

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1248

Introduced by

Representative B. Koppelman

1 A BILL for an Act to amend and reenact ~~sections 37-17.1-29 and~~ section 62.1-01-03 of the North  
2 Dakota Century Code, relating to the ~~possession of a dangerous weapon~~ authority of a political  
3 subdivision regarding firearms; and to declare an emergency.

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

5 ~~— **SECTION 1. AMENDMENT.** Section 37-17.1-29 of the North Dakota Century Code is~~  
6 ~~amended and reenacted as follows:~~

7 ~~— **37-17.1-29. Firearms and dangerous weapons in emergencies.**~~

8 ~~— 1. Notwithstanding any other law, a person acting on behalf or under the authority of the~~  
9 ~~state or a political subdivision may not do any of the following during a declared~~  
10 ~~emergency:~~

11 ~~— a. Prohibit or restrict the otherwise lawful possession, use, carrying, transfer,~~  
12 ~~transportation, storage, or display of a firearm, dangerous weapon, or~~  
13 ~~ammunition;~~

14 ~~— b. Seize or confiscate, or authorize the seizure or confiscation of, any otherwise~~  
15 ~~lawfully possessed firearm, dangerous weapon, or ammunition unless the person~~  
16 ~~acting on behalf of or under the authority of the state or political subdivision is~~  
17 ~~defending that person or another from an assault, arresting an individual in actual~~  
18 ~~possession of a firearm, dangerous weapon, or ammunition for a violation of law,~~  
19 ~~or seizing or confiscating the firearm, dangerous weapon, or ammunition as~~  
20 ~~evidence of a crime; or~~

21 ~~— c. Require registration of any firearm, dangerous weapon, or ammunition for which~~  
22 ~~registration is not otherwise required by law.~~

23 ~~— 2. Subdivision a of subsection 1 as it relates to transfer of a firearm, dangerous weapon,~~  
24 ~~or ammunition does not apply to the commercial sale of firearms, dangerous weapons,~~

1 or ammunition if an authorized authority has ordered an evacuation or general closure  
2 of businesses in the affected area.

3 ~~3. Any individual aggrieved by a violation of this section may commence a civil action~~  
4 ~~against any person who subjects the individual, or causes the individual to be~~  
5 ~~subjected, to an action prohibited by this section.~~

6 ~~4. In addition to any other remedy, an individual aggrieved by the seizure or confiscation~~  
7 ~~of a firearm, dangerous weapon, or ammunition in violation of this section may bring~~  
8 ~~an action for the return of the firearm, dangerous weapon, or ammunition, or the value~~  
9 ~~of the firearm, dangerous weapon, or ammunition, if the firearm, dangerous weapon,~~  
10 ~~or ammunition is no longer available, in the district court of the county in which that~~  
11 ~~individual resides, in which the firearm, dangerous weapon, or ammunition is located,~~  
12 ~~or in which the seizure or confiscation occurred.~~

13 ~~5. In any action to enforce this section, the court shall award a prevailing plaintiff costs~~  
14 ~~and reasonable attorney's fees.~~

15 ~~6. For purposes of this section, "dangerous weapon" and "firearm" have the same~~  
16 ~~meaning as in section 62.1-01-01.~~

17 **SECTION 1. AMENDMENT.** Section 62.1-01-03 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **62.1-01-03. Limitation on authority of political subdivision regarding firearms ~~and~~**  
20 **~~dangerous weapons~~ - Civil action.**

21 ~~1. A political subdivision, including home rule cities or counties, may not enact a zoning~~  
22 ~~ordinance or any other ordinance relating to the purchase, sale, ownership, possession, transfer~~  
23 ~~of ownership, registration, or licensure of firearms, dangerous weapons, and ammunition which~~  
24 ~~is more restrictive than state law. All such existing ordinances are void.~~

25 ~~2. A person aggrieved under subsection 1 may bring a civil action against a political~~  
26 ~~subdivision for damages as a result of an unlawful ordinance. In a successful action~~  
27 ~~brought by a person under this subsection, the court shall order the political~~  
28 ~~subdivision to pay the reasonable attorney's fees and costs of the aggrieved person.~~

29 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.