

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1310

Introduced by

Representatives Kiefert, Johnston, Karls, D. Ruby, Streyle, Trottier

Senators Campbell, O. Larsen, D. Larson, Luick

1 A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota
2 Century Code, relating to the creation of a pilot program to allow the carrying of a concealed
3 firearm on school property by qualified individuals; to amend and reenact subsection 2 of
4 section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition
5 against possessing a firearm at a public gathering; to provide for a report to the legislative
6 management; and to provide an expiration date.

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

8 **SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Possession of a concealed weapon - First armed responder in schools - Pilot**
11 **program - Reports to legislative management.**

- 12 1. The superintendent of public instruction shall adopt rules to administer this section and
13 develop criteria for the submission, approval, and evaluation of the proposals and
14 plans under this section.
- 15 2. The superintendent of public instruction may accept a proposal from the first ten public
16 or nonpublic schools, upon approval by the school board or governing board,
17 indicating the intention by the school to participate in a first armed responder pilot
18 program during the 2017-19 biennium. Within ninety days of informing the
19 superintendent of public instruction of the intent to participate in the program, the
20 school shall:
 - 21 a. Identify the individual selected by the school to participate in the program and
22 attend training to become the school's first armed responder;
 - 23 b. Submit a plan to the superintendent of public instruction specifying how the
24 school will implement the program; and

- 1 c. Participate with the superintendent of public instruction in a comprehensive
2 emergency operations assessment for the purpose of identifying school crisis
3 and emergency threats and risks.
- 4 3. The plan submitted by the school to the superintendent of public instruction must
5 require the selected individual to complete training equivalent to the South Dakota
6 school sentinel program.
- 7 4. An individual selected to become a first armed responder for a school participating in
8 the pilot program:
- 9 a. Must be a retired law enforcement officer or meet the requirements of subsection
10 3;
- 11 b. Must be a citizen of the United States;
- 12 c. Must be at least twenty-one years old;
- 13 d. Shall successfully complete a criminal background check and must be approved
14 by the local law enforcement agencies with jurisdiction over the school premises
15 at which the individual will be a first armed responder;
- 16 e. Must be a high school graduate or meet equivalency standards;
- 17 f. Shall successfully complete a physical performed by a licensed physician or an
18 advanced practice registered nurse and a mental evaluation by a qualified mental
19 health provider who certifies the individual capable of performing the duties of a
20 first armed responder;
- 21 g. Shall successfully complete a faculty and administrator safety training and
22 emergency response program in addition to the requirements under
23 subsection 3;
- 24 h. Must be approved by the school board or governing board to carry a firearm
25 concealed on school property; and
- 26 i. Shall possess a valid class 1 concealed weapons license from this state.
- 27 5. An individual selected to become a first armed responder at a school participating in
28 the pilot program shall agree to cooperate in training with local law enforcement for
29 school emergencies to provide a coordinated response to building lockdown and
30 active killer events. The individual shall attend annual training and recertification
31 courses consisting of a minimum of ten hours of instruction and a skills evaluation

1 assessment. A firearm carried by an authorized individual on school premises must
2 remain concealed and under the direct control of the certified individual. The school
3 board or governing board of any school participating in the program shall inform local
4 law enforcement, in writing, of the name of the individual authorized by the school to
5 participate in the program.

6 6. An individual selected as a first armed responder may not carry a firearm concealed or
7 a dangerous weapon on school premises unless:

8 a. The individual has been approved by the school board or governing body under
9 subsection 4;

10 b. The individual has completed the first armed responder curriculum requirements
11 under subsections 3 and 4; and

12 c. The individual completes the first armed responder recertification course
13 requirements every twelve months.

14 7. The school board or governing board shall approve a post-traumatic stress disorder
15 treatment program for armed first responders.

16 8. The school board or governing board may withdraw a school from participation in the
17 program at anytime.

18 9. A school participating in the program shall provide program evaluation data to the
19 superintendent of public instruction at the time and in the manner requested by the
20 superintendent of public instruction. The superintendent of public instruction shall
21 provide periodic reports to the legislative management regarding the implementation
22 and progress of the pilot program by the participating schools.

23 **SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota
24 Century Code is amended and reenacted as follows:

25 2. This section does not apply to:

26 a. A law enforcement officer;

27 b. A member of the armed forces of the United States or national guard, organized
28 reserves, state defense forces, or state guard organizations, when on duty;

29 c. A competitor participating in an organized sport shooting event;

30 d. A gun or antique show;

31 e. A participant using a blank cartridge firearm at a sporting or theatrical event;

- 1 f. A firearm or dangerous weapon carried in a temporary residence or motor
2 vehicle;
- 3 g. A student and an instructor at a hunter safety class;
- 4 h. Private security personnel while on duty;
- 5 i. A state or federal park;
- 6 j. An instructor, a test administrator, an official, or a participant in educational,
7 training, cultural, or competitive events involving the authorized use of a
8 dangerous weapon if the event occurs with permission of the person or entity
9 with authority over the function or premises in question;
- 10 k. An individual in a publicly owned or operated rest area or restroom;
- 11 l. An individual possessing a valid concealed weapons license from this state or
12 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
13 a dangerous weapon concealed if the individual is in a church building or other
14 place of worship and has the approval to carry in the church building or other
15 place of worship by a primary religious leader of the church or other place of
16 worship or the governing body of the church or other place of worship. If a church
17 or other place of worship authorizes an individual to carry a concealed weapon,
18 local law enforcement must be informed of the name of the authorized individual;
19 and
- 20 m. A municipal court judge, a district court judge, a staff member of the office of
21 attorney general, and a retired North Dakota law enforcement officer, if the
22 individual maintains the same level of firearms proficiency as is required by the
23 peace officer standards and training board for law enforcement officers. A local
24 law enforcement agency shall issue a certificate of compliance under this section
25 to an individual who is proficient; and
- 26 n. An individual authorized to carry a concealed weapon on school property under
27 section 1 of this Act.

28 **SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2019, and after that
29 date is ineffective.