

HOUSE BILL NO. 1241

Introduced by

Representatives Streyle, Brabandt, Karls, B. Koppelman, Toman

Senators Armstrong, Larsen, Unruh

1 A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota
2 Century Code, relating to medical workers and firearms; to amend and reenact sections
3 20.1-01-36, 62.1-02-04, 62.1-02-05, 62.1-03-01, and 62.1-05-01 of the North Dakota Century
4 Code, relating to firearms; to repeal section 62.1-02-10 of the North Dakota Century Code,
5 relating to firearms in vehicles; and to provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Section 20.1-01-36 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **20.1-01-36. Suppressor and short-barreled rifle allowed for hunting.**

10 1. An individual in lawful possession of a device that will silence or deaden the sound or
11 natural report of a firearm when the firearm is discharged may hunt any game for
12 which the individual is licensed and for which a firearm is allowed with that device for
13 or attached to the firearm.

14 2. An individual in lawful possession of a short-barreled rifle may hunt any game for
15 which the individual is licensed and for which a rifle is allowed.

16 **SECTION 2. AMENDMENT.** Section 62.1-02-04 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **62.1-02-04. Possession of firearm or dangerous weapon in liquor establishment**
19 **prohibited - Penalty - Exceptions.**

20 1. An individual who enters or remains in that part of the establishment that is set aside
21 for the retail sale of alcoholic beverages or used as a gaming site at which bingo is the
22 primary gaming activity while in the possession of a firearm or dangerous weapon is
23 guilty of a class A misdemeanor.

24 2. This section does not apply to:

- 1 a. A law enforcement officer.
- 2 b. An individual possessing a concealed weapons license from this state or who has
- 3 reciprocity under section 62.1-04-03.1 for the weapon allowed by the license, if
- 4 the individual does not consume alcoholic beverages at the establishment or site
- 5 and is not under the influence of intoxicating liquor.
- 6 c. The proprietor.
- 7 e.d. The proprietor's employee.
- 8 d.e. A designee of the proprietor when the designee is displaying an unloaded firearm
- 9 or dangerous weapon as a prize or sale item in a raffle or auction.
- 10 e.f. Private security personnel while on duty for the purpose of delivering or receiving
- 11 moneys used at the liquor establishment or at the gaming site at which bingo is
- 12 the primary gaming activity.
- 13 f.g. The restaurant part of an establishment if an individual under twenty-one years of
- 14 age is not prohibited in that part of the establishment.

15 **SECTION 3. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**
18 **Penalty - Application.**

- 19 1. An individual who possesses a firearm or dangerous weapon at a public gathering is
- 20 guilty of a class B misdemeanor. For the purpose of this section, "public gathering"
- 21 ~~includes~~means athletic or sporting events, schools or school functions, ~~churches or~~
- 22 ~~church functions, political rallies or functions, musical concerts, and individuals in~~
- 23 ~~publicly owned parks where hunting is not allowed by proclamation and publicly owned~~
- 24 ~~or operated buildings.~~
- 25 2. This section does not apply to:
 - 26 a. A law enforcement officer;
 - 27 b. A member of the armed forces of the United States or national guard, organized
 - 28 reserves, state defense forces, or state guard organizations, when on duty;
 - 29 c. An individual possessing a concealed weapons license from this state or who has
 - 30 reciprocity under section 62.1-04-03.1 for the weapon allowed by the license;
 - 31 d. A competitor participating in an organized sport shooting event;

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- 1 d.e. A gun or antique show;
- 2 e.f. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 3 f.g. A firearm or dangerous weapon carried in a temporary residence or motor
- 4 vehicle;
- 5 g.h. A student and an instructor at a hunter safety class;
- 6 h.i. Private security personnel while on duty;
- 7 i.j. A state or federal park;
- 8 j.k. An instructor, a test administrator, an official, or a participant in educational,
- 9 training, cultural, or competitive events involving the authorized use of a
- 10 dangerous weapon if the event occurs with permission of the person or entity
- 11 with authority over the function or premises in question; and
- 12 k. ~~An individual possessing a valid class 1 concealed weapons license from this~~
- 13 ~~state or who has reciprocity under section 62.1-04-03.1 authorizing the individual~~
- 14 ~~to carry a dangerous weapon concealed if the individual is in a church building or~~
- 15 ~~other place of worship and has the approval to carry in the church building or~~
- 16 ~~other place of worship by a primary religious leader of the church or other place~~
- 17 ~~of worship or the governing body of the church or other place of worship. If a~~
- 18 ~~church or other place of worship authorizes an individual to carry a concealed~~
- 19 ~~weapon, local law enforcement must be informed of the name of the authorized~~
- 20 ~~individual; and~~
- 21 l. A municipal court judge, a district court judge, a staff member of the office of
- 22 attorney general, and a retired North Dakota law enforcement officer, if the
- 23 individual maintains the same level of firearms proficiency as is required by the
- 24 peace officer standards and training board for law enforcement officers. A local
- 25 law enforcement agency shall issue a certificate of compliance under this section
- 26 to an individual who is proficient.
- 27 3. This section does not prevent any political subdivision from enacting an ordinance that
- 28 is less restrictive than this section relating to the possession of firearms or dangerous
- 29 weapons at a public gathering. An enacted ordinance supersedes this section within
- 30 the jurisdiction of the political subdivision.

1 **SECTION 4.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Medical worker prohibited from firearms inquiry - Penalty.**

4 A person providing medical or health care services for which that person is licensed or
5 another person providing services for that person may not inquire of a patient about the
6 patient's ownership or possession of firearms that are not in the present and immediate
7 possession of the patient. A violation of this section is an infraction.

8 **SECTION 5. AMENDMENT.** Section 62.1-03-01 of the North Dakota Century Code is
9 amended and reenacted as follows:

- 10 1. ~~An unloaded~~A handgun may not be carried unless by an individual not otherwise
11 prohibited and if:
- 12 a. Between the hours of one hour before sunrise and one hour after sunset, the
13 handgun is unloaded and either in plain view or is secured.
- 14 b. Between the hours of one hour after sunset and one hour before sunrise, the
15 handgun is unloaded and secured.
- 16 2. The restrictions provided in subdivisions a and b of subsection 1 do not apply to:
- 17 a. An individual possessing a valid concealed weapons license from this state or
18 who has reciprocity under section 62.1-04-03.1.
- 19 b. An individual on that person's land, or in that individual's permanent or temporary
20 residence, or fixed place of business.
- 21 c. An individual while lawfully engaged in target shooting.
- 22 d. An individual while in the field engaging in the lawful pursuit of hunting or
23 trapping. ~~However, nothing in this exception authorizes the carrying of a loaded~~
24 ~~handgun in a motor vehicle.~~
- 25 e. An individual permitted by law to possess a firearm while carrying the handgun
26 unloaded and in a secure wrapper from the place of purchase to that person's
27 home or place of business, or to a place of repair or back from those locations.
- 28 f. Any North Dakota law enforcement officer.
- 29 g. Any law enforcement officer of any other state or political subdivision of another
30 state if on official duty within this state.

- 1 h. Any armed security guard or investigator as authorized by law when on duty or
2 going to or from duty.
- 3 i. Any member of the armed forces of the United States when on duty or going to or
4 from duty and when carrying the handgun issued to the member.
- 5 j. Any member of the national guard, organized reserves, state defense forces, or
6 state guard organizations, when on duty or going to or from duty and when
7 carrying the handgun issued to the member by the organization.
- 8 k. Any officer or employee of the United States duly authorized to carry a handgun.
- 9 l. An individual engaged in manufacturing, repairing, or dealing in handguns or the
10 agent or representative of that individual possessing, using, or carrying a
11 handgun in the usual or ordinary course of the business.
- 12 m. Any common carrier, but only when carrying the handgun as part of the cargo in
13 the usual cargo carrying portion of the vehicle.
- 14 n. An individual in or on a motor vehicle if that individual is lawfully present in or on
15 the motor vehicle.

16 **SECTION 6. AMENDMENT.** Section 62.1-05-01 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **62.1-05-01. Possession and sale of machine guns, automatic rifles, silencers, and**
19 **bombs - Penalty - Forfeiture.**

20 1. ~~No~~ A person may not purchase, sell, have, or possess a machine gun, fully automatic
21 rifle, silencer, or bomb loaded with explosives or poisonous or dangerous gases, or
22 any other federally licensed firearm or dangerous weapon unless that person has
23 complied with the National Firearms Act [26 U.S.C. 5801-5872].

24 ~~Any federal licensee who purchases, sells, has, or possesses these items for the licensee's~~
25 ~~protection or for sale must forward a copy of the licensee's federal license along with the~~
26 ~~required weapons transfer form to the licensee's local county sheriff and to the chief of the~~
27 ~~bureau of criminal investigation within five days of the receipt of those forms.~~

28 ~~A person who violates this section is guilty of a class C felony. Upon arrest of that person,~~
29 ~~the firearm or dangerous weapon must be seized. Upon conviction of the person and motion to~~
30 ~~the court in which the conviction occurred, the firearm or dangerous weapon must be forfeited~~
31 ~~to the jurisdiction in which the arrest was made. The firearm or dangerous weapon may be sold~~

1 ~~at public auction, retained for use, or destroyed pursuant to the court's order. If a qualified local~~
2 ~~program as defined under section 12.1-32-02.2 has paid a reward for information that resulted~~
3 ~~in forfeiture of the item and the item has been sold, the jurisdiction shall, after payment of~~
4 ~~expenses for forfeiture and sale, repay the qualified local program for the reward that it has~~
5 ~~paid.~~

6 2. If not prohibited by law, the chief law enforcement officer shall sign any document
7 required by a person to comply with the National Firearms Act within fifteen days of
8 receipt of the document.

9 **SECTION 7. REPEAL.** Section 62.1-02-10 of the North Dakota Century Code is repealed.