

SENATE BILL NO. 2344

Introduced by

Senators Dwyer, Larson, Meyer

Representatives Devlin, K. Koppelman

1 A BILL for an Act to amend and reenact section 37-17.1-29 of the North Dakota Century Code,
2 relating to governmental regulation of firearms and ammunition; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 37-17.1-29 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **37-17.1-29. Firearms in emergencies.**

7 1. Notwithstanding any other law, ~~a person acting on behalf or under the authority of the~~
8 ~~state or a political subdivision may not do any of the following during a declared~~
9 ~~emergency~~ a state agency, political subdivision, or elected or appointed official or
10 employee of this state or of a political subdivision may not, under governmental
11 authority or color of law, including any other statutorily authorized responses to
12 disaster, war, acts of terrorism, or emergencies of whatever kind or nature:

13 a. Close or limit the operating hours ~~or any of:~~

14 (1) Any government-owned or government-operated indoor or outdoor shooting
15 range, unless the closure or limitation is required for maintenance, law
16 enforcement training, military training, hunter education, or other special
17 activities associated with the shooting sports or the closing or limitation of
18 hours applies equally to all forms of commerce, use, recreation, enjoyment,
19 or general activity within the jurisdiction;

20 (2) Any private indoor or outdoor shooting range, unless the closing or limitation
21 of hours applies equally to all forms of commerce, use, recreation,
22 enjoyment, or general activities within the jurisdiction; or any

23 (3) Any entity engaged in the lawful selling or servicing of any firearm, including
24 any component or accessory; ammunition, including any component or

1 accessory; ammunition-reloading equipment and supplies; or personal
2 weapons other than firearms, unless the closing or limitation of hours
3 applies equally to all forms of commerce, use, recreation, enjoyment, or
4 general activity within the jurisdiction;

5 b. Prohibit, regulate, or restrictcurtail the otherwise lawful possession, defensive
6 use, carrying, transfer, transportation, storage, or display, or other lawful use of a
7 firearm or ammunition;

8 b. Seize; or seize, commandeer, or confiscate, or authorize the seizure or
9 confiscation of, any otherwise lawfully possessed firearm or ammunition unless
10 the person acting on behalf of or under the authority of the state or political
11 subdivision is defending that person or another from an assault, arresting an
12 individual in actual possession of a firearm or ammunition for a violation of law, or
13 seizing or confiscating the firearm or ammunition as evidence of a crime; or

14 c. Require registration of any firearm or ammunition for which
15 When registration is
16 not otherwise required by law, require registration of any firearm, including any
17 component or accessory; ammunition, including any component or accessory;
18 ammunition-reloading equipment and supplies; or personal weapons other than
19 firearms.

20 e.d. Suspend or revoke a permit to carry a concealed pistol issued pursuant to
21 chapter 62.1-04, except as expressly authorized in that chapter;

22 d.e. Refuse to accept an application for a permit to carry a concealed pistol, provided
23 the application has been completed properly in accordance with chapter 62.1-04.

24 2. ~~Subdivision a of subsection 1 as it relates to transfer of a firearm or ammunition does~~
25 ~~not apply to the commercial sale of firearms or ammunition if an authorized authority~~
26 ~~has ordered an evacuation or general closure of businesses in the affected area.~~

27 3. Any individual aggrieved by a violation of this section may commence a civil action
28 against any person who subjects the individual, or causes the individual to be
29 subjected, to an action prohibited by this section.

30 4.3. In addition to any other remedy, an individual aggrieved by the seizure or confiscation
31 of a firearm or ammunition in violation of this section may bring an action for the return
of the firearm or ammunition, or the value of the firearm or ammunition, if the firearm

1 or ammunition is no longer available, in the district court of the county in which that
2 individual resides, in which the firearm or ammunition is located, or in which the
3 seizure or confiscation occurred.

4 5.4. In any action to enforce this section, the court shall award a prevailing plaintiff costs
5 and reasonable attorney's fees.