

Sixty-fourth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1450

Introduced by

Representatives B. Koppelman, Brabandt, Karls, K. Koppelman, Laning, Porter, Ruby,  
Streyle

Senators Larsen, Miller

1 A BILL for an Act to amend and reenact ~~subsections 1 and~~ subsection 16 of section 62.1-01-01,  
2 ~~sections 62.1-02-04 and 62.1-02-05,~~ and subdivision a of subsection 6 of section 62.1-02-13,  
3 ~~section 62.1-03-01, and subsection 2 of section 62.1-04-03~~ of the North Dakota Century Code,  
4 relating to concealed weapons and firearms.

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

6 ~~SECTION 1. AMENDMENT. Subsection 1 of section 62.1-01-01 of the North Dakota~~  
7 ~~Century Code is amended and reenacted as follows:~~

8 ~~1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,~~  
9 ~~stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more;~~  
10 ~~any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap,~~  
11 ~~bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow,~~  
12 ~~crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a~~  
13 ~~projectile, including a projectile and voltage, by the action of a spring, compressed air,~~  
14 ~~or compressed gas, including any such weapon, loaded or unloaded, commonly~~  
15 ~~referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any~~  
16 ~~object containing or capable of producing and emitting any noxious liquid, gas, or~~  
17 ~~substance. "Dangerous weapon" does not include a spray or aerosol containing CS,~~  
18 ~~also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-~~  
19 ~~chloroacetophenone; or other irritating agent intended for use in the defense of an~~  
20 ~~individual, nor does the term include a device that uses direct contact to deliver~~  
21 ~~voltage for the defense of an individual.~~

22 **SECTION 1. AMENDMENT.** Subsection 16 of section 62.1-01-01 of the North Dakota  
23 Century Code is amended and reenacted as follows:

1       16. "Unloaded" means the chamber of the firearm does not contain a loaded shell. If the  
2       firearm is a revolver, then none of the chambers in the cylinder may contain a loaded  
3       shell. ~~Handguns with a removable magazine or clip must have the magazine or clip~~  
4       ~~removed from the firearm if the magazine or clip contains any loaded shells.~~

5       ~~SECTION 3. AMENDMENT. Section 62.1-02-04 of the North Dakota Century Code is~~  
6       ~~amended and reenacted as follows:~~

7       ~~62.1-02-04. Possession of firearm or dangerous weapon in liquor establishment~~  
8       ~~prohibited -- Penalty -- Exceptions.~~

9       ~~1. An individual who enters or remains in that part of the establishment that is set aside~~  
10       ~~for the retail sale and consumption of alcoholic beverages or used as a gaming site at~~  
11       ~~which bingo is the primary gaming activity while in the possession of a firearm or~~  
12       ~~dangerous weapon is guilty of a class AB misdemeanor.~~

13       ~~2. This section does not apply to:~~

14       ~~a. A law enforcement officer.~~

15       ~~b. The proprietor.~~

16       ~~c. The proprietor's employee.~~

17       ~~d. A designee of the proprietor when the designee is displaying an unloaded firearm~~  
18       ~~or dangerous weapon as a prize or sale item in a raffle or auction.~~

19       ~~e. Private security personnel while on duty for the purpose of delivering or receiving~~  
20       ~~moneys used at the liquor establishment or at the gaming site at which bingo is~~  
21       ~~the primary gaming activity.~~

22       ~~f. The restaurant part of an establishment if an individual under twenty-one years of~~  
23       ~~age is not prohibited in that part of the establishment.~~

24       ~~3. This section does not prevent any political subdivision from enacting an ordinance that~~  
25       ~~is less restrictive than this section relating to the possession of firearms or dangerous~~  
26       ~~weapons. An enacted ordinance supersedes this section within the jurisdiction of the~~  
27       ~~political subdivision.~~

28       ~~SECTION 4. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is~~  
29       ~~amended and reenacted as follows:~~

1 ~~62.1-02-05. Possession of a firearm or dangerous weapon at a prohibited public~~  
2 ~~gatheringplace -- Penalty -- Application.~~

3 ~~1. An individual who possesses a firearm or dangerous weapon at a prohibited public~~  
4 ~~gatheringplace is guilty of a class B misdemeanor. For the purpose of this section,~~  
5 ~~"prohibited public gatheringplace" includes athletic or sporting events, schoolsmeans~~  
6 ~~in a school or on school functionsgrounds, churchesin a church or on church~~  
7 ~~functionsgrounds, political rallies or functions, musical concerts and athletic or sporting~~  
8 ~~events if a ticket for admission is required, and individuals in publicly owned parks~~  
9 ~~where hunting is not allowed by proclamation and publicly owned or operated~~  
10 ~~buildings.~~

11 ~~2. This section does not apply to:~~

12 ~~a. A law enforcement officer;~~

13 ~~b. A member of the armed forces of the United States or national guard, organized~~  
14 ~~reserves, state defense forces, or state guard organizations, when on duty;~~

15 ~~c. A competitor participating in an organized sport shooting event;~~

16 ~~d. A gun or antique show;~~

17 ~~e. A participant using a blank cartridge firearm at a sporting or theatrical event;~~

18 ~~f. A firearm or dangerous weapon carried in a temporary residence or motor~~  
19 ~~vehicle;~~

20 ~~g. A student and an instructor at a hunter safety class;~~

21 ~~h. Private security personnel while on duty;~~

22 ~~i. A state or federal park;~~

23 ~~j. An instructor, a test administrator, an official, or a participant in educational,~~  
24 ~~training, cultural, or competitive events involving the authorized use of a~~  
25 ~~dangerous weapon if the event occurs with permission of the person or entity~~  
26 ~~with authority over the function or premises in question;~~

27 ~~k. 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 ~~l. 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.~~

11 ~~m. An individual in a publicly owned or operated rest area or restroom.~~

12 ~~3. This section does not prevent any political subdivision from enacting an ordinance that~~  
13 ~~is less restrictive than this section relating to the possession of firearms or dangerous~~  
14 ~~weapons at a prohibited public gathering place. An enacted ordinance supersedes this~~  
15 ~~section within the jurisdiction of the political subdivision.~~

16 **SECTION 2. AMENDMENT.** Subdivision a of subsection 6 of section 62.1-02-13 of the  
17 North Dakota Century Code is amended and reenacted as follows:

18 a. Any public or nonpublic elementary school, middle school, or high school,  
19 college, or university property.

20 ~~**SECTION 6. AMENDMENT.** Section 62.1-03-01 of the North Dakota Century Code is~~  
21 ~~amended and reenacted as follows:~~

22 ~~1. An unloaded A handgun may not be carried by an individual not otherwise prohibited~~  
23 ~~if unless:~~

24 ~~a. Between the hours of one hour before sunrise and one hour after sunset, the~~  
25 ~~handgun is in unloaded and either in plain view or is secured.~~

26 ~~b. Between the hours of one hour after sunset and one hour before sunrise, the~~  
27 ~~handgun is unloaded and secured.~~

28 ~~2. The restrictions provided in subdivisions a and b of subsection 1 do not apply to:~~

29 ~~a. An individual possessing a valid concealed weapons license from this state or~~  
30 ~~who has reciprocity under section 62.1-04-03.1.~~

- 1 ~~\_\_\_\_\_ b. An individual on that person's land, or in that individual's permanent or temporary~~  
2 ~~residence, or fixed place of business.~~
- 3 ~~\_\_\_\_\_ c. An individual while lawfully engaged in target shooting.~~
- 4 ~~\_\_\_\_\_ d. An individual while in the field engaging in the lawful pursuit of hunting or~~  
5 ~~trapping. However, nothing in this exception authorizes the carrying of a loaded~~  
6 ~~handgun in a motor vehicle.~~
- 7 ~~\_\_\_\_\_ e. An individual permitted by law to possess a firearm while carrying the handgun~~  
8 ~~unloaded and in a secure wrapper from the place of purchase to that person's~~  
9 ~~home or place of business, or to a place of repair or back from those locations.~~
- 10 ~~\_\_\_\_\_ f. Any North Dakota law enforcement officer.~~
- 11 ~~\_\_\_\_\_ g. Any law enforcement officer of any other state or political subdivision of another~~  
12 ~~state if on official duty within this state.~~
- 13 ~~\_\_\_\_\_ h. Any armed security guard or investigator as authorized by law when on duty or~~  
14 ~~going to or from duty.~~
- 15 ~~\_\_\_\_\_ i. Any member of the armed forces of the United States when on duty or going to or~~  
16 ~~from duty and when carrying the handgun issued to the member.~~
- 17 ~~\_\_\_\_\_ j. Any member of the national guard, organized reserves, state defense forces, or~~  
18 ~~state guard organizations, when on duty or going to or from duty and when~~  
19 ~~carrying the handgun issued to the member by the organization.~~
- 20 ~~\_\_\_\_\_ k. Any officer or employee of the United States duly authorized to carry a handgun.~~
- 21 ~~\_\_\_\_\_ l. An individual engaged in manufacturing, repairing, or dealing in handguns or the~~  
22 ~~agent or representative of that individual possessing, using, or carrying a~~  
23 ~~handgun in the usual or ordinary course of the business.~~
- 24 ~~\_\_\_\_\_ m. Any common carrier, but only when carrying the handgun as part of the cargo in~~  
25 ~~the usual cargo-carrying portion of the vehicle.~~

26 ~~— **SECTION 7. AMENDMENT.** Subsection 2 of section 62.1-04-03 of the North Dakota~~  
27 ~~Century Code is amended and reenacted as follows:~~

- 28 ~~— 2. The attorney general shall offer class 1 firearm and class 2 firearm and dangerous~~  
29 ~~weapon licenses to carry a firearm or dangerous weapon concealed under the~~  
30 ~~following requirements:~~

- 1 ~~\_\_\_\_\_ a. An applicant for a class 1 firearm license shall successfully participate in a~~  
2 ~~classroom instruction that sets forth weapon safety rules and the deadly force law~~  
3 ~~of North Dakota, complete an open book test based upon a manual, demonstrate~~  
4 ~~familiarity with a firearm, and complete an actual shooting or certified proficiency~~  
5 ~~exercise. Evidence of familiarity with a firearm to be concealed may be satisfied~~  
6 ~~by one of the following:~~
- 7 ~~\_\_\_\_\_ (1) Certification of familiarity with a firearm by an individual who has been~~  
8 ~~certified by the attorney general, which may include a law enforcement~~  
9 ~~officer, military or civilian firearms instructor, or hunter safety instructor;~~
- 10 ~~\_\_\_\_\_ (2) Evidence of equivalent experience with a firearm through participation in an~~  
11 ~~organized shooting competition, law enforcement, or military service;~~
- 12 ~~\_\_\_\_\_ (3) Possession of a license from another state to carry a firearm, concealed or~~  
13 ~~otherwise, which is granted by that state upon completion of a course~~  
14 ~~described in paragraphs 1 and 2; or~~
- 15 ~~\_\_\_\_\_ (4) Evidence that the applicant, during military service, was found to be~~  
16 ~~qualified to operate a firearm.~~
- 17 ~~\_\_\_\_\_ b. An applicant for a class 2 firearm and dangerous weapon license is required to~~  
18 ~~successfully complete the open book test offered for the class 1 firearm license.~~
- 19 ~~\_\_\_\_\_ c. A North Dakota resident who has a valid class 1 firearm license also may carry a~~  
20 ~~class 2 dangerous weapon without any further testing required. Class 1 and~~  
21 ~~class 2 permits are equally valid in this state.~~
- 22 ~~\_\_\_\_\_ d. Additional testing is not required to renew a class 2 firearm and~~  
23 ~~dangerous weapon license. A class 1 firearm license may be renewed upon~~  
24 ~~successful completion of the class 1 firearm requirements within thirty days~~  
25 ~~before submission of the application for renewal.~~