

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1467
(Representatives Karls, Boehning, Brabandt, Streyle)
(Senators Armstrong, Dever)

AN ACT to create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, relating to emergencies and firearms; and to amend and reenact subdivision h of subsection 6 of section 37-17.1-05 of the North Dakota Century Code, relating to the powers of the governor in an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 37-17.1 of the North Dakota Century Code is created and enacted as follows:

Firearms in emergencies.

1. Notwithstanding any other law, a person acting on behalf or under the authority of the state or a political subdivision may not do any of the following during a declared emergency:
 - a. Prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage, or display of a firearm or ammunition;
 - b. Seize or confiscate, or authorize the seizure or confiscation of, any otherwise lawfully possessed firearm or ammunition unless the person acting on behalf of or under the authority of the state or political subdivision is defending that person or another from an assault, arresting an individual in actual possession of a firearm or ammunition for a violation of law, or seizing or confiscating the firearm or ammunition as evidence of a crime; or
 - c. Require registration of any firearm or ammunition for which registration is not otherwise required by law.
2. Subdivision a of subsection 1 as it relates to transfer of a firearm or ammunition does not apply to the commercial sale of firearms or ammunition if an authorized authority has ordered an evacuation or general closure of businesses in the affected area.
3. Any individual aggrieved by a violation of this section may commence a civil action against any person who subjects the individual, or causes the individual to be subjected, to an action prohibited by this section.
4. In addition to any other remedy, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this section may bring an action for the return of the firearm or ammunition, or the value of the firearm or ammunition, if the firearm or ammunition is no longer available, in the district court of the county in which that individual resides, in which the firearm or ammunition is located, or in which the seizure or confiscation occurred.
5. In any action to enforce this section, the court shall award a prevailing plaintiff costs and reasonable attorney's fees.

SECTION 2. AMENDMENT. Subdivision h of subsection 6 of section 37-17.1-05 of the North Dakota Century Code is amended and reenacted as follows:

- h. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, ~~firearms,~~ explosives, and combustibles, not including ammunition.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1467.

House Vote: Yeas 76 Nays 17 Absent 1

Senate Vote: Yeas 44 Nays 3 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State