

2021 HOUSE ENERGY AND NATURAL RESOURCES

HB 1293

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1293

1/22/2021

Relating to handguns and carrying firearms or dangerous weapons concealed; and to provide a penalty

9:00 AM

Chairman Porter opened the hearing on HB 1293.

Present: Representatives Porter, Anderson, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista. Absent: Damschen and Bosch.

Discussion Topics:

- Reciprocity
- Duty to inform
- Resident vs nonresident

Rep Rick Becker introduced the bill.

Matt Mammoser, NW Regional Director, National Association for Gun Rights
#2228

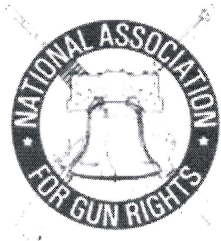
Additional written testimony:

Catherine A Lee #2211

Susan Beehler #2200

Closed the hearing 9:28 AM

Kathleen Davis, Committee Clerk



NATIONAL ASSOCIATION FOR GUN RIGHTS
STANDING UP FOR FREEDOM
DEFENDING THE SECOND AMENDMENT

Committee Hearing Date: 1/22/2021

Mr. Chairman and Members of the Committee,

My name is Matt Mammoser and I am the Northwest Regional Director at the National Association for Gun Rights. I am submitting this testimony on behalf of our members in North Dakota regarding our support for House Bill 1293.

As a representative of the leading gun rights organization advocating for Constitutional Carry nationwide, we applaud Rep. Rick Becker and House Bill 1293 for fixing minor issues in North Dakota's Constitutional Carry law.

House Bill 1293 will bring North Dakota into full conformity with true Constitutional Carry statutes as seen in over a dozen other states by allowing any law-abiding adult (resident or non-resident) who is able to legally possess a handgun to carry it openly, or concealed while in North Dakota.

House Bill 1293 will also allow for law-abiding adults to carry their loaded handgun openly or concealed while driving in a vehicle, codifying the AG's ruling from 2017.

As seen all across the nation, true Constitutional Carry legislation contains no extra requirements to carry a handgun open or concealed. If you are not prohibited from possessing a handgun, you should not be prohibited from carrying it.

Constitutional Carry should allow law-abiding citizens to carry in equal places with or without a permit. If citizens with a license are not prohibited from carrying there, neither are those without a license. Regarding restrictions on where a person can carry, Constitutional Carry legislation should remove inequalities between someone who has a license and someone who does not.

As evidenced by FBI crime statistics, states with Constitutional Carry have some of the lowest violent crime rates in the entire country. Allowing law-abiding adults to freely exercise their Second Amendment rights keeps innocent people safe, and lets criminals know they do not have free reign to commit unlawful acts of violence.

Rep. Becker's House Bill 1293 does exactly this, and we fully support his legislation.

We ask that the Energy and Natural Resources Committee pass House Bill 1293 and apply the Second Amendment right to bear arms equally to all law-abiding citizens.

I am happy to answer any questions you may have.

Thank you for your consideration.

January 21, 2021

Representatives of the Energy and Natural Resources Committee:

My name is Catherine Lee (Plath) and I live on a farm outside Davenport, ND with my family who are gun owners. I appreciate the opportunity to submit my thoughts on this important topic.

I ask you to please give a do NOT PASS recommendation to HB 1293.

Growing up in this state I've always thought of its people as sensible and down to earth. This proposed bill removes what few safety efforts exist for acquiring a gun, and thus, for the members of our state. Qualifying for a permit is one of the pathways to safe and responsible gun ownership.

In an article released in August, the CDC reported that 10.7% of Americans had seriously contemplated suicide in the weeks of June. This startling number is up from 4.3% from the same time in 2018. The rates of suicide ideation were highest among unpaid caregivers for adults, and 18-24 year olds. Annually 22,926 people die by gun suicide each year in our nation. Of that number, North Dakota has the 11th highest rate of gun suicide deaths in the U.S. These statistics do not lend themselves to loosening existing policies to acquiring gun permits.

Please consider the safety of North Dakotans first. I'm all for people having guns, but let's just make it safe for everyone.

Respectfully,

Catherine Lee

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<html><head></head><body style="word-wrap: break-word; -webkit-  
after-white-space;">My name is Susan Beehler a Mandan ND resident. I am against having further restrictions dropped  
from being able to carry a handgun.&nbsp;</body></html>
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2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1293 Subcommittee

2/4/2021

Relating to handguns and carrying firearms or dangerous weapons concealed; and to provide a penalty

3:02 PM

Chairman Heinert opened the committee hearing.

Present: Representatives Heinert, Roers Jones, M Ruby, and Guggisberg. Absent: Representative D Anderson

Discussion Topics:

- Constitutional carry
- Residency requirements for carrying loaded in vehicles
- The duty to notify
- Nonresidents carrying concealed in ND
- Class 2 permit

3:09 PM

Kathleen Davis, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1293

2/5/2021

Subcommittee

Relating to handguns and carrying firearms or dangerous weapons concealed; and to provide a penalty

10:32 AM

Chairman Heinert opened the committee hearing.

Present: Representatives Heinert, Roers Jones, and M Ruby. Absent: Rep Anderson

Also in attendance: Samantha Kramer

Discussion Topics:

- Concealed and open carry
- Constitutional carry
- Plain view carry
- 24 hour carry- loaded and unloaded
- 24 hour carry- concealed and open
- BCI

10:59 AM hearing closed. Rep Roers Jones will work on amendments.

Kathleen Davis, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1293
2/11/2021
Subcommittee

Relating to handguns and carrying firearms or dangerous weapons concealed; and to provide a penalty

10:00 AM

Chairman Heinert opened the committee hearing.

Present: Representatives Heinert, Roers Jones, M Ruby and Rep Anderson

Other present: Casey Miller, BCI

Discussion Topics:

- Concealed weapons permit numbers
- Applications and renewals decline
- Violations reported
- Class 1 and Class 2 licenses

Casey Miller, BCI – answered questions from the committee

Other written testimony:

Rep Roers Jones #6382, #6383

Rep Heinert #6398, #6399

10:59 AM hearing closed

Kathleen Davis, Committee Clerk

21.0774.01001
Title.

Prepared by the Legislative Council staff for
Representative Roers Jones
February 5, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

Page 1, line 1, remove "subdivision I of subsection 2 of section 62.1-02-05,"

Page 1, line 2, remove "subsection 7 of section 62.1-02-10, and"

Page 1, line 2, replace the second comma with "and"

Page 1, line 2, remove ", 62.1-04-03.1, and"

Page 1, line 3, remove "62.1-04-04"

Page 1, line 4, remove "; and to provide a penalty"

Page 1, remove lines 6 through 20

Page 1, line 23, remove the overstrike over "~~Limitations--Exceptions~~"

Page 1, line 24, remove the overstrike over "4."

Page 1, line 24, remove the overstrike over "if"

Page 2, line 1, after "The" insert "the"

Page 2, line 1, remove the overstrike over "~~handgun is unloaded~~"

Page 2, line 1, replace "concealed or" with "and"

Page 2, line 1, remove the overstrike over "~~or secured~~"

Page 2, line 4, remove the overstrike over the overstruck period

Page 2, remove the overstrike over lines 5 through 31

Page 3, remove the overstrike over lines 1 through 5

Page 3, remove the overstrike over lines 10 through 13

Page 3, line 14, remove the overstrike over "~~dangerous weapon license under this chapter and who has possessed for at least~~"

Page 3, line 15, after "year" insert "thirty days"

Page 3, line 15, remove the overstrike over "~~a valid driver's license or nondriver identification card issued by the department of~~"

Page 3, remove the overstrike over line 16

Page 3, line 17, remove the overstrike over "3." and insert immediately thereafter "An individual may carry a firearm concealed under this chapter if the individual qualifies for reciprocity under section 62.1-04-03.1 and the individual has the equivalent of a class 2 firearm and dangerous weapon license from the state in which the individual is a resident."

4."

Page 3, remove lines 23 through 31

Page 4, remove lines 1 through 26

Renumber accordingly

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1293

Introduced by

Representatives Becker, Kasper, M. Ruby, Simons

1 A BILL for an Act to amend and reenact ~~subdivision 1 of subsection 2 of section 62.1-02-05,~~
2 ~~subsection 7 of section 62.1-02-10, and~~ sections 62.1-03-01, and 62.1-04-02, ~~62.1-04-03.1, and~~
3 ~~62.1-04-04~~ of the North Dakota Century Code, relating to handguns and carrying firearms or
4 dangerous weapons concealed; ~~and to provide a penalty.~~

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

6 ~~SECTION 1. AMENDMENT. Subdivision 1 of subsection 2 of section 62.1-02-05 of the North~~
7 ~~Dakota Century Code is amended and reenacted as follows:~~

8 ~~1. An individual possessing a valid concealed weapons license from this state or~~
9 ~~who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry~~
10 ~~a firearm or dangerous weapon concealed, or who is not otherwise prohibited by~~
11 ~~law from possessing a handgun, if the individual is in a church building or other~~
12 ~~place of worship and has the approval to carry in the church building or other~~
13 ~~place of worship by a primary religious leader of the church or other place of~~
14 ~~worship or the governing body of the church or other place of worship;~~

15 ~~SECTION 2. AMENDMENT. Subsection 7 of section 62.1-02-10 of the North Dakota~~
16 ~~Century Code is amended and reenacted as follows: —~~

17 ~~7. An individual who is not otherwise precluded prohibited by law from possessing a class~~
18 ~~2 firearm and dangerous weapon license under chapter 62.1-04 and who has~~
19 ~~possessed for at least one year a valid driver's license or nondriver identification card~~
20 ~~issued by the department of transportation handgun.~~

21 **SECTION 1. AMENDMENT.** Section 62.1-03-01 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **62.1-03-01. Carrying handgun - Limitations - Exceptions.**

24 1. Unless otherwise prohibited by law, an individual may carry a handgun if:

1 a. The ~~the handgun is unloaded, concealed or and~~ in plain view ~~or secured, and~~
2 ~~between the hours of one hour before sunrise and one hour after sunset.~~

3 b. ~~The handgun is unloaded and secured and between the hours of one hour after~~
4 ~~sunset and one hour before sunrise.~~

5 2. A limitation under subdivision a or b of subsection 1 does not apply to:

6 a. An individual possessing a valid concealed weapons license from this state, an
7 individual not otherwise precluded from possessing a class 2 firearm and
8 dangerous weapon license under chapter 62.1-04 and who has possessed for at
9 least one year a valid driver's license or nondriver identification card issued by
10 the department of transportation, or an individual who has reciprocity under
11 section 62.1-04-03.1.

12 b. An individual on that person's land, or in that individual's permanent or temporary
13 residence, or fixed place of business.

14 c. An individual while lawfully engaged in target shooting.

15 d. An individual while in the field engaging in the lawful pursuit of hunting or
16 trapping. However, nothing in this exception authorizes the carrying of a loaded
17 handgun in a motor vehicle.

18 e. An individual permitted by law to possess a firearm while carrying the handgun
19 unloaded and in a secure wrapper from the place of purchase to that person's
20 home or place of business, or to a place of repair or back from those locations.

21 f. Any North Dakota law enforcement officer.

22 g. Any law enforcement officer of any other state or political subdivision of another
23 state if on official duty within this state.

24 h. Any armed security guard or investigator as authorized by law when on duty or
25 going to or from duty.

26 i. Any member of the armed forces of the United States when on duty or going to or
27 from duty and when carrying the handgun issued to the member.

28 j. Any member of the national guard, organized reserves, state defense forces, or
29 state guard organizations, when on duty or going to or from duty and when
30 carrying the handgun issued to the member by the organization.

31 k. Any officer or employee of the United States duly authorized to carry a handgun.

l. An individual engaged in manufacturing, repairing, or dealing in handguns or the agent or representative of that individual possessing, using, or carrying a handgun in the usual or ordinary course of the business.

m. Any common carrier, but only when carrying the handgun as part of the cargo in the usual cargo carrying portion of the vehicle.

SECTION 2. AMENDMENT. Section 62.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

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

1. An individual, other than a law enforcement officer, may not carry a firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.
2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least ~~one~~ year thirty days a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.
3. An individual may carry a firearm concealed under this chapter if the individual qualifies for reciprocity under section 62.1-04-03.1 and the individual has the equivalent of a class 2 firearm and dangerous weapon license from the state in which the individual is a resident.
4. For purposes of this chapter, the difference between a class 1 and class 2 firearm and dangerous weapon license is only the extent to which a holder of either license may be eligible to receive reciprocal rights in other jurisdictions. A class 1 firearm and dangerous weapon licenseholder is eligible to receive reciprocal rights in more jurisdictions than a class 2 firearm and dangerous weapon licenseholder. The rights and privileges conveyed by a class 1 or class 2 firearm and dangerous weapon license within the state are identical.

~~**SECTION 5. AMENDMENT.** Section 62.1-04-03.1 of the North Dakota Century Code is amended and reenacted as follows:~~

~~62.1-04-03.1. Reciprocity.~~

~~1. A person who has a valid license issued by another state to carry a concealed firearm or dangerous weapon in that state and whose state grants to residents of this state the right to carry a concealed firearm or dangerous weapon without requiring a separate license to carry a concealed firearm or dangerous weapon issued by that state may carry, subject to the provisions of this state's law, a concealed firearm or dangerous weapon in this state, and the other state's license is valid in this state.~~

~~2. This section may not be construed to require a person who is not otherwise prohibited by law from possessing a handgun to obtain a license to carry a handgun in plain view or secured.~~

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

~~62.1-04-04. Producing license upon request -- Penalty.~~

~~1. Every individual while carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on one's person the license issued by this or another state or a digital image of one's concealed firearm or dangerous weapon license issued by this state on an electronic device and shall give it to any active law enforcement officer for an inspection upon request by the officer. The failure of any individual to give the license or digital image of the license to the officer is prima facie evidence the individual is illegally carrying a firearm or dangerous weapon concealed.~~

~~2. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.~~

~~3. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 must have on one's person a valid driver's license or nondriver identification card issued by the department of transportation or a digital image of one's valid driver's license or nondriver identification card on a mobile device and shall provide the license or card to any law enforcement officer for inspection upon request by the officer.~~

1 ~~4.3. An individual who violates this section is guilty of a noncriminal offense punishable~~
2 ~~by a fee of twenty dollars.~~

21.0695.01003
Title.

Prepared by the Legislative Council staff for
Representative M. Ruby
February 5, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1215

Page 1, line 1, replace "section 40-49-26" with "a new section to chapter 54-17.8"

Page 1, line 2, replace "a low-interest park district loan program" with "an outdoor heritage revolving loan fund"

Page 1, line 3, replace "park district loan" with "outdoor heritage revolving loan"

Page 1, line 4, remove "and"

Page 1, line 4, after "transfer" insert "; and to provide an effective date"

Page 1, remove lines 6 through 23

Page 2, remove lines 1 through 4

Page 2, line 13, replace "oil extraction moneys deposited in" with "oil and gas gross production tax collections allocated to"

Page 2, line 14, after "fund" insert "under section 57-51-15"

Page 2, line 14, after "a" insert "cumulative"

Page 2, line 14, remove "deposit from the oil extraction moneys"

Page 2, line 15, replace "are" with "must be"

Page 2, line 15, after "transferred" insert "by the state treasurer"

Page 2, line 15, remove "park district loan fund established"

Page 2, line 16, replace "under section 40-49-26" with "outdoor heritage revolving loan fund under section 2 of this Act"

Page 2, after line 16, insert:

"SECTION 2. A new section to chapter 54-17.8 of the North Dakota Century Code is created and enacted as follows:

Outdoor heritage revolving loan fund - Continuing appropriation.

1. There is created in the state treasury the outdoor heritage revolving loan fund. The fund consists of all oil and gas gross production tax revenue transferred under section 54-17.8-02, interest upon moneys in the fund, and principal and interest payments to the fund. All moneys in the fund are appropriated to the Bank of North Dakota on a continuing basis to provide loans based on recommendations from the North Dakota outdoor heritage advisory board and for administrative costs pursuant to this section.
2. The advisory board shall make recommendations for loans under this section. To be eligible for a loan under this section, a project must meet the criteria under section 54-17.8-03. Projects not eligible for other state funding must be given priority for loans under this section. Loans may not be issued from the fund until after July 31, 2025.

3. The Bank of North Dakota shall develop policies for the loans in consultation with the advisory board, and the policies may include provisions for loan participation with local financial institutions. To be eligible for a loan under this section, the entity shall agree to provide the Bank with information as requested. The Bank shall review loan applications. For a loan under this section, the term may not exceed twenty years and the interest rate must be the prevailing interest rate charged to North Dakota governmental entities. The Bank shall deposit in the fund all principal and interest paid on the loans made from the fund. The Bank may use a portion of the interest paid on the outstanding loans as a servicing fee to pay for administrative costs, not to exceed one-half of one percent of the amount of the interest payment. The Bank shall contract with a certified public accounting firm to audit the fund if the fund has any outstanding loans. The cost of the audit must be paid from the fund.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective for oil and gas gross production tax revenue allocations after July 31, 2021."

Renumber accordingly

21.0695.01003

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1215

Introduced by

Representatives M. Ruby, Dockter, Headland, Lefor, Louser, Paulson, Porter

Senators Bekkedahl, Burckhard, Krebsbach

1 A BILL for an Act to create and enact ~~section 40-49-26~~ a new section to chapter 54-17.8 of the
2 North Dakota Century Code, relating to ~~a low-interest park district loan program~~ an outdoor
3 heritage revolving loan fund; to amend and reenact section 54-17.8-02 of the North Dakota
4 Century Code, relating to a transfer of funds to the ~~park district loan~~ outdoor heritage revolving
5 loan fund; to provide a continuing appropriation; ~~and~~ to provide a transfer; and to provide an
6 effective date.

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

8 ~~SECTION 1. Section 40-49-26 of the North Dakota Century Code is created and enacted as~~
9 ~~follows:~~

~~10 **40-49-26. Park district loan program - Continuing appropriation.**~~

11 ~~1. A park district loan fund is established. The moneys transferred to the park district loan~~
12 ~~fund under subsection 2 of section 54-17.8-02 are made available to the Bank of North~~
13 ~~Dakota on a continuing basis for making loans in accordance with this section.~~

14 ~~2. The industrial commission shall approve projects and loans under this section, and the~~
15 ~~Bank of North Dakota shall manage and administer the loans. Loans made under this~~
16 ~~section must be made at the same interest rate as loans made from the revolving loan~~
17 ~~fund established under chapters 61-28.1 and 61-28.2.~~

18 ~~3. The industrial commission shall consider the following information when evaluating~~
19 ~~proposed projects and may adopt policies for review and approval of loans for~~
20 ~~proposed projects:~~

21 ~~a. The nature and purposes of the proposed project, including an explanation of the~~
22 ~~need for the project, the reasons why the project is in the public interest, and the~~
23 ~~overall economic impact of the project;~~

- ~~b. The estimated cost of the project, the amount of the loan sought, and other proposed sources of funding; and~~
- ~~c. The extent to which completion of the project will provide a benefit to the state or park district.~~
- ~~4. Park district projects not eligible for other state funding must be given priority for loans under this section.~~

SECTION 1. AMENDMENT. Section 54-17.8-02 of the North Dakota Century Code is amended and reenacted as follows:

54-17.8-02. North Dakota outdoor heritage fund - Continuing appropriation.

1. There is created a North Dakota outdoor heritage fund that is governed by the commission. ~~Any~~ Except as provided in subsection 2, money deposited in the fund is appropriated on a continuing basis to the commission for the purposes of this chapter. Interest earned by the fund must be credited to the fund. The commission shall keep accurate records of all financial transactions performed under this chapter.
2. Ten percent of the ~~oil extraction moneys deposited in oil and gas gross production tax collections allocated to the North Dakota outdoor heritage fund under section 57-51-15, not to exceed a cumulative total deposit from the oil extraction moneys of twenty-five million dollars, are~~ must be transferred by the state treasurer to the ~~park district loan fund established under section 40-49-26~~ outdoor heritage revolving loan fund under section 2 of this Act.

SECTION 2. A new section to chapter 54-17.8 of the North Dakota Century Code is created and enacted as follows:

Outdoor heritage revolving loan fund - Continuing appropriation.

1. There is created in the state treasury the outdoor heritage revolving loan fund. The fund consists of all oil and gas gross production tax revenue transferred under section 54-17.8-02, interest upon moneys in the fund, and principal and interest payments to the fund. All moneys in the fund are appropriated to the Bank of North Dakota on a continuing basis to provide loans based on recommendations from the North Dakota outdoor heritage advisory board and for administrative costs pursuant to this section.
2. The advisory board shall make recommendations for loans under this section. To be eligible for a loan under this section, a project must meet the criteria under section

54-17.8-03. Projects not eligible for other state funding must be given priority for loans under this section. Loans may not be issued from the fund until after July 31, 2025.

3. The Bank of North Dakota shall develop policies for the loans in consultation with the advisory board, and the policies may include provisions for loan participation with local financial institutions. To be eligible for a loan under this section, the entity shall agree to provide the Bank with information as requested. The Bank shall review loan applications. For a loan under this section, the term may not exceed twenty years and the interest rate must be the prevailing interest rate charged to North Dakota governmental entities. The Bank shall deposit in the fund all principal and interest paid on the loans made from the fund. The Bank may use a portion of the interest paid on the outstanding loans as a servicing fee to pay for administrative costs, not to exceed one-half of one percent of the amount of the interest payment. The Bank shall contract with a certified public accounting firm to audit the fund if the fund has any outstanding loans. The cost of the audit must be paid from the fund.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective for oil and gas gross production tax revenue allocations after July 31, 2021.

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1293 Subcommittee

2/12/2021

Relating to handguns and carrying firearms or dangerous weapons concealed; and to provide a penalty

10:00 AM

Chairman Heinert opened the committee hearing.

Present: Representatives Heinert, Roers Jones, and M Ruby. Absent: Rep Anderson

Also present: Casey Miller, BCI

Discussion Topics:

- 01004 Amendment
- handgun
- Fees
- Carrying loaded

Rep Roers Jones moved to recommend to the full committee adoption of 01004, Rep Anderson seconded. Voice vote. Motion carried.

Rep Roers Jones moved to recommend a Do Pass as Amended, seconded by Rep Ruby.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Dick Anderson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y
Representative Ron Guggisberg	AB

Motion carried. 4 – 0 – 1

Rep Roers Jones – Amendment 21.0774.01004 - #6525, #6526

10:14 AM hearing closed

Kathleen Davis, Committee Clerk

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

- Page 1, line 1, remove "subdivision I of subsection 2 of section 62.1-02-05,"
- Page 1, line 2, replace the second comma with "and"
- Page 1, line 2, remove ", 62.1-04-03.1, and"
- Page 1, line 3, remove "62.1-04-04"
- Page 1, line 4, remove "; and to provide a penalty"
- Page 1, remove lines 6 through 14
- Page 1, line 17, remove the overstrike over "precluded"
- Page 1, line 17, remove "prohibited by law"
- Page 1, line 17, remove the overstrike over "class"
- Page 1, remove the overstrike over line 18
- Page 1, line 19, remove the overstrike over "possessed for at least"
- Page 1, line 19, after "year" insert "thirty days"
- Page 1, line 19, remove the overstrike over "a valid driver's license or nondriver identification card"
- Page 1, line 20, remove the overstrike over "issued by the department of transportation"
- Page 1, line 20, remove "handgun"
- Page 1, line 23, overstrike "~~Limitations--Exceptions~~"
- Page 1, line 24, remove the overstrike over "4."
- Page 1, line 24, remove the overstrike over "if"
- Page 2, line 1, after "The" insert "the"
- Page 2, line 1, remove the overstrike over "handgun is unloaded"
- Page 2, line 1, replace "concealed or" with "and"
- Page 2, line 1, remove the overstrike over "or secured"
- Page 2, line 4, remove the overstrike over the overstruck period
- Page 2, remove the overstrike over lines 5 through 8
- Page 2, line 9, remove the overstrike over "least"
- Page 2, line 9, after "year" insert "thirty days"
- Page 2, line 9, remove the overstrike over "a valid driver's license or nondriver identification card issued by"

Page 2, remove the overstrike over lines 10 through 31

Page 3, remove the overstrike over lines 1 through 5

Page 3, remove the overstrike over lines 10 through 13

Page 3, line 14, remove the overstrike over "~~dangerous weapon license under this chapter and who has possessed for at least~~"

Page 3, line 15, after "year" insert "thirty days"

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Page 3, remove the overstrike over line 16

Page 3, line 17, remove the overstrike over "3-" and insert immediately thereafter "An individual may carry a firearm concealed under this chapter if the individual qualifies for reciprocity under section 62.1-04-03.1 and the individual has the equivalent of a class 2 firearm and dangerous weapon license from the state in which the individual is a resident.

4."

Page 3, remove lines 23 through 31

Page 4, remove lines 1 through 26

Renumber accordingly

21.0774.01004
Title.

Prepared by the Legislative Council staff for
Representative Roers Jones
February 11, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

- Page 1, line 1, remove "subdivision I of subsection 2 of section 62.1-02-05,"
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- Page 1, line 24, remove the overstrike over "if"
- Page 2, line 1, after "The" insert "the"
- Page 2, line 1, remove the overstrike over "handgun is unloaded"
- Page 2, line 1, replace "concealed or" with "and"
- Page 2, line 1, remove the overstrike over "or secured"
- Page 2, line 4, remove the overstrike over the overstruck period
- Page 2, remove the overstrike over lines 5 through 8
- Page 2, line 9, remove the overstrike over "least"
- Page 2, line 9, after "year" insert "thirty days"
- Page 2, line 9, remove the overstrike over "a valid driver's license or nondriver identification card issued by"

Page 2, remove the overstrike over lines 10 through 31

Page 3, remove the overstrike over lines 1 through 5

Page 3, remove the overstrike over lines 10 through 13

Page 3, line 14, remove the overstrike over "~~dangerous weapon license under this chapter and who has possessed for at least~~"

Page 3, line 15, after "year" insert "thirty days"

Page 3, line 15, remove the overstrike over "~~a valid driver's license or nondriver identification card issued by the department of~~"

Page 3, remove the overstrike over line 16

Page 3, line 17, remove the overstrike over "3-" and insert immediately thereafter "An individual may carry a firearm concealed under this chapter if the individual qualifies for reciprocity under section 62.1-04-03.1 and the individual has the equivalent of a class 2 firearm and dangerous weapon license from the state in which the individual is a resident.

4."

Page 3, remove lines 23 through 31

Page 4, remove lines 1 through 26

Renumber accordingly

21.0774.01004

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1293

Introduced by

Representatives Becker, Kasper, M. Ruby, Simons

1 A BILL for an Act to amend and reenact ~~subdivision 1 of subsection 2 of section 62.1-02-05,~~
2 subsection 7 of section 62.1-02-10, and sections 62.1-03-01, and 62.1-04-02, ~~62.1-04-03.1, and~~
3 ~~62.1-04-04~~ of the North Dakota Century Code, relating to handguns and carrying firearms or
4 dangerous weapons concealed; ~~and to provide a penalty.~~

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

6 ~~SECTION 1. AMENDMENT. Subdivision 1 of subsection 2 of section 62.1-02-05 of the North~~
7 ~~Dakota Century Code is amended and reenacted as follows:~~

8 ~~I. An individual possessing a valid concealed weapons license from this state or~~
9 ~~who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry~~
10 ~~a firearm or dangerous weapon concealed, or who is not otherwise prohibited by~~
11 ~~law from possessing a handgun, if the individual is in a church building or other~~
12 ~~place of worship and has the approval to carry in the church building or other~~
13 ~~place of worship by a primary religious leader of the church or other place of~~
14 ~~worship or the governing body of the church or other place of worship;~~

15 **SECTION 1. AMENDMENT.** Subsection 7 of section 62.1-02-10 of the North Dakota
16 Century Code is amended and reenacted as follows:

17 7. An individual who is not otherwise ~~precluded~~ prohibited by law from possessing a class
18 2 firearm and dangerous weapon license under chapter 62.1-04 and who has
19 possessed for at least one year thirty days a valid driver's license or nondriver
20 identification card issued by the department of transportation handgun.

21 **SECTION 2. AMENDMENT.** Section 62.1-03-01 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **62.1-03-01. Carrying handgun - Limitations - Exceptions.**

24 1. Unless otherwise prohibited by law, an individual may carry a handgun if:

1 a. The ~~the handgun is unloaded, concealed or and~~ in plain view ~~or secured, and~~
2 ~~between the hours of one hour before sunrise and one hour after sunset.~~

3 b. ~~The handgun is unloaded and secured and between the hours of one hour after~~
4 ~~sunset and one hour before sunrise.~~

5 2. A limitation under subdivision a or b of subsection 1 does not apply to:

6 a. An individual possessing a valid concealed weapons license from this state, an
7 individual not otherwise precluded from possessing a class 2 firearm and
8 dangerous weapon license under chapter 62.1-04 and who has possessed for at
9 least ~~one year~~ thirty days a valid driver's license or nondriver identification card
10 issued by the department of transportation, or an individual who has reciprocity
11 under section 62.1-04-03.1.

12 b. An individual on that person's land, or in that individual's permanent or temporary
13 residence, or fixed place of business.

14 c. An individual while lawfully engaged in target shooting.

15 d. An individual while in the field engaging in the lawful pursuit of hunting or
16 trapping. However, nothing in this exception authorizes the carrying of a loaded
17 handgun in a motor vehicle.

18 e. An individual permitted by law to possess a firearm while carrying the handgun
19 unloaded and in a secure wrapper from the place of purchase to that person's
20 home or place of business, or to a place of repair or back from those locations.

21 f. Any North Dakota law enforcement officer.

22 g. Any law enforcement officer of any other state or political subdivision of another
23 state if on official duty within this state.

24 h. Any armed security guard or investigator as authorized by law when on duty or
25 going to or from duty.

26 i. Any member of the armed forces of the United States when on duty or going to or
27 from duty and when carrying the handgun issued to the member.

28 j. Any member of the national guard, organized reserves, state defense forces, or
29 state guard organizations, when on duty or going to or from duty and when
30 carrying the handgun issued to the member by the organization.

31 k. Any officer or employee of the United States duly authorized to carry a handgun.

l. An individual engaged in manufacturing, repairing, or dealing in handguns or the agent or representative of that individual possessing, using, or carrying a handgun in the usual or ordinary course of the business.

m. Any common carrier, but only when carrying the handgun as part of the cargo in the usual cargo carrying portion of the vehicle.

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

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

1. An individual, other than a law enforcement officer, may not carry a firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.
2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least ~~one~~ year thirty days a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.
3. An individual may carry a firearm concealed under this chapter if the individual qualifies for reciprocity under section 62.1-04-03.1 and the individual has the equivalent of a class 2 firearm and dangerous weapon license from the state in which the individual is a resident.
4. For purposes of this chapter, the difference between a class 1 and class 2 firearm and dangerous weapon license is only the extent to which a holder of either license may be eligible to receive reciprocal rights in other jurisdictions. A class 1 firearm and dangerous weapon licenseholder is eligible to receive reciprocal rights in more jurisdictions than a class 2 firearm and dangerous weapon licenseholder. The rights and privileges conveyed by a class 1 or class 2 firearm and dangerous weapon license within the state are identical.

~~**SECTION 5. AMENDMENT.** Section 62.1-04-03.1 of the North Dakota Century Code is amended and reenacted as follows:~~

~~62.1-04-03.1. Reciprocity.~~

~~1. A person who has a valid license issued by another state to carry a concealed firearm or dangerous weapon in that state and whose state grants to residents of this state the right to carry a concealed firearm or dangerous weapon without requiring a separate license to carry a concealed firearm or dangerous weapon issued by that state may carry, subject to the provisions of this state's law, a concealed firearm or dangerous weapon in this state, and the other state's license is valid in this state.~~

~~2. This section may not be construed to require a person who is not otherwise prohibited by law from possessing a handgun to obtain a license to carry a handgun in plain view or secured.~~

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

~~62.1-04-04. Producing license upon request -- Penalty.~~

~~1. Every individual while carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on one's person the license issued by this or another state or a digital image of one's concealed firearm or dangerous weapon license issued by this state on an electronic device and shall give it to any active law enforcement officer for an inspection upon request by the officer. The failure of any individual to give the license or digital image of the license to the officer is prima facie evidence the individual is illegally carrying a firearm or dangerous weapon concealed.~~

~~2. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement officer.~~

~~3. Every individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 must have on one's person a valid driver's license or nondriver identification card issued by the department of transportation or a digital image of one's valid driver's license or nondriver identification card on a mobile device and shall provide the license or card to any law enforcement officer for inspection upon request by the officer.~~

1 ~~4.3. An individual who violates this section is guilty of a noncriminal offense punishable~~
2 ~~by a fee of twenty dollars.~~

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1293

2/18/2021

Relating to handguns and carrying firearms or dangerous weapons concealed; and to provide a penalty

10:00 AM

Chairman Porter opened the hearing on HB 1293.

Present: Representatives Porter, Anderson, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista. Absent: Damschen and Bosch.

10:04 AM Recessed for Rep Nelson's arrival as bill sponsor on HB 1063.

10:42 AM Reopened the hearing.

Discussion Topics:

- Subcommittee recommendation 21.0774.01004
- Class 1 and Class 2 licenses
- Concealed carry with reciprocity
- Duty to notify law enforcement
- 21.0774.01006 amendment
- Constitutional carry
- Hunting and trapping

Rep Roers Jones - Amendments 01004 and 01006 - #6925, #6926, #6525

Scott Winkelman – ND G&F Chief Game Warden – answered committee questions

Samantha Kramer, Legislative Council joined mid meeting to answer questions

Rep Roers Jones moved to adopt amendment 01004, seconded by Rep Heinert. Voice vote. Motion carried.

11:20 am hearing closed.

Kathleen Davis, Committee Clerk

21.0774.01006
Title.

Prepared by the Legislative Council staff for
Representative Roers Jones
February 15, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

Page 1, line 17, after "individual" insert "with a handgun, or with a rifle or shotgun if not in the field hunting or trapping."

Page 1, line 17, remove the overstrike over "precluded"

Page 1, line 17, remove "prohibited by law"

Page 1, line 17, remove the overstrike over "class"

Page 1, remove the overstrike over line 18

Page 1, line 19, remove the overstrike over "~~possessed for at least~~"

Page 1, line 19, after "year" insert "thirty days"

Page 1, line 19, remove the overstrike over "~~a valid driver's license or nondriver identification card~~"

Page 1, line 20, remove the overstrike over "~~issued by the department of transportation~~"

Page 1, line 20, remove "handgun"

Renumber accordingly

21.0774.01006

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1293

Introduced by

Representatives Becker, Kasper, M. Ruby, Simons

1 A BILL for an Act to amend and reenact subdivision I of subsection 2 of section 62.1-02-05,
2 subsection 7 of section 62.1-02-10, and sections 62.1-03-01, 62.1-04-02, 62.1-04-03.1, and
3 62.1-04-04 of the North Dakota Century Code, relating to handguns and carrying firearms or
4 dangerous weapons concealed; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Subdivision I of subsection 2 of section 62.1-02-05 of the North
7 Dakota Century Code is amended and reenacted as follows:

8 I. An individual possessing a valid concealed weapons license from this state or
9 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
10 a firearm or dangerous weapon concealed, or who is not otherwise prohibited by
11 law from possessing a handgun, if the individual is in a church building or other
12 place of worship and has the approval to carry in the church building or other
13 place of worship by a primary religious leader of the church or other place of
14 worship or the governing body of the church or other place of worship;

15 **SECTION 2. AMENDMENT.** Subsection 7 of section 62.1-02-10 of the North Dakota
16 Century Code is amended and reenacted as follows:

17 7. An individual with a handgun, or with a rifle or shotgun if not in the field hunting or
18 trapping, who is not otherwise precluded~~prohibited by law~~ from possessing a class 2
19 firearm and dangerous weapon license under chapter 62.1-04 and who has
20 possessed for at least one year~~thirty days~~ a valid driver's license or nondriver
21 identification card issued by the department of transportation~~handgun~~.

22 **SECTION 3. AMENDMENT.** Section 62.1-03-01 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **62.1-03-01. Carrying handgun --Limitations-- Exceptions.**

2 4. Unless otherwise prohibited by law, an individual may carry a handgun if:

3 a. ~~The handgun is unloaded, concealed or in plain view or secured, and between the~~
4 ~~hours of one hour before sunrise and one hour after sunset.~~

5 b. ~~The handgun is unloaded and secured and between the hours of one hour after~~
6 ~~sunset and one hour before sunrise.~~

7 2. ~~A limitation under subdivision a or b of subsection 1 does not apply to:~~

8 a. ~~An individual possessing a valid concealed weapons license from this state, an~~
9 ~~individual not otherwise precluded from possessing a class 2 firearm and~~
10 ~~dangerous weapon license under chapter 62.1-04 and who has possessed for at~~
11 ~~least one year a valid driver's license or nondriver identification card issued by~~
12 ~~the department of transportation, or an individual who has reciprocity under~~
13 ~~section 62.1-04-03.1.~~

14 b. ~~An individual on that person's land, or in that individual's permanent or temporary~~
15 ~~residence, or fixed place of business.~~

16 c. ~~An individual while lawfully engaged in target shooting.~~

17 d. ~~An individual while in the field engaging in the lawful pursuit of hunting or~~
18 ~~trapping. However, nothing in this exception authorizes the carrying of a loaded~~
19 ~~handgun in a motor vehicle.~~

20 e. ~~An individual permitted by law to possess a firearm while carrying the handgun~~
21 ~~unloaded and in a secure wrapper from the place of purchase to that person's~~
22 ~~home or place of business, or to a place of repair or back from those locations.~~

23 f. ~~Any North Dakota law enforcement officer.~~

24 g. ~~Any law enforcement officer of any other state or political subdivision of another~~
25 ~~state if on official duty within this state.~~

26 h. ~~Any armed security guard or investigator as authorized by law when on duty or~~
27 ~~going to or from duty.~~

28 i. ~~Any member of the armed forces of the United States when on duty or going to or~~
29 ~~from duty and when carrying the handgun issued to the member.~~

- j. ~~Any member of the national guard, organized reserves, state defense forces, or state guard organizations, when on duty or going to or from duty and when carrying the handgun issued to the member by the organization.~~
- k. ~~Any officer or employee of the United States duly authorized to carry a handgun.~~
- l. ~~An individual engaged in manufacturing, repairing, or dealing in handguns or the agent or representative of that individual possessing, using, or carrying a handgun in the usual or ordinary course of the business.~~
- m. ~~Any common carrier, but only when carrying the handgun as part of the cargo in the usual cargo-carrying portion of the vehicle.~~

SECTION 4. AMENDMENT. Section 62.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

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

- 1. ~~An individual, other than a law enforcement officer, may not carry a firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.~~
- 2. ~~An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.~~
- 3. For purposes of this chapter, the difference between a class 1 and class 2 firearm and dangerous weapon license is only the extent to which a holder of either license may be eligible to receive reciprocal rights in other jurisdictions. A class 1 firearm and dangerous weapon licenseholder is eligible to receive reciprocal rights in more jurisdictions than a class 2 firearm and dangerous weapon licenseholder. The rights and privileges conveyed by a class 1 or class 2 firearm and dangerous weapon license within the state are identical.

SECTION 5. AMENDMENT. Section 62.1-04-03.1 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-03.1. Reciprocity.

- 1. A person who has a valid license issued by another state to carry a concealed firearm or dangerous weapon in that state and whose state grants to residents of this state the

1 right to carry a concealed firearm or dangerous weapon without requiring a separate
2 license to carry a concealed firearm or dangerous weapon issued by that state may
3 carry, subject to the provisions of this state's law, a concealed firearm or dangerous
4 weapon in this state, and the other state's license is valid in this state.

5 2. This section may not be construed to require a person who is not otherwise prohibited
6 by law from possessing a handgun to obtain a license to carry a handgun in plain view
7 or secured.

8 **SECTION 6. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **62.1-04-04. Producing license upon request - Penalty.**

11 1. Every individual while carrying a concealed firearm or dangerous weapon, for which a
12 license to carry concealed is required, shall have on one's person the license issued
13 by this or another state or a digital image of one's concealed firearm or dangerous
14 weapon license issued by this state on an electronic device and shall give it to any
15 active law enforcement officer for an inspection upon request by the officer. The failure
16 of any individual to give the license or digital image of the license to the officer is prima
17 facie evidence the individual is illegally carrying a firearm or dangerous weapon
18 concealed.

19 ~~2. Every individual carrying a concealed firearm under the authority granted in-~~
20 ~~subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the~~
21 ~~individual's possession of a concealed weapon upon the initiation of a traffic stop or~~
22 ~~any other in-person contact initiated by a law enforcement officer.~~

23 ~~3. Every individual carrying a concealed firearm under the authority granted in-~~
24 ~~subsection 2 of section 62.1-04-02 must have on one's person a valid driver's license~~
25 ~~or nondriver identification card issued by the department of transportation or a digital~~
26 ~~image of one's valid driver's license or nondriver identification card on a mobile device~~
27 ~~and shall provide the license or card to any law enforcement officer for inspection~~
28 ~~upon request by the officer.~~

29 ~~4.3.~~ An individual who violates this section is guilty of a noncriminal offense punishable by
30 a fee of twenty dollars.

21.0774.01004
Title.

Prepared by the Legislative Council staff for
Representative Roers Jones
February 11, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

- Page 1, line 1, remove "subdivision I of subsection 2 of section 62.1-02-05,"
- Page 1, line 2, replace the second comma with "and"
- Page 1, line 2, remove ", 62.1-04-03.1, and"
- Page 1, line 3, remove "62.1-04-04"
- Page 1, line 4, remove "; and to provide a penalty"
- Page 1, remove lines 6 through 14
- Page 1, line 17, remove the overstrike over "precluded"
- Page 1, line 17, remove "prohibited by law"
- Page 1, line 17, remove the overstrike over "class"
- Page 1, remove the overstrike over line 18
- Page 1, line 19, remove the overstrike over "possessed for at least"
- Page 1, line 19, after "year" insert "thirty days"
- Page 1, line 19, remove the overstrike over "a valid driver's license or nondriver identification card"
- Page 1, line 20, remove the overstrike over "issued by the department of transportation"
- Page 1, line 20, remove "handgun"
- Page 1, line 23, overstrike "~~Limitations--Exceptions~~"
- Page 1, line 24, remove the overstrike over "4."
- Page 1, line 24, remove the overstrike over "if"
- Page 2, line 1, after "The" insert "the"
- Page 2, line 1, remove the overstrike over "handgun is unloaded"
- Page 2, line 1, replace "concealed or" with "and"
- Page 2, line 1, remove the overstrike over "or secured"
- Page 2, line 4, remove the overstrike over the overstruck period
- Page 2, remove the overstrike over lines 5 through 8
- Page 2, line 9, remove the overstrike over "least"
- Page 2, line 9, after "year" insert "thirty days"
- Page 2, line 9, remove the overstrike over "a valid driver's license or nondriver identification card issued by"

Page 2, remove the overstrike over lines 10 through 31

Page 3, remove the overstrike over lines 1 through 5

Page 3, remove the overstrike over lines 10 through 13

Page 3, line 14, remove the overstrike over "~~dangerous weapon license under this chapter and who has possessed for at least~~"

Page 3, line 15, after "year" insert "thirty days"

Page 3, line 15, remove the overstrike over "~~a valid driver's license or nondriver identification card issued by the department of~~"

Page 3, remove the overstrike over line 16

Page 3, line 17, remove the overstrike over "3-" and insert immediately thereafter "An individual may carry a firearm concealed under this chapter if the individual qualifies for reciprocity under section 62.1-04-03.1 and the individual has the equivalent of a class 2 firearm and dangerous weapon license from the state in which the individual is a resident.

4."

Page 3, remove lines 23 through 31

Page 4, remove lines 1 through 26

Renumber accordingly

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1293
2/19/2021

Relating to handguns and carrying firearms or dangerous weapons concealed; and to provide a penalty

9:25 AM

Chairman Porter opened the hearing on HB 1293.

Present: Representatives Porter, Anderson, Bosch, Damschen, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista.

Discussion Topics:

- Concealed weapons license

Rep Roers Jones - #6990, #6991

Rep Roers Jones moved to adopt the amendment 21.0774.01007, seconded by Rep Ista. Voice vote, motion carried.

Rep Roers Jones moved a Do Pass as Amended, seconded by Rep Keiser.

Representatives	Vote
Representative Todd Porter	Y
Representative Chuck Damschen	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Bill Devlin	N
Representative Ron Guggisberg	N
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative George Keiser	Y
Representative Mike Lefor	Y
Representative Andrew Marschall	N
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y
Representative Denton Zubke	Y

Motion carried. 11 – 3 – 0 Rep Roers Jones is carrier.

9:44 am hearing closed.

Kathleen Davis, Committee Clerk

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

Page 1, line 1, remove "subdivision I of subsection 2 of section 62.1-02-05,"

Page 1, line 2, replace "subsection 7 of section" with "sections"

Page 1, line 2, remove "and sections"

Page 1, line 2, after the second comma insert "and"

Page 1, line 2, remove ", 62.1-04-03.1, and"

Page 1, line 3, remove "62.1-04-04"

Page 1, line 4, remove "; and to provide a penalty"

Page 1, replace lines 6 through 20 with:

"SECTION 1. AMENDMENT. Section 62.1-02-10 of the North Dakota Century Code is amended and reenacted as follows:

**62.1-02-10. Carrying loaded firearm in certain vehicles prohibited -
Penalty - Exceptions.**

An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile in this state. An individual violating this section is guilty of an infraction. This prohibition does not apply to:

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer.
3. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 with a handgun, ~~or with a rifle or shotgun if not in the field hunting or trapping.~~
4. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and possesses a valid concealed weapons license from this state or has reciprocity under section 62.1-04-03.1.
5. An individual possessing a handgun in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.
- ~~5-6.~~ A security guard or private investigator properly licensed to carry firearms.
- ~~6-7.~~ An individual possessing a valid special permit issued pursuant to section 20.1-02-05.
- ~~7-8.~~ An individual with a handgun who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter

62.1-04 and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

9. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least thirty days a valid driver's license or nondriver identification card issued by the department of transportation."

Page 1, line 23, remove the overstrike over "~~Limitations--Exceptions~~"

Page 1, line 24, remove the overstrike over "4."

Page 1, line 24, remove the overstrike over "if"

Page 2, line 1, after "The" insert "the"

Page 2, line 1, remove the overstrike over "handgun-is-unloaded"

Page 2, line 1, replace "concealed or" with "and"

Page 2, line 1, remove the overstrike over "or-secured"

Page 2, line 4, remove the overstrike over the overstruck period

Page 2, line 5, remove the overstrike over "2.-----A limitation under"

Page 2, line 5, remove the overstrike over "subsection 1 does not apply to:"

Page 2, remove the overstrike over lines 6 through 8

Page 2, line 9, remove the overstrike over "least"

Page 2, line 9, after "year" insert "thirty days"

Page 2, line 9, remove the overstrike over "a valid driver's license or nondriver identification card issued by"

Page 2, remove the overstrike over lines 10 through 31

Page 3, remove the overstrike over lines 1 through 5

Page 3, remove the overstrike over lines 10 through 13

Page 3, line 14, remove the overstrike over "dangerous weapon license under this chapter and who has possessed for at least"

Page 3, line 15, after "year" insert "thirty days"

Page 3, line 15, remove the overstrike over "a valid driver's license or nondriver identification card issued by the department of"

Page 3, remove the overstrike over line 16

Page 3, line 17, remove the overstrike over "3." and insert immediately thereafter "An individual may carry a firearm concealed under this chapter if the individual qualifies for reciprocity under section 62.1-04-03.1 and the individual has the equivalent of a class 2 firearm and dangerous weapon license from the state in which the individual is a resident."

DA 2/19/21
3 of 3

4."

Page 3, remove lines 23 through 31

Page 4, remove lines 1 through 26

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1293: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1293 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subdivision I of subsection 2 of section 62.1-02-05,"

Page 1, line 2, replace "subsection 7 of section" with "sections"

Page 1, line 2, remove "and sections"

Page 1, line 2, after the second comma insert "and"

Page 1, line 2, remove ", 62.1-04-03.1, and"

Page 1, line 3, remove "62.1-04-04"

Page 1, line 4, remove "; and to provide a penalty"

Page 1, replace lines 6 through 20 with:

"SECTION 1. AMENDMENT. Section 62.1-02-10 of the North Dakota Century Code is amended and reenacted as follows:

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

An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile in this state. An individual violating this section is guilty of an infraction. This prohibition does not apply to:

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer.
3. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 with a handgun, ~~or with a rifle or shotgun if not in the field hunting or trapping.~~
4. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and possesses a valid concealed weapons license from this state or has reciprocity under section 62.1-04-03.1.
5. An individual possessing a handgun in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.
- ~~5-6.~~ A security guard or private investigator properly licensed to carry firearms.
- ~~6-7.~~ An individual possessing a valid special permit issued pursuant to section 20.1-02-05.
- ~~7-8.~~ An individual with a handgun who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

9. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least thirty days a valid driver's license or nondriver identification card issued by the department of transportation."

Page 1, line 23, remove the overstrike over "~~Limitations -- Exceptions~~"

Page 1, line 24, remove the overstrike over "4."

Page 1, line 24, remove the overstrike over "if"

Page 2, line 1, after "The" insert "the"

Page 2, line 1, remove the overstrike over "~~handgun is unloaded~~"

Page 2, line 1, replace "concealed or" with "and"

Page 2, line 1, remove the overstrike over "~~or secured~~"

Page 2, line 4, remove the overstrike over the overstruck period

Page 2, line 5, remove the overstrike over "~~2. — A limitation under~~"

Page 2, line 5, remove the overstrike over "~~subsection 1 does not apply to:~~"

Page 2, remove the overstrike over lines 6 through 8

Page 2, line 9, remove the overstrike over "least"

Page 2, line 9, after "year" insert "thirty days"

Page 2, line 9, remove the overstrike over "~~a valid driver's license or nondriver identification card issued by~~"

Page 2, remove the overstrike over lines 10 through 31

Page 3, remove the overstrike over lines 1 through 5

Page 3, remove the overstrike over lines 10 through 13

Page 3, line 14, remove the overstrike over "~~dangerous weapon license under this chapter and who has possessed for at least~~"

Page 3, line 15, after "year" insert "thirty days"

Page 3, line 15, remove the overstrike over "~~a valid driver's license or nondriver identification card issued by the department of~~"

Page 3, remove the overstrike over line 16

Page 3, line 17, remove the overstrike over "3." and insert immediately thereafter "An individual may carry a firearm concealed under this chapter if the individual qualifies for reciprocity under section 62.1-04-03.1 and the individual has the equivalent of a class 2 firearm and dangerous weapon license from the state in which the individual is a resident.

4."

Page 3, remove lines 23 through 31

Page 4, remove lines 1 through 26

Renumber accordingly

21.0774.01007
Title.

Prepared by the Legislative Council staff for
Representative Roers Jones
February 18, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

Page 1, line 1, remove "subdivision I of subsection 2 of section 62.1-02-05,"

Page 1, line 2, replace "subsection 7 of section" with "sections"

Page 1, line 2, remove "and sections"

Page 1, line 2, replace the second comma with "and"

Page 1, line 2, remove ", 62.1-04-03.1, and"

Page 1, line 3, remove "62.1-04-04"

Page 1, line 4, remove "; and to provide a penalty"

Page 1, replace lines 6 through 20 with:

"SECTION 1. AMENDMENT. Section 62.1-02-10 of the North Dakota Century Code is amended and reenacted as follows:

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

An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile in this state. An individual violating this section is guilty of an infraction. This prohibition does not apply to:

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer.
3. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 with a handgun, ~~or with a rifle or shotgun if not in the field hunting or trapping.~~
4. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and possesses a valid concealed weapons license from this state or has reciprocity under section 62.1-04-03.1.
5. An individual possessing a handgun in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.
- ~~5.6.~~ A security guard or private investigator properly licensed to carry firearms.
- ~~6.7.~~ An individual possessing a valid special permit issued pursuant to section 20.1-02-05.
- ~~7.8.~~ An individual with a handgun who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter

62.1-04 and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

9. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least thirty days a valid driver's license or nondriver identification card issued by the department of transportation."

Page 1, line 23, remove the overstrike over "~~Limitations--Exceptions~~"

Page 1, line 24, remove the overstrike over "4."

Page 1, line 24, remove the overstrike over "if"

Page 2, line 1, after "The" insert "the"

Page 2, line 1, remove the overstrike over "~~handgun is unloaded~~"

Page 2, line 1, replace "concealed or" with "and"

Page 2, line 1, remove the overstrike over "~~or secured~~"

Page 2, line 4, remove the overstrike over the overstruck period

Page 2, line 5, remove the overstrike over "~~2.-----A limitation under~~"

Page 2, line 5, remove the overstrike over "~~subsection 1 does not apply to:~~"

Page 2, remove the overstrike over lines 6 through 8

Page 2, line 9, remove the overstrike over "least"

Page 2, line 9, after "year" insert "thirty days"

Page 2, line 9, remove the overstrike over "~~a valid driver's license or nondriver identification card issued by~~"

Page 2, remove the overstrike over lines 10 through 31

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Page 3, remove the overstrike over lines 10 through 13

Page 3, line 14, remove the overstrike over "~~dangerous weapon license under this chapter and who has possessed for at least~~"

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Page 3, line 15, remove the overstrike over "~~a valid driver's license or nondriver identification card issued by the department of~~"

Page 3, remove the overstrike over line 16

Page 3, line 17, remove the overstrike over "3." and insert immediately thereafter "An individual may carry a firearm concealed under this chapter if the individual qualifies for reciprocity under section 62.1-04-03.1 and the individual has the equivalent of a class 2 firearm and dangerous weapon license from the state in which the individual is a resident."

4."

Page 3, remove lines 23 through 31

Page 4, remove lines 1 through 26

Renumber accordingly

21.0774.01007

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1293

Introduced by

Representatives Becker, Kasper, M. Ruby, Simons

A BILL for an Act to amend and reenact ~~subdivision 1 of subsection 2 of section 62.1-02-05,~~
~~subsection 7 of section~~ sections 62.1-02-10, ~~and sections~~ 62.1-03-01, and 62.1-04-02,
~~62.1-04-03.1, and 62.1-04-04~~ of the North Dakota Century Code, relating to handguns and
 carrying firearms or dangerous weapons concealed; ~~and to provide a penalty.~~

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

~~1. An individual possessing a valid concealed weapons license from this state or
 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
 a firearm or dangerous weapon concealed, or who is not otherwise prohibited by
 law from possessing a handgun, if the individual is in a church building or other
 place of worship and has the approval to carry in the church building or other
 place of worship by a primary religious leader of the church or other place of
 worship or the governing body of the church or other place of worship;~~

~~**SECTION 1. AMENDMENT.** Subsection 7 of section 62.1-02-10 of the North Dakota
 Century Code is amended and reenacted as follows: —~~

~~7. An individual who is not otherwise precluded prohibited by law from possessing a class-
 2 firearm and dangerous weapon license under chapter 62.1-04 and who has
 possessed for at least one year a valid driver's license or nondriver identification card
 issued by the department of transportation handgun.~~

SECTION 1. AMENDMENT. Section 62.1-02-10 of the North Dakota Century Code is
 amended and reenacted as follows:

62.1-02-10. Carrying loaded firearm in certain vehicles prohibited - Penalty -

Exceptions.

An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile in this state. An individual violating this section is guilty of an infraction. This prohibition does not apply to:

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer.
3. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 with a handgun, ~~or with a rifle or shotgun if not in the field hunting or trapping.~~
4. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and possesses a valid concealed weapons license from this state or has reciprocity under section 62.1-04-03.1.
5. An individual possessing a handgun in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.
- ~~5-6.~~ A security guard or private investigator properly licensed to carry firearms.
- ~~6-7.~~ An individual possessing a valid special permit issued pursuant to section 20.1-02-05.
- ~~7-8.~~ An individual with a handgun who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.
9. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least thirty days a valid driver's license or nondriver identification card issued by the department of transportation.

SECTION 2. AMENDMENT. Section 62.1-03-01 of the North Dakota Century Code is amended and reenacted as follows:

62.1-03-01. Carrying handgun - Limitations - Exceptions.

1. Unless otherwise prohibited by law, an individual may carry a handgun if:

- a. The ~~the handgun is unloaded, concealed or and~~ in plain view or secured, and
between the hours of one hour before sunrise and one hour after sunset.
- b. ~~The handgun is unloaded and secured and between the hours of one hour after
sunset and one hour before sunrise.~~

2. A limitation under ~~subdivision a or b of subsection 1~~ does not apply to:

- a. An individual possessing a valid concealed weapons license from this state, an individual not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and who has possessed for at least ~~one year~~ thirty days a valid driver's license or nondriver identification card issued by the department of transportation, or an individual who has reciprocity under section 62.1-04-03.1.
- b. An individual on that person's land, or in that individual's permanent or temporary residence, or fixed place of business.
- c. An individual while lawfully engaged in target shooting.
- d. An individual while in the field engaging in the lawful pursuit of hunting or trapping. However, nothing in this exception authorizes the carrying of a loaded handgun in a motor vehicle.
- e. An individual permitted by law to possess a firearm while carrying the handgun unloaded and in a secure wrapper from the place of purchase to that person's home or place of business, or to a place of repair or back from those locations.
- f. Any North Dakota law enforcement officer.
- g. Any law enforcement officer of any other state or political subdivision of another state if on official duty within this state.
- h. Any armed security guard or investigator as authorized by law when on duty or going to or from duty.
- i. Any member of the armed forces of the United States when on duty or going to or from duty and when carrying the handgun issued to the member.

- j. Any member of the national guard, organized reserves, state defense forces, or state guard organizations, when on duty or going to or from duty and when carrying the handgun issued to the member by the organization.
- k. Any officer or employee of the United States duly authorized to carry a handgun.
- l. An individual engaged in manufacturing, repairing, or dealing in handguns or the agent or representative of that individual possessing, using, or carrying a handgun in the usual or ordinary course of the business.
- m. Any common carrier, but only when carrying the handgun as part of the cargo in the usual cargo carrying portion of the vehicle.

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

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

- 1. An individual, other than a law enforcement officer, may not carry a firearm or dangerous weapon concealed unless the individual is licensed to do so or exempted under this chapter.
- 2. An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under this chapter and who has possessed for at least ~~one~~ year thirty days a valid driver's license or nondriver identification card issued by the department of transportation may carry a firearm concealed under this chapter.
- 3. An individual may carry a firearm concealed under this chapter if the individual qualifies for reciprocity under section 62.1-04-03.1 and the individual has the equivalent of a class 2 firearm and dangerous weapon license from the state in which the individual is a resident.
- 4. For purposes of this chapter, the difference between a class 1 and class 2 firearm and dangerous weapon license is only the extent to which a holder of either license may be eligible to receive reciprocal rights in other jurisdictions. A class 1 firearm and dangerous weapon licenseholder is eligible to receive reciprocal rights in more jurisdictions than a class 2 firearm and dangerous weapon licenseholder. The rights and privileges conveyed by a class 1 or class 2 firearm and dangerous weapon license within the state are identical.

1 ~~— **SECTION 5. AMENDMENT.** Section 62.1-04-03.1 of the North Dakota Century Code is~~
2 ~~amended and reenacted as follows:~~

3 ~~— **62.1-04-03.1. Reciprocity.**~~

4 ~~— 1. A person who has a valid license issued by another state to carry a concealed firearm~~
5 ~~or dangerous weapon in that state and whose state grants to residents of this state the~~
6 ~~right to carry a concealed firearm or dangerous weapon without requiring a separate~~
7 ~~license to carry a concealed firearm or dangerous weapon issued by that state may~~
8 ~~carry, subject to the provisions of this state's law, a concealed firearm or dangerous~~
9 ~~weapon in this state, and the other state's license is valid in this state.~~

10 ~~— 2. This section may not be construed to require a person who is not otherwise prohibited~~
11 ~~by law from possessing a handgun to obtain a license to carry a handgun in plain view~~
12 ~~or secured.~~

13 ~~— **SECTION 6. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is~~
14 ~~amended and reenacted as follows:~~

15 ~~— **62.1-04-04. Producing license upon request -- Penalty.**~~

16 ~~— 1. Every individual while carrying a concealed firearm or dangerous weapon, for which a~~
17 ~~license to carry concealed is required, shall have on one's person the license issued~~
18 ~~by this or another state or a digital image of one's concealed firearm or dangerous~~
19 ~~weapon license issued by this state on an electronic device and shall give it to any~~
20 ~~active law enforcement officer for an inspection upon request by the officer. The failure~~
21 ~~of any individual to give the license or digital image of the license to the officer is prima~~
22 ~~facie evidence the individual is illegally carrying a firearm or dangerous weapon~~
23 ~~concealed.~~

24 ~~— 2. Every individual carrying a concealed firearm under the authority granted in~~
25 ~~subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the~~
26 ~~individual's possession of a concealed weapon upon the initiation of a traffic stop or~~
27 ~~any other in-person contact initiated by a law enforcement officer.~~

28 ~~— 3. Every individual carrying a concealed firearm under the authority granted in~~
29 ~~subsection 2 of section 62.1-04-02 must have on one's person a valid driver's license~~
30 ~~or nondriver identification card issued by the department of transportation or a digital~~
31 ~~image of one's valid driver's license or nondriver identification card on a mobile device~~

1 ~~and shall provide the license or card to any law enforcement officer for inspection-~~
2 ~~upon request by the officer.~~
3 ~~4.3. An individual who violates this section is guilty of a noncriminal offense punishable-~~
4 ~~by a fee of twenty dollars.~~

2021 SENATE JUDICIARY

HB 1293

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1293
4/5/2021

A BILL for an Act to amend and reenact sections 62.1-02-10, 62.1-03-01, and 62.1-04-02 of the North Dakota Century Code, relating to handguns and carrying firearms or dangerous weapons concealed.

Hearing called to order all Senators Present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson. [3:00]**

Discussion Topics:

- 2nd amendment provisions in statute
- Right to self defense

Rep. Rick Becker, R-Bismarck testified in favor [3:00]

Rep. Pat Heinert, R-Bismarck testified in favor [3:07]

Senator Myrdal Moved Amendment
21.0774.02001 [3:11]
Senator Dwyer Seconded the Motion
Vote Passed 7-0-0

Vote to Amend HB 1293	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Senator Luick Moved a DO PASS AS
AMENDED [3:27]
Senator Myrdal Seconded the Motion
Vote Passed 5-2-0
Senator Luick Carried the Bill

Vote to DO PASS AS AMENDED HB 1293	Vote
Senator Diane Larson	N
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	N
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Additional written testimony:

Mitchell Sanderson, Park River, ND, provided testimony in favor #11328

Matthew Mammoser, National Association for Gun Rights provided testimony in favor #11366

Hearing Adjourned [3:30]

Jamal Omar, Committee Clerk

8/2
1801
4/5

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1293

Page 1, line 22, remove "possessing a handgun"

Page 2, line 4, overstrike "one year" and insert immediately thereafter "thirty days"

Page 3, line 6, overstrike "if on official duty within this state" and insert immediately thereafter
"who possesses active law enforcement credentials"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1293, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1293 was placed on the Sixth order on the calendar.

Page 1, line 22, remove "possessing a handgun"

Page 2, line 4, overstrike "one year" and insert immediately thereafter "thirty days"

Page 3, line 6, overstrike "if on official duty within this state" and insert immediately thereafter "who possesses active law enforcement credentials"

Renumber accordingly

Senator,

Please vote yes on this bill!

Under no circumstances should any law abiding citizen be denied their constitutional right to keep and bear arms this includes the right to carry.

We have open carry, Constitutional carry and Concealed weapons permits and with those laws no law abiding citizen shall be denied their right to self defense!!!

Thank you,

--

Mitchell S. Sanderson



NATIONAL ASSOCIATION FOR GUN RIGHTS
STANDING UP FOR FREEDOM
DEFENDING THE SECOND AMENDMENT

Committee Hearing Date: 4/5/2021

Mrs. Chairman and Members of the Committee,

My name is Matt Mammoser and I am the Northwest Regional Director at the National Association for Gun Rights. I am submitting this testimony on behalf of our members in North Dakota regarding our support for House Bill 1293.

As a representative of the leading gun rights organization advocating for Constitutional Carry nationwide, we applaud Rep. Rick Becker and House Bill 1293 for fixing minor issues in North Dakota's Constitutional Carry law.

As originally written, House Bill 1293 would bring North Dakota into full conformity with true Constitutional Carry statutes as seen in over a dozen other states by allowing any law-abiding adult (resident or non-resident) who is able to legally possess a handgun to carry it openly, or concealed while in North Dakota.

House Bill 1293 will also allow for law-abiding adults to carry their loaded handgun openly or concealed while driving in a vehicle, codifying the AG's ruling from 2017.

As you know the House Energy and Natural Resources Committee amended the bill to add the residency requirement back in at 30 days. Although this is a step in the right direction compared to the current 1 year, it is still an infringement on law-abiding visitors and new residents' gun rights.

They also amended HB 1293 to remove the church carry portion. As we saw two years ago in Texas, countless lives could have been lost if not for a good guy with a gun. We urge the Senate Judiciary Committee to also remove permission requirements for carrying in churches and other places of worship.

As seen all across the nation, true Constitutional Carry legislation contains no extra requirements to carry a handgun open or concealed. If you are not prohibited from possessing a handgun, you should not be prohibited from carrying it.

Constitutional Carry should allow law-abiding citizens to carry in equal places with or without a permit. If citizens with a license are not prohibited from carrying there, neither are those without a license. Regarding restrictions on where a person can carry, Constitutional Carry legislation should remove inequalities between someone who has a license and someone who does not.

As evidenced by FBI crime statistics, states with Constitutional Carry have some of the lowest violent crime rates in the entire country. Allowing law-abiding adults to freely exercise their Second Amendment rights keeps innocent people safe, and lets criminals know they do not have free reign to commit unlawful acts of violence.

Rep. Becker's House Bill 1293 would do exactly this as originally written.

We ask that the Senate Judiciary Committee remove all restrictions to carry legally-owned firearms and pass House Bill 1293 to apply the Second Amendment right to bear arms equally to all law-abiding citizens.

Thank you for your consideration.