

HOUSE BILL NO. 1195

Introduced by

Representatives Kiefert, Brabandt, K. Koppelman, Porter

Senators Armstrong, Carlisle, Dever, Erbele, Larsen, Luick, Miller, Wanzek

1 A BILL ~~for an Act to create and enact a new subdivision to subsection 2 of section 62.1-02-05 of~~
2 ~~the North Dakota Century Code, relating to carrying of a firearm concealed in a school.~~for an
3 Act to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century
4 Code, relating to carrying of a firearm concealed in a school.

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

6 ~~SECTION 1. A new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota~~
7 ~~Century Code is created and enacted as follows:~~

8 ~~_____ An individual possessing a valid class 1 concealed weapons license from this~~
9 ~~state is authorized to carry a firearm concealed on school property, if the~~
10 ~~individual is on private school property and has the approval of the school to~~
11 ~~carry a firearm concealed or if the individual is on public school property and has~~
12 ~~the approval of the public school to carry a firearm concealed. The approval of a~~
13 ~~private or public school must provide for the individual to cooperate in training~~
14 ~~with local law enforcement for school emergencies to provide a coordinated plan~~
15 ~~of protection. The school may require additional training that emphasizes~~
16 ~~strategies for preventing school shootings and for securing the safety of potential~~
17 ~~victims of school shootings; educates a trainee about legal issues relating to the~~
18 ~~duties of peace officers and the use of force or deadly force in the protection of~~
19 ~~others; introduces the trainee to effective law enforcement strategies and~~
20 ~~techniques; improves the trainee's proficiency with a handgun; and enables the~~
21 ~~trainee to respond to an emergency situation requiring deadly force, including a~~
22 ~~situation involving an active shooter. The school may require an examination to~~
23 ~~determine whether the trainee is psychologically fit to appropriately respond in an~~
24 ~~emergency shooting or situation involving an active shooter. Approval for an~~

1 ~~individual to carry a firearm concealed under this subdivision may be granted as~~
2 ~~part of a confidential security or emergency plan. If any school authorizes an~~
3 ~~individual to carry a firearm concealed, the governing body of the school shall~~
4 ~~inform local law enforcement of the name of the authorized individual and law~~
5 ~~enforcement must maintain that information as confidential. Any information~~
6 ~~provided by the individual to the school as part of this authorization that is not~~
7 ~~part of a public meeting and any information provided by the individual or the~~
8 ~~school to local law enforcement may not be disclosed to the public by either the~~
9 ~~school or local law enforcement and that information is exempt from section~~
10 ~~44-04-18. The governing body is immune from civil liability for any acts or~~
11 ~~omissions made implementing this subsection;~~

12 **SECTION 1. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota
13 Century Code is amended and reenacted as follows:

- 14 2. This section does not apply to:
- 15 a. A law enforcement officer;₂
 - 16 b. A member of the armed forces of the United States or national guard, organized
17 reserves, state defense forces, or state guard organizations, when on duty;₂
 - 18 c. A competitor participating in an organized sport shooting event;₂
 - 19 d. A gun or antique show;₂
 - 20 e. A participant using a blank cartridge firearm at a sporting or theatrical event;₂
 - 21 f. A firearm or dangerous weapon carried in a temporary residence or motor
22 vehicle;₂
 - 23 g. A student and an instructor at a hunter safety class;₂
 - 24 h. Private security personnel while on duty;₂
 - 25 i. A state or federal park;₂
 - 26 j. An instructor, a test administrator, an official, or a participant in educational,
27 training, cultural, or competitive events involving the authorized use of a
28 dangerous weapon if the event occurs with permission of the person or entity
29 with authority over the function or premises in question;₂
 - 30 k. An individual twenty-one years or older possessing a valid concealed weapons
31 license from this state is authorized to carry a firearm concealed on school

1 property, if the individual is on private school property and has the approval of the
2 private school to carry a firearm concealed or if the individual is on public school
3 property and has the approval of the public school to carry a firearm concealed.
4 The approval of a private or public school must provide for the individual to
5 cooperate in training with local law enforcement for school emergencies to
6 provide a coordinated plan of protection. The school shall require additional
7 training that emphasizes strategies for preventing school shootings and for
8 securing the safety of potential victims of school shootings; educates a trainee
9 about legal issues relating to the duties of peace officers and the use of force or
10 deadly force in the protection of others; introduces the trainee to effective law
11 enforcement strategies and techniques; improves the trainee's proficiency with a
12 handgun; and enables the trainee to respond to an emergency situation requiring
13 deadly force, including a situation involving an active shooter. The school shall
14 require an examination to determine whether the trainee is psychologically fit to
15 appropriately respond in an emergency shooting or situation involving an active
16 shooter. Approval for an individual to carry a firearm concealed under this
17 subdivision may be granted as part of a confidential security or emergency plan.
18 If any school authorizes an individual to carry a firearm concealed, the school
19 shall inform local law enforcement of the name of the authorized individual and
20 law enforcement must maintain that information as confidential. Any information
21 provided by the individual to the school as part of this authorization which is not
22 part of a public meeting and any information provided by the individual or the
23 school to local law enforcement may not be disclosed to the public by either the
24 school or local law enforcement and that information is exempt from section
25 44-04-18. The school is immune from civil liability for any acts or omissions made
26 while implementing this subsection.

27 I. An individual possessing a valid class 1 concealed weapons license from this
28 state or who has reciprocity under section 62.1-04-03.1 authorizing the individual
29 to carry a dangerous weapon concealed if the individual is in a church building or
30 other place of worship and has the approval to carry in the church building or
31 other place of worship by a primary religious leader of the church or other place

1 of worship or the governing body of the church or other place of worship. If a
2 church or other place of worship authorizes an individual to carry a concealed
3 weapon, local law enforcement must be informed of the name of the authorized
4 individual; ~~and~~
5 t.m. A municipal court judge, a district court judge, a staff member of the office of
6 attorney general, and a retired North Dakota law enforcement officer, if the
7 individual maintains the same level of firearms proficiency as is required by the
8 peace officer standards and training board for law enforcement officers. A local
9 law enforcement agency shall issue a certificate of compliance under this section
10 to an individual who is proficient.