



## NORTH DAKOTA CONCEALED CARRY REGULATIONS AND FIREARM RIGHTS

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### **What are the requirements for an individual to qualify for a concealed weapon license?**

To qualify for a license to carry a concealed weapon, an individual must be:

- A United States citizen or lawful permanent resident;
- Legally permitted to possess a firearm or dangerous weapon;
- At least 18 years old for a Class 2 license or 21 years old for a Class 1 license; and
- A resident of North Dakota, an active-duty military member stationed in the state, or a resident of a state with reciprocity who holds a valid concealed weapon license from their home state.

In addition, applicants are required to complete North Dakota's approved training requirements and pass a criminal background check with no disqualifying offenses. Individuals convicted of an alcohol-related offense within the past 3 years are not eligible for a Class 1 license, but may apply for a Class 2 license.

### **What is the difference between Class 1 and Class 2 concealed weapon licenses?**

Class 1 and Class 2 concealed weapons licenses require a properly completed application with supporting documentation, a \$60 application fee, and successful completion of testing requirements. Both licenses are valid for 5 years.

The main difference between a Class 1 and a Class 2 concealed weapon license is reciprocity. Both are equally valid within the state, but a Class 1 license requires additional testing and is recognized as a valid concealed weapon license in more states.

A Class 2 concealed weapon licenseholder may upgrade to a Class 1 concealed weapon license within 5 years of obtaining the Class 2 license by completing a new application, paying the application fee, and completing the additional testing requirements for a Class 1 license.

### **What are the eligibility requirements for an individual to carry concealed without a concealed weapon license?**

North Dakota's "constitutional carry" law allows an individual to carry a concealed firearm without a concealed weapon license if the individual is at least 18 years of age, possesses a valid driver's license or nondriver identification card issued by the Department of Transportation or by the individual's state of residence, and is not prohibited by state or federal law from possessing a firearm.

An individual carrying a concealed firearm must carry a valid driver's license or nondriver identification card, or a digital copy, and must provide the license or card for inspection at the request of a law enforcement officer.

### **Where are firearms prohibited?**

Firearms are prohibited in several locations under state and federal law. These locations include schools and school events, places of worship, and publicly owned buildings. Firearms also are prohibited in liquor establishments, including bingo sites.

Federal law bans firearms in federal facilities, post offices, airport secure areas, and airplanes (with limited transport exceptions). Additionally, firearms are prohibited within 1,000 feet of a school under the federal Gun-Free School Zones Act, except for individuals with a valid concealed carry license.

**Who may not possess a firearm?**

An individual convicted of a felony offense involving violence or intimidation is prohibited from possessing a firearm from the date of conviction and continuing for 10 years after the date of conviction, or the date of release from incarceration, parole, or probation, whichever is later.

An individual convicted of a nonviolent felony offense, or certain violent misdemeanor offenses involving the use or possession of a weapon, is prohibited from possessing a firearm for 5 years under similar timing rules.

An individual who is or has ever been diagnosed and confined or committed to a hospital or other institution by a court of competent jurisdiction is prohibited from possessing a firearm, unless the individual has not suffered from the disability for at least 3 years or has successfully petitioned the court for relief.

An individual under 18 years of age may not possess a handgun except under direct adult supervision for limited purposes such as training, target shooting, or hunting.

A juvenile adjudicated delinquent for a violent felony is prohibited from possessing a firearm for 10 years from the date of adjudication, while a juvenile adjudicated for certain violent misdemeanor offenses involving a weapon is prohibited from possessing a firearm for 5 years.

**How and when can an individual's firearm rights be re-established?**

An individual may petition the district court to restore an individual's firearm rights. An individual whose firearm rights were revoked for 10 years resulting from a felony conviction involving violence or intimidation may not petition the court to restore their firearm rights.

The petition must be filed in the county where the offense occurred for an in-state conviction, or in the jurisdiction where the rights were revoked for an out-of-state or federal case, and a copy of the petition must be served to the state's attorney, who has 20 days to respond.

The district court may restore the rights of an individual to possess a firearm if the court determines that all the following circumstances exist:

- The individual has paid all fines imposed for the violation resulting in the prohibition.
- The individual has served all terms of imprisonment imposed for the violation resulting in the prohibition.
- The individual has successfully completed all conditions of probation or parole imposed for the violation resulting in the prohibition.
- The individual's record and reputation are such that the individual is not likely to act in a manner dangerous to the safety of others.

**How and when can firearm rights be re-established if forfeited from a federal crime?**

A presidential pardon is the only available means to re-establish an individual's firearm rights following a federal conviction. An individual must wait 5 years from the date the individual is released from confinement or from the date of sentencing for convictions resulting in probation or a fine to be eligible to petition for a presidential pardon through the United States Department of Justice, Office of the Pardon Attorney.