

HOUSE BILL NO. 1395

Introduced by

Representatives Karls, Porter, Streyle

Senators Armstrong, O. Larsen

1 A BILL for an Act to amend and reenact subsections 1 and 7 of section 62.1-01-01, subsection 1
2 of section 62.1-02-04, subdivision m of subsection 2 of section 62.1-02-05, and section
3 62.1-04-04 of the North Dakota Century Code, relating to dangerous weapons and retired law
4 enforcement officers; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Subsections 1 and 7 of section 62.1-01-01 of the North Dakota
7 Century Code are amended and reenacted as follows:

8 1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,
9 stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more;
10 any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap,
11 bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow,
12 crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a
13 projectile by the action of a spring, compressed air, or compressed gas, including any
14 such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2
15 gun; and any projector of a bomb or any object containing or capable of producing and
16 emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include
17 a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN,
18 also known as alpha-chloroacetophenone; or other irritating agent intended for use in
19 the defense of an individual, nor does the term include a device that uses voltage for
20 the defense of an individual, unless the device uses a projectile and voltage or the
21 device uses a projectile and may be used to apply multiple applications of voltage
22 during a single incident, then the term includes the device for an individual who is
23 prohibited from possessing a firearm under this title. ~~However, the term includes a~~

1 ~~device that uses a projectile and may be used to apply multiple applications of voltage~~
2 ~~during a single incident.~~

3 7. "Law enforcement officer" means a:

4 a. A public servant authorized by law or by a government agency or branch to
5 enforce the law and to conduct or engage in investigations or prosecutions for
6 violations of law;

7 b. A retired public servant in good standing who:

8 (1) Was authorized by law or by a government agency or branch for at least ten
9 years to enforce the law and to conduct or engage in investigations or
10 prosecutions for violations of law;

11 (2) Maintains the same level of firearms proficiency as is required by the peace
12 officers standards and training board for law enforcement officers;

13 (3) Has a photo identification card issued by a local law enforcement agency
14 that identifies the individual as having been employed by a government
15 agency or branch as a law enforcement officer and indicates the individual
16 has passed the firearms proficiency test within twelve months from the date
17 of issue; and

18 (4) Has not been found by a qualified medical professional to be unqualified for
19 reasons relating to mental health or entered an agreement with a
20 government agency or branch in which the public servant acknowledges a
21 lack of qualifications for reasons relating to the mental health of the public
22 servant; or

23 c. A retired public servant in good standing who:

24 (1) Was separated from service due to a service-related disability;

25 (2) Maintains the same level of firearms proficiency as is required by the peace
26 officers standards and training board for law enforcement officers;

27 (3) Has a photo identification card issued by a local law enforcement agency
28 that identifies the individual as having been employed by a government
29 agency or branch as a law enforcement officer and indicates the individual
30 has passed the firearms proficiency test within twelve months from the date
31 of issue; and

1 (4) Has not been found by a qualified medical professional to be unqualified for
2 reasons relating to mental health or entered an agreement with a
3 government agency or branch in which the public servant acknowledges a
4 lack of qualifications for reasons relating to the mental health of the public
5 servant.

6 **SECTION 2. AMENDMENT.** Subsection 1 of section 62.1-02-04 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 1. An individual who enters or remains in that part of the establishment that is set aside
9 for the retail sale of alcoholic beverages and the consumption of purchased alcoholic
10 beverages or used as a gaming site at which bingo is the primary gaming activity while
11 that individual knowingly possesses a firearm or dangerous weapon is guilty of a
12 class A misdemeanor. In addition, an individual is guilty of an offense under this
13 section for the knowing possession of a device that uses a projectile and voltage or a
14 device that uses a projectile and may be used to apply multiple applications of voltage
15 during a single incident in the part of an establishment that is set aside for the retail
16 sale and consumption of alcoholic beverages.

17 **SECTION 3. AMENDMENT.** Subdivision m of subsection 2 of section 62.1-02-05 of the
18 North Dakota Century Code is amended and reenacted as follows:

19 m. A municipal court judge, a district court judge, and a staff member of the office of
20 attorney general, ~~and a retired North Dakota law enforcement officer,~~ if the
21 individual maintains the same level of firearms proficiency as is required by the
22 peace officer standards and training board for law enforcement officers. A local
23 law enforcement agency shall issue a certificate of compliance under this section
24 to an individual who is proficient.

25 **SECTION 4. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **62.1-04-04. Producing license on demand.**

28 Every person while carrying a concealed firearm or dangerous weapon, for which a license
29 to carry concealed is required, shall have on one's person the license issued by this or another
30 state and shall give it to any active law enforcement officer for an inspection upon demand by

1 the officer. The failure of any person to give the license to the officer is prima facie evidence that
2 the person is illegally carrying a firearm or dangerous weapon concealed.

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