

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED 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; to provide a penalty; and to declare
3 an emergency.

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

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

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

- 9 1. An individual who knowingly possesses a firearm or dangerous weapon at a public
10 gathering is guilty of a class B misdemeanor. For the purpose of this section, "public
11 gathering" means an athletic or sporting event, a school, a church, and a publicly
12 owned or operated building.
- 13 2. This section does not apply to:
- 14 a. A law enforcement officer, or a correctional officer employed by the department
15 of corrections and rehabilitation or by a correctional facility governed by
16 chapter 12-44.1. A correctional officer employed by the department of
17 corrections and rehabilitation may carry a firearm only as authorized in
18 section 12-47-34. A correctional officer employed by a correctional facility
19 governed by chapter 12-44.1 may carry a firearm or dangerous weapon only
20 as authorized in section 12-44.1-30;
- 21 b. A member of the armed forces of the United States or national guard, organized
22 reserves, state defense forces, or state guard organizations, when on duty;
- 23 c. A competitor participating in an organized sport shooting event;
- 24 d. A gun or antique show;

- 1 e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 2 f. A firearm or dangerous weapon carried in a temporary residence or motor
- 3 vehicle;
- 4 g. A student and an instructor at a hunter safety class;
- 5 h. Private security personnel while on duty;
- 6 i. A state or federal park;
- 7 j. An instructor, a test administrator, an official, or a participant in educational,
- 8 training, cultural, or competitive events involving the authorized use of a
- 9 dangerous weapon if the event occurs with permission of the person or entity
- 10 with authority over the function or premises in question;
- 11 k. An individual in a publicly owned or operated rest area or restroom;
- 12 l. An individual possessing a valid concealed weapons license from this state or
- 13 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
- 14 a dangerous weapon concealed if the individual is in a church building or other
- 15 place of worship and has the approval to carry in the church building or other
- 16 place of worship by a primary religious leader of the church or other place of
- 17 worship or the governing body of the church or other place of worship. If a church
- 18 or other place of worship authorizes an individual to carry a concealed weapon,
- 19 local law enforcement must be informed of the name of the authorized individual;
- 20 and
- 21 m. 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.

31 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.