

**2021 HOUSE JUDICIARY**

**HB 1339**

# 2021 HOUSE STANDING COMMITTEE MINUTES

**Judiciary**  
Room JW327B, State Capitol

HB 1339  
2/15/2021

Relating to dangerous weapon
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**Chairman Klemin** called the hearing to order a 9:37 AM.

Present: Representatives Klemin, Karls, Becker, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter. Absent: Buffalo

**Discussion Topics:**

- Firearms/dangerous weapons definitions
- Concealed weapon
- Public gathering or sporting event.
- Liability of park districts

**Rep. Simons:** Introduced the bill.

**Todd Rathner, Knife organization:** 9:40

**Andrew Kordnowy, Dickinson, ND:** Testimony # 6586 9:56

**Stephanie Dassinger, Chief of Police of ND:** Testimony #6594, #6595 10:00

**Cory Lee, Stark County Sheriff:** 10:14

**Aaron Burst, Association of Counties:** 10:19

**Dr. Russ Ziegler, NDCEL:** Testimony #6574

**Alexis Baxley, ND School Boards Association:** Testimony #6551 10:22

**Blair Thorson, ND Peace Officers Association:** testimony in opposition. 10:25

**Christopher Dodson, ND Catholic Conference:** testimony in opposition. 10:26

**Susan Beehler, Mandan Resident:** testimony in opposition. 10:30

**Additional written testimony:** #6578, #6584, #6588

**Chairman Klemin** closed the hearing at 10:30 AM

DeLores D. Shimek  
Committee Clerk

HB 1339

I support HB 1339. By over defining "Dangerous Weapon" it is excluding items that would be normally considered as such and including others that should not be. BB guns and pepper ball blasters should not be dangerous weapons as defined North Dakota Century Code. The limitation of CS and CN prevent new technologies of less than lethal force irritants from being legal which hampers innovation.

Thank You,

Andrew Kordonowy  
Dickinson, ND

For the record, I am Stephanie Dassinger. I am appearing on behalf of the Chiefs of Police Association of North Dakota. I am also the deputy director and attorney for the North Dakota League of Cities. The Chiefs of Police appear today in opposition to HB 1339.

At the onset of this testimony, I need to point out that there are numerous bills on the firearms/dangerous weapons topic being considered by this Legislative Body. My testimony is restricted to how HB 1339 would impact existing law.

Section 1 of the bill removes the following weapons from the definition of dangerous weapon found in NDCC § 62.1-01-01:

switch blades	nunchakus	sand clubs
gravity knives	martial arts weapons	sling shots
machetes	billies	bow and arrows
scimitars	blackjack	BB Guns
stiletos	saps	air rifles
swords	bludgeons	CO2 guns
daggers	cudgels	
throwing stars	metal knuckles	

Law enforcement has told me that, based on their experience on the street, these are the types of weapons that someone carries to harm someone. These are not the type of weapons that are carried for self-defense.

The definition in NDCC § 62.1-01-01 of “dangerous weapon” is the definition used throughout NDCC Title 62.1 on Weapons so it impacts many sections in that title. A legal database query revealed that the term “dangerous weapon” is used in 14 sections in Title 62.1, excluding the definition section. I have attached the list of statutes identified to my testimony.

I am going to address the two sections that are particularly concerning. First, NDCC § 62.1-02-05 generally prohibits an individual from knowingly possessing a dangerous weapon at an athletic or sporting event, at a school, at a church or other place of worship or in another publicly owned or operated building. Please note there are several exceptions to the rule such as for law enforcement, competitors participating in an organized shooting event, gun shows, etc. The impact of section 1 of HB 1339 is that an individual could bring any of the 22 weapons listed to an athletic or sporting event, a school, a church or other place of worship or into a publicly owned or operated building. In other words, someone could carry a machete to a football game or carry a switchblade into a courthouse.

Next, NDCC § 62.1-02-04 prohibits an individual from bringing a dangerous weapon into a liquor store, bar or gaming site where bingo is the primary activity. Again, there are several

exceptions to the prohibition such as for a law enforcement officer, the owner of the establishment or the owner's employee, etc. If passed, HB 1339 would allow an individual to carry any of the 22 weapons listed above into a liquor store, bar or bingo gaming site. In other words, someone could carry metal knuckles or a dagger into a bar.

Section 2 of HB 1339 amends the NDCC § 62.1-02-05 related to possession of a firearm or dangerous weapon at a public gathering. As you have heard earlier, currently a firearm or dangerous weapon is not allowed at an athletic or sporting event, a school, a church or other place of workshop or in a publicly owned or operated building. This section proposes to remove an "athletic or sporting event" and add the word "building" after school. This change would allow an individual to carry firearms or dangerous weapons on school property, just not in the school building. It would also appear to allow firearms or dangerous weapons at outdoor athletic events, such as football games, soccer games or tennis games, which is not allowed currently.

Section 3 of HB 1339 relates to making NDCC § 62.1-04-01 on concealing firearms and dangerous weapons in vehicles match the new definition of dangerous weapons proposed in Section 1 of the bill for BB guns, air rifles and CO2 guns.

The Chiefs of Police respectfully request a Do Not Pass recommendation on HB 1339 because the bill removes several vary concerning weapons from the definition of "dangerous weapon" which then would allow those weapons to be carried in public buildings, at sporting events, and in liquor stores and bars. Also concerning is that the bill would allow firearms and dangerous weapons to be carried on school property that is not in the building and at outdoor sporting events such as football games.

Thank you for your consideration.

1. § 62.1-04-03. License to carry a firearm or dangerous weapon concealed - Class 1 firearm license and class 2 firearm and dangerous weapon license.

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...04-03. License to carry a firearm or dangerous weapon concealed - Class 1 firearm license and class 2 firearm and dangerous weapon license. North Dakota Statutes Title 62.1. Weapons

2. § 62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.

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...1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application. North Dakota...

...1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application 1. An

3. § 62.1-02-04. Possession of firearm or dangerous weapon in liquor establishment prohibited - Penalty - Exceptions.

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... § 62.1-02-04. Possession of firearm or dangerous weapon in liquor establishment prohibited - Penalty - Exceptions. North Dakota...

...62.1-02-04. Possession of firearm or dangerous weapon in liquor establishment prohibited - Penalty - Exceptions 1. An

4. § 62.1-01-02. Forfeiture of dangerous weapon or firearm by person arrested and convicted of crime.

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... § 62.1-01-02. Forfeiture of dangerous weapon or firearm by person arrested and convicted of...

...Legislative Session § 62.1-01-02. Forfeiture of dangerous weapon or firearm by person arrested and convicted of

5. § 62.1-04-02. Carrying concealed firearms or dangerous weapons - License distinctions.

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...enforcement officer, may not carry a firearm or dangerous weapon concealed unless the individual is licensed to do...

...precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed

## 6. § 62.1-04-01. Definition of concealed.

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...04-01. Definition of concealed A firearm or dangerous weapon is concealed if it is carried in such...

...there be absolute invisibility of the firearm or dangerous weapon, merely that it not be ordinarily discernible. A

## 7. § 62.1-05-01. Possession and sale of machine guns, automatic rifles, silencers, and bombs - Penalty - Forfeiture.

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...gases, or any other federally licensed firearm or dangerous weapon unless that person has complied with the National...

...Upon arrest of that person, the firearm or dangerous weapon must be seized. Upon conviction of the person

## 8. § 62.1-04-03.1. Reciprocity.

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...another state to carry a concealed firearm or dangerous weapon in that state and whose state grants to...

...the right to carry a concealed firearm or dangerous weapon without requiring a separate license to carry a

## 9. § 62.1-04-04. Producing license upon request - Penalty.

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...Every individual while carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is...

...digital image of one's concealed firearm or dangerous weapon license issued by this state on an electronic

## 10. § 62.1-02-14. Armed first responder in schools - Possession of a concealed weapon - Liability.

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...may not carry a firearm concealed or a dangerous weapon on school premises unless: a. The individual has...

...requirements every twelve months.13. A firearm or dangerous weapon carried by an armed first responder on school



#### 11. § 62.1-01-01. General definitions.

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...this title, unless the context otherwise requires:1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar...  
...and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing

#### 12. § 62.1-05-02. Persons exempt from chapter.

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...on official duty and using the firearm or dangerous weapon issued to the officer or member by that...  
.....  
...

#### 13. § 62.1-03-01. Carrying handgun - Limitations - Exceptions.

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...precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and who...  
.....  
...

#### 14. § 62.1-02-10. Carrying loaded firearm in certain vehicles prohibited - Penalty - Exceptions.

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...precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and who...  
.....  
...

#### 15. § 62.1-02-01. Persons who are not to possess firearms - Penalty.

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...committed while using or possessing a firearm, a dangerous weapon, or, as defined in section 12.1-01-...  
.....  
...



**HB 1339 – Relating to Dangerous Weapons and Public Gatherings.**

**February 15, 2021**

Chairman Klemin and members of the House Judiciary Committee. Thank you for the opportunity to testify on this HB 1339. I am Dr. Russ Ziegler, assistant director for the North Dakota Council of Educational Leaders. I am in front of you today to testify in opposition to HB 1339.

In the original form the bill would strike out numerous items that were defined as “Dangerous Weapons”. These include switchblades, machetes, stiletto, dagger, nunchaku, metal knuckles, etc. Striking these weapons from the century code could possibly have a unintended effect on schools. Schools in North Dakota utilize these definitions in their policies as to what students can bring and have on school grounds. On page 3 lines 21 through 24, this bill also states that political subdivisions can only enact an ordinance that is less restrictive than this section. That line along with the striking of the dangerous weapons definitions on page 1 would allow those items to be allowed on school grounds. This removal of items is very concerning for the field, as all of the items removed you would not want on school grounds. One item kept in the definition was a knife with a blade of five inches or more, but did you know that your heart is only approximately 1 ¼” from the sternum or that numerous veins and arteries are under an inch deep. I would consider knives under 5 inches could also be considered dangerous weapons. The items on the list being struck are items that were mainly created to cause bodily injury. Metal or brass knuckles for example have no other purpose except to improve the punching power of the wearer and causing more injury to the recipient. These would not belong in a school or on school grounds.

Another concern of ours is the removal of athletic or sporting event and the addition of building on page 2 line 7. With the removal of athletic or sporting events and adding the word building behind school this would make it legal for individuals, even some students, to carry a firearm or dangerous weapon on school grounds. The addition of the word building would make it an infraction if they carried it into school, but they could have it at the football game, soccer match, track, etc. It would be allowed anywhere outside of the building. We would have numerous concerns with this language as we did with the language of HB 1311. A school has more property than just the building. We would request that the amendment that was discussed with a seminal bill also be utilized with this one: Public Gathering would include any school sponsored or sanctioned events. However, I am still not sure that would allow the school to ban those items, if the local board so chooses. It would only take place during a “Public Gathering”. The question is would a regular school day be considered a public gathering?



33 I do understand where these bills are coming from, and that the intent of the sponsors is to have  
34 the ability to protect those around them. But having more guns or weapons is not the answer.  
35 Improving mental health services, education, teaching empathy and compassion will do more to  
36 fight violence than having more armed individuals could ever do. We also oppose this bill for the  
37 reasons I have stated when I testified in opposition of HB 1311.

38 This concludes my testimony and I want to thank you again for the opportunity to stand in front  
39 of you today. I can stand for any questions.



**NDSBA**  
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BOARDS ASSOCIATION

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**HB 1339**  
**Testimony of Alexis Baxley**  
**House Judiciary Committee**  
**February 15, 2021**

Chairman Klemin and members of the House Judiciary Committee, my name is Alexis Baxley. I am the executive director for the North Dakota School Boards Association. NDSBA represents all 175 North Dakota public school districts and their boards. I am here today in opposition to HB 1339.

Our schools serve arguably the most vulnerable population of citizens. Parents entrust their children to our schools to protect them and keep them safe from harm. If passed, HB 1339 will make it even more difficult for schools to keep kids safe and protected.

NDSBA opposes HB 1339 to the extent it seeks to remove “an athletic or sporting event” from the definition of a public gathering. The bill further amends this definition by replacing “school” with “school building.” This is problematic as it limits the restrictions on possessing a firearm or dangerous weapon to the physical school building. School sponsored or sanctioned activities occur in a large variety of locations, many of them outside the actual school building. There are outdoor events like football games and cross country meets that would no longer be included in the definition of public gathering. In addition, schools often host indoor events in facilities that are not owned by the district or would not be considered school buildings. A couple of examples of these types of events might be a graduation ceremony held at a community center or extracurricular activities like plays and student congress that might be held in other facilities within the community.

School districts are still charged with protecting their students in these spaces, and it is imperative that the prohibition on possessing a firearm or dangerous weapon continue to apply to all school sponsored activities.

NDSBA also opposes the removal of the items included on page one, lines 7-13, from the definition of a dangerous weapon. While most of these weapons are far less common than a firearm or knife, they are still far too dangerous to be allowed in a school setting.

For these reasons, NDSBA stands in opposition to HB 1339 and asks this committee to give it a do not pass recommendation. I would be happy to answer any questions the committee may have.

**Testimony of Shannon Schutt  
North Dakota Recreation & Park Association  
To House Judiciary Committee  
In Opposition to HB 1339  
Monday, February 15, 2021**

Chairman Klemin and Members of the Committee, my name is Shannon Schutt, and I am the executive director of the North Dakota Recreation & Park Association (NDRPA). We represent more than 900 members, primarily park districts, and work to advance parks, recreation and conservation for an enhanced quality of life in North Dakota. We are in opposition to HB 1339.

HB 1339 removes “an athletic or sporting event,” from the definition of a public gathering and as a result individuals would be allowed to carry a firearm or dangerous weapon at park district events such as soccer games, flag football games, tennis matches, basketball tournaments, and much more. We feel this would cause additional liability for park districts and potentially put staff and participants in a dangerous situation when attending anything from little league games to major events at our facilities. Some of these events also allow alcohol onsite with use of a permit, which could increase the risk of impaired decision-making with a firearm or dangerous weapon.

NDRPA urges a do not pass recommendation on HB 1339. Thank you.



# North Dakota Small Organized Schools

#6584

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HB 1339 – Related to Dangerous Weapons at a public gathering

Testimony in opposition

Michael Heilman – Executive Director North Dakota Small Organized School

February 13, 2021

Chairman Klemin and members of the House Judiciary Committee, my name is Michael Heilman. I am the Executive Director of the North Dakota Small Organized Schools (NDSOS). I represent 154-member school districts of the North Dakota Small Organized Schools. NDSOS stands in opposition to of HB 1339 as it is currently written.

The bill as written eliminates language that is commonly used in school districts to define dangerous weapons, for example this excerpt is from a school's actual policy and is common/similar for many schools:

*“Weapon includes, but is not limited to any knife, razor, ice pick, explosive, smoke bomb, incendiary device, firearm, slingshot, bludgeon, brass knuckles or artificial knuckles of any kind, or any object that can reasonably be considered a weapon, dangerous instrument, or look-alike.”*

Clarifying language of this type is often used in school policy to avoid confusion and/or litigation.

The second concern is the language in Section 2., 62.1-02-05 subsection 1 line seven that references a school building. There are many school sponsored and/or sanctioned events that do not take place in a school building. This language should include all school sponsored or sanctioned events.

NDSOS stands in strong opposition to this bill without changes that reflect the intent of the two concerns raised in this testimony.

Thank you Chairman Klemin and member of the House Judiciary Committee.

Mr. Michael Heilman – Executive Director  
North Dakota Small Organized Schools  
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Dr. Steven Johnson, Supt. Lisbon

**The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.**

**Testimony on HB 1339  
15 February 2021**

My name is Cheryl Biller, from Fargo. Thank you for the opportunity to provide input into your deliberations on HB 1339 – I ask that you give this bill a do NOT pass recommendation.

This bill is a naked attempt to erode existing safeguards on where guns may be carried. There is nothing to be gained from the standpoint of protecting the public with this law. Sporting events are places where passions run high and frequently alcohol is served. Neither of those circumstances are a good mix with firearms. Further, it is frequently the case that security is present at these types of events, negating the need for armed civilians.

Sporting and athletic events are places we take families and children. This bill increases the risk of injury and death unnecessarily.

80% of Americans support common sense rules concerning when and where a person may carry a firearm. 100% of Americans will see this for what it is – one step closer to removing all restrictions on firearms in all places.

I appreciate your careful deliberation of this bill, and ask you for a DO NOT PASS vote.

Cheryl Biller

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Judiciary

Room JW327B, State Capitol

HB 1339 PM

2/15/2021

Relating to dangerous weapon
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**Chairman Klemin** called the hearing to order a 5:10 PM

Present: Representatives Klemin, Karls, Becker, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter. Absent: Buffalo

### Discussion Topics:

- Amendment

**Rep. Roers Jones: Proposed amendment to study**

**Rep. Satrom: Seconded**

Roll Call Vote:

Representatives	Vote
Chairman Klemin	Y
Vice Chairman Karls	Y
Rep Becker	Y
Rep. Christensen	AB
Rep. Cory	N
Rep T. Jones	N
Rep Magrum	N
Rep Paulson	Y
Rep Paur	Y
Rep Roers Jones	Y
Rep B. Satrom	Y
Rep Vetter	Y
Rep Buffalo	Y
Rep K. Hanson	Y

10-3-1

**Rep. Paur: Do Pass Motion as amended**

**Rep. B. Paulson: Seconded**



Roll Call Vote:

<b>:Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Rick Becker	Y
Representative Ruth Buffalo	AB
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Jeffery J. Magrum	N
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Steve Vetter	Y

12-1-1 Carrier: Rep. Paulson

Stopped at 10:30

DeLores D. Shimek  
Committee Clerk

February 15, 2021

qj  
2/15/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1339

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the definitions of "dangerous weapon" and "public gathering".

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY.** During the 2021-23 interim, the legislative management shall consider studying the definitions of "dangerous weapon" and "public gathering". The study must consider which weapons should be considered dangerous weapons. The study also must consider whether a "public gathering" includes athletic or sporting events, school buildings, or churches. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1339: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1339 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the definitions of "dangerous weapon" and "public gathering".

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY.** During the 2021-23 interim, the legislative management shall consider studying the definitions of "dangerous weapon" and "public gathering". The study must consider which weapons should be considered dangerous weapons. The study also must consider whether a "public gathering" includes athletic or sporting events, school buildings, or churches. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

**2021 SENATE JUDICIARY**

**HB 1339**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Peace Garden Room, State Capitol

HB 1339  
3/24/2021

A BILL for an Act to provide for a legislative management study of the definitions of "dangerous weapon" and "public gathering".

Hearing called to order all Senators Present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson.** [10:09]

### Discussion Topics:

- Ordinance and Law as it applies to Public School Jurisdiction
- Definition of zoning restrictions

**Rep. Cole Christianson**, Jamestown, ND provided testimony in favor [10:09]

**Stephanie Dassinger**, ND Police Chiefs Association, provided testimony in favor [10:11]

**Andrew Kordonowy**, Dickinson, ND, Provided testimony in favor [10:13]

**Senator Myrdal** moved a DO PASS

**Senator Luick** Seconded the motion

Vote Passed 5-1-1

**Senator Myrdal** Carried

Hearing Adjourned [10:20]

*Jamal Omar, Committee Clerk*

DO PASS on HB 1339	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	N
Senator Jason G. Heitkamp	N
Senator Larry Luick	Y
Senator Janne Myrdal	Y

**REPORT OF STANDING COMMITTEE**

**HB 1339, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1339 was placed on the Fourteenth order on the calendar.