

SENATE BILL NO. 2125

Introduced by

Judiciary Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,
2 relating to possession of a firearm or dangerous weapon.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**
7 **Penalty - Application.**

8 1. An individual who knowingly possesses a firearm or dangerous weapon at a public
9 gathering is guilty of a class B misdemeanor. For the purpose of this section, "public
10 gathering" means an athletic or sporting event, a school, a church, and a publicly
11 owned or operated building.

12 2. This section does not apply to:

13 a. A law enforcement officer, or a correctional officer employed by the department
14 of corrections and rehabilitation or by a correctional facility governed by
15 chapter 12-44.1. A correctional officer employed by the department of
16 corrections and rehabilitation may carry a firearm only as authorized in
17 section 12-47-34. A correctional officer employed by a correctional facility
18 governed by chapter 12-44.1 may carry a firearm only as authorized in
19 section 12-44.1-30;

20 b. A member of the armed forces of the United States or national guard, organized
21 reserves, state defense forces, or state guard organizations, when on duty;

22 c. A competitor participating in an organized sport shooting event;

23 d. A gun or antique show;

24 e. A participant using a blank cartridge firearm at a sporting or theatrical event;

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