

WEAPONS

CHAPTER 597

HOUSE BILL NO. 1086

(Judiciary Committee)

(At the request of the Private Investigative and Security Board)

SECURITY OFFICER FIREARM POSSESSION

AN ACT to amend and reenact section 62.1-02-04 of the North Dakota Century Code, relating to a private security officer's possession of a firearm in a retail liquor establishment or gaming site; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 62.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-04. Possession of firearm or dangerous weapon in liquor establishment or gaming site prohibited - Penalty - Exceptions. Any person who enters or remains in that part of the establishment that is set aside for the retail sale in an establishment engaged in the retail sale of alcoholic beverages or used as a gaming site while in the possession of a firearm or dangerous weapon is guilty of a class A misdemeanor. This section does not apply to:

1. A law enforcement officer.
2. The proprietor.
3. The proprietor's employee.
4. A designee of the proprietor when the designee is displaying an unloaded firearm or dangerous weapon as a prize or sale item in a raffle or auction.
5. Private security personnel while on duty for the purpose of delivering or receiving moneys used at the liquor establishment or gaming site.

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

Approved March 30, 2005

Filed March 31, 2005

CHAPTER 598

HOUSE BILL NO. 1505

(Representatives Charging, Brandenburg, DeKrey, Delzer, Dietrich)
(Senator Hacker)

SENTENCING ALTERNATIVES AND FIREARMS PURCHASE

AN ACT to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives; and to repeal section 62.1-02-12 of the North Dakota Century Code, relating to the purchase of certain firearms from another state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 9 of section 12.1-32-02 of the North Dakota Century Code is amended and reenacted as follows:

9. A Except as provided in section 62.1-02-01, a person who is convicted of a felony and sentenced to imprisonment for not more than one year is deemed to have been convicted of a misdemeanor. However, if an order is entered revoking a probation imposed as a part of the sentence, the person is deemed to have been convicted of a felony. This subsection does not apply to a person convicted of violating subdivision a, b, or c of subsection 1 of section 19-03.1-23.

SECTION 2. REPEAL. Section 62.1-02-12 of the North Dakota Century Code is repealed.

Approved April 12, 2005
Filed April 13, 2005

CHAPTER 599

HOUSE BILL NO. 1205

(Representatives Porter, DeKrey)
(Senators Lyson, Stenehjem, Tollefson, Traynor)

CONCEALED WEAPON PERMIT TESTING

AN ACT to amend and reenact section 62.1-04-03 of the North Dakota Century Code, relating to concealed weapon permit testing.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

³⁰⁶ **SECTION 1. AMENDMENT.** Section 62.1-04-03 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-03. License to carry a firearm or dangerous weapon concealed.

1. The chief of the bureau of criminal investigation shall issue a license to carry a firearm or dangerous weapon concealed upon review of an application submitted to the chief if the following criteria are met:
 - a. The applicant has a valid reason for carrying the firearm or dangerous weapon concealed, including self-protection, protection of others, or work-related needs.
 - b. The applicant is not a person specified in section 62.1-02-01.
 - c. The applicant has the written approval for the issuance of ~~such~~ a license from the sheriff of the applicant's county of residence, and, if the city has one, the chief of police or a designee of the city in which the applicant resides. The approval by the sheriff may not be given until the applicant has successfully completed a background investigation in that county and has attended a testing procedure conducted pursuant to rules adopted by the attorney general. The testing procedure for approval of a concealed weapons license must ~~include~~ ~~be~~ an open book test to be given from a manual that sets forth weapon safety rules and the deadly force law of North Dakota, including judicial decisions and attorney general opinions, and a proficiency test consisting of a course of fire to be designated by the criminal justice training and statistics division of the attorney general's office. The purpose of the proficiency test is only to ensure a minimal level of competency in the loading and unloading of the firearm or dangerous weapon, use of safety devices and basic firearm or dangerous weapon functioning, and minimal accuracy. A weapons instructor certified by the attorney general shall conduct the testing procedure. The attorney general shall develop rules that ensure that this testing will

³⁰⁶ Section 62.1-04-03 was also amended by section 1 of Senate Bill No. 2219, chapter 600.

be conducted ~~periodically~~. The ~~local agency person~~ conducting the testing may assess a charge of up to ~~fifty~~ twenty-five dollars for conducting this testing. The testing procedure is not required for a renewal of a concealed weapons license.

- d. The applicant satisfactorily completes the bureau of criminal investigation application form and has successfully passed a background investigation or criminal records check conducted by that agency.
 - e. The applicant is not prohibited under federal law from owning, possessing, or having a firearm under that person's control.
2. The sheriff is required to process the application within thirty days after the completion of the testing portion unless the application is for renewal of a license and in such case the application must be processed within thirty days after its receipt by the sheriff, the chief of police is required to process the application within ten working days of its receipt by the agency, and the bureau of criminal investigation is required to process the application and make a determination within thirty days of receipt from the forwarding agency.
3. The license fee for a concealed weapons license is twenty-five dollars. Ten dollars of this fee must be credited to the state general fund and fifteen dollars of this fee must be credited to the attorney general's operating fund up to a total of seventy-five thousand dollars each biennium. Any collections from fifteen dollars of this fee in excess of the seventy-five thousand dollars credited to the attorney general's operating fund each biennium must be credited to the state general fund. The license fee must be paid before the license is issued by the director of the bureau of criminal investigation.
4. The chief of the bureau of criminal investigation shall prescribe the form of the application and license, which must include the name, address, description, a photograph, and the signature of the individual. The application form must require sufficient information to properly conduct a background investigation and be accompanied by two sets of classifiable fingerprints. The two sets of classifiable fingerprints are not required for a renewal of a concealed weapons license. The license is valid for three years. The license must be prepared in triplicate, and the original must be delivered to the licensee, the duplicate must be sent by mail, within seven days after issuance, to the sheriff of the county in which the applicant resides, and the triplicate must be preserved for six years by the chief. In those cases in which the licensee resides in a city, an additional copy of the license must be made and sent by mail, within seven days after issuance, to the chief of police of the city in which the applicant resides. The individual shall notify the chief of the bureau of criminal investigation of any change of address or any other material fact which would affect the restrictions on or the need for the license.
5. The chief of the bureau of criminal investigation may deny an application or revoke or cancel ~~such~~ a license after it has been granted for any material misstatement by an applicant in an application for the license or any violation of this title.

6. The applicant may appeal a denial or revocation of this license to the district court of the applicant's county of residence.
7. The attorney general may adopt rules to carry out this title.

Approved April 14, 2005

Filed April 18, 2005

CHAPTER 600

SENATE BILL NO. 2219

(Senators Syverson, Lyson, Traynor)
(Representatives Bernstein, Froelich, Porter)

CONCEALED WEAPONS PERMITS

AN ACT to create and enact a new subsection to section 62.1-04-03 of the North Dakota Century Code, relating to concealed weapon permit information.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

³⁰⁷ **SECTION 1.** A new subsection to section 62.1-04-03 of the North Dakota Century Code is created and enacted as follows:

Information collected from an applicant under this section is confidential information. However, the information may be disclosed:

- a. To a governmental agency or court for a law enforcement purpose, including the investigation, prosecution, or punishment of a violation of law.
- b. To a court to aid in a decision concerning sentence, probation, or release pending trial or appeal.
- c. Pursuant to a court order or a judicial, legislative, or administrative agency subpoena issued in this state.

Approved March 22, 2005

Filed March 22, 2005

³⁰⁷ Section 62.1-04-03 was also amended by section 1 of Senate Bill No. 1205, chapter 599.