resolution in Opposition of HB 1311. In 2023, the NDSA opposed and testified against [HB 1404](#), a bill which would have allowed concealed gun carry on college campuses. Recognizing the ongoing efforts of the legislature to approve open and concealed firearm carry, the NDSA proactively passed [NDSA-12-2324](#): A Resolution in Opposition to Open and Concealed Gun Carry on NDUS College Campuses in March of 2023. The resolution opposes any and all legislation that would change section 62.1 of the North Dakota Century Code to allow firearms on campuses, whether open or concealed carry.

One of the NDSA's concerns about this bill is increased accessibility of a lethal means to suicide for NDUS students experiencing mental health crises. Mental health challenges, including depression and suicidal ideation are significant issues among college students. According to the North Dakota Behavioral Health Data Book in 2023, there are approximately 41,000 North Dakota adults that experienced serious mental health illnesses in the prior year. The Data Book goes further and states that in 2021, 153 North Dakotans died by suicide, an increase from 134 suicides in 2019. Of those that died by suicide in 2021, 80% of them were male, 20% person were female. In addition, 61% of those who died by suicide in 2021 were between the ages of 20 and 49, an age range that includes the traditional college age demographic. Additionally, data from the Kaiser Family Foundation (2023) specifies that the suicide rate in North Dakota was 20.3 per 100,000 people, exceeding the national average of 14.1 per 100,000. North Dakota's firearm death rate is reported to be 13.3 per 100,000, also above than the national average of 7.5 per 100,000.

An additional concern the NDSA has with this bill and other legislation that would allow firearms on college campuses, is that these bills as mentioned before, jeopardize the safety of the college campus community. They could lead to an increase the risk of a gun violence, including campus shootings, as institutions would not be able to distinguish between students carrying firearms for self-protection and those with harmful intentions.

The presence of firearms also raises concerns among faculty and staff. The potential for firearms to escalate conflicts is concerning, as a student dissatisfied with an academic outcome of a course that they took, or other university matters may resort to firearm violence in an emotionally charged situation. This concern shared among faculty could deter prospective faculty from taking jobs in North Dakota universities, impacting the overall quality of education that would be offered across the state.

For these concerns of campus safety and student mental health concerns, the NDSA strongly opposes HB 1588. On behalf of the NDSA, I ask for a DO NOT PASS recommendation from the committee on this bill, or for an amendment exempting North Dakota colleges and universities.

North Dakota Data Book:

https://www.hhs.nd.gov/sites/www/files/documents/BH/BehavioralHealthDataBook_March2023_web.pdf

Kaiser Family Foundation:

<https://www.kff.org/statedata/mental-health-and-substance-use-state-fact-sheets/north-dakota/>

Testimony: HB 1588

Thursday February 6, 2025 2:30 PM &

Testimony: HB 1365

Friday February 7, 2025 8:30 AM

My name is Lloyd Halvorson, I am the VP for Academic and Student Affairs at Lake Region State College in Devils Lake. In addition to my role as the VP, I serve as the college's Chief of Police. I have been a licensed peace officer in the State of ND for 36 years. After a decade with the Bismarck Police Department, I joined Lake Region State College in 2002 as the police academy director and law enforcement educator. In addition, I have been a ND POST approved firearms instructor for the past 21 years.

I am here to testify in opposition to that portion of HB 1365 and 1588 that removes from the NDCC *"A publicly owned or operated building"* from the places where firearms are prohibited. I testify today on behalf of Lake Region State College and communicate to this committee the college's official position on both HB 1365 and 1588.

Removing *"A publicly owned or operated building"* from this statute would create an environment where it would be perfectly legal for almost anyone to possess a rifle, including a semi-automatic "assault style" rifle, shotgun, and/or handgun open carry (completely visible) and/or concealed (completely hidden) in all campus buildings, including residence halls, classrooms, hallways, meeting rooms, student unions, dining centers, auditoriums, and sports arenas; and in all circumstances on campus such as athletic events and graduation ceremonies. This would all be in "constitutional carry" environment, where no permit is required.

Being able to openly carry firearms on our campus in this way is highly problematic. From a protection standpoint under the law today: If someone emerged into the doorway of a crowded college event (think basketball game) carrying an assault rifle or a handgun, a police officer on scene would know what to do. The officer would not need to wait for this individual to point the weapon at a person, the crowd, or to open fire, as the possession of the firearm is unlawful in and of itself.

If either bill becomes law, the officer would not be able to proactively respond (engage/detain) as the law would make it legally permissible to bring an assault rifle into this event. It would even be legal to walk around with a handgun in your hand.

Do we want to require our police officers to wait until someone opens fire or otherwise shows a readiness to kill or terrorize before they are allowed to engage?

Even if this person isn't planning an attack, perhaps they are just being a knucklehead walking around our campus with an assault rifle or visible handgun, considering what we have taught people about active shooter response, it would create a seriously alarming situation.

Someone asked me recently if people should be able to carry firearms to defend themselves from an attacker or an active shooter? My response was, yes, I am not worried about safety when it comes to law-abiding residents with a concealed carry permit who go about their business armed and unnoticed every day.

I do worry about introducing guns into our campus environment.

- I worry about an intoxicated student who decides to show their guns to others in the resident halls. At some point there will be unintentional discharge that leaves one student dead and one likely going to jail; or
- A dispute settled with words or with fists today may being settled with a gun tomorrow; or
- Currently, a student in the grips of a mental health episode who is thinking suicide is the only answer to their immediate problem may not kill themselves because the “tool” is not readily available; but if the gun is easily accessible in their dorm room, the situation ends in death instead.
- Should President Darling be forced to allow teachers to wear a handgun, fully in view while teaching in the classroom?
- What about a teacher, afraid to turn her back to write on the smart board because she is terrified by the young man in her class who has an assault rifle hanging at the ready?

If “*publicly owned or operated buildings*” are removed, the distinction between lawful behavior and seriously alarming behavior will become very subjective. Here is a scenario: if two dozen people call 911 in a panic because they are watching two people approaching Memorial Union at UND with assault rifles; what does the dispatcher say to them? “Sounds like a perfectly legal situation to me...call back if they start shooting”? Sounds absolutely absurd, but the caller would only be describing a perfectly legal scenario.

I believe the general public, my public, your public, his/her public, would conclude that this situation just described is simply not ok. The new permissions created by this bill will make our ND world less inviting and more intimidating.

I sincerely hope you will give the provision removing “*A publicly owned or operated building*” more scrutiny and give (at a minimum) the open carry of visible firearms renewed deliberation and reconsideration. Again, if the scenario described earlier of dozens of callers to 911 reporting those men approaching memorial union with assault rifles causes you concern, this proposed edit to 62.1-02-05 should also cause you concern.

It is my professional opinion, as a higher education and law enforcement leader for 3 1/2 decades, that a majority of North Dakotans, gun-owning and law-abiding North Dakotans, would without hesitation, reject the new reality created here.

I encourage this committee to give this legislation a unanimous “Do Not Pass” recommendation, at least so far as college campuses are concerned. Thank you for the opportunity to speak to you today.

Lloyd Halvorson, Vice President
Academic and Student Affairs & Chief of Police

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25.1290.01001
Title.

Prepared by the Legislative Council
staff for Representative Conmy
February 13, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 ~~two~~three new sections to chapter 62.1-02 of the North
2 Dakota Century Code, relating to liability exemptions for public and private entities ~~and~~, the
3 possession of a firearm or dangerous weapon at a publicly owned or operated building, and the
4 possession or sale of binary triggers; to amend and reenact ~~subsections~~subsections 1 and 8 of
5 section 62.1-01-01 and sections 62.1-02-05 and 62.1-04-04 of the North Dakota Century Code,
6 relating to dangerous weapons, the possession of a firearm or dangerous weapon at a public
7 gathering, and producing a concealed carry license upon request; and to provide a penalty.

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

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

11 1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,
12 stiletto, sword, dagger, or knife with a blade of ~~five inches [12.7 centimeters]~~six inches
13 [15.24 centimeters] or more; any throwing star, nunchaku, or other martial arts
14 weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any
15 slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is
16 readily capable of expelling, a projectile by the action of a spring, compressed air, or
17 compressed gas, including any such weapon, loaded or unloaded, commonly referred
18 to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object
19 containing or capable of producing and emitting any noxious liquid, gas, or substance.
20 "Dangerous weapon" does not include a spray or aerosol containing CS, also known

as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

SECTION 2. AMENDMENT. Subsection 8 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Machine gun, submachine gun, or fully automatic rifle" means a firearm, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second. ~~The term does not include a binary trigger that fires one round upon the pull of the trigger and one round upon release of the trigger.~~

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

Exemption from liability for public and private entities.

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

SECTION 4. 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.

1. A city, county, or township, 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 if:
 - a. All individuals possessing a valid class 1 or class 2 firearm and dangerous weapons license are restricted from possessing a firearm; and
 - b. Access is not permitted unless an individual passes through equipment that detects weapons or is staffed by armed security personnel.

2. This section does not apply to nonpublic areas of a publicly owned or operated building.

SECTION 5. A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

Possession or sale of binary triggers - Penalty.

A person who possesses, obtains, receives, sells, or uses a binary trigger is guilty of a class C felony.

SECTION 6. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

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; or
 - b. A church or other place of worship; ~~or~~
 - c. ~~A publicly owned or operated building.~~
2. This section does not apply to:
 - a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
 - b. An individual who is on an ambulance or firefighter crew while the individual is on duty if:
 - (1) The individual has written permission from the governing body or owner of the fire department or ambulance service;
 - (2) The individual possesses a valid class 1 concealed weapons license;
 - (3) The individual has successfully completed a weapons training course developed by the North Dakota private investigative and security board; and

- 1 (4) The governing body or owner of the fire department or ambulance crew
2 provides written notice to the bureau of criminal investigation of the
3 individuals authorized or no longer authorized to carry a firearm or
4 dangerous weapon under this section, including that all training and
5 certification requirements have been satisfied;
- 6 c. A member of the armed forces of the United States or national guard, organized
7 reserves, state defense forces, or state guard organizations, when on duty;
- 8 d. A competitor participating in an organized sport shooting event;
- 9 e. A gun or antique show;
- 10 f. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 11 g. A firearm or dangerous weapon carried in a temporary residence or motor
12 vehicle;
- 13 h. A student and an instructor at a hunter safety class;
- 14 i. Private and public security personnel while on duty;
- 15 j. ~~A state or federal park;~~
- 16 k. An instructor, a test administrator, an official, or a participant in educational,
17 training, cultural, or competitive events involving the authorized use of a
18 dangerous weapon if the event occurs with permission of the person or entity
19 with authority over the function or premises in question;
- 20 l. ~~An individual in a publicly owned or operated rest area or restroom;~~
- 21 m. ~~k.~~ An individual who is authorized under section 62.1-04-02 to carry a firearm or
22 dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1
23 authorizing the individual to carry a firearm or dangerous weapon concealed if
24 the individual is in a church building or other place of worship and the primary
25 religious leader or the governing body of the church or other place of worship
26 approves the individual or group of individuals to carry a firearm or dangerous
27 weapon through a policy or any other means;
- 28 n. A
- 29 l. The governor, a state, federal, or municipal court judge, a district court magistrate
30 judge or judicial referee, and a staff member of the office of attorney general if the
31 individual maintains the same level of firearms proficiency as is required by the

1 peace officer standards and training board for law enforcement officers. A local
2 law enforcement agency shall issue a certificate of compliance under this section
3 to an individual who is proficient;

4 e. ~~An individual's storage of a firearm or dangerous weapon in a building that is~~
5 ~~owned or managed by the state or a political subdivision, provided:~~

6 (1) ~~The individual resides in the building;~~

7 (2) ~~The storage is inside the individual's assigned residential unit; and~~

8 (3) ~~The storage has been consented to by the state, the governing board, or a~~
9 ~~designee; and~~

10 p.m. An individual authorized to carry a concealed weapon on school property under
11 section 62.1-02-14.

12 3. This section does not prevent any political subdivision from enacting an ordinance that
13 is less restrictive than this section relating to the possession of firearms or dangerous
14 weapons at a ~~public gathering~~school-sponsored event on school property, or a church
15 or other place of worship. An enacted ordinance supersedes this section within the
16 jurisdiction of the political subdivision.

17 4. Notwithstanding any other provision of law, a church or place of worship may not be
18 held liable for any injury or death or damage to property caused by an individual
19 permitted to carry a dangerous weapon concealed under this section.

20 5. This section does not prevent the governing body of a school or the entity exercising
21 control over a publicly owned or operated building or property from authorizing the use
22 of a less than lethal weapon as part of the security plan for the school, building, or
23 property.

24 6. An individual who knowingly violates this section is guilty of ~~an infraction~~a noncriminal
25 offense punishable by a fee of one hundred dollars for a first offense and a fee of five
26 hundred dollars for a second or subsequent offense within three years.

27 **SECTION 7. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **62.1-04-04. Producing license upon request - Penalty.**

30 1. ~~Every~~An individual while carrying a concealed firearm or dangerous weapon, for which
31 a license to carry concealed is required, shall have on ~~one's~~the individual's person the

1 license issued by this or another state or a digital image of ~~one's~~the individual's
2 concealed firearm or dangerous weapon license issued by this state on an electronic
3 device and shall give it ~~the license or digital image of the license~~ to ~~any active~~a law
4 enforcement officer for an inspection upon request by the officer. The failure of ~~any~~an
5 individual to give the license or digital image of the license to the officer is prima facie
6 evidence the individual is illegally carrying a firearm or dangerous weapon concealed.

7 2. ~~Every~~An individual carrying a concealed firearm under the authority granted in
8 subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the
9 ~~individual's possession of a concealed weapon upon the initiation of a traffic stop or~~
10 ~~any other in-person contact initiated by a law enforcement~~firearm if the officer inquires
11 about the individual possession a concealed firearm.

12 3. ~~Every~~An individual carrying a concealed firearm under the authority granted in
13 subsection 2 of section 62.1-04-02 shall have on ~~one's~~the individual's person a valid
14 driver's license or nondriver identification card issued by the department of
15 transportation or by the individual's state or territory of residence, or a digital image of
16 ~~one's~~the individual's valid driver's license or nondriver identification card on a mobile
17 device and shall provide the license or card to ~~any~~a law enforcement officer for
18 inspection upon request by the officer.

19 4. An individual who violates this section is guilty of a noncriminal offense punishable by
20 a fee of twenty dollars.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1588
2/14/2025
Subcommittee

Relating to dangerous weapons, the possession of a firearm or dangerous weapon at a public gathering, and producing a concealed carry license upon request; and to provide a penalty.

9:11 a.m. Chairman Heinert opened the meeting.

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

Discussion Topics:

- University Systems
- Governor Protection

9:11 a.m. Chairman Heinert discussed proposed amendments.

9:19 a.m. Katie Fitzsimmons, Director of Student Affairs, ND University Systems, stood for questions.

9:25 a.m. Representative Conmy proposed an amendment from previous meeting testimony #37711 (LC#25.1290.01001).

9:27 a.m. Special agent Alex Droske, BCI, stood for questions.

9:33 a.m. Representative Dockter moved a Do Recommend to full committee on Amendment LC#25.1290.01001 with proposed changes.

9:34 a.m. Representative Hagert seconded the motion.

Representatives	Vote
Chairman Pat D. Heinert	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Liz Conmy	Y

9:34 a.m. Motion passed 4-0-0.

9:34 a.m. Chairman Heinert closed the meeting.

Janae Pinks, Committee Clerk for Leah Kuball, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1588
2/20/2025
Subcommittee

Relating to dangerous weapons, the possession of a firearm or dangerous weapon at a public gathering, and producing a concealed carry license upon request; and to provide a penalty.

9:00 a.m. Chairman Heinert called the meeting to order.

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

Discussion Topics:

- Places of worship
- Higher education

9:06 a.m. Representative Dockter moved to adopt amendment LC#25.1290.1002, testimony #38198, with proposed changes.

9:06 a.m. Representative Hagert seconded the motion.

Representatives	Vote
Chairman Pat D. Heinert	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Liz Comny	N

9:06 a.m. Motion passed 3-1-0.

9:07 a.m. Chris Pieske, Chief Compliance Officer, ND University System, stood for questions and submitted testimony #38201.

9:20 a.m. Chris Pieske, stood for questions.

9:22 a.m. Representative Dockter proposed to add subsection d on page 3 line 16 and the removal of parts of the bill.

9:22 a.m. Representative Conmy seconded the motion.

Representatives	Vote
Chairman Pat D. Heinert	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Liz Comny	Y

9:22 a.m. Motion passed 4-0-0.

9:23 a.m. Representative Dockter moved a Do Pass as Amended Recommendation to full committee.

9:23 a.m. Representative Conmy seconded the motion.

Representatives	Vote
Chairman Pat D. Heinert	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Liz Conmy	Y

9:23 a.m. Motion passed 4-0-0.

9:24 a.m. Chairman Heinert closed the adjourned the meeting.

Janae Pinks, Committee Clerk for Leah Kuball, Committee Clerk

25.1290.01002
Title.

Prepared by the Legislative Council
staff for Representative Heinert
February 18, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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

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

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

11 1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,
12 stiletto, sword, dagger, or knife with a blade of ~~five inches [12.7 centimeters]~~six inches
13 [15.24 centimeters] or more; any throwing star, nunchaku, or other martial arts
14 weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any
15 slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is
16 readily capable of expelling, a projectile by the action of a spring, compressed air, or
17 compressed gas, including any such weapon, loaded or unloaded, commonly referred
18 to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object
19 containing or capable of producing and emitting any noxious liquid, gas, or substance.
20 "Dangerous weapon" does not include a spray or aerosol containing CS, also known

as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

SECTION 2. AMENDMENT. Subsection 8 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Machine gun, submachine gun, or fully automatic rifle" means a firearm, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second. ~~The term does not include a binary trigger that fires one round upon the pull of the trigger and one round upon release of the trigger.~~

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

Exemption from liability for public and private entities.

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

SECTION 4. 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.

~~1. A city, county, or township,~~ 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 ~~if:~~

~~a. All individuals possessing a valid class 1 or class 2 firearm and dangerous weapons license are restricted from possessing a firearm; and~~

~~b. Access is not permitted unless an individual passes through equipment that detects weapons or is staffed by armed security personnel.~~

~~2. This section does not apply to nonpublic areas of a publicly owned or operated building.~~

SECTION 5. A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

Use of binary triggers - Penalty.

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

SECTION 6. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

**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; ~~or~~
- b. Property leased or rented by a school; or
- c. A church or other place of worship; or
- e. ~~A publicly owned or operated building.~~

2. This section does not apply to:

- a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
- b. An individual who is on an ambulance or firefighter crew while the individual is on duty if:
 - (1) The individual has written permission from the governing body or owner of the fire department or ambulance service;
 - (2) The individual possesses a valid class 1 concealed weapons license;
 - (3) The individual has successfully completed a weapons training course developed by the North Dakota private investigative and security board; and

- 1 (4) The governing body or owner of the fire department or ambulance crew
2 provides written notice to the bureau of criminal investigation of the
3 individuals authorized or no longer authorized to carry a firearm or
4 dangerous weapon under this section, including that all training and
5 certification requirements have been satisfied;
- 6 c. A member of the armed forces of the United States or national guard, organized
7 reserves, state defense forces, or state guard organizations, when on duty;
- 8 d. A competitor participating in an organized sport shooting event;
- 9 e. A gun or antique show;
- 10 f. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 11 g. A firearm or dangerous weapon carried in a temporary residence or motor
12 vehicle;
- 13 h. A student and an instructor at a hunter safety class;
- 14 i. Private and public security personnel while on duty;
- 15 j. [A state or federal park;](#)
- 16 k. An instructor, a test administrator, an official, or a participant in educational,
17 training, cultural, or competitive events involving the authorized use of a
18 dangerous weapon if the event occurs with permission of the person or entity
19 with authority over the function or premises in question;
- 20 l. [An individual in a publicly owned or operated rest area or restroom;](#)
- 21 ~~m. k.~~ An individual who is authorized under section 62.1-04-02 to carry a firearm or
22 dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1
23 authorizing the individual to carry a firearm or dangerous weapon concealed if
24 the individual is in a church building or other place of worship and the primary
25 religious leader or the governing body of the church or other place of worship
26 approves the individual or group of individuals to carry a firearm or dangerous
27 weapon through a policy or any other means;
- 28 n. A
- 29 ~~l.~~ [The governor, a state, federal, or municipal court judge, a retired state or federal](#)
30 [judge,](#) a district court magistrate judge or judicial referee, and a staff member of
31 the office of attorney general if the individual maintains the same level of firearms

1 proficiency as is required by the peace officer standards and training board for
2 law enforcement officers. A local law enforcement agency shall issue a certificate
3 of compliance under this section to an individual who is proficient; and

4 o. ~~An individual's storage of a firearm or dangerous weapon in a building that is~~
5 ~~owned or managed by the state or a political subdivision, provided:~~

6 (1) ~~The individual resides in the building;~~

7 (2) ~~The storage is inside the individual's assigned residential unit; and~~

8 (3) ~~The storage has been consented to by the state, the governing board, or a~~
9 ~~designee; and~~

10 ~~p.m.~~ An individual authorized to carry a concealed weapon on school property under
11 section 62.1-02-14.

12 3. This section does not prevent any political subdivision from enacting an ordinance that
13 is less restrictive than this section relating to the possession of firearms or dangerous
14 weapons at a ~~public gathering~~ school-sponsored event on school property, or a church
15 or other place of worship. An enacted ordinance supersedes this section within the
16 jurisdiction of the political subdivision.

17 4. Except as provided in section 62.1-02-13, the state board of higher education may
18 promulgate rules and regulations for the possession and use of firearms or dangerous
19 weapons on all college campuses in the state

20 5. Notwithstanding any other provision of law, a church or place of worship may not be
21 held liable for any injury or death or damage to property caused by an individual
22 permitted to carry a dangerous weapon concealed under this section.

23 5.6. This section does not prevent the governing body of a school or the entity exercising
24 control over a publicly owned or operated building or property from authorizing the use
25 of a less than lethal weapon as part of the security plan for the school, building, or
26 property.

27 6.7. An individual who knowingly violates this section is guilty of ~~an infraction~~ a noncriminal
28 offense punishable by a fee of one hundred dollars for a first offense and a fee of five
29 hundred dollars for a second or subsequent offense within three years.

30 **SECTION 7. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **62.1-04-04. Producing license upon request - Penalty.**

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

From: [Heinert, Patrick D.](#)
To: [Randazzo, Addison - HTechClerk3 - HEDU - HNAT](#)
Subject: Fw: Amendment to HB 1588
Date: Thursday, February 20, 2025 9:17:48 AM

From: Fitzsimmons, Katie <katie.fitzsimmons@ndus.edu>
Sent: Tuesday, February 18, 2025 3:21 PM
To: NDLA, H NAT <hnat@ndlegis.gov>; Heinert, Patrick D. <pdheinert@ndlegis.gov>; Conmy, Liz <lconmy@ndlegis.gov>; Dockter, Jason D. <jddockter@ndlegis.gov>; Hagert, Jared <jhagert@ndlegis.gov>
Cc: Johnson, Lisa <lisa.a.johnson@ndus.edu>; Halvorson, Lloyd W. <lloyd.halvorson@lrsc.edu>; Larson, Meredith H. <merlanson@nd.gov>; Pieske, Christopher <christopher.pieske@ndus.edu>
Subject: Amendment to HB 1588

Some people who received this message don't often get email from katie.fitzsimmons@ndus.edu. [Learn why this is important](#)

Representative Heinert and the House ENR "Gun Club" workgroup-

Hi everyone. Thank you again for all your work on examining the firearm-related bills. We have discussed the proposed amendment language (which is not yet finalized by LC) and we have some slight concerns. Though we very much appreciate the intent to leave the management of firearm policies to the judgment of the State Board of Higher Education, we are concerned that rules and policies of the State Board do not carry the force of law.

Meaning, if this passes, and the State Board of Higher Education maintains a policy that prohibits firearms on our campuses, and an individual of the public is discovered on SBHE property with a firearm, only our campus security/campus police could handle it; local law enforcement would not have the ability to intervene.

One suggestion for the revised language is:

It may be more clear if N.D.C.C. 62.1-02-05(1)(c) said, "Buildings and property owned or under the control of the state board of higher education, except as permitted by a policy adopted by the state board of higher education."

That way, law enforcement can just cite to the statute when making an arrest or issuing a citation, instead of having to cross reference board or institutional policy.

This would result in achieving the same goal but making it clearer for our partners in law enforcement. You would still remove N.D.C.C. 62.1-02-05(1)(o) as proposed in the bill and then forgo the amendment to N.D.C.C. 62.1-02-05(4) that was discussed in the workgroup.

I hate throwing curveballs after the work has been completed, but I'm not a lawyer nor law enforcement, so I don't catch the nuances!

Thank you for your consideration. Please let me know if there is anything else I can do to

help.

-Katie Fitzsimmons

Katie Cashman Fitzsimmons

Director of Student Affairs

**NORTH DAKOTA
University System**

600 E Boulevard Ave, Dept 215

Bismarck, ND 58505-0230

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✉: katie.fitzsimmons@ndus.edu

💻: ndus.edu

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1588

2/20/2025

Relating to liability exemptions for public and private entities, the possession of a firearm or dangerous weapon at a publicly owned or operated building, and the use of binary triggers; to amend and reenact subsection 1 of section 62.1-01-01 and sections 62.1-02-05 and 62.1-04-04 of the North Dakota Century Code, relating to dangerous weapons, the possession of a firearm or dangerous weapon at a public gathering, and producing a concealed carry license upon request; and to provide a penalty.

10:52 a.m. Chairman Porter opened the meeting.

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

Members Absent: Representative M. Ruby

Discussion Topics:

- Binary trigger
- Associated penalties
- Universities

11:00 a.m. Representative Heinert moved amendment LC#25.1290.01002, previous testimony #38198 and #38201.

11:00 a.m. Representative J. Olson seconded the motion.

11:04 a.m. Voice vote - motion passed.

11:04 a.m. Representative Heinert moved a Do Pass as Amended.

11:04 a.m. Representative J. Olson seconded the motion.

Representatives	Vote
Chairman Todd Porter	Y
Vice Chairman Dick Anderson	Y
Vice Chairwoman Anna Novak	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared Hagert	Y
Representative Craig Headland	Y
Representative Pat Heinert	Y
Representative Jorin Johnson	Y
Representative Andrew Marschall	Y

Representative Jeremy Olson	Y
Representative Matthew Ruby	AB

11:05 a.m. Motion passed 12-0-1.

11:05 a.m. Representative Heinert will carry the bill.

Additional written testimony:

11:06 a.m. Chairman Porter closed the meeting.

Janae Pinks, Committee Clerk for Leah Kuball, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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

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

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

11 1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,
12 stiletto, sword, dagger, or knife with a blade of ~~five inches~~ 12.7 centimeters ~~six inches~~
13 15.24 centimeters or more; any throwing star, nunchaku, or other martial arts
14 weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any
15 slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is
16 readily capable of expelling, a projectile by the action of a spring, compressed air, or
17 compressed gas, including any such weapon, loaded or unloaded, commonly referred
18 to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object
19 containing or capable of producing and emitting any noxious liquid, gas, or substance.
20 "Dangerous weapon" does not include a spray or aerosol containing CS, also known

as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

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

Exemption from liability for public and private entities.

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

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.

~~1. A city, county, or township, 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 if:~~

~~a. All individuals possessing a valid class 1 or class 2 firearm and dangerous weapons license are restricted from possessing a firearm; and~~

~~b. Access is not permitted unless an individual passes through equipment that detects weapons or is staffed by armed security personnel.~~

~~2. This section does not apply to nonpublic areas of a publicly owned or operated building.~~

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

Use of binary triggers - Penalty.

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

1 **SECTION 5. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**

4 **Penalty - Application.**

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

6 a. A school or school-sponsored event on school property; ~~or~~

7 b. Property leased or rented by a school;

8 c. A church or other place of worship; or

9 e. A publicly owned or operated building.

10 d. Except as provided in section 62.1-02-13 or a policy adopted by the state board
11 of higher education, buildings and property owned or under the control of the
12 state board of higher education.

13 2. This section does not apply to:

14 a. A law enforcement officer, or a correctional officer employed by the department of
15 corrections and rehabilitation or by a correctional facility governed by chapter
16 12-44.1. A correctional officer employed by the department of corrections and
17 rehabilitation may carry a firearm only as authorized in section 12-47-34. A
18 correctional officer employed by a correctional facility governed by chapter
19 12-44.1 may carry a firearm or dangerous weapon only as authorized in section
20 12-44.1-30;

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

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

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

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

28 (4) The governing body or owner of the fire department or ambulance crew
29 provides written notice to the bureau of criminal investigation of the
30 individuals authorized or no longer authorized to carry a firearm or

dangerous weapon under this section, including that all training and certification requirements have been satisfied;

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

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

e. A gun or antique show;

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

g. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;

h. A student and an instructor at a hunter safety class;

i. Private and public security personnel while on duty;

j. A state or federal park;

k. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;

l. An individual in a publicly owned or operated rest area or restroom;

~~m.~~ k. An individual who is authorized under section 62.1-04-02 to carry a firearm or dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a firearm or dangerous weapon concealed if the individual is in a church building or other place of worship and the primary religious leader or the governing body of the church or other place of worship approves the individual or group of individuals to carry a firearm or dangerous weapon through a policy or any other means;

n. A

~~l.~~ The governor, a state, federal, or municipal court judge, a retired state or federal judge, a district court magistrate judge or judicial referee, and a staff member of the office of attorney general if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient; and

o. ~~An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:~~

~~(1) The individual resides in the building;~~

~~(2) The storage is inside the individual's assigned residential unit; and~~

~~(3) The storage has been consented to by the state, the governing board, or a designee; and~~

~~p.m.~~ An individual authorized to carry a concealed weapon on school property under section 62.1-02-14.

3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gatheringschool-sponsored event on school property, or a church or other place of worship. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.

4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.

5. This section does not prevent the governing body of a school or the entity exercising control over a publicly owned or operated building or property from authorizing the use of a less than lethal weapon as part of the security plan for the school, building, or property.

6. An individual who knowingly violates this section is guilty of an ~~infraction~~ noncriminal offense punishable by a fee of one hundred dollars for a first offense and a fee of five hundred dollars for a second or subsequent offense within three years.

SECTION 6. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

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

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

**REPORT OF STANDING COMMITTEE
HB 1588**

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS** ([25.1290.01003](#)) and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1588 was placed on the Sixth order on the calendar.

2025 SENATE JUDICIARY

HB 1588

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1588
3/31/2025

Relating to liability exemptions for public and private entities, the possession of a firearm or dangerous weapon at a publicly owned or operated building, and the use of binary triggers, dangerous weapons, the possession of a firearm or dangerous weapon at a public gathering, and producing a concealed carry license upon request; and to provide a penalty.

3:25 p.m. Chair Larson opened the hearing.

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

Discussion Topics:

- Binary Trigger Definition
- Lawmakers vs. Governor Ability to Conceal Carry
- Binary Trigger Charges
- Signage for School Event Clarification
- Board of Higher Education Weapon Policy Authority
- Assault Rifle Definition
- Increasing or Removing Fee Cap

3:25 p.m. Representative Heinert, District 32, introduced the bill.

3:26 p.m. Chair Larson introduced amendment LC 25.1290.02002 and submitted testimony #44459.

3:42 p.m. Katie Fitzsimmons, ND University System Director of Student Affairs, testified in favor and submitted testimony #44468.

3:46 p.m. Senator Myrdal introduced amendment LC 25.1290.02003 and submitted testimony #44485.

3:53 p.m. Stephanie Engebretson, ND Chiefs of Police Association, testified as neutral.

3:56 p.m. Lloyd Halvorson, VP for Academic and Student Affairs at Lake Region State College and LRSC Chief of Police, testified in favor and submitted testimony #44489.

4:01 p.m. Brian Gosch, National Rifle Association Lobbyist, testified in favor.

4:15 p.m. David Tamisiea, ND Catholic Conference Executive Director, testified in opposition and submitted testimony #44420.

4:19 p.m. Jonathan Alm, NDDHHS Chief Legal Officer, testified in opposition and submitted testimony #44469.

4:20 p.m. Wallace Keller, Burleigh County Resident, testified in opposition and submitted testimony #44457.

Additional Written Testimony:

Cole Higlin, ND Recreation & Park Association Public Policy Chair, submitted testimony in opposition #44393.

Michael Andersen, Black Hat Handgun Owner, submitted testimony in favor #44405.

Sally Holewa, ND Court System, submitted testimony as neutral #44441.

Senator Larson submitted testimony as neutral #44482.

4:24 p.m. Chair Larson adjourned the meeting.

Elizabeth Reiten for Kendra McCann, Committee Clerk

Testimony of Cole Higlin**North Dakota Recreation & Park Association****To Senate Judiciary Committee****In Opposition to HB 1588****Monday, March 31, 2025**

Chair Larson and members of the Committee, my name is Cole Higlin, and I am the public policy chair of the North Dakota Recreation & Park Association (NDRPA). We represent more than 900 members, primarily park districts, and work to advance parks, recreation and conservation for an enhanced quality of life in North Dakota.

We oppose House Bill 1588, specifically Section 3 and the removal of “publicly owned or operated building” from Section 5, which we believe **is confusing and will create enforcement challenges** for the following reasons:

- The bill would create ambiguity for park districts that manage shared spaces, especially when facilities host both public and private events (i.e., school activities and birthday parties or weddings) on the same day.
- As written, it is difficult to determine when weapons are permitted in multi-use public spaces, leading to confusion for both staff and visitors.
- Local staff, many of whom are young adults, would be tasked with enforcing complex weapon policies in situations where the distinction between public and private use is unclear.

In conclusion, we urge the committee to carefully consider the enforcement challenges, confusion, and safety concerns this bill would create. Please oppose HB 1588 and explore alternative approaches that better balance public safety with individual rights.

Thank you for your time and consideration.

House Bill 1588
Position: Support
Senate Judiciary Committee
March 31, 2025

Chairman Larson and members of the Judiciary Committee. My name is **Michael Andersen**, I am the Owner of **Black Hat Handgun** based in Fargo. As a firearm instructor, one of my main areas of focus is conducting the classes and testing for the North Dakota Concealed Weapons License as prescribed by BCI.

First of all, I have to say that I support the removal of the restriction of the \$50 mandatory cap on the price of the class. This may have had good intentions in the beginning, but it should have been revisited years ago. I am one of the only ND CWL instructors left teaching in the Fargo area. Most have given up teaching because it is no longer financially feasible to do so. Costs have gone up in the past 25 years, yet the fees that we are allowed to charge have remained unchanged for those same 25 years. The market will determine what fees will be allowed, let the market make that determination in every part of the state.

Secondly, in the role of a CWL Instructor I have significant contact with citizens in Fargo and the surrounding areas and have many conversations regarding ND Century Code, particularly Section 62 on a weekly basis. There are several places within a class where there are questions about particular aspects of NDCC and how it applies to those who choose to own firearms.

I am writing today to you in regard to **HB 1588**, and my support of the bill, even with the issues that it has.

HB 1588 deals with one of the more discussed sections in my classes, Section 62.1-02-05. While I appreciate the clarity that many previous legislative sessions have brought to this section, I believe that there is too much left as incredibly vague and lends itself to interpretations may have never intended.

I wholeheartedly support the removal of the restriction on “A publicly owned and operated building”. While this may seem to be specific on the surface, it is unhelpful and unnecessarily vague for the average citizen who desires to follow the law when it comes to exercising their right to carry a concealed weapon in the State of ND.

The new proposed **SECTION 3** is the item I have difficulty with and would like addressed either now or in future legislation.

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.

First of all, a political subdivision may enact and enforce an ordinance... What does that even mean? What does “**public areas of a publicly owned or operated building**” even mean? Is there a limitation on the ordinance that can be written? Are there any definitions or guidance as to what the ordinance will or will not do? What is the intent?

Is this clear to the average citizen who is trying to understand their rights and responsibilities under the law? Fargo has a penchant for pushing the limits and bending the rules toward draconian restrictions if given the opportunity.

If you mean to say that citizens have the ability to carry a firearm or dangerous weapon in any publicly owned building (excluding schools of any defined manner) but if political subdivisions choose to restrict carrying in such a building, then the occupants/owners of that building would need to provide metal detectors and armed security in those places so that anyone entering can be assured of their safety being provided for since they are not able to provide it for themselves, then I would highly endorse this, but then this needs to be clarified. As it stands, it seems to be poorly written and is unnecessarily vague. The potential for political subdivisions to restrict in “public areas of public buildings” seems very open to interpretation.

I believe that the citizens of ND who make the decision to carry a concealed weapon have the right to have clearly written laws to follow, and laws that they can be expected to be consistently applied across the State. Simply stating that publicly owned or operated buildings have the ability to choose to restrict concealed weapons by providing metal detectors and armed security in those places would be of great assistance for compliance. This allows law abiding citizens the right to protect and defend themselves where such security and protection assurances are not provided.

I urge you to seriously amend this bill, but I can still recommend a **DO PASS** as it stands since it does provide a good place to continue clarifying our rights as responsible firearm-owning citizens.

For the sake of the citizens that you represent, please provide clarity and conciseness, not obfuscation.

Thank you for your consideration.

Michael Andersen
Black Hat Handgun



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

103 South Third Street
Suite 10
Bismarck ND 58501
701-223-2519
ndcatholic.org
ndcatholic@ndcatholic.org

To: Senate Judiciary Committee
From: David Tamisiea, Executive Director
Date: March 31, 2025
Re: HB 1588 - Amendments Related to Possession of Firearms
and Dangerous Weapons in Schools and Churches

North Dakota Century Code Section 62.1-02-05, governing the possession of a firearm or dangerous weapon at public gatherings, currently prohibits an individual from possessing a firearm or dangerous weapon (1) at a school or school-sponsored event on school property, or (2) at a church or other place of worship. Existing law leaves public schools and non-public schools to set their own policies about allowing firearms or dangerous weapons at school-sponsored events on school property. Existing law also allows an individual to have a firearm in a place of worship *only if* the individual has a concealed carry license and has received permission from the primary religious leader or governing body of the church or place of worship.

The existing law strikes a balance between an individual's right to bear arms, a religious organization's fundamental right to define its own sacred space according to its faith convictions, and a school's authority to determine an appropriate firearm policy on its own grounds. HB 1588 destroys this carefully balanced law under the Section 5 Amendment of the bill.

Specifically, the North Dakota Catholic Conference opposes the proposed amendment found in the First Engrossment of House Bill No. 1588, on page 4, line 29, through page 5, line 2, which reads as follows:

This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public-gathering school-sponsored event on school property, or a church or other place of worship. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.

If enacted, this amendment would allow any political subdivision - including cities, counties, or townships - to enact ordinances that are less restrictive than existing law. A city could, for example, decide to allow an individual to carry a firearm into a church or school without the knowledge or permission of the pastor or school authorities, even if it is against the church's or school's own policies. In addition, for churches and religious non-public schools who oppose weapons in their worship space and school grounds for religious reasons, this would be an infringement upon their religious freedom and subject the political subdivision to litigation.

Moreover, based upon the testimony by the bill sponsor to the House Energy and Natural Resources Committee on February 6, 2025, the offending amendment appears to have been written in error with mistakes that have not yet been corrected. (See HB 1588 February 6 Hearing before House Energy and Natural Resources Committee, Representative Heinert testimony, from 2:51:28 – 2:52:40, at <https://video.ndlegis.gov/en/PowerBrowser/PowerBrowserV2/20250330/-1/32795?startposition=20250206144520>). Here is a transcript of his testimony:

“This is a mistake here. This is the section that we’re talking about schools and school sponsored events and on school property, that the local school boards can have the right to say what they want done in their school. So, churches were also put in here, or place of worship. That is not supposed to be in here. That is a separate thing. They already have their rules that they live by, they have the authority to allow, if their board and their head of their church agrees, that they can carry a gun in there, that they can check into it, they can allow certain people to carry, they can allow everybody to carry, they can allow nobody to carry. That is already covered, that is already taken care of. We do not want to touch that, we do not want to touch that at all. But in schools, we want to give the authority back to that school board, because every district is a little different, everybody sees a little different things. There may be times when they need armed guys at a game, or they may not. It is their decision though, it is not ours. And I don’t think we can uniformly say across the state when they should and shouldn’t. That’s a good move there too.”

If it is still the case that this provision of the amendment is a mistake that has not yet been corrected, I would propose the following amendment to correct these errors and implement the intended change of law contemplated by HB 1588:

This section does not prevent any ~~political-subdivision~~ school board from ~~enacting~~ adopting an ordinance a policy that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering school-sponsored event on school property. ~~or a church or other place of worship~~. An ~~enacted ordinance~~ adopted policy supersedes this section within the jurisdiction of the ~~political-subdivision~~ school board.

We urge the committee to either give a **DO NOT PASS** recommendation on HB 1588 as it is currently written **OR** amend the language as set forth immediately above to correct the errors in the First Engrossment of HB 1588 to reflect the actual intent and purpose of HB 1588.

HB 1588
Senate Judiciary Committee

Testimony Presented by Sally Holewa
North Dakota State Court Administrator
March 31, 2025

Chair Larson and members of the committee, for the record, my name is Sally Holewa and I am the state court administrator.

In our opinion, it is for the Supreme Court to determine security requirements for courtrooms and other facilities dedicated for court use, including when and by whom weapons may be possessed in those facilities.

The Capitol has security in place including metal detectors at all public entrances and Highway Patrol officers on site. If the Legislature is inclined to repeal the current restrictions on the carrying of firearms and dangerous weapons within the State Capitol, we advise you that the North Dakota Supreme Court facilities in the Capitol (including the court room and the Supreme Court offices) will be subject to such additional restrictions on entering or remaining in court facilities as the Supreme Court may provide for by rule.

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")]

25.1290.02002
Title.

Prepared by the Legislative Council
staff for Senator Larson
March 28, 2025

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

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of ~~five inches [12.7 centimeters]~~six inches [15.24 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known

as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

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

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

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

~~— **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.~~

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

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

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

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

**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; or

1 c. A publicly owned or operated building.

2 ~~d. Except as provided in section 62.1-02-13 or a policy adopted by the state board~~
3 ~~of higher education, buildings and property owned or under the control of the~~
4 ~~state board of higher education.~~

5 2. This section does not apply to:

6 a. A law enforcement officer, or a correctional officer employed by the department of
7 corrections and rehabilitation or by a correctional facility governed by chapter
8 12-44.1. A correctional officer employed by the department of corrections and
9 rehabilitation may carry a firearm only as authorized in section 12-47-34. A
10 correctional officer employed by a correctional facility governed by chapter
11 12-44.1 may carry a firearm or dangerous weapon only as authorized in section
12 12-44.1-30;

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

- 15 (1) The individual has written permission from the governing body or owner of
16 the fire department or ambulance service;
17 (2) The individual possesses a valid class 1 concealed weapons license;
18 (3) The individual has successfully completed a weapons training course
19 developed by the North Dakota private investigative and security board; and
20 (4) The governing body or owner of the fire department or ambulance crew
21 provides written notice to the bureau of criminal investigation of the
22 individuals authorized or no longer authorized to carry a firearm or
23 dangerous weapon under this section, including that all training and
24 certification requirements have been satisfied;

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

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

28 e. A gun or antique show;

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

30 g. A firearm or dangerous weapon carried in a temporary residence or motor
31 vehicle;

- 1 h. A student and an instructor at a hunter safety class;
- 2 i. Private and public security personnel while on duty;
- 3 j. A state or federal park;
- 4 k. An instructor, a test administrator, an official, or a participant in educational,
- 5 training, cultural, or competitive events involving the authorized use of a
- 6 dangerous weapon if the event occurs with permission of the person or entity
- 7 with authority over the function or premises in question;
- 8 l. An individual in a publicly owned or operated rest area or restroom;
- 9 m. An individual who is authorized under section 62.1-04-02 to carry a firearm or
- 10 dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1
- 11 authorizing the individual to carry a firearm or dangerous weapon concealed if
- 12 the individual is in a church building or other place of worship and the primary
- 13 religious leader or the governing body of the church or other place of worship
- 14 approves the individual or group of individuals to carry a firearm or dangerous
- 15 weapon through a policy or any other means;
- 16 n. AThe governor, a state, federal, or municipal court judge, a retired state or federal
- 17 judge, a district court magistrate judge or judicial referee, and a staff member of
- 18 the office of attorney general if the individual maintains the same level of firearms
- 19 proficiency as is required by the peace officer standards and training board for
- 20 law enforcement officers. A local law enforcement agency shall issue a certificate
- 21 of compliance under this section to an individual who is proficient;~~and~~
- 22 o. An individual's storage of a firearm or dangerous weapon in a building that is
- 23 owned or managed by the state or a political subdivision, provided:
- 24 (1) The individual resides in the building;
- 25 (2) The storage is inside the individual's assigned residential unit; and
- 26 (3) The storage has been consented to by the state, the governing board, or a
- 27 designee; and
- 28 p. An individual authorized to carry a concealed weapon on school property under
- 29 section 62.1-02-14.
- 30 3. This section does not prevent any political subdivision or the state board of higher
- 31 education from enacting an ordinance or policy that is less restrictive than this section

relating to the possession of firearms or dangerous weapons at a public gathering ~~school-sponsored event on school property, or a church or other place of worship.~~ An enacted ordinance or policy adopted by the state board of higher education supersedes this section within the jurisdiction of the political subdivision or property controlled by the state board of higher education.

4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.
5. This section does not prevent the governing body of a school or the entity exercising control over a publicly owned or operated building or property from authorizing the use of a less than lethal weapon as part of the security plan for the school, building, or property.
6. An individual who knowingly violates this section is guilty of ~~an infraction~~ a noncriminal offense punishable by a fee of one hundred dollars for a first offense and a fee of five hundred dollars for a second or subsequent offense within three years.

SECTION 3. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

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

1. ~~Every~~An individual ~~while~~ carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on ~~one's~~the individual's person the license issued by this or another state or a digital image of ~~one's~~the individual's concealed firearm or dangerous weapon license issued by this state on an electronic device and shall give it ~~the license or digital image of the license~~ to any active a law enforcement officer for an inspection upon request by the officer. The failure of ~~any~~an individual to give the license or digital image of the license to the officer is prima facie evidence the individual is illegally carrying a firearm or dangerous weapon concealed.
2. ~~Every~~An individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the individual's ~~possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement~~ firearm if the officer inquires about the individual possession a concealed firearm.

- 1 3. ~~Every~~An individual carrying a concealed firearm under the authority granted in
2 subsection 2 of section 62.1-04-02 shall have on ~~one's~~the individual's person a valid
3 driver's license or nondriver identification card issued by the department of
4 transportation or by the individual's state or territory of residence, or a digital image of
5 ~~one's~~the individual's valid driver's license or nondriver identification card on a mobile
6 device and shall provide the license or card to ~~any~~a law enforcement officer for
7 inspection upon request by the officer.
- 8 4. An individual who violates this section is guilty of a noncriminal offense punishable by
9 a fee of twenty dollars.



State Capitol – 600 E Boulevard Ave – Dept. 215
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Engrossed HB 1588

Senate Judiciary | March 31, 2025

Katie Fitzsimmons, NDUS Director of Student Affairs

701-328-4109 | katie.fitzsimmons@ndus.edu

Chair Larson and Committee Members, my name is Katie Fitzsimmons and I serve as the Director of Student Affairs for the North Dakota University System. I am representing the System Office and the eleven NDUS campuses in support of Engrossed HB 1588. The amended bill recognizes that the NDUS campuses under the control of the State Board of Higher Education contain many different kinds of spaces used by a wide range of demographics with an even wider range of considerations when it comes to possession of firearms. Section five, subsection 1(d) retains the current policy in place and provides the State Board of Higher Education to adjust policies as they see fit, according to needs and staffing of the campuses. The House committee that worked on the bill stated that this amendment could finally be the resolution we have all sought when it comes to the debate of possession of firearms on our college campuses.

Under current law, NDUS institutions are classified as “public gatherings,” where the possession of firearms and dangerous weapons is restricted. As a result, the State Board of Higher Education enacted State Board Policy 916.1 to follow state law, which prohibits the possession of firearms and dangerous weapons in campus buildings owned or operated by the State Board of Higher Education. However, recognizing that there may be necessary exceptions to this general rule, this body passed HB 1279 in 2017 and the State Board updated Policy 916.1, which now authorizes the Chancellor or institution president to permit a qualifying individual to store a firearm or dangerous weapon in a campus residence provided that certain requirements are met. That legislation created a new subdivision to subsection 2 of section 62.1-02-05, which is deleted in this bill. With this section deleted in the current form of Engrossed HB 1588, those permissions will still exist because of the amendment to Section 5, subsection 1(d). Further, students, faculty, staff, and visitors have the ability to store firearms in their personal vehicles that are on public property as already defined in this section of code (62.1-02-05(g); lines 29 and 30 on page three of the engrossed bill language). Additionally, most of our campuses provide secure weapon storage options for our students. At this time, these policies work beautifully for our students, faculty, and staff and will remain in effect if this bill were to pass in its current form or if the bill did not pass and current law remained the same.

Our campuses are places where students of all ages go to learn, live, eat, workout, perform, practice, research, connect, and compete. Students sleep on the property and attend events, faculty and staff work all hours. We have highly competent campus police or security to respond to emergencies and our campuses have cafeterias, swimming pools, theaters, classrooms, labs, and libraries. Most of these spaces are open to the public. When you compare the happenings of a campus to that of a courthouse, a K-12 school, or a state office building, it is plain to see that we are different animals than other public gathering spaces and thus, I would argue we should be treated differently. We have varied considerations for example, staff or students with veteran status or those who are survivors of domestic violence who require accommodations to work or attend classes in a gun-free area. We need to consider how firearms factor into intimidation, should a student be involved in a student conduct hearing or Title IX case. With having a residential population, we need to weigh suicide risks in this population. This section of code, prior to this bill, did not allow campuses to adjust firearm policies to their unique spaces and events, nor to their staff or resources available. These changes to the bill language allow each campus to work with the State Board to iron out their respective situations and allow them to strive to balance these kinds of considerations while maintaining individual rights.

On behalf of the System Office and the eleven institutions, I respectfully request a Do Pass on Engrossed HB 1588 and to retain subsection 1(d) of Section five. For what it's worth, we know the debate about possession of firearms in other public gathering spaces will continue. If the amendment were to disappear, the North Dakota University System would stand in firm opposition to the bill, as the NDUS is not included in the definition of a school and our campuses are simply woefully unprepared to manage open or concealed carry of firearms on our grounds. I thank you for your time and service and stand ready to answer your questions to the best of my ability.



Health & Human Services

Testimony
Engrossed House Bill No. 1588
Senate Judiciary Committee
Senator Larson, Chairman
March 31, 2025

Chairman Larson, and members of the Senate Judiciary Committee, I am Jonathan Alm, Chief Legal Officer with the Department of Health and Human Services (Department). I appear before you in opposition to Engrossed House Bill No. 1588 as it removes the prohibition on possessing a firearm or dangerous weapon at a publicly owned or operated building.

Engrossed House Bill No. 1588 would allow firearms or dangerous weapons in public buildings, which would include the North Dakota State Hospital, Life Skills and Transition Center, and at the State's Human Service Centers and satellite locations (Behavioral Health Clinics). If Engrossed House Bill No. 1588 passes in its current form, I cannot think of another mechanism in place that would allow the State to prohibit firearms or dangerous weapons to be in the possession of individuals, including patients who are severely mentally ill or violent, within the walls of the North Dakota State Hospital, Life Skills and Transition Center, and at the State's Human Service Centers and satellite locations.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

25.1290.02004
Title.

Prepared by the Legislative Council
staff for Senator Larson
March 31, 2025

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

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of ~~five inches [12.7 centimeters]~~six inches [15.24 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known

as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

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

~~Exemption from liability for public and private entities.~~

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

~~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.~~

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

~~Use of binary triggers - Penalty.~~

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

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

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; or

1 c. A publicly owned or operated building.

2 ~~d. Except as provided in section 62.1-02-13 or a policy adopted by the state board~~
3 ~~of higher education, buildings and property owned or under the control of the~~
4 ~~state board of higher education.~~

5 2. This section does not apply to:

6 a. A law enforcement officer, or a correctional officer employed by the department of
7 corrections and rehabilitation or by a correctional facility governed by chapter
8 12-44.1. A correctional officer employed by the department of corrections and
9 rehabilitation may carry a firearm only as authorized in section 12-47-34. A
10 correctional officer employed by a correctional facility governed by chapter
11 12-44.1 may carry a firearm or dangerous weapon only as authorized in section
12 12-44.1-30;

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

- 15 (1) The individual has written permission from the governing body or owner of
16 the fire department or ambulance service;
17 (2) The individual possesses a valid class 1 concealed weapons license;
18 (3) The individual has successfully completed a weapons training course
19 developed by the North Dakota private investigative and security board; and
20 (4) The governing body or owner of the fire department or ambulance crew
21 provides written notice to the bureau of criminal investigation of the
22 individuals authorized or no longer authorized to carry a firearm or
23 dangerous weapon under this section, including that all training and
24 certification requirements have been satisfied;

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

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

28 e. A gun or antique show;

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

30 g. A firearm or dangerous weapon carried in a temporary residence or motor
31 vehicle;

- 1 h. A student and an instructor at a hunter safety class;
- 2 i. Private and public security personnel while on duty;
- 3 j. A state or federal park;
- 4 k. An instructor, a test administrator, an official, or a participant in educational,
- 5 training, cultural, or competitive events involving the authorized use of a
- 6 dangerous weapon if the event occurs with permission of the person or entity
- 7 with authority over the function or premises in question;
- 8 l. An individual in a publicly owned or operated rest area or restroom;
- 9 m. An individual who is authorized under section 62.1-04-02 to carry a firearm or
- 10 dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1
- 11 authorizing the individual to carry a firearm or dangerous weapon concealed if
- 12 the individual is in a church building or other place of worship and the primary
- 13 religious leader or the governing body of the church or other place of worship
- 14 approves the individual or group of individuals to carry a firearm or dangerous
- 15 weapon through a policy or any other means;
- 16 n. AThe governor, a state, federal, or municipal court judge, a retired state or federal
- 17 judge, a district court magistrate judge or judicial referee, and a staff member of
- 18 the office of attorney general if the individual maintains the same level of firearms
- 19 proficiency as is required by the peace officer standards and training board for
- 20 law enforcement officers. A local law enforcement agency shall issue a certificate
- 21 of compliance under this section to an individual who is proficient;~~and~~
- 22 o. An individual's storage of a firearm or dangerous weapon in a building that is
- 23 owned or managed by the state or a political subdivision, provided:
- 24 (1) The individual resides in the building;
- 25 (2) The storage is inside the individual's assigned residential unit; and
- 26 (3) The storage has been consented to by the state, the governing board, or a
- 27 designee; and
- 28 p. An individual authorized to carry a concealed weapon on school property under
- 29 section 62.1-02-14.
- 30 3. This section does not prevent any political subdivision or the state board of higher
- 31 education from enacting an ordinance or policy that is less restrictive than this section

relating to the possession of firearms or dangerous weapons at a public gathering ~~school-sponsored event on school property, or a church or other place of worship~~. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.

4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.
5. This section does not prevent the governing body of a school or the entity exercising control over a publicly owned or operated building or property from authorizing the use of a less than lethal weapon as part of the security plan for the school, building, or property.
6. An individual who knowingly violates this section is guilty of ~~an infraction~~ a noncriminal offense punishable by a fee of one hundred dollars for a first offense and a fee of five hundred dollars for a second or subsequent offense within three years.

SECTION 3. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

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

1. ~~Every~~An individual ~~while~~ carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on ~~one's~~the individual's person the license issued by this or another state or a digital image of ~~one's~~the individual's concealed firearm or dangerous weapon license issued by this state on an electronic device and shall give ~~it~~the license or digital image of the license to ~~any active~~a law enforcement officer for an inspection upon request by the officer. The failure of ~~any~~an individual to give the license or digital image of the license to the officer is prima facie evidence the individual is illegally carrying a firearm or dangerous weapon concealed.
2. ~~Every~~An individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the ~~individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement~~firearm if the officer inquires about the individual possession a concealed firearm.

- 1 3. ~~Every~~An individual carrying a concealed firearm under the authority granted in
2 subsection 2 of section 62.1-04-02 shall have on ~~one's~~the individual's person a valid
3 driver's license or nondriver identification card issued by the department of
4 transportation or by the individual's state or territory of residence, or a digital image of
5 ~~one's~~the individual's valid driver's license or nondriver identification card on a mobile
6 device and shall provide the license or card to ~~any~~a law enforcement officer for
7 inspection upon request by the officer.
- 8 4. An individual who violates this section is guilty of a noncriminal offense punishable by
9 a fee of twenty dollars.

25.1290.02003
Title.

Prepared by the Legislative Council
staff for Senator Myrdal
March 28, 2025

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

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of ~~five inches [12.7 centimeters]~~ six inches [15.24 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred 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 supersedes this section within the jurisdiction of the
6 political subdivision.
- 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 fifty dollars for conducting this testing.~~ The attorney general may
22 certify a test administrator based upon criteria and guidelines prescribed by the
23 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 any
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 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 any 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.



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Testimony: HB 1588

Senate Judiciary

Monday March 31, 2025; 2:30 PM

My name is Lloyd Halvorson, I am the VP for Academic and Student Affairs at Lake Region State College in Devils Lake. In addition to my role as the VP, I serve as the college's Chief of Police. I have been a licensed peace officer in the State of ND for 36 years. After a decade with the Bismarck Police Department, I joined Lake Region State College in 2002 as the police academy director and law enforcement educator. In addition, I have been a ND POST approved firearms instructor for the past 21 years.

I am here to testify to that portion of the current statute 62.1-02-05 (1) (c) that prohibits the possession of firearms in "A publicly owned or operated building". I testify today on behalf of Lake Region State College and communicate to this committee the college's official position.

NDUS attorneys tell us that the reason firearms are prohibited on our college campuses is because firearms are currently prohibited in all publicly owned or operated buildings. They tell us that we do not fall under the provision prohibiting firearms at "schools or school sponsored events" (page 2 line 27 of this bill) as that refers to K-12.

At the hearing in the House in early February, I testified against removing "A publicly owned or operated building" from this statute unless a "carve out" was created for the NDUS higher education campuses. The committee agreed to that and wrote that in as 1 (d) of this bill (page 3 lines 1, 2 and 3).

If there were any changes made to this piece of legislation where firearms would be allowed on the NDUS campuses, it would create an environment where it would be perfectly legal for almost anyone to possess a rifle, including a semi-automatic "assault style" rifle, shotgun, and/or handgun open carry (completely visible) and/or concealed (completely hidden) in all campus buildings, including residence halls, classrooms, hallways, meeting rooms, student unions, dining centers, auditoriums, and sports arenas; and in all circumstances on campus such as athletic events and graduation ceremonies. This would all be in a "constitutional carry" environment, where no permit is required.

Being able to openly carry firearms on our campus in this way is highly problematic. From a protection standpoint under the law today: If someone emerged into the doorway of a crowded college event (think basketball game) carrying an assault rifle or a handgun, a police officer on scene would know what to do. The officer would not need to wait for this

individual to point the weapon at a person, the crowd, or to open fire, as the possession of the firearm is unlawful in and of itself.

If the law were changed, the officer would not be able to proactively respond (engage/detain) as the law would make it legally permissible to bring an assault rifle into this event. It would even be legal to walk around with a handgun in your hand. We cannot require our police officers to wait until someone opens fire or otherwise shows a readiness to kill or terrorize before they are allowed to confront, engage, and detain. If it were to become legal for someone to possess firearms in "*publicly owned or operated buildings*" the distinction between lawful behavior and seriously alarming behavior will become very subjective.

I sincerely hope you will give the provision removing "*A publicly owned or operated building*" additional scrutiny and give the open carry and concealed carry of firearms the important deliberation it deserves.

It is my professional opinion, as a higher education and law enforcement leader for 3 1/2 decades, that a majority of North Dakotans, gun-owning and law-abiding North Dakotans, would, without hesitation, reject a reality where it would legally permissible to carry all types of firearms, in all manner of carry, in virtually all public places.

Lake Region State College encourages this committee to ensure this bill either remains as it is or is changed only to allow the current legal status quo to remain.

Thank you for the opportunity to speak to you today.

Lloyd Halvorson, Vice President
Academic and Student Affairs &
Chief of Police

Lake Region State College
1801 College Dr N
Devils Lake ND 58301

(701) 662-1681
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2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1588
4/1/2025

Relating to liability exemptions for public and private entities, the possession of a firearm or dangerous weapon at a publicly owned or operated building, and the use of binary triggers, dangerous weapons, the possession of a firearm or dangerous weapon at a public gathering, and producing a concealed carry license upon request; and to provide a penalty.

9:36 a.m. Chair Larson opened the hearing.

Members present:

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

Discussion Topics:

- Firearm licensing provisions
- Public gathering policies

9:36 a.m. Senator Myrdal introduced proposed amendment LC# 25.1290.02005, and submitted testimony #44510.

9:40 a.m. Senator Myrdal moved amendment LC# 25.1290.02005.

9:40 a.m. Senator Luick seconded.

9:43 a.m. Brian Gosch, Lobbyist, National Rifle Association, testified as neutral and answered committee questions.

9:49 a.m. Voice Vote - Motion Passed.

9:49 a.m. Senator Myrdal moved a Do Pass as amended.

9:49 a.m. Senator Luick 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.

Senate Judiciary Committee

HB 1588

4/1/2025

Page 2

9:49 a.m. Senator Paulson will carry the bill.

9:50 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

March 31, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

CO
4/1/25
1046

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.

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;

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

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

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

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

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

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

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

- 1 enforcement officer for an inspection upon request by the officer. The failure of any
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 any 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.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1588**

Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS** ([25.1290.02005](#)) and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1588 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.1290.02005
Title.

Prepared by the Legislative Council
staff for Senator Myrdal
March 31, 2025

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

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

c. A publicly owned or operated building.

~~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.~~

2. This section does not apply to:

a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;

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

- (1) The individual has written permission from the governing body or owner of the fire department or ambulance service;
- (2) The individual possesses a valid class 1 concealed weapons license;
- (3) The individual has successfully completed a weapons training course developed by the North Dakota private investigative and security board; and
- (4) The governing body or owner of the fire department or ambulance crew provides written notice to the bureau of criminal investigation of the individuals authorized or no longer authorized to carry a firearm or dangerous weapon under this section, including that all training and certification requirements have been satisfied;

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

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

e. A gun or antique show;

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 ~~fifty~~ one 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~~ active law

- 1 enforcement officer for an inspection upon request by the officer. The failure of any
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 any 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.