

HOUSE BILL NO. 1297

Introduced by

Representative B. Koppelman

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,
2 relating to the 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 an infraction. For the purpose of this section, "public gathering"~~
10 ~~means an~~ may not possess a firearm at:

- 11 a. An athletic or sporting event, ~~a;~~
12 b. A school, ~~a;~~
13 c. A church or other place of worship, ~~and a;~~ or
14 d. A publicly owned or operated building.

15 2. This section does not apply to:

- 16 a. A law enforcement officer, or a correctional officer employed by the department of
17 corrections and rehabilitation or by a correctional facility governed by chapter
18 12-44.1. A correctional officer employed by the department of corrections and
19 rehabilitation may carry a firearm only as authorized in section 12-47-34. A
20 correctional officer employed by a correctional facility governed by chapter
21 12-44.1 may carry a firearm or dangerous weapon only as authorized in section
22 12-44.1-30;
- 23 b. A member of the armed forces of the United States or national guard, organized
24 reserves, state defense forces, or state guard organizations, when on duty;

- 1 c. A competitor participating in an organized sport shooting event;
- 2 d. A gun or antique show;
- 3 e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 4 f. A firearm or dangerous weapon carried in a temporary residence or motor
- 5 vehicle;
- 6 g. A student and an instructor at a hunter safety class;
- 7 h. Private and public security personnel while on duty;
- 8 i. A state or federal park;
- 9 j. An instructor, a test administrator, an official, or a participant in educational,
- 10 training, cultural, or competitive events involving the authorized use of a
- 11 dangerous weapon if the event occurs with permission of the person or entity
- 12 with authority over the function or premises in question;
- 13 k. An individual in a publicly owned or operated rest area or restroom;
- 14 l. An individual ~~possessing a valid concealed weapons license from this state~~ who is
- 15 authorized under section 62.1-04-02 to carry a firearm or dangerous weapon
- 16 concealed or who has reciprocity under section 62.1-04-03.1 authorizing the
- 17 individual to carry a firearm or dangerous weapon concealed if the individual is in
- 18 a church building or other place of worship and ~~has the approval to carry in the~~
- 19 ~~church building or other place of worship by a primary religious leader of the~~
- 20 ~~church or other place of worship or the governing body of the church or other~~
- 21 ~~place of worship~~ has not otherwise restricted the possession of a firearm or
- 22 dangerous weapon;
- 23 m. A state, federal, or municipal court judge, a district court magistrate judge or
- 24 judicial referee, and a staff member of the office of attorney general if the
- 25 individual maintains the same level of firearms proficiency as is required by the
- 26 peace officer standards and training board for law enforcement officers. A local
- 27 law enforcement agency shall issue a certificate of compliance under this section
- 28 to an individual who is proficient;
- 29 n. An individual's storage of a firearm or dangerous weapon in a building that is
- 30 owned or managed by the state or a political subdivision, provided:
- 31 (1) The individual resides in the building;

- 1 (2) The storage is inside the individual's assigned residential unit; and
- 2 (3) The storage has been consented to by the state, the governing board, or a
- 3 designee; and
- 4 o. An individual authorized to carry a concealed weapon on school property under
- 5 section 62.1-02-14.
- 6 3. This section does not prevent any political subdivision from enacting an ordinance that
- 7 is less restrictive than this section relating to the possession of firearms or dangerous
- 8 weapons at a public gathering. An enacted ordinance supersedes this section within
- 9 the jurisdiction of the political subdivision.
- 10 4. Notwithstanding any other provision of law, a church or place of worship may not be
- 11 held liable for any injury or death or damage to property caused by an individual
- 12 permitted to carry a dangerous weapon concealed under this section.
- 13 5. This section does not prevent the governing body of a school or the entity exercising
- 14 control over a publicly owned or operated building or property from authorizing the use
- 15 of a less than lethal weapon as part of the security plan for the school, building, or
- 16 property.