

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1389

Introduced by

Representatives Karls, Dahl, Damschen, DeKrey

Senators Nething, Triplett

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,  
2 relating to the possession of a firearm in a park.

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

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

6 **62.1-02-05. Possession of a firearm at a public gathering - Penalty - Application.**

- 7 1. A person who possesses a firearm at a public gathering is guilty of a class B  
8 misdemeanor. For the purpose of this section, "public gathering" includes athletic  
9 or sporting events, schools or school functions, churches or church functions,  
10 political rallies or functions, musical concerts, and individuals in publicly owned  
11 parks where hunting is not allowed by proclamation and publicly owned or  
12 operated buildings. The term "public gathering" does not apply to a state or  
13 federal park.
- 14 2. This section does not apply to law enforcement officers; members of the armed  
15 forces of the United States or national guard, organized reserves, state defense  
16 forces, or state guard organizations, when on duty; competitors participating in  
17 organized sport shooting events; gun and antique shows; participants using blank  
18 cartridge firearms at sporting or theatrical events; any firearms carried in a  
19 temporary residence or motor vehicle; students and instructors at hunter safety  
20 classes; or private security personnel while on duty. In addition, a municipal court  
21 judge licensed to practice law in this state, a district court judge, and a retired  
22 North Dakota law enforcement officer are exempt from the prohibition and penalty  
23 in subsection 1 if the individual is otherwise licensed to carry a firearm under  
24 section 62.1-04-03 and maintains the same level of firearms proficiency as is

- 1                   required by the peace officers standards and training board for law enforcement  
2                   officers. A local law enforcement agency shall issue a certificate of compliance  
3                   under this section to an individual who is proficient.
- 4            3. This section does not prevent any political subdivision from enacting an ordinance  
5                   which is less restrictive than this section relating to the possession of firearms at a  
6                   public gathering. Such an ordinance supersedes this section within the jurisdiction  
7                   of the political subdivision.