

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED 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, maintains  
13           the standards for qualifications in firearms training for active law  
14           enforcement officers as determined by the former agency of the individual in  
15           the state in which the individual resides, or maintains the standards used by  
16           a certified firearms instructor qualified to conduct a firearms qualification test  
17           for active duty officers in the state in which the individual resides;

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

23           (4) Has not been found by a qualified medical professional to be unqualified for  
24           reasons relating to mental health or entered an agreement with a  
25           government agency or branch in which the public servant acknowledges a  
26           lack of qualifications for reasons relating to the mental health of the public  
27           servant; or

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

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

30           (2) Maintains the same level of firearms proficiency as is required by the peace  
31           officers standards and training board for law enforcement officers, maintains

1                   the standards for qualifications in firearms training for active law  
2                   enforcement officers as determined by the former agency of the individual in  
3                   the state in which the individual resides, or maintains the standards used by  
4                   a certified firearms instructor qualified to conduct a firearms qualification test  
5                   for active duty officers in the state in which the individual resides;

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

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

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

- 18                   1. An individual who enters or remains in that part of the establishment that is set aside  
19                   for the retail sale of alcoholic beverages and the consumption of purchased alcoholic  
20                   beverages or used as a gaming site at which bingo is the primary gaming activity while  
21                   that individual knowingly possesses a firearm or dangerous weapon is guilty of a  
22                   class A misdemeanor. In addition, an individual is guilty of an offense under this  
23                   section for the knowing possession of a device that uses a projectile and voltage or a  
24                   device that uses a projectile and may be used to apply multiple applications of voltage  
25                   during a single incident in the part of an establishment that is set aside for the retail  
26                   sale and consumption of alcoholic beverages.

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

- 29                   m. A municipal court judge, a district court judge, and a staff member of the office of  
30                   attorney general, ~~and a retired North Dakota law enforcement officer,~~ if the  
31                   individual maintains the same level of firearms proficiency as is required by the

1                   peace officer standards and training board for law enforcement officers. A local  
2                   law enforcement agency shall issue a certificate of compliance under this section  
3                   to an individual who is proficient.

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

6           **62.1-04-04. Producing license on demand.**

7           Every person while carrying a concealed firearm or dangerous weapon, for which a license  
8 to carry concealed is required, shall have on one's person the license issued by this or another  
9 state and shall give it to any active law enforcement officer for an inspection upon demand by  
10 the officer. The failure of any person to give the license to the officer is prima facie evidence that  
11 the person is illegally carrying a firearm or dangerous weapon concealed.

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