

HOUSE BILL NO. 1325

Introduced by

Representatives Ertelt, Becker, Karls, Kiefert, Magrum, Paur, D. Ruby, Skroch

Senators Kannianen, O. Larsen, Myrdal

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 firearms or dangerous weapons at a public gathering.

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 or dangerous weapon only
19 as authorized in 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 and public 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;
- 17 m. A state, federal, or municipal court judge, a district court magistrate judge or
18 judicial referee, and a staff member of the office of attorney general if the
19 individual maintains the same level of firearms proficiency as is required by the
20 peace officer standards and training board for law enforcement officers. A local
21 law enforcement agency shall issue a certificate of compliance under this section
22 to an individual who is proficient; ~~and~~
- 23 n. An individual's storage of a firearm or dangerous weapon in a building that is
24 owned or managed by the state or a political subdivision, provided:
- 25 (1) The individual resides in the building;
- 26 (2) The storage is inside the individual's assigned residential unit; and
- 27 (3) The storage has been consented to by the state, the governing board, or a
28 designee; and
- 29 o. An individual who is not otherwise precluded from possessing a firearm or
30 dangerous weapon concealed under chapter 62.1-04.

- 1 3. This section does not prevent any political subdivision from enacting an ordinance that
- 2 is less restrictive than this section relating to the possession of firearms or dangerous
- 3 weapons at a public gathering. An enacted ordinance supersedes this section within
- 4 the jurisdiction of the political subdivision.
- 5 4. Notwithstanding any other provision of law, a church or place of worship may not be
- 6 held liable for any injury or death or damage to property caused by an individual
- 7 permitted to carry a dangerous weapon concealed under this section.