

HOUSE BILL NO. 1450

Introduced by

Representative B. Koppelman

1 A BILL for an Act to amend and reenact subsection 1 of section 62.1-04-03 of the North Dakota
2 Century Code, relating to a license to carry a firearm or dangerous weapon concealed.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 62.1-04-03 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 1. The director of the bureau of criminal investigation shall issue a license to carry a
7 firearm or dangerous weapon concealed upon review of an application submitted to
8 the director if the following criteria are met:
- 9 a. The applicant is at least twenty-one years of age for a class 1 firearm license or
10 at least eighteen years of age for a class 2 firearm and dangerous weapon
11 license;
 - 12 b. The applicant can demonstrate that the applicant is a resident of this state by
13 providing a copy of a valid driver's license or state-issued identification card from
14 this state that establishes personal identification through photographic means
15 and shows the applicant's name associated with a valid residential street address
16 in this state or the applicant possesses a valid driver's license from the
17 applicant's state of residence that establishes personal identification through
18 photographic means and shows the applicant's name associated with a valid
19 residential street address and a valid concealed weapons license from the
20 applicant's state of residence, which state has reciprocity with this state under
21 section 62.1-04-03.1;
 - 22 c. The applicant is not an individual specified in section 62.1-02-01 and for a class 1
23 firearm license the applicant:
 - 24 (1) Has not been convicted of a felony;

- 1 (2) Has not been convicted of a crime of violence;
- 2 (3) ~~Has not been convicted of an offense involving the use of alcohol within ten~~
- 3 ~~years prior to the date of application;~~
- 4 (4) Has not been convicted of a misdemeanor offense involving the unlawful
- 5 use of narcotics or other controlled substances within ten years prior to the
- 6 date of application;
- 7 ~~(5)~~(4) Has not been convicted of an offense involving moral turpitude;
- 8 ~~(6)~~(5) Has not been convicted of an offense involving domestic violence;
- 9 ~~(7)~~(6) Has not been adjudicated by a state or federal court as mentally
- 10 incompetent, unless the adjudication has been withdrawn or reversed; and
- 11 ~~(8)~~(7) Is qualified to purchase and possess a firearm under federal law;
- 12 d. The applicant has successfully completed the testing procedure conducted by a
- 13 certified test administrator. The person conducting the testing may assess a
- 14 charge of up to fifty dollars for conducting this testing. The attorney general may
- 15 certify a test administrator based upon criteria and guidelines prescribed by the
- 16 director of the bureau of criminal investigation;
- 17 e. The applicant satisfactorily completes the bureau of criminal investigation
- 18 application form and has successfully passed the criminal history records check
- 19 conducted by the bureau of criminal investigation and the federal bureau of
- 20 investigation. The applicant shall provide all documentation relating to any
- 21 court-ordered treatment or commitment for mental health ~~or alcohol~~ or substance
- 22 abuse. The applicant shall provide the director of the bureau of criminal
- 23 investigation written authorizations for disclosure of the applicant's mental health
- 24 and ~~alcohol~~ or substance abuse evaluation and treatment records. The bureau
- 25 may deny approval for a license if the bureau has reasonable cause to believe
- 26 that the applicant or licenseholder has been or is a danger to self or others as
- 27 demonstrated by evidence, including past pattern of behavior involving unlawful
- 28 violence or threats of unlawful violence; past participation in incidents involving
- 29 unlawful violence or threats of unlawful violence; or conviction of a weapons
- 30 offense. In determining whether the applicant or licenseholder has been or is a

- 1 danger to self or others, the bureau may inspect expunged or sealed records of
2 arrests and convictions of adults and juvenile court records; and
3 f. The applicant is not prohibited under federal law from owning, possessing, or
4 having a firearm under that individual's control.