

**HOUSE BILL NO. 1183**

Introduced by

Representatives Streyle, Becker, Brabandt, Grande, Headland, Maragos, Porter, Ruby,  
Toman

Senators Larsen, Miller, Sitte

1 A BILL for an Act to create and enact three new sections to chapter 62.1-01 of the North Dakota  
2 Century Code, relating to forbidding state governmental entities from providing aid and  
3 assistance to the federal government or any other governmental entity for the investigation,  
4 enforcement, and prosecution of federal firearms laws not in force as of January 1, 2013; to  
5 provide a penalty; to provide for retroactive application; and to declare an emergency.

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

7 **SECTION 1.** A new section to chapter 62.1-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **Definitions.**

10 As used in this Act, unless the context otherwise requires:

- 11 1. "Deputation or other official status" means the acceptance or other conveyance of  
12 permanent or temporary authority from any governmental entity, including federal or  
13 state governmental entities, including a political subdivision, for the purposes of  
14 conducting activities to enforce federal firearms laws not in force as of January 1, 2013.  
15 2. "Federal firearms laws not in force as of January 1, 2013" means those laws passed  
16 by the Congress of the United States and signed into law by the President of the  
17 United States after December 31, 2012, a rule, a regulation, or an executive order that  
18 specifically deprives a citizen of the United States of manufacturing, importing, buying,  
19 selling, transferring, transporting, possessing, bearing, and keeping on the citizen's  
20 body or in a location where the citizen has a legal right to be unless otherwise  
21 forbidden by this state's law, and any other law, including a rule, a regulation, or an  
22 executive order, forbidding the private ownership of any firearm not forbidden as of  
23 December 31, 2012. The term includes a law, rule, regulation, or an executive order

1           that is retroactively dated after December 31, 2012, to be in effect before January 1,  
2           2013.

3           3. "Firearm" includes any accessories for a firearm, including:

4           a. Any type of ammunition and equipment and supplies used to reload ammunition;

5           b. Any device used to hold ammunition for feeding of the ammunition into a firearm,  
6           regardless of capacity; and

7           c. Other accessories permanently or temporarily attached or affixed to a firearm, or  
8           modifications made to such firearm; unless such attachment, affixment, or  
9           modification is in violation of a law in effect on December 31, 2012.

10          4. "Information" means knowledge gained in the course of activities performed by a  
11          governmental entity of this state, including a political subdivision, or knowledge  
12          provided to these governmental entities by any other party, which may indicate a  
13          citizen is or could be in violation of federal firearms laws not in force as of January 1,  
14          2013, and be used in the prosecution of an individual.

15          5. "Resource support" means individuals, funding regardless of source, equipment,  
16          supplies, real property, intellectual property, assistance, or other assets of or  
17          associated with any governmental entity, including federal or state governmental  
18          entities, including a political subdivision, for the purposes of conducting activities to  
19          enforce federal firearms not in force as of January 1, 2013.

20          6. "Resources" includes individuals, funding regardless of source, equipment, supplies,  
21          real property, intellectual property, assistance, or other assets of or associated with a  
22          governmental entity of this state, including a political subdivision.

23          **SECTION 2.** A new section to chapter 62.1-01 of the North Dakota Century Code is created  
24 and enacted as follows:

25          **State enforcement of certain federal firearm laws prohibited.**

26          1. A state or local governmental entity, including law enforcement and those individuals  
27          responsible for or who otherwise support prosecution of laws within this state, may not  
28          do any of the following:

29          a. Investigate, enforce, or prosecute a violation or suspected violation of federal  
30          firearms laws not in force as of January 1, 2013;

- 1           b. Assist with the investigation, enforcement, or prosecution of a violation or  
2           suspected violation of federal firearms laws not in force as of January 1, 2013;
- 3           c. Provide any resources, information, or assistance for a violation or suspected  
4           violation of federal firearms laws not in force as of January 1, 2013;
- 5           d. Accept resource support for, and use existing resource support already received  
6           for a violation or suspected violation of federal firearms laws not in force as of  
7           January 1, 2013; or
- 8           e. Take any other action which can or may directly or indirectly aid or assist any  
9           governmental entity in investigating, enforcing, or prosecuting any citizen of the  
10           United States for a violation or suspected violation of federal firearms laws not in  
11           force as of January 1, 2013.
- 12        2. A state or local governmental entity, including law enforcement and those individuals  
13        responsible for or who otherwise support prosecution of laws within this state, may not  
14        jail, confine, or imprison any citizen by its own actions or in support of another  
15        governmental entity for violation or suspected violation or conviction of federal firearms  
16        laws not in force as of January 1, 2013.
- 17        3. A state or local governmental entity, including law enforcement and those individuals  
18        responsible for or who otherwise support prosecution of laws within this state, may not  
19        confiscate a firearm from a citizen deemed in violation or suspected violation of federal  
20        firearms laws not in force as of January 1, 2013, unless the firearm is used in the  
21        commission of a crime other than the violation or suspected violation of federal  
22        firearms laws in force after December 31, 2012, and the firearm is required as  
23        evidence of that crime.
- 24        4. A state or local governmental entity, including law enforcement and those individuals  
25        responsible for or who otherwise support prosecution of laws within this state, may not  
26        accept permanent or temporary deputation or other official status from any other  
27        governmental entity for the purposes of conducting activities prohibited by this Act.  
28        State resources and the resources of a political subdivision may not be turned over to  
29        the temporary or permanent control, ownership, leasing, or other use by any  
30        governmental entity for the purposes of conducting activities otherwise forbidden of a  
31        governmental entity of the state, including a political subdivision.

1        5. A state or local governmental entity may not adopt rules, regulations, resolutions,  
2        ordinances, or provisions of a home rule charter identical or similar to federal firearms  
3        laws not in force as of January 1, 2013, for the purposes of enforcing laws identical or  
4        similar to these federal firearms laws under its own authority.

5        6. A state or local governmental entity of the state, including law enforcement and those  
6        individuals responsible for or who otherwise support prosecution of laws within the  
7        state and a political subdivision, may continue to support and act in cooperation with  
8        other governmental entities for other enforcement and prosecution actions not related  
9        to federal firearms laws not in force as of January 1, 2013.

10        **SECTION 3.** A new section to chapter 62.1-01 of the North Dakota Century Code is created  
11 and enacted as follows:

12        **Penalty.**

13        The chief executive and employees of the chief executive or appointees under a state or  
14 local governmental entity violating any provision of section 1 of this Act, for which another  
15 penalty is not specifically provided, is guilty of a class A misdemeanor. The chief executive shall  
16 vacate public employment or office and surrender any professional licenses or certifications  
17 held which were a requirement of or used in the execution of duties of such public employment  
18 or office. The chief executive is ineligible to hold public office or have public employment in any  
19 state or local governmental entity for a period of five years after conviction.

20        **SECTION 4. RETROACTIVE APPLICATION.** This Act applies retroactively to federal  
21 firearms laws in force as of January 1, 2013.

22        **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.