

2021 HOUSE ENERGY AND NATURAL RESOURCES

HB 1304

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1304

1/22/2021

Relating to carrying a handgun; and to provide a penalty
--

10:10 AM

Chairman Porter opened the hearing on HB 1304.

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

Discussion Topics:

- Restrictions to hand gun carry
- Penalty adjustments
- Constitutional carry and residency
- General penalty for 62.1-03

Rep B Koppelman # 2245 and #2246

Additional written testimony: Susan Beehler #2201, Cheryl Biller #2197

10:17 am closed the hearing

Kathleen Davis, Committee Clerk

21.0777.01001

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1304

Introduced by

Representative B. Koppelman

1 A BILL for an Act to create and enact a new subsection to section 62.1-03-01 of the North
2 Dakota Century Code, relating to carrying a handgun; to amend and reenact subsection 1 of
3 section 62.1-03-01 and section 62.1-03-06 of the North Dakota Century Code, relating to
4 carrying a handgun; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 62.1-03-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 1. Unless otherwise prohibited by law, an individual may carry a handgun if:
- 9 a. ~~The the handgun is unloaded; and in plain view or secured; and between the~~
10 ~~hours of one hour before sunrise and one hour after sunset.~~
- 11 b. ~~The handgun is unloaded and secured and between the hours of one hour after~~
12 ~~sunset and one hour before sunrise.~~

13 **SECTION 2.** A new subsection to section 62.1-03-01 of the North Dakota Century Code is
14 created and enacted as follows:

15 An individual who violates this section is guilty of an infraction.

16 **SECTION 3. AMENDMENT.** Section 62.1-03-06 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **62.1-03-06. General penalty.**

19 Any person who willfully violates any provision of this chapter, for which another penalty is
20 not specifically provided, is guilty of a class A misdemeanor ~~an infraction~~.

1/22/21

HB 1304

Rep. Ben Koppelman- Testimony

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to introduce HB 1304 to you today. I introduced this bill to achieve two goals: remove the hours of carry restrictions from law and adjust the penalties for this portion of the weapons chapter to be more reasonable and consistent with other sections of the chapter.

For any of you who have been through the state concealed carry classes, you may remember this section, where the instructor attempts to explain the hours of carry for a handgun and the applicability of the section. It often yields many questions and is considered confusing and hard to put into practice. The language currently has different rules for carrying a handgun during daytime hours versus nighttime hours.

I believe this language has been in code for quite a long time and certainly predates constitutional carry as well as many other modern carry provisions of the weapons chapter. Let's keep in mind that individuals that are not allowed to possess a handgun are breaking the law if a handgun is in their possession, whether loaded or unloaded, secured or unsecured, concealed or in the open. I realize that there is value in keeping a simple direction of how a handgun is to be carried if not concealed, especially for those that don't qualify for constitutional carry due to residency requirements. It is worth pointing out that these provisions already do not apply to a concealed weapons license holder, anyone who qualifies for constitutional carry, or anyone who has concealed weapons license reciprocity. After talking to some in law enforcement, this appears to be a provision that is very rarely if ever used. It seems to make sense to simplify this section of code.

As far as the penalty, the intent here would be to make the penalty for 62.1-03-01 an infraction which would be consistent with the other rules of carry sections that can be found in 62.1-02. Also, the intent would be to make the general penalty for 62.1-03 to require a "willful" violation in order to be charged with a crime. In discussions about this bill with BCI, it was brought to my attention that we needed an amendment to achieve these goals dealing with the penalty and that is why you will see that marked up amendment attached to my testimony.

Mr. Chairman, I request that you attach the amendment 21.0777.01001, and give the amended bill a Do-Pass recommendation. I would be happy to answer any questions that you may have.

<html><head></head><body style="word-wrap: break-word; -webkit-
nbsp-mode: space; line-break: 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. </body></html>

Testimony on HB 1304
22 January 2021

My name is Cheryl Biller, from Fargo. Thank you for the opportunity to provide input into your deliberations on HB 1304 – I ask that you give this bill a do NOT pass recommendation.

This bill is clearly an attempt to chip away at responsible gun safety protections. Removing any restrictions on when a person may carry a gun seems a naked attempt to push an agenda that would allow guns in all places at all times. Simply carrying around an unloaded gun serves no purpose except to make a show of force that serves only to escalate rather than de-escalate tensions in our communities.

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 public and an increase in gun violence in our schools, grocery stores, churches, public squares, and even in our homes.

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

Cheryl Biller

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1304 Subcommittee

2/4/2021

Relating to carrying a handgun; and to provide a penalty
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3:17 PM

Chairman Heinert opened the committee hearing.

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

Discussion Topics:

- Class A General penalty
- Unloaded and plain view weapons
- Concealed weapons permit
- Residency
- Notification of law enforcement

#5545 Rep Heinert passed out Rep B Koppelman's amendment .01001

3:30 PM Chairman Heinert closed the hearing.

Kathleen Davis, Committee Clerk

21.0777.01001

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16 **SECTION 3. AMENDMENT.** Section 62.1-03-06 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **62.1-03-06. General penalty.**

19 Any person who willfully violates any provision of this chapter, for which another penalty is
20 not specifically provided, is guilty of a class A misdemeanor ~~on infraction~~.

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1304 Subcommittee

2/5/2021

Relating to carrying a handgun; and to provide a penalty
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11:26 AM

Chairman Heinert opened the committee hearing.

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

Discussion Topics:

- 21.0777.01001 Rep B Koppelman amendment
- Reinstate penalty
- Infraction
- Class A misdemeanor
- Knowingly / willfully

Additional written testimony:

Rep B Koppelman amendment ##5545

11:30 AM adjourned

Kathleen Davis, Committee Clerk

21.0777.01001

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18 **62.1-03-06. General penalty.**

19 Any person who willfully violates any provision of this chapter, for which another penalty is
20 not specifically provided, is guilty of a class A misdemeanor ~~on infraction~~.

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1304 Subcommittee

2/11/2021

Relating to carrying a handgun; and to provide a penalty
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10:40 AM

Chairman Heinert opened the committee hearing.

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

Rep Roers Jones moved a Do Not Pass recommendation to the full committee, Rep Anderson seconded.

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

Motion carried. 3 – 2

10:42 AM hearing adjourned.

Kathleen Davis, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1304

2/19/2021

Relating to carrying a handgun; and to provide a penalty
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9:57 AM

Chairman Porter opened the hearing on HB 1304.

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

Discussion Topics:

- Daylight hours
- Penalty
- Altering weapons

Rep Roers Jones moved a Do Not Pass, seconded by Rep Guggisberg.

Representatives	Vote
Representative Todd Porter	Y
Representative Chuck Damschen	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Bill Devlin	Y
Representative Ron Guggisberg	Y
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. 13 – 1 – 0 Rep Roers Jones is carrier.

10:00 am hearing closed.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1304: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB
1304 was placed on the Eleventh order on the calendar.