

**SECOND ENGROSSMENT
with House Amendments**

Sixty-first
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2415

Introduced by

Senators Triplett, J. Lee, Miller

Representatives Gruchalla, Porter

1 A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code,
2 relating to a reciprocal licensure and classification system to carry a firearm or dangerous
3 weapon concealed; to provide an effective date; and to provide application.

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

5 **SECTION 1. AMENDMENT.** Section 62.1-04-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **62.1-04-03. License to carry a firearm or dangerous weapon concealed.**

8 1. The ~~chief~~ director of the bureau of criminal investigation shall issue a license to
9 carry a firearm or dangerous weapon concealed upon review of an application
10 submitted to the ~~chief~~ director by a resident or nonresident citizen of the United
11 States if the following criteria are met:

12 a. The applicant is at least twenty-one years of age for a class 1 license or at
13 least eighteen years of age for a class 2 license.

14 b. The applicant has a valid reason for carrying the firearm or dangerous
15 weapon concealed, including self-protection, protection of others, or
16 work-related needs.

17 ~~b.~~ c. The applicant is not a person specified in section 62.1-02-01.

18 e. d. The applicant has the written approval for the issuance of a license from the
19 sheriff of the applicant's county of residence, and, if the city has one, the chief
20 of police or a designee of the city in which the applicant resides. The
21 approval by the sheriff may not be given until the applicant has successfully
22 completed a background investigation in that county and has ~~attended a~~
23 successfully completed the testing procedure conducted pursuant to rules
24 adopted by the attorney general by a certified firearm or dangerous weapon

1 ~~instructor. The testing procedure for approval of a concealed weapons~~
2 ~~license must be an open book test to be given from a manual that sets forth~~
3 ~~weapon safety rules and the deadly force law of North Dakota, including~~
4 ~~judicial decisions and attorney general opinions. A weapons instructor~~
5 ~~certified by the attorney general shall conduct the testing procedure. The~~
6 ~~attorney general shall develop rules that ensure that this testing will be~~
7 ~~conducted. The person conducting the testing may assess a charge of up to~~
8 ~~twenty five dollars for conducting this testing. The testing procedure is not~~
9 ~~required for a renewal of a concealed weapons license~~ may certify a firearm
10 or dangerous weapon instructor based upon criteria and guidelines
11 prescribed by the director of the bureau of criminal investigation.

12 e. e. The applicant satisfactorily completes the bureau of criminal investigation
13 application form and has successfully passed a background investigation or
14 criminal records check conducted by that agency. To pass a background
15 investigation, an applicant shall provide all documentation relating to any
16 court-ordered treatment or commitment for mental health or alcohol or
17 substance abuse or incidents of domestic violence. The applicant shall
18 provide the director of the bureau of criminal investigation written
19 authorizations for disclosure of the applicant's mental health and alcohol or
20 substance abuse evaluation and treatment records.

21 e. f. The applicant is not prohibited under federal law from owning, possessing, or
22 having a firearm under that person's control.

23 2. The attorney general shall offer class 1 and class 2 licenses to carry a firearm or
24 dangerous weapon concealed pursuant to the following requirements:

25 a. An applicant for a class 1 license shall successfully participate in a classroom
26 instruction that sets forth weapon safety rules and the deadly force law of
27 North Dakota, complete an open book test based upon a manual,
28 demonstrate familiarity with a firearm or dangerous weapon, and complete an
29 actual shooting or certified proficiency exercise. Evidence of familiarity with a
30 firearm or dangerous weapon to be concealed may be satisfied by one of the
31 following:

- 1 (1) Certification of familiarity with a firearm or dangerous weapon by an
2 individual who has been certified by the attorney general, which may
3 include a law enforcement officer, military or civilian firearms instructor,
4 hunter safety instructor, or dangerous weapons instructor;
- 5 (2) Evidence of equivalent experience with a firearm or dangerous weapon
6 through participation in an organized shooting competition, law
7 enforcement, military service, or dangerous weapon course of training;
- 8 (3) Possession of a license from another state to carry a firearm or
9 dangerous weapon, concealed or otherwise, which is granted by that
10 state upon completion of a course described in paragraphs 1 and 2; or
- 11 (4) Evidence that the applicant, during military service, was found to be
12 qualified to operate a firearm or dangerous weapon.
- 13 b. An applicant for a class 2 license is required to successfully complete the
14 open book test offered for the class 1 license.
- 15 c. Licenses issued before August 1, 2009, regardless of the age of the license
16 holder, convert to a class 2 license upon renewal and no additional testing is
17 required. No additional testing is required to renew a class 2 concealed
18 weapons license. A class 1 license may be renewed upon successful
19 completion of the class 1 requirements within one year before submission of
20 the application for renewal. A license issued under this section before August
21 1, 2009, and a class 2 license may be upgraded to a class 1 license upon
22 successful completion of the class 1 requirements and satisfaction of the age
23 requirement.
- 24 3. The sheriff is required to process the application within thirty days after the
25 completion of the testing portion unless the application is for renewal of a license
26 and in such case the application must be processed within thirty days after its
27 receipt by the sheriff, the chief of police is required to process the application
28 within ten working days of receipt by the agency, and the bureau of criminal
29 investigation is required to process the application and make a determination
30 within thirty days of receipt from the forwarding agency.

1 ~~3.~~ 4. The license fee for a concealed weapons license is ~~twenty-five dollars. Ten~~
2 forty-five dollars of this fee must be credited to the state general fund and fifteen
3 dollars of this fee, which must be credited to the attorney general's operating fund
4 up to a total of seventy five thousand dollars each biennium. Any collections from
5 ~~fifteen dollars of this fee in excess of the seventy five thousand dollars credited to~~
6 ~~the attorney general's operating fund each biennium must be credited to the state~~
7 ~~general fund.~~ The license fee must be paid before the license is issued by the
8 director of the bureau of criminal investigation.

9 ~~4.~~ 5. The ~~chief~~ director of the bureau of criminal investigation shall prescribe the form of
10 the application and license, which must include the name, address, description, a
11 photograph, and the signature of the individual. The application form must require
12 sufficient information to properly conduct a background investigation and be
13 accompanied by two sets of classifiable fingerprints. The two sets of classifiable
14 fingerprints are not required for a renewal of a concealed weapons license. The
15 license is valid for ~~three~~ five years. The license must be prepared in triplicate, and
16 the original must be delivered to the licensee, the duplicate must be sent by mail,
17 within seven days after issuance, to the sheriff of the county in which the applicant
18 resides, and the triplicate must be preserved for six years by the ~~chief~~ director. In
19 those cases in which the licensee resides in a city, an additional copy of the
20 license must be made and sent by mail, within seven days after issuance, to the
21 chief of police of the city in which the applicant resides. The individual shall notify
22 the ~~chief~~ director of the bureau of criminal investigation of any change of address
23 or any other material fact which would affect the restrictions on or the need for the
24 license.

25 ~~5.~~ 6. The ~~chief~~ director of the bureau of criminal investigation may deny an application
26 or revoke or cancel a license after it has been granted for any material
27 misstatement by an applicant in an application for the license or any violation of
28 this title.

29 ~~6.~~ 7. The applicant may appeal a denial or revocation of this license to the district court
30 ~~of the applicant's county of residence~~ of Burleigh County.

- 1 ~~7.~~ 8. Information collected from an applicant under this section is confidential
2 information. However, the information may be disclosed:
- 3 a. To a governmental agency or court for a law enforcement purpose, including
4 the investigation, prosecution, or punishment of a violation of law.
- 5 b. To a court to aid in a decision concerning sentence, probation, or release
6 pending trial or appeal.
- 7 c. Pursuant to a court order or a judicial, legislative, or administrative agency
8 subpoena issued in this state.

9 ~~8.~~ 9. The attorney general may adopt any rules necessary to carry out this title.

10 **SECTION 2. EFFECTIVE DATE.** Subsection 5 of section 1 of this Act becomes
11 effective on July 1, 2011.

12 **SECTION 3. APPLICATION.** A license issued before the effective date of this Act is
13 valid until the license must be renewed or upon issuance of a license to a licensee under this
14 Act.