



Representing the Diocese of Fargo
and the Diocese of Bismarck

103 South Third Street
Suite 10
Bismarck ND 58501
701-223-2519
ndcatholic.org
ndcatholic@ndcatholic.org

To: House Energy and Natural Resources Committee
From: Christopher Dodson, Executive Director
Subject: House Bill 1297 - possession of a firearm at church and public gatherings
Date: January 22, 2021

Existing law allows an individual to have a firearm in a place of worship if the individual meets certain requirements and has permission from the church or place of worship. It is a workable law that allows firearms but does not negate the religious organization's fundamental right to define their own sacred space.

House Bill 1297 threatens that balance by erasing the requirement for prior approval and allowing an individual to bring a firearm into the church if the church did not take prior action to prohibit all firearms. If the church does not take this prior action, anyone authorized by law to carry a firearm could bring that firearm into the church.

This change upsets the current balance by placing a burden on the hundreds of churches in the state, many of which probably would not know that they would have to take immediate action if they want to prohibit firearms in their sacred spaces.

Furthermore, HB 1297 does not state what kind of action would meet the requirements under the law. It merely says "otherwise restricted." Does it require a publicly issued policy? Some kind of public notice? How are places of worship to know whether they have met the requirements of the new law?

One thing we do know is that the restriction policy can only be accomplished by "the governing body of the church or other place of worship." HB 1297 removes from the law the ability of a "primary religious leader" to make decisions about firearms. Many religious bodies, including the Catholic Church, are not run by a "governing body." HB 1297 would provide no method for those religious bodies to take the action the action required by law. As such, it is discriminatory and most likely unconstitutional.

All these problems are compounded by the fact that HB 1297 appears to allow a church to either allow *all* individuals bring in firearms or allow *no* individuals to bring in firearms. It removes the right of the church to selectively determine who, if anyone, may bring firearms into the church's worship space.

In addition to all these problems with the provisions dealing with churches, we oppose the removal of any penalty for unlawfully possessing a firearm in a public gathering. Even if a church could meet all the requirements of HB 1297 to prohibit firearms just described, a person could still bring a firearm into a church with impunity. The same problems applies for all other public gatherings. HB 1297 essentially negates Section 62.1-02-05 in its entirety.

For these reasons, the North Dakota Catholic Conference asks for a **Do Not Pass** recommendation on HB 1297.