

**HOUSE BILL NO. 1339**

Introduced by

Representatives Simons, Becker, Christensen, Ertelt, Hoverson, Jones, B. Koppelman,  
Paulson, Toman

Senator O. Larsen

1 A BILL ~~for an Act to "public gathering"ous weapon" and provide for a legislative management~~  
2 ~~study of the definitions of "dangeamend and reenact subsection 1 of section 62.1-01-01, section~~  
3 ~~62.1-02-05, and subsection 5 of section 62.1-04-01 of the North Dakota Century Code, relating~~  
4 ~~to dangerous weapons.~~for an Act to provide for a legislative management study of the  
5 definitions of "dangerous weapon" and "public gathering".

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

7 ~~—~~**SECTION 1. AMENDMENT.** ~~Subsection 1 of section 62.1-01-01 of the North Dakota~~  
8 ~~Century Code is amended and reenacted as follows:—~~

9 ~~—~~1. ~~"Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,~~  
10 ~~stiletto, sword, dagger, or a knife with a blade of five inches [12.7 centimeters] or more;~~  
11 ~~any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap,~~  
12 ~~bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow,~~  
13 ~~crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a~~  
14 ~~projectile by the action of a spring, compressed air, or compressed gas, including any~~  
15 ~~such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2~~  
16 ~~gun; and any projector of a bomb or any object containing or capable of producing and~~  
17 ~~emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include~~  
18 ~~a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN,~~  
19 ~~also known as alpha-chloroacetophenone; or other an irritating agent intended for use~~  
20 ~~in the defense of an individual, nor does the term include a device that uses voltage~~  
21 ~~for the defense of an individual, unless the device uses a projectile and voltage or the~~  
22 ~~device uses a projectile and may be used to apply multiple applications of voltage~~

1           during a single incident, then the term includes the device for an individual who is  
2           prohibited from possessing a firearm under this title.

3     ~~SECTION 2. AMENDMENT.~~ Section 62.1-02-05 of the North Dakota Century Code is  
4     amended and reenacted as follows:

5     ~~62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering~~

6     ~~Penalty - Application.~~

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

11    ~~2. This section does not apply to:~~

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

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

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

22    ~~d. A gun or antique show;~~

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

24    ~~f. A firearm or dangerous weapon carried in a temporary residence or motor~~  
25          vehicle;

26    ~~g. A student and an instructor at a hunter safety class;~~

27    ~~h. Private and public security personnel while on duty;~~

28    ~~i. A state or federal park;~~

29    ~~j. An instructor, a test administrator, an official, or a participant in educational,~~  
30          training, cultural, or competitive events involving the authorized use of a

- 1                    dangerous weapon if the event occurs with permission of the person or entity  
2                    with authority over the function or premises in question;
- 3                    ~~k. An individual in a publicly owned or operated rest area or restroom;~~
- 4                    ~~l. An individual possessing a valid concealed weapons license from this state or~~  
5                    ~~who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry~~  
6                    ~~a firearm or dangerous weapon concealed if the individual is in a church building~~  
7                    ~~or other place of worship and has the approval to carry in the church building or~~  
8                    ~~other place of worship by a primary religious leader of the church or other place~~  
9                    ~~of worship or the governing body of the church or other place of worship;~~
- 10                   ~~m. A state, federal, or municipal court judge, a district court magistrate judge or~~  
11                   ~~judicial referee, and a staff member of the office of attorney general if the~~  
12                   ~~individual maintains the same level of firearms proficiency as is required by the~~  
13                   ~~peace officer standards and training board for law enforcement officers. A local~~  
14                   ~~law enforcement agency shall issue a certificate of compliance under this section~~  
15                   ~~to an individual who is proficient;~~
- 16                   ~~n. An individual's storage of a firearm or dangerous weapon in a building that is~~  
17                   ~~owned or managed by the state or a political subdivision, provided:~~
- 18                   ~~(1) The individual resides in the building;~~
- 19                   ~~(2) The storage is inside the individual's assigned residential unit; and~~
- 20                   ~~(3) The storage has been consented to by the state, the governing board, or a~~  
21                   ~~designee; and~~
- 22                   ~~o. An individual authorized to carry a concealed weapon on school property under~~  
23                   ~~section 62.1-02-14.~~
- 24                   ~~3. This section does not prevent any political subdivision from enacting an ordinance that~~  
25                   ~~is less restrictive than this section relating to the possession of firearms or dangerous~~  
26                   ~~weapons at a public gathering. An enacted ordinance supersedes this section within~~  
27                   ~~the jurisdiction of the political subdivision.~~
- 28                   ~~4. Notwithstanding any other provision of law, a church or place of worship may not be~~  
29                   ~~held liable for any injury or death or damage to property caused by an individual~~  
30                   ~~permitted to carry a dangerous weapon concealed under this section.~~

1 ~~5. This section does not prevent the governing body of a school or the entity exercising~~  
2 ~~control over a publicly owned or operated building or property from authorizing the use~~  
3 ~~of a less than lethal weapon as part of the security plan for the school, building, or~~  
4 ~~property.~~

5 ~~SECTION 3. AMENDMENT. Subsection 5 of section 62.1-04-01 of the North Dakota~~  
6 ~~Century Code is amended and reenacted as follows: \_\_\_\_\_~~

7 ~~\_\_\_\_\_ 5. A bow and arrow, rifle, shotgun, or unloaded handgun, or a weapon that will expel,~~  
8 ~~or is readily capable of expelling, a projectile by the action of a spring, compressed air,~~  
9 ~~or compressed gas including any such weapon commonly referred to as a BB gun, air~~  
10 ~~rifle, or CO<sub>2</sub> gun, while carried in a motor vehicle.~~

11 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY.** During the 2021-23 interim, the  
12 legislative management shall consider studying the definitions of "dangerous weapon" and  
13 "public gathering". The study must consider which weapons should be considered dangerous  
14 weapons. The study also must consider whether a "public gathering" includes athletic or  
15 sporting events, school buildings, or churches. The legislative management shall report its  
16 findings and recommendations, together with any legislation necessary to implement the  
17 recommendations, to the sixty-eighth legislative assembly.