

**HOUSE BILL NO. 1332**

Introduced by

Representatives Heinert, Johnston, Marschall, Porter, D. Ruby

Senators D. Larson, Luick, Myrdal, Oehlke

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 the carrying of a concealed firearm on school property by qualified  
3 individuals; and to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota  
4 Century Code, relating to an exception to the prohibition against possessing a firearm at a  
5 public gathering.

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

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

9 **Armed first responder in schools - Possession of a concealed weapon.**

- 10 1. The superintendent of public instruction shall adopt rules to administer this section and  
11 develop criteria for approval of plans under this section.
- 12 2. The superintendent of public instruction may accept a proposal from a public school,  
13 upon approval by the school board or governing board, indicating the intention by the  
14 school to participate in an armed first responder program. Within ninety days of  
15 informing the superintendent of public instruction of the intent to participate in the  
16 program, the school shall:
- 17 a. Identify the individual selected by the school to participate in the program and  
18 attend training to become the school's armed first responder;
- 19 b. Submit a plan to the superintendent of public instruction specifying how the  
20 school will implement the program; and
- 21 c. Participate with the superintendent of public instruction in a comprehensive  
22 emergency operations assessment for the purpose of identifying school crisis  
23 and emergency threats and risks.

- 1       3. The plan submitted by the school to the superintendent of public instruction must  
2       require the selected individual to complete training equivalent to the South Dakota  
3       school sentinel program.
- 4       4. An individual selected to become an armed first responder for a school participating in  
5       the program:
- 6       a. Must be a retired law enforcement officer or meet the requirements of  
7       subsection 3;
- 8       b. Must be a citizen of the United States;
- 9       c. Must be at least twenty-one years old;
- 10      d. Shall complete a criminal background check successfully and be approved by the  
11      local law enforcement agencies with jurisdiction over the school premises where  
12      the individual will be an armed first responder;
- 13      e. Must be a high school graduate or meet equivalency standards;
- 14      f. Shall complete successfully a physical performed by a physician or an advanced  
15      practice registered nurse and a mental evaluation by a qualified mental health  
16      provider who certifies the individual is capable of performing the duties of an  
17      armed first responder;
- 18      g. Shall complete successfully a faculty and administrator safety training and  
19      emergency response program in addition to the requirements under  
20      subsection 3;
- 21      h. Must be approved by the school board or governing board to carry a firearm  
22      concealed on school property; and
- 23      i. Shall possess a valid class 1 firearm license from this state.
- 24      5. An individual selected to become an armed first responder at a school participating in  
25      the program shall cooperate in training with local law enforcement for school  
26      emergencies to provide a coordinated response to building lockdown and active killer  
27      events. The individual shall attend annual training and recertification courses  
28      consisting of a minimum of ten hours of instruction and a skills evaluation assessment.
- 29      6. The school board or governing board of any school participating in the program shall  
30      inform local law enforcement, in writing, of the name of the individual authorized by the  
31      school to participate in the program.

- 1        7. An individual selected as an armed first responder may not carry a firearm concealed  
2        or a dangerous weapon on school premises unless:
- 3        a. The individual has been approved by the school board or governing body under  
4        subsection 4;
- 5        b. The individual has completed the armed first responder curriculum requirements  
6        under subsections 3 and 4; and
- 7        c. The individual completes the armed first responder recertification course  
8        requirements every twelve months.
- 9        8. A firearm or dangerous weapon carried by an armed first responder on school  
10       premises must remain concealed and under the direct control of the certified armed  
11       first responder.
- 12       9. The school board or governing board shall approve a posttraumatic stress disorder  
13       treatment program for armed first responders.
- 14       10. The school board or governing board may withdraw a school from participation in the  
15       program at anytime.
- 16       11. A school participating in the program shall provide program evaluation data to the  
17       superintendent of public instruction at the time and in the manner requested by the  
18       superintendent of public instruction.

19        **SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota  
20 Century Code is amended and reenacted as follows:

- 21        2. This section does not apply to:
- 22        a. A law enforcement officer, or a correctional officer employed by the department  
23        of corrections and rehabilitation or by a correctional facility governed by  
24        chapter 12-44.1. A correctional officer employed by the department of  
25        corrections and rehabilitation may carry a firearm only as authorized in  
26        section 12-47-34. A correctional officer employed by a correctional facility  
27        governed by chapter 12-44.1 may carry a firearm or dangerous weapon only  
28        as authorized in section 12-44.1-30;
- 29        b. A member of the armed forces of the United States or national guard, organized  
30        reserves, state defense forces, or state guard organizations, when on duty;
- 31        c. A competitor participating in an organized sport shooting event;

- 1           d. A gun or antique show;
- 2           e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 3           f. A firearm or dangerous weapon carried in a temporary residence or motor
- 4           vehicle;
- 5           g. A student and an instructor at a hunter safety class;
- 6           h. Private and public security personnel while on duty;
- 7           i. A state or federal park;
- 8           j. 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;
- 12          k. An individual in a publicly owned or operated rest area or restroom;
- 13          l. An individual possessing a valid concealed weapons license from this state or
- 14          who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
- 15          a dangerous weapon concealed if the individual is in a church building or other
- 16          place of worship and has the approval to carry in the church building or other
- 17          place of worship by a primary religious leader of the church or other place of
- 18          worship or the governing body of the church or other place of worship;
- 19          m. A state, federal, or municipal court judge, a district court magistrate judge or
- 20          judicial referee, and a staff member of the office of attorney general 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; ~~and~~
- 25          n. An individual's storage of a firearm or dangerous weapon in a building that is
- 26          owned or managed by the state or a political subdivision, provided:
- 27             (1) The individual resides in the building;
- 28             (2) The storage is inside the individual's assigned residential unit; and
- 29             (3) The storage has been consented to by the state, the governing board, or a
- 30          designee; and

- 1           o. An individual authorized to carry a concealed weapon on school property under
- 2           section 1 of this Act.