

SENATE BILL NO. 2355

Introduced by

Senators Larson, Patten

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,
2 relating to possession of a firearm or dangerous weapon; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**
7 **Penalty - Application.**

8 1. An individual may not possess a firearm or dangerous weapon at:

- 9 a. A school or school-sponsored event on school property;
10 b. A church or other place of worship; or
11 c. A publicly owned or operated building.

12 2. This section does not apply to:

- 13 a. A law enforcement officer, or a correctional officer employed by the department of
14 corrections and rehabilitation or by a correctional facility governed by chapter
15 12-44.1. A correctional officer employed by the department of corrections and
16 rehabilitation may carry a firearm only as authorized in section 12-47-34. A
17 correctional officer employed by a correctional facility governed by chapter
18 12-44.1 may carry a firearm or dangerous weapon only as authorized in section
19 12-44.1-30;
- 20 b. An individual who is on an ambulance or firefighter crew while the individual is on
21 duty if:
- 22 (1) The individual has written permission from the governing body or owner of
23 the fire department or ambulance service;
- 24 (2) The individual possesses a valid class 1 concealed weapons license;

- 1 (3) The individual has successfully completed a weapons training course
2 developed by the North Dakota private investigative and security board; and
- 3 (4) The governing body or owner of the fire department or ambulance crew
4 provides written notice to the bureau of criminal investigation of the
5 individuals authorized or no longer authorized to carry a firearm or
6 dangerous weapon under this section, including that all training and
7 certification requirements have been satisfied;
- 8 c. A member of the armed forces of the United States or national guard, organized
9 reserves, state defense forces, or state guard organizations, when on duty;
- 10 d. A competitor participating in an organized sport shooting event;
- 11 e. A gun or antique show;
- 12 f. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 13 g. A firearm or dangerous weapon carried in a temporary residence or motor
14 vehicle;
- 15 h. A student and an instructor at a hunter safety class;
- 16 i. Private and public security personnel while on duty;
- 17 j. A state or federal park;
- 18 k. An instructor, a test administrator, an official, or a participant in educational,
19 training, cultural, or competitive events involving the authorized use of a
20 dangerous weapon if the event occurs with permission of the person or entity
21 with authority over the function or premises in question;
- 22 l. An individual in a publicly owned or operated rest area or restroom;
- 23 m. An individual who is authorized under section 62.1-04-02 to carry a firearm or
24 dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1
25 authorizing the individual to carry a firearm or dangerous weapon concealed if
26 the individual is in a church building or other place of worship and the primary
27 religious leader or the governing body of the church or other place of worship
28 approves the individual or group of individuals to carry a firearm or dangerous
29 weapon through a policy or any other means;
- 30 n. A state, federal, or municipal court judge, a district court magistrate judge or
31 judicial referee, and a staff member of the office of attorney general if the

- 1 individual maintains the same level of firearms proficiency as is required by the
2 peace officer standards and training board for law enforcement officers. A local
3 law enforcement agency shall issue a certificate of compliance under this section
4 to an individual who is proficient;
- 5 o. An individual's storage of a firearm or dangerous weapon in a building that is
6 owned or managed by the state or a political subdivision, provided:
- 7 (1) The individual resides in the building;
8 (2) The storage is inside the individual's assigned residential unit; and
9 (3) The storage has been consented to by the state, the governing board, or a
10 designee; and
- 11 p. An individual authorized to carry a concealed weapon on school property under
12 section 62.1-02-14.
- 13 3. This section does not prevent any political subdivision from enacting an ordinance that
14 is less restrictive than this section relating to the possession of firearms or dangerous
15 weapons at a public gathering. An enacted ordinance supersedes this section within
16 the jurisdiction of the political subdivision.
- 17 4. Notwithstanding any other provision of law, a church or place of worship may not be
18 held liable for any injury or death or damage to property caused by an individual
19 permitted to carry a dangerous weapon concealed under this section.
- 20 5. This section does not prevent the governing body of a school or the entity exercising
21 control over a publicly owned or operated building or property from authorizing the use
22 of a less than lethal weapon as part of the security plan for the school, building, or
23 property.
- 24 6. An individual who knowingly violates ~~this section is guilty of an infraction.~~subdivision a
25 of subsection 1 is guilty of:
- 26 a. A class A misdemeanor if the individual is in possession of a firearm.
27 b. A class B misdemeanor if the individual is in possession of a dangerous weapon.
28 c. An infraction if the individual possesses a valid class 1 or class 2 firearm and
29 dangerous weapon license issued by the attorney general under section
30 62.1-04-03 or has reciprocity under section 62.1-04-03.1.

- 1 7. An individual who knowingly violates subdivisions b or c of subsection 1 is guilty of an
2 infraction.