

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED HOUSE BILL NO. 1447

Introduced by

Representatives Weisz, Brusegaard, DeKrey, Delzer, Timm

1 A BILL for an Act to create and enact a new subdivision to subsection 1 of section 62.1-04-03
2 of the North Dakota Century Code, relating to who may have a concealed weapons permit; to
3 amend and reenact section 62.1-02-01 of the North Dakota Century Code, relating to
4 possession of weapons; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 62.1-02-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **62.1-02-01. Who not to possess firearms - Penalty.**

- 9 1. A person who has been convicted anywhere for a felony involving violence or
10 intimidation, as defined in chapters 12.1-16 through 12.1-25, is prohibited from
11 owning a firearm or having one in possession or under control from the date of
12 conviction and continuing for a period of ten years after the date of conviction or
13 release from incarceration or probation, whichever is the latter.
- 14 2. A person who has been convicted of any felony not provided for in subsection 1 or
15 has been convicted of a class A misdemeanor involving violence or intimidation
16 and that crime was committed while using or possessing a firearm or dangerous
17 weapon, as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning
18 a firearm or having one in possession or under control from the date of conviction
19 and continuing for a period of five years after the date of conviction or release from
20 incarceration or probation, whichever is the latter.
- 21 3. A person who is or has ever been diagnosed and confined or committed to a
22 hospital or other institution in ~~North Dakota~~ this state or elsewhere by a court of
23 competent jurisdiction, other than a person who has had the petition that provided
24 the basis for the diagnosis, confinement, or commitment dismissed under section

1 25-03.1-17, 25-03.1-18, or 25-03.1-19, or equivalent statutes of another
2 jurisdiction, as a mentally ill person as defined in section 25-03.1-02, or as a
3 mentally deficient person as defined in section 25-01-01, is prohibited from
4 purchasing a firearm or having one in possession or under control. This limitation
5 does not apply to a person who has not suffered from the disability for the previous
6 three years.

7 4. A person under the age of eighteen years may not possess a handgun except that
8 such a person ~~may~~, while under the direct supervision of an adult, may possess a
9 handgun for the purposes of firearm safety training, target shooting, or hunting.

10 A person who violates subsection 1 or 2 is guilty of a class C felony, and a person who violates
11 subsection 3 or 4 is guilty of a class A misdemeanor. For the purposes of this section,
12 "conviction" means determination by a jury or court that a person committed one of the
13 above-mentioned crimes even though the court suspended execution of sentence in
14 accordance with subsection 3 of section 12.1-32-02 or deferred imposition of sentence in
15 accordance with subsection 4 of section 12.1-32-02, placed the defendant on probation,
16 granted a conditional discharge in accordance with section 19-03.1-30, the defendant's
17 conviction has been reduced in accordance with subsection 10 of section 12.1-32-02 or section
18 12.1-32-07.1, or a determination under chapter 27-20 that the person committed a delinquent
19 act equivalent to the offenses provided in subsection 1 or 2.

20 **SECTION 2.** A new subdivision to subsection 1 of section 62.1-04-03 is created and
21 enacted as follows:

22 The applicant is not prohibited under federal law from owning, possessing, or
23 having a firearm under that person's control.

24 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.