

Introduced by

Representatives Becker, Dockter, Kasper, Nehring, Rohr, M. Ruby, Steiner

Senators Elkin, Kannianen, Meyer, Wobbema

1 A BILL for an Act to create and enact a new section to chapter 62.1-01 of the North Dakota  
2 Century Code, relating to the limitation on enforcing or providing assistance regarding violations  
3 of federal firearm laws; and to declare an emergency.

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

5 **SECTION 1.** A new section to chapter 62.1-01 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Federal firearms laws - Limitations on enforcement.**

8 1. ~~As used in this section, "firearm accessory" means an item used in conjunction with or~~  
9 ~~mounted on a firearm but is not essential to the basic function of a firearm. The term~~  
10 ~~includes a detachable firearm magazine.~~

11 ~~2.~~ An agency or political subdivision of the state and a law enforcement officer or  
12 individual employed by an agency or political subdivision of the state may not provide  
13 assistance to a federal agency or official or act independently with respect to the  
14 investigation, prosecution, or enforcement of a violation of a federal statute, order,  
15 rule, or regulation purporting to regulate a firearm, ~~firearm accessory,~~ or firearm  
16 ammunition enacted after January 1, 2021, if the federal statute, order, rule, or  
17 regulation is more restrictive than state law, unless:

18 a. The federal agency appeals to the federal district court of the federal district in  
19 which the violation or possible violation occurred or would occur and the court  
20 finds probable cause that a national security threat exists;

21 b. The violation also is a violation under this title; or

22 c. The violation also is a violation of chapter 12.1-16, 12.1-17, 12.1-18, 12.1-20,  
23 12.1-41, 19-03.1, or is a felony offense.

1     ~~3.2.~~   This section does not prohibit an agency or political subdivision of the state or a law  
2           enforcement officer or individual employed by an agency or political subdivision of the  
3           state from providing assistance to a federal agency or official for an offense not related  
4           to firearms or an offense that firearms are incidental to, including a drug offense,  
5           homicide, assault, kidnapping, sex offense, or human trafficking.

6     3.   This section does not prohibit law enforcement from providing assistance to a federal  
7           agency or official if the investigation also pertains to a felony violation of state law.

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