AN ACT to create and enact a new section to chapter 62.1-01 of the North Dakota Century Code, relating to the limitation on enforcing or providing assistance regarding violations of federal firearm laws; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Federal firearms laws - Limitations on enforcement.

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

2. An agency or political subdivision of the state and a law enforcement officer or individual employed by an agency or political subdivision of the state may not provide assistance to a federal agency or official or act independently with respect to the investigation, prosecution, or enforcement of a violation of a federal statute, order, rule, or regulation purporting to regulate a firearm, firearm accessory, or firearm ammunition enacted after January 1, 2021, if the federal statute, order, rule, or regulation is more restrictive than state law, unless:
   a. The federal agency appeals to the federal district court of the federal district in which the violation or possible violation occurred or would occur and the court finds probable cause that a national security threat exists;
   b. The violation also is a violation under this title; or
   c. The violation also is a violation of chapter 12.1-16, 12.1-17, 12.1-18, 12.1-20, 12.1-41, or 19-03.1.

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

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

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.
This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1383 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 80  Nays 12  Absent 2

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 40  Nays 7  Absent 0

Received by the Governor at _______M. on ________________________________, 2021.

Approved at _______M. on ________________________________, 2021.

Filed in this office this _______day of ________________________________, 2021, at _______ o’clock _______M.