

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2172

Introduced by

Senators Erbele, Luick, Myrdal

Representatives K. Koppelman, Paur, Satrom

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 62.1-02-04 of
2 the North Dakota Century Code, relating to possession of a firearm or dangerous weapon in a
3 liquor establishment; to amend and reenact ~~subdivision m of subsection 2 of~~ section 62.1-02-05
4 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at
5 a public gathering; to provide for a legislative management study; and to provide a penalty.

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

7 **SECTION 1.** A new subdivision to subsection 2 of section 62.1-02-04 of the North Dakota
8 Century Code is created and enacted as follows:

9 A current or former state, federal, or municipal court judge, district court
10 magistrate judge, judicial referee, or a current staff member of the office of
11 attorney general if the individual maintains the same level of firearms proficiency
12 as is required by the peace officer standards and training board for law
13 enforcement officers. A local law enforcement agency may issue a certificate of
14 compliance under this section to an individual who is proficient. A paper or
15 electronic copy of the peace officer standards and training board sidarm
16 qualification form endorsed by the administering officer is proof of compliance
17 under this subdivision.

18 ~~**SECTION 3. AMENDMENT.** Subdivision m of subsection 2 of section 62.1-02-05 of the~~
19 ~~North Dakota Century Code is amended and reenacted as follows:~~

20 ~~m. A current or former state, federal, or municipal court judge, a district court~~
21 ~~magistrate judge or, judicial referee, and/or a current staff member of the office of~~
22 ~~attorney general if the individual maintains the same level of firearms proficiency~~
23 ~~as is required by the peace officer standards and training board for law~~
24 ~~enforcement officers. A local law enforcement agency shall may issue a certificate~~

~~of compliance under this section to an individual who is proficient. A paper or
electronic copy of the peace officer standards and training board sidearm
qualification form endorsed by the administering officer is proof of compliance
under this subdivision; and~~

SECTION 2. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

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

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.
2. This section does not apply to:
 - a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
 - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
 - c. A competitor participating in an organized sport shooting event;
 - d. A gun or antique show;
 - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
 - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
 - g. A student and an instructor at a hunter safety class;
 - h. Private and public security personnel while on duty;
 - i. A state or federal park;

- 1 j. An instructor, a test administrator, an official, or a participant in educational,
2 training, cultural, or competitive events involving the authorized use of a
3 dangerous weapon if the event occurs with permission of the person or entity
4 with authority over the function or premises in question;
- 5 k. An individual in a publicly owned or operated rest area or restroom;
- 6 l. An individual possessing a valid concealed weapons license from this state or
7 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
8 a dangerous weapon concealed if the individual is in a church building or other
9 place of worship and has the approval to carry in the church building or other
10 place of worship by a primary religious leader of the church or other place of
11 worship or the governing body of the church or other place of worship;
- 12 m. A state, federal, or municipal court judge, a district court magistrate judge, or
13 judicial referee; a retired state, federal, or municipal court judge, district court
14 magistrate judge, or judicial referee who has at least ten years of service as a
15 judge or referee; and a staff member of the office of attorney general if the
16 individual maintains the same level of firearms proficiency as is required by the
17 peace officer standards and training board for law enforcement officers. A local
18 law enforcement agency shall issue a certificate of compliance under this section
19 to an individual who is proficient. Upon issuance of a certificate of compliance,
20 the bureau of criminal investigation shall issue that individual an unrestricted
21 concealed weapons license; ~~and~~
- 22 n. A North Dakota member of the Congress of the United States who maintains the
23 same level of firearms proficiency as is required by the peace officer standards
24 and training board for law enforcement officers. A local law enforcement agency
25 shall issue a certificate of compliance under this subdivision to an individual who
26 is proficient and the individual shall file the certificate with the bureau of criminal
27 investigation;
- 28 o. An individual who is a paramedic or other emergency responder while the
29 individual is on duty and if the individual maintains the same level of firearms
30 proficiency as is required by the peace officer standards and training board for
31 law enforcement officers. A local law enforcement agency shall issue a certificate

1 of compliance under this section to an individual who is proficient. Upon issuance
2 of a certificate of compliance, the bureau of criminal investigation shall issue that
3 individual an unrestricted concealed weapons license; and

4 p. An individual's storage of a firearm or dangerous weapon in a building that is
5 owned or managed by the state or a political subdivision, provided:

- 6 (1) The individual resides in the building;
7 (2) The storage is inside the individual's assigned residential unit; and
8 (3) The storage has been consented to by the state, the governing board, or a
9 designee.

10 3. This section does not prevent any political subdivision or nonpublic school from
11 enacting an ordinance or school policy that is less restrictive than this section relating
12 to the possession of firearms or dangerous weapons at a public gathering. An enacted
13 ordinance or school policy supersedes this section within the jurisdiction of the political
14 subdivision or property owned by the school.

15 4. Notwithstanding any other provision of law, a church or place of worship may not be
16 held liable for any injury or death or damage to property caused by an individual
17 permitted to carry a dangerous weapon concealed under this section.

18 **SECTION 3. LEGISLATIVE MANAGEMENT STUDY - CONCEALED WEAPONS**

19 **LICENSES.** During the 2019-20 interim, the legislative management shall consider studying the
20 provisions of the North Dakota Century Code relating to concealed weapons licenses and the
21 implications of creating a third tier of concealed weapons license for the purpose of carrying a
22 concealed firearm or dangerous weapon at a public gathering as defined in section 62.1-02-05.
23 The legislative management shall report its findings and recommendations, together with any
24 legislation required to implement the recommendations, to the sixty-seventh legislative
25 assembly.