

HOUSE BILL NO. 1483

Introduced by

Representatives Koppelman, Kasper, Louser, Marschall, M. Ruby, Schatz, Toman, Vetter
Senators Larsen, Myrdal, K. Roers, Vedaa

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 at a public gathering or in a federal building or courthouse; to
3 repeal section 62.1-02-04 of the North Dakota Century Code, relating to the possession of a
4 firearm in a liquor establishment; and to provide a penalty.

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

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

8 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering or in**
9 **a federal building or courthouse - Penalty - Application.**

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

11 a. A school or school-sponsored event on school property;

12 b. A church or other place of worship; or

13 c. ~~A publicly owned or operated building~~A federally owned or operated building that
14 prohibits the possession of a firearm; or

15 d. A publicly owned or leased building or space that is occupied by a court.

16 2. This section does not apply to:

17 a. A law enforcement officer, or a correctional officer employed by the department of
18 corrections and rehabilitation or by a correctional facility governed by chapter
19 12-44.1. A correctional officer employed by the department of corrections and
20 rehabilitation may carry a firearm only as authorized in section 12-47-34. A
21 correctional officer employed by a correctional facility governed by chapter
22 12-44.1 may carry a firearm or dangerous weapon only as authorized in section
23 12-44.1-30;

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

1 religious leader or the governing body of the church or other place of worship
2 approves the individual or group of individuals to carry a firearm or dangerous
3 weapon through a policy or any other means;

4 n. A state, federal, or municipal court judge, a district court magistrate judge or
5 judicial referee, and a staff member of the office of attorney general if the
6 individual maintains the same level of firearms proficiency as is required by the
7 peace officer standards and training board for law enforcement officers. A local
8 law enforcement agency shall issue a certificate of compliance under this section
9 to an individual who is proficient; and

10 o. ~~An individual's storage of a firearm or dangerous weapon in a building that is-~~
11 ~~owned or managed by the state or a political subdivision, provided:~~

12 ~~(1) The individual resides in the building;~~

13 ~~(2) The storage is inside the individual's assigned residential unit; and~~

14 ~~(3) The storage has been consented to by the state, the governing board, or a~~
15 ~~designee; and~~

16 ~~p.~~ An individual authorized to carry a concealed weapon on school property under
17 section 62.1-02-14.

18 3. This section does not prevent any political subdivision from enacting an ordinance that
19 is less restrictive than this section relating to the possession of firearms or dangerous
20 weapons at a public gathering. An enacted ordinance supersedes this section within
21 the jurisdiction of the political subdivision.

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

25 5. This section does not prevent the governing body of a school ~~or the entity exercising-~~
26 ~~control over a publicly owned or operated building or property~~ from authorizing the use
27 of a less than lethal weapon as part of the security plan for the school, building, or
28 property.

29 6. An individual who knowingly violates this section is guilty of an infraction.

30 **SECTION 2. REPEAL.** Section 62.1-02-04 of the North Dakota Century Code is repealed.