

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1348

Introduced by

Representatives DeKrey, Damschen, Uglem, Weisz

Senators Lyson, Wanzek

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,  
2 relating to the possession of a firearm at a public gathering.

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 at a public gathering - Penalty - Application.**

- 7 1. A person who possesses a firearm at a public gathering is guilty of a class B  
8 misdemeanor. For the purpose of this section, "public gathering" includes athletic  
9 or sporting events, schools or school functions, churches or church functions,  
10 political rallies or functions, musical concerts, and individuals in publicly owned  
11 parks where hunting is not allowed by proclamation and publicly owned or  
12 operated buildings.
- 13 2. This section does not apply to law enforcement officers; members of the armed  
14 forces of the United States or national guard, organized reserves, state defense  
15 forces, or state guard organizations, when on duty; competitors participating in  
16 organized sport shooting events; gun and antique shows; participants using blank  
17 cartridge firearms at sporting or theatrical events; any firearms carried in a  
18 temporary residence or motor vehicle; students and instructors at hunter safety  
19 classes; or private security personnel while on duty. In addition, a municipal court  
20 judge licensed to practice law in this state, a district court judge, and a retired  
21 North Dakota law enforcement officer are exempt from the prohibition and penalty  
22 in subsection 1 if the individual is otherwise licensed to carry a firearm under  
23 section 62.1-04-03 and maintains the same level of firearms proficiency as is  
24 required by the peace officers standards and training board for law enforcement

- 1                   officers. A local law enforcement agency shall issue a certificate of compliance  
2                   under this section to an individual who is proficient.
- 3           3. This section does not apply to an individual licensed to carry a firearm under  
4           section 62.1-04-03 when that individual is on the real property comprising a state  
5           or private institution of higher education and that individual is on real property that  
6           is a dwelling unit or that unit's related parking and shared space. In addition, this  
7           section does not apply to an individual with a valid general game license issued by  
8           this state or who has successfully completed hunter education in this state or any  
9           other state or province, when that individual is on the real property, comprising a  
10           state or private institution of higher education and that individual is on the real  
11           property that is a dwelling unit or that unit's related parking and shared space. As  
12           used in this subsection, dwelling unit does not include a dormitory.
- 13           4. This section does not prevent any political subdivision from enacting an ordinance  
14           which is less restrictive than this section relating to the possession of firearms at a  
15           public gathering. Such an ordinance supersedes this section within the jurisdiction  
16           of the political subdivision.