

2015 HOUSE JUDICIARY

HB 1450

2015 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1450
2/4/2015
#23211

Subcommittee

Conference Committee

Committee Clerk Signature



.Explanation or reason for introduction of bill/resolution:

Relating to concealed weapons and firearms..

Minutes:

Testimony 1, 2,3,4,5

Chairman K. Koppelman: Opened the hearing with testimony in support.

Rep. B. Koppelman: Introduced the bill. (See testimony #1)(1:17-7:30)

Rep. D. Larson: On page 4 at the top on line 1 & 2 it appears that doesn't seem to limit it to a vehicle; is that your intention. Then it crosses off university and college.

Rep. B. Koppelman: In the bill in 62.01-02-13 subsection 6 letters a that is all you have printed. What I should refers you to is 62.1-12-13 is possession of a secured firearm and a prohibition by an employer to say you can't have a firearm in your car. The employer said the parking lot is my property therefore I dictate what you have inside your car. This section was put in there to say an employer couldn't do that. When they wrote this section they did allow that be maintained whether intentionally or not by universities. There was some concern about what college students should do. These individuals who are 18 and over should be afforded their second amendment rights.

Rep. Mary Johnson: Does Section 2 and the additional language under 3 address our issue yesterday with passing the school?

Rep. B. Koppelman: I am not sure. A local political subdivision writes their ordinance could it potentially have an affect where they say anybody with a concealed weapons license could carry a gun at school. I suppose they could, but I don't think that will happen. This section already appears in the section below it and they already have the right to do it. This section merely deals with bars. 62.1-02-05 which is essentially the extended language and it is on your bill. School districts cannot pass ordinances.

Rep. Mary Johnson: So yesterday the language here was added that passed the house yesterday was affording school districts to provide provisions to have some level of security in their building whether it is law enforcement or private personnel.

Rep. B. Koppelman: That bill yesterday did add permission to them. The old language was school or school functions. Nothing in this bill affects schools.

Rep. Lois Delmore: Top of page 4 why have you included an elementary school? They don't drive.

Rep. B. Koppelman: I want to be very clear on this section. Remember that letter a is listing places that are exceptions from and exception. In other words employers may not restrict your private property in your private car. In this bill, universities should be regulating what you have in your car because these are consenting adults who own their guns legally.

Rep. Lois Delmore: Are you aware of how many hunters guns go off accidentally almost every year and people can be seriously injured. Did you consider that when you put that part of the bill in?

Rep. B. Koppelman: My bill only deals with a hand gun and very few hunters are using this for hunting.

Rep. Lois Delmore: I understand, but there is potential for personal injury that was not intended and could be personal injury to someone besides me if I am involved.

Rep. B. Koppelman: I did and I want to stress to make sure you do not have a bullet in the chamber. Rifle for loaded is chamber only.

Rep. Lois Delmore: Is it your intent that I can carry into a bar and also consume alcohol?

Rep. B. Koppelman: No. You may not carry a gun into a bar. Wanted to define bar.

Rep. Lois Delmore: This would also allow someone in that political subdivision to change that and make it so that I could carry in a bar and could drink alcohol?

Rep. B. Koppelman: We support the second amendment and we shouldn't need this. Our laws follow laws in other states. This merely makes the sections consistent.

Chairman K. Koppelman: 62.01-13 is a section of law and deals with what employers may or may not require. This would remove that and it has to do with firearms that are locked in people's vehicles. This merely makes the sections consistent.

Chairman K. Koppelman: (See testimony #2) I just asked the intern to print out this section of the law on firearms. NDCC 62.1-02-13 deals with what employers may or may not require. It has to do with firearms locked in people's vehicles.

Rep. Lois Delmore: I think he explained that. The bill is unclear.

Chairman K. Koppelman: In the beginning of the bill Section 1 it says if you had a handgun with a clip, but not in a clip. The rest of these deals with a cylinder and you can't have any rounds of ammunition in that cylinder.

Rep. B. Koppelman: It is basically on a six shooter you have six chambers; because the chamber is an extension of the barrel to where that shell resides while it is being fired. In an automatic that is not staying in a clip when it is fired it is actually inserted in to the barrel and that is where the firing happens.

Chairman K. Koppelman: In testimony 2; I am wondering Page 2, Section 3 with regard to separating what about the phase to be purchased? You are still going to that event and it is still that kind of venue and should it be struck?

Rep. B. Koppelman: Those three words could certainly be taken out.

Rep. G. Paur: What happens in the case of black powder weapons?

Rep. B. Koppelman: I don't know about long guns in that sense.

Rep. L. Klemin: Page 2, lines 8-11. I have seen a lot of examples where we permit political subdivision enact more provisions. This one goes the opposite direction and allows political subdivisions to enact an ordinance that that is going to be permitted under this bill.

Rep. B. Koppelman: I don't have any specific intentions. In many states they say if there is a projectile in the barrel of the gun and if a cap is loaded but not the percussion cap.

Rep. L. Klemin: Just looking at Section 2 of this bill to me it says that this new language that is underlined it says if a political subdivision wants to enact to say they can carry a firearm or a more dangerous weapon in a bar that that is going to be permitted under this bill?

Rep. L. Klemin: This does allow them to have a weapon in a bar. Line 8-11 says if a political subdivision wants to enact an ordinance to say it is OK to carry a firearm in a bar they can do it.

Rep. B. Koppelman: Yes those having a concealed weapons permit they can do it. Look at Section 5 of the bill. That printed language from page 4, line 5 I don't need all those other provisions because I have a permit for it.

Rep. L. Klemin: On Section 3 line 20 you struck, "political rally's or functions because that could be construed as very broad. We are only talking about them in public places are we not under this section?

Rep. B. Koppelman: Public and private mean lots of different places. A public gathering means these rules mostly affect law abiding citizens. Criminals don't care.

Chairman K. Koppelman: If the committee decided maybe a political convention or functions that might be a way to change that.

Rep. B. Koppelman: If you wanted to say political rally's that are open to the public on public property. That is a better way to narrow that as opposed to some private event that happens in my basement.

Chairman K. Koppelman: You are trying to simplify where people could carry who have concealed carry licenses where they can carry? That is the main intent.

Rep. B. Koppelman: That was the thought process though out this bill. That is the main intent.

Rep. Lois Delmore: Did you visit on page 6 that Class 1 and Class 2 are assumed to carry the same privileges? The AG says the application and money are the same. On the last page of your bill you have made them equal. Have you clarified that?

Rep. B. Koppelman: On the last handout I gave you. They say licenses are equally valuable in the state of ND but because of the additional testing requirements the holder of a class I licenses have reciprocity in many more states. The application and testing are the same for both classes of licenses.

Rep. Lois Delmore: I understand that.

Rep. B. Koppelman: There is basically one requirement with Class 1 and Class 2 is proficiency. Both permits are intended to have the same privileges. If there are things that are a problem I would be happy to work with the committee on amendments.

Rep. Lois Delmore: On Section 6 of the bill if I want a Class 1 it goes a 1-4; if I simply want a Class 2 all I have to do is complete the open book test offered. There are some differences.

Rep. B. Koppelman: If you get a concealed weapons permit no one should carry if they are not comfortable. This bill is not assessing efficiency.

Rep. L. Klemin: On Section 6 I am having trouble with the presumption language.

Rep. B. Koppelman: Yes that is what I intended.

Rep. L. Klemin: Going to page 6 of this bill; Class 1 and Class 2 are presumed to carry the same privileges and I am having trouble with that wording.

Chairman K. Koppelman: What was just said is correct. The intent was to make it responsible but not overly legit but we were dealing with other states that had more rigid standards. The Class 1 and Class 2 is relatively new and it came about to say is created this two headed monster where we have a Class 1 license for people who really wanted to get reciprocity with a lot of other states with that license. We do not have it with Minnesota.

Rep. B. Koppelman: Passed out the amendment for a later testifier. (See proposed amendment #3)

Paul Hamers, Court judge for the city of Napoleon, ND (See testimony #4) (53:00-Going over the sections of the bill. Section 1 this issue comes up all the time when you teach concealed weapons permits. What is the definition of unloaded? This area is not consistent with what Game and Fish requires so I fully support this section.

Chairman K. Koppelman: When you are hunting the definition that is in the bill mirrors that definition of loaded and unloaded?

Paul Hamers: Yes that is correct and also with hand guns too.

Paul Hamers: Section 2: It is going to add retail and consumption. Referred to testimony.

Rep. Lois Delmore: I was asking if the intent was to go into a bar. I did not say anything about taking a gun off and on to go from one place to another.

Paul Hamers: In the case of accidentally discharges the more times you remove your holster the more times you make it less safe. This prohibits where alcohol is consumed.

Rep. L. Klemin: I understand the prohibition in Section 2 says you can't carry a firearm in a bar, but you could carry it into a liquor store. Then this exception on subdivision 3 of section 2 allows a political subdivision to change that and allow people to carry firearms in bars?

Paul Hamers: If we look at the ND Constitution you see the right to defend yourself with a firearm is number one on the list. People in liquor stores do not serve the people who are already drunk. If some subdivision in a remote place would allow those people who have just come from the hunting field to still retain their firearms; if that city thought that could be regulated under their current situation then they would have the ability to make it legal for you to carry in here because you are a guest in our town and we feel safe with you here. I don't think that would be prudent for a city that has larger bars to do that. I have no opinion on this section.

Rep. L. Klemin: As a municipal judge and being situations where there have been bar fights that have resulted in serious injury and it is pretty common so I don't know if I would want to have somebody else drawing his gun and shooting someone.

Paul Hamers: On Section 3: Over the years this idea of public gathering and public place is hotly debated. I asked a judge and he said maybe a public place a places that charges admission. I think it is good to clarify this area. In Section 3, page 3 items 25 I am in support of that item.

Rep. L. Klemin: When I first saw this I thought he might be talking about highway rest areas. Are we just talking about highway rest areas? There are a lot of places in the city maybe there are tourists and they go into Medora and they go into a public rest room; is that a rest area? Are we just talking about highway rest areas?

Paul Hamers: I would read that as any rest area on any public owned area. A lot of this is about interpretation. Section 4 deals with where you can and cannot legally store a firearm in a parked vehicle. This is just an exception to that. Section 5: I think it is a necessary piece of the law, but why couldn't it have been written better 20 years ago. Define daylight hours and hours of darkness and then read no individual could carry during daylight hours. I would urge that working be changed.

Rep. L. Klemin: How would you define secured?

Paul Hamers: There is a special section in the Century Code that defines that. Secured means that your firearm would be disassembled or disabled.

Chairman K. Koppelman: The daylight and darkness restrictions deal with firearm in state law and you said that the possession of a concealed carry permit excepts you from that.

Paul Hamers: Section 6: Class 1 and Class 2 permits are given out in very different ways. If we are two permits then within our borders they should be equal in the eyes of the law. Subsection L of 62.1-02-05 also appears as an exception under 61.1-02-04 and that is that we also make the laws consistent when it comes to gaming sites and liquor establishments for the staff members of the AG retired peace officers and municipal court judges.

Tonya Long, Concealed Firearms Instructor: I just have some comments. In Section 3: especially in school and school grounds this will clear that up that you can't have a gun there. Class 1 and Class 2 and making them that same. I think being able to carry in public restrooms would be extremely helpful. The only difference between Class 1 and Class 2 is right now where you can carry a Class 1 versus a Class 2 is in a church; and under our century code with a Utah permit you also carry in a church with permission from the pastor in a Class 1.

Chairman K. Koppelman: The concern is we don't want to fill our law with different distinctions because it leads to more confusion.

Tonya Long: Discussed the proposed amendment handed out earlier. This is just clarifying that Taser's are different and there is nothing in here that points to what they are so I am proposing that we add stun gun into this section too. A stun gun is not a dangerous weapon.

Chairman K. Koppelman: Stun gun is not a proprietary trademark?

Tonya Long: In Century Code section on concealed weapons it is 62.1-04-02. For purposes of this chapter the term dangerous weapons does not include a spray, or aerosol contacting CFCN or other irritating agent nor does the term include a stun gun or device that uses direct contact to deliver voltage for the defense of an individual so it is already in code.

Chairman K. Koppelman: To clarify your requested amendment what we are reading and what you suggested that we add would make it clear that a Taser is a dangerous weapon, but a stun gun is not.

Robert Severson: Prairie Patriot Firearms Training: (See testimony #5) (1:20:12- - 1:25:42)

Ray Utter, A citizen of ND: The am concerned about Section 2 where it adds the exemption for the consumption of alcoholic beverages, which seems counter to all the testimony and information that I have seen so far.

Chairman K. Koppelman: That section says you could carry in an off sale location, but you could not carry it in a bar.

Ray Utter: The rest area thing is great. Page 6, line 4 & 5 when it talks about Class 1 and Class 2 I am for that because I carry a Class 2 only because of the repetitive testing requirements for a Class 1.

Opposition: None

Neutral: none

Hearing closed.

Chairman K. Koppelman: That provision that you were asking questions about Rep. Klemin in Section 2 of the bill in regard to local political subdivisions passing ordinances that are less restrictive. I think the bill sponsor indicated that was aimed at consistency someplace. Are you aware where else it says that?

Phil Pfemming: It is exact wording and it is also in 62.1 and in this bill from page 3 on the bottom of section 3 item #3, line 26.

Chairman K. Koppelman: This is for consistency then.

2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1450
2/16/2015
#23936

- Subcommittee
 Conference Committee

Committee Clerk Signature

Beckie Strega

Explanation or reason for introduction of bill/resolution:

A BILL relating to concealed weapons and firearms.

Minutes:

Chairman K. Koppelman opens discussion on HB 1450

Chairman K Koppelman: I spoke with Representative Porter about a bill they have in the Energy & Natural Resources Committee that also deals with concealed weapons issues.

Representative Ben Koppelman: Introduces HB 1450. I ran this past Bureau of Criminal Investigation and they didn't have any concerns with the language of this bill. One suggestion made by the committee is on page 2, line 21, at an athletic sporting event where a ticket is required to be purchased, we talked about striking "to be purchased". There was no opposition to this bill.

Rep. G. Paur: I believe on page 6, line 5, "are presumed to carry the" to be deleted and put "have" in.

Chairman K Koppelman: Yes, I have the same.

Rep. Lois Delmore: I have a great deal of trouble with Class 1 and 2 being the same. If we are going to allow people to carry guns into schools, than they need to do more than take an open book test. That really concerns me, I cannot support the bill with that part in it.

Chairman K. Koppelman: There was also a written amendment, from Representative Koppelman?

Rep B Koppelman: That was suggested by Ms. Long. She talked on the amendment and gave a printed amendment.

Chairman K. Koppelman: So you prepared this on her behalf.

Rep B Koppelman: Yes, it was commonly referred to as the "stun gun" that added to the end of the amendment. I think that amendment works fine, and it will show up in Representative Porter's committee.

Rep. Lois Delmore: I have a question whether it's really germane to what the bill is doing. I guess because it's clean-up it probably does. That's one of the things we often look at when amendments are offered. We didn't really have a hearing on that.

Chairman K. Koppelman: I think Ms. Long's suggestion is germane, because we are dealing with the whole issue of concealed weapons dangerous, weapons - it is kind of a clean-up.

Rep B Koppelman: In response to Rep. Lois Delmore regarding the schools. I serve on the education committee where we had that bill, that does not refer to Class 1 and Class 2, it does refer to valid concealed weapons license and you must be 21 years old or older.

Rep. Lois Delmore: I get that, I still have a great concern with the wording of this.

Rep. B Koppelman: This bill still does not expand any permissions in school.

Rep. L. Klemin: There is another one on page 3, line 25, add the words "or restroom" after "rest area".

Chairman K. Koppelman: I also had a note on the citation. I had written 62.01-12-13, was that a correction from '02? Tessa can you check that.

Tessa: There is no " -12" in that Chapter

6:15

Rep. L. Klemin: I wasn't clear on the stun gun amendment. Are we putting that in?

Chairman K. Koppelman: The stun gun amendment is the written amendment we have. The end of that she asked for the words "commonly referred to as a stun gun" to be added to the written portion. We haven't amended anything yet.

Rep. L. Klemin: We were talking about Representative Ben's amendment with those additional words.

Chairman K. Koppelman: Correct, it was what Ms. Long had suggested.

Rep. G. Paur: I spoke to BCI rep when he was here, he said that is already covered. It also said it doesn't hurt to have it in there.

Chairman K. Koppelman: Interesting.

Rep. Lois Delmore: On page 2, line 9, where they talked about less restrictive than their faction. It almost would be to have the amendment printed.

Chairman K. Koppelman: We can do that or we can act on it. The less restrictive was discussed, but I think the intent was if a political subdivision wanted to allow weapons, where this did not. Did someone say that was current?

Rep. L. Klemin: If you look at the bottom of page 3, subsection 3, line 26-29, it's the same language.

Chairman K. Koppelman: Yes it is. The question is, do we need it?

Rep. L. Klemin: It's not identical, it's a less restrictive provision.

Chairman K. Koppelman: That's already current law.

Rep. L. Klemin: It could be done, which doesn't necessarily mean it's a good idea.

Representative Ben: It's was put in there for consistency because currently the language the Representative Klemin is referring to deals with the public gathering place, where this would only deal with the alcohol.

Chairman K. Koppelman: The point is to make this section consistent with the other section of state law with respect to concealed carry.

Rep. Lois Delmore: I would take out the Class 1 and Class 2 permits, they're presumed to carry the same privileges in the state. I think we are opening a lot of things up to concealed weapons. If that's the will of the assembly that is what will be law. But they aren't equal.

Rep. L. Klemin: There's about a half dozen different disagreed amendments here, I think it would be better if we had it in writing.

Chairman K. Koppelman: Representative Delmore is asking to remove something from the bill we don't have in writing. Years ago we only had one Class of concealed weapons permits. There was a required shooting test with that. North Dakota has been trying for a long time to get reciprocity with Minnesota, so North Dakota created the Class 1 license specifically as an attempt to gain reciprocity with Minnesota. Minnesota has never given That's why the Class 1 was created. Bureau of Criminal Investigation will tell you that is the only reason we have a Class 1.

Rep. K. Wallman: I remember there was a discussion about page 2, line 8, Section 3, Representative L. Klemin made the point that a political subdivision could actually allow people to conceal carry in bars.

Chairman K. Koppelman: I think you could argue that's permissible under current law. Look at the bottom of page 3, line 26 is current law. That section was inserted mainly for consistency. The main reason for that is we are dealing with a constitutional right.

Chairman K. Koppelman: We will suspend discussion on HB 1450 until we get some things in writing.

2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1450
2/18/2015
24061

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

Chairman K. Koppelman: If you look at your notes you should have a printed amendment #3. Rep. Porter has done a lot of work on our concealed weapons laws over the years has another bill in that committee HB 1241 and they are attaching language and he came and asked if we would ensure that the language is harmonized so that it is the same. I think it is a little bit different but accomplishes the same thing. They are using unless the device uses a projectile and voltage is how they are phasing it. That is repeated three different times in this bill and in three different sections that they will be amending into it. They don't want to reference to stun gun or Taser because those are brand name kind of things.

Rep. L. Klemin: It seems to me that when had a definition of dangerous weapon it said stun gun and we took it out. I don't think stun gun is a trade mark.

Chairman K. Koppelman: Discussed proposed amendment #3 from 2-4-15 meeting. (2:38-4:43)

Motion made to adopt the amendment 15.0780.03003 by Rep. Maragos; Seconded by Rep. Brabandt:

Chairman K. Koppelman: Is as printed with the one change being deleting the underscored words attached to wire that delivers and replacing that with and.

Voice vote carried.

Chairman K. Koppelman: The other things we did discuss were on page 2 line 21 deleting the wording to be purchased. The sponsor requested that after hearing our committee discussion. This was to make sure that someone is not walking through a park or mall or something else and there is a bunch of 8th graders singing and all of a sudden they are at a concert and they carrying their concealed weapons thinking they are legal doing that, but because they happened upon a concert they could be illegal. There are ticketed events that are clearly organized events and we don't have to always buy a ticket. Sometimes it is a free ticket so he wanted to remove the words to be purchased.

Amendment moved by Rep. Karls; Seconded by Rep. Maragos

Voice vote carried.

Chairman K. Koppelman: Page 3, line 25 the suggestion was to add the words or restroom after rest area. Is there a motion to that effect?

Amendment moved by Rep. Lois Delmore: Seconded by Rep. Maragos

Voice vote carried.

Chairman K. Koppelman: Page 6, line 5 there was a suggestion to change the words are presumed to carry to the word have.

Amendment moved by Rep. L. Klemin: Seconded by Rep. Maragos

Discussion:

Rep. Lois Delmore: So it would read Class 1 and Class 2 permits carry the same privileges in this state? We are allowing people to carry in more and more places and you will never get me to believe that Class 1 and 2 are the same. The requirements are extremely different.

Chairman K. Koppelman: Look at the printed testimony from the bill sponsor that was handed out. The last page of that testimony is the page from the Attorney General's website and it is brief. It says the difference between Class 1 and Class 2 license is reciprocity. The licenses are equal and equally valid within North Dakota, but because of the additional testing requirements the holders of a Class 1 license have reciprocity in more states than those who have a Class 2 license. The applicant and testing are the same for both licenses.

Rep. L. Klemin: Maybe instead of saying have the same privileges maybe we should say are equally valid in this state. That states it better.

Withdrew amendment Motion by Rep. L. Klemin: Withdrew Seconded by Rep. Maragos

Amendment moved by Rep. L. Klemin; Seconded by Rep. Maragos

Rep. L. Klemin: That on line five the words presumed to carry the same privileges be deleted and insert equally valid.

Chairman K. Koppelman: So that would read Class 1 and Class 2 permits are equally valid in this state. I don't think we are doing anything new here. The only distinction we have ever made in the legislature or that the licensers themselves are an amendment to a bill that we passed out last session that we attached the Class 1 designation to. That has since been removed; I have been told in another bill that passed this session.

Rep. K. Hawken: One of the permits requires some class time? I think it is unconscionable that we think it is OK to license people to carry a gun and we don't even know if they can shot it?

Chairman K. Koppelman: that was a Rep. Porter bill a few years ago and the poster example was that a blind fellow had passed a shooting test.

Rep. K. Hawken: I think as we are moving forward to having more people with guns, if we are being conscious we require drivers to be tested we are going have some unintended consequences.

Rep. L. Klemin: The testing was the ability to hit a man sized target 25 feet away which is about between you and me. Nobody can miss that. Not even a blind person and that was the point.

Chairman K. Koppelman: We are changing the words presumed to carry the same privileges and replacing them with is equally valid.

Voice vote carried.

Chairman K. Koppelman: Were there any other amendments before we debate the bill?

Do pass as amended moved by Rep. Karls: Seconded by Rep. Brabandt:

Rep. Mary Johnson: In conjunction with the bill past regarding guns in schools and up to the school boards to decide; don't we see a law enforcement issue here? A bus is an extension of the school. It is school property so Valley City comes here for a concert and the person on the bus is carrying; now they are guilty of a Class B it has nothing to do with the bill.

Chairman K. Koppelman: That is general language and the exception is the bill that is pasted for schools if that passes the Senate it will be an exception to that. So the general rule is they are not prohibited and the cravat is they are permitted if and it would carry the language in the other bill. As a general rule you cannot carry in a school, but if we pass that legislation and you happen to be the person that school board has authorized and you have gone through the police training that is required and all that then you can. No this is just the general prohibition against carrying in a school. The other bill creates a carve out exception.

Rep. K. Hawken: Would you please give us an exact synopsis of what this bill will do as amended.

Chairman K. Koppelman: The intent of this bill was that it is extremely confusing in North Dakota the way our laws read. We have prohibited public gatherings and things that we say you can't carry a gun. This language deals with prohibited places that you can't carry and it talks about the place or the building instead of the activity. Under current law you might be able to carry at a particular event, but if there was something going on like a

function or athletic event that this law prohibited. So the intent of the bill is to clarify that and it does talk about events in the sense of a ticketed event.

Rep. K. Hawken: So is it saying you cannot have a gun in a bar or is it saying you can?

Chairman K. Koppelman: You cannot have a gun in a bar. In Section 2 the end consumption is basically you were prohibited from carrying in a bar, but unintentionally the language also meant you couldn't carry in an off sale.

Rep. K. Wallman: This bill changes the definition of loaded handgun and it also changes from a Class A to a Class B misdemeanor so that is a difference between a year down to thirty days if you do bring a firearm into a liquor establishment. I will be resisting this bill because I heard from folks in Fargo leadership that they thought this was a bad bill. The law already says local jurisdictions can impose greater or different standards.

Roll Call Vote: 7 Yes 6 No 0 Absent Carrier: Rep. Karls

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1450

Page 1, line 1, replace "subsection" with "subsections 1 and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile, including a projectile attached to a wire that delivers voltage, by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses direct contact to deliver voltage for the defense of an individual."

Re-number accordingly



February 18, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1450

Page 1, line 1, replace "subsection" with "subsections 1 and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, including a projectile and voltage, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses direct contact to deliver voltage for the defense of an individual."

Page 2, line 21, remove "to be purchased"

Page 3, line 25, after "area" insert "or restroom"

Page 6, line 5, replace "presumed to carry the same privileges" with "equally valid"

Renumber accordingly

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL NO. HB 1450**

House JUDICIARY Committee

Subcommittee Conference Committee

Amendment LC# or Description: 15.0780.03003

Recommendation: Adopt Amendment #1
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Other Actions: Reconsider _____

Motion Made By Rep. Maragos: Seconded By Rep. Brabandt:

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) _____ No _____

Absent _____

Floor Assignment: _____

If the vote is on an amendment, briefly indicate intent:

Voice vote carried

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL NO. HB 1450**

House JUDICIARY Committee

- Subcommittee Conference Committee

Amendment LC# or Description: Remove words to be purchased

- Recommendation: Adopt Amendment #2
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Other Actions: Reconsider _____

Motion Made By Rep. Karls Seconded By Rep. Maragos

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) _____ No _____

Absent _____

Floor Assignment: _____

If the vote is on an amendment, briefly indicate intent:

Voice vote carried

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL NO. HB 1450**

House JUDICIARY Committee

- Subcommittee Conference Committee

Amendment LC# or Description: Page 3 line 25 add words or restroom after rest area.

- Recommendation: Adopt Amendment #3
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Other Actions: Reconsider _____

Motion Made By Rep. Delmore Seconded By Rep. Maragos

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) _____ No _____

Absent _____

Floor Assignment: _____

If the vote is on an amendment, briefly indicate intent:

Voice vote carried

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL NO. HB 1450**

House JUDICIARY Committee

- Subcommittee Conference Committee

Amendment LC# or Description: Strike "have the same privileges" + change to "are equally valid in this state."

- Recommendation: Adopt Amendment #4
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Reconsider _____

Motion Made By Rep. Klemin Seconded By Rep. Maragos

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) _____ No _____

Absent _____

Floor Assignment: _____

If the vote is on an amendment, briefly indicate intent:

Voice vote carried

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL NO. HB 1450**

House **JUDICIARY** Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Other Actions: Reconsider _____

Motion Made By Rep. Karls Seconded By Rep. Brabandt

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	X		Rep. Pamela Anderson		X
Vice Chairman Karls	X		Rep. Delmore		X
Rep. Brabandt	X		Rep. K. Wallman		X
Rep. Hawken		X			
Rep. Mary Johnson		X			
Rep. Klemin	X				
Rep. Kretschmar		X			
Rep. D. Larson	X				
Rep. Maragos	X				
Rep. Paur	X				

Total (Yes) 7 No 6

Absent 0

Floor Assignment: Rep. Karls

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1450: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1450 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections 1 and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, including a projectile and voltage, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses direct contact to deliver voltage for the defense of an individual."

Page 2, line 21, remove "to be purchased"

Page 3, line 25, after "area" insert "or restroom"

Page 6, line 5, replace "presumed to carry the same privileges" with "equally valid"

Renumber accordingly

2015 SENATE ENERGY AND NATURAL RESOURCES

HB 1450

2015 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Fort Lincoln Room, State Capitol

HB 1450
3/19/2015
25093

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kate Olive

Explanation or reason for introduction of bill/resolution:

Relating to concealed weapons and firearms.

Minutes:

4 Attachments

Chairman Schaible called the committee to order, roll was taken and all members were present aside from Senator Hogue.

Representative Ben Koppelman: District 16 in West Fargo. I introduced this bill to better clarify areas in which an individual with a valid concealed weapons license may carry. The reason is that this is reciprocity with other states, including some states that North Dakota does not have reciprocity, such as Minnesota. The reason that Utah and other states use this definition is that it would still take multiple actions to manipulate the firearm to be in a fire able position. By having multiple actions this reduced the possibility of accidental discharge.

Representative Koppelman then explained the changes of the original bill into the new version.

Chairman Schaible: Page 2 section 3 subsections 3, my understanding is that you are giving local authorities chances to make our law less restrictive, is that correct?

Representative Koppelman: That is correct and if you look in the Century Code that is the same allowance that is put in the next section that deals with public places.

Chairman Schaible: Seems to me that we don't do that very often, or would even want to do, is give local political subdivision the authority to change our law and make it less restrictive.

Representative Koppelman: If you look at page 4, section 4, subsection 3 you will see parallel language that affect public places. My understanding in the research that I did is that the language has been there since they came up with it since they have made conceal and carry laws. I think that the idea is that local law enforcement typically are those that have to enforce these rules so if you are carrying at a school or a church or a bar they are the ones who have to enforce that. If a local law enforcement, typically under the control of

a municipality who had the ability to make ordinance, that would allow for that. I am going to hand out the reference that I had from the Attorney General's website, see attachment #1. There is also a handout that I asked you intern to run off is the section of law that talks about universities, see attachment #2.

Senator Murphy: On the top of page 2, section 2 "handguns with a removal magazine" that is crossed out. I thought that when you were talking that this section perhaps required some multiple maneuvers before the gun was operable. Is that correct?

Representative Koppelman: What you are saying is correct but if you read what is left in the bill my point was having the second part of the language is unnecessary. If I have an automatic handgun that has bullets in the clip, legally I can say it is unloaded if the clip isn't in the gun. With that scenario I would have to insert the clip, take the safety off.

Senator Murphy: It is allowing you to be in a situation where you can reach in get your gun and be ready to go.

Representative Koppelman: One of the main things is to make it consistent and easily understandable. This would not apply to a legal conceal and carry because they can already do that. If you do not have concealed and carry permit you have to carry the gun unloaded if it is concealed. If you had a gun in your vehicle and you weren't a conceal and carry permit owner this would take one step away from that.

Senator Murphy: Later on you are suggesting that a city could say that in our area you can make any law less restrictive for carrying a gun?

Representative Koppelman: If you were to put this into law the way I presented it to you then you would have apply that to the area of law that deals with liquor establishments. If the Fargo city commission wanted to pass a law saying that you can carry on church/school/sporting events as long as you have a valid conceals and carry permit. I think that the logic there is that they are the ones that have to enforce it anyway; it is rare that you will have the state troopers being the primary enforcer of this. It will probably be a city and in some cases could be a county at which point both can do ordinances if they have ordinance power.

Senator Triplett: The section on removing universities. Page 4, section 5 have you considered some kind of middle ground?

Representative Koppelman: Look at the handout I gave you (attachment #2), on the top of the heading you will see it only applies to employers. Generally speaking this does not give students more or less rights and this is talking about the adult employees of the universities. Under law right now state law says you cannot have a weapon on school grounds or functions so in your scenario I am not sure that a university can do it. NDSU did attempt something like this but they would have to take their gun from the car to the locker to lock it up, they are going to break law if they do that.

Senator Triplett: Your bill doesn't deal with that scenario?

Representative Koppelman: Correct it could possibly apply in the event of a student employee.

Paul Hammers: Retired NCO from the U.S. Army. See attachment #3. (22:58-32:04)

Senator Murphy: Are you in agreement with section 3 subsection 1 whereby this bill would lower the penalty from an A to a B misdemeanor.

Paul Hammers: Yes, I do. Oftentimes the way the law is written I see that scenario applying as someone who walks into a prohibited place, they are approached then they comply and leave. Perhaps that penalty could be applied.

Senator Armstrong: Allowing a municipality a different right. If a city lowers it then it ends up in district court?

Paul Hammers: Yes that is correct.

Tanya Long: North Dakota Conceal and Carry Permit instructor. I wanted to propose an amendment to the bill. If you look at section 1 where it talks about voltage we heard testimony that talked about clearing up the language for the Taser. When this bill was presented it was clarified a bit better and I know that they House was in favor of this and I wanted to add the extra language. See attachment #4.

Chairman Schaible: Did you testify in front of the House? Why was the language removed?

Tanya Long: It was a mistake.

Christopher Dodson: North Dakota Catholic Conference. Section 4, regarding church grounds, that is appreciated as it has always been difficult for us. I want to clarify on the colleges and universities part in section 5. The section of the law that it changes has the heading that says that the employers but if you read that section carefully it doesn't apply just to employees. If you are an employer of any kind you cannot prohibit anyone coming on campus from having a firearm. This change takes away the right of a private college to have a policy that applies to students, people living in a dorm, people attending a game.

Suzan Beehler: Resident of Mandan. I have concerns about the wording in the bill, in particular, page 2. We heard testimony that said that this was only in a store setting but I do not know anyone who consumes alcoholic beverages in a store so section 3, line 9 and 10. I have over 13 years in the hospitality industry and I do not want to be serving, managing or attending an event where there is booze and guns. It is easy to forget and drop things.

Senator Triplett: By adding the words and consumption they are making it clear that you cannot have guns where there is booze.

Suzan Beehler: In section 3 it says that a city can be less restrictive but it doesn't allow it to be more restrictive. So you are saying that it gives local control but it only gives local control if it is less restrictive.

Tim Dawson: Legislative Council.

Senator Triplett: The piece that was handed out 62-02.13 the section was new in 2011 suggested that there were 2 different bills and they needed to be harmonized.

Tim Dawson: I'll look into that.

There was no further testimony on HB 1450 and Chairman Schaible closed the public hearing.

2015 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources
Fort Lincoln Room, State Capitol

HB 1450
3/25/2015
25431

- Subcommittee
 Conference Committee

Committee Clerk Signature

Katie Oliver

Explanation or reason for introduction of bill/resolution:

Relating to concealed weapons and firearms.

Minutes:

Chairman Schaible called the committee to order.

Senator Armstrong: The subcommittee on this bill has met twice and we have gone through all 4 of the bills, we are trying to combine everything that is non-controversial in one bill and one bill into a comprehensive bill. Representative Karls's bill is a standalone bill and combines the other 3 into one bill. We should have them early next week sometime.

Senator Triplett: All of these people who do gun bills want to keep their "A" rating with the NRA.

Senator Armstrong: Pride of authorship has been an interesting conversation through the course of these bills.

There was no further discussion and Chairman Schaible closed the committee work on HB 1450

2015 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources
Fort Lincoln Room, State Capitol

HB 1450
4/2/2015
25749

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to concealed weapons and firearms.

Minutes:

1 Attachment

Vice Chair Unruh handed out the amendment, Christmas tree version of the bill and the changes in the code. See attachment #1.

Vice Chair Unruh made a motion to adopt amendment number .04001 to HB 1450 with a second by Senator Armstrong.

Senator Laffen: Under current conceal and carry rules you would have to have to keep your magazine separated from the gun?

Vice Chair Unruh: This is not applicable to conceal and carry permit holders this is relating to citizens without that.

Senator Laffen: If you have a conceal and carry permit you have the option of keeping the gun loaded and a shell in the chamber.

Vice Chair Unruh: Yes that is correct.

Senator Triplett: To clarify the previous conversation about students as employees I do not think it matters. All students would be authorized under this section if you read the handout on subsection 1 at the top of the page. If you think about an employer like a university and what a student is relative to that they would either be a customer or an invitee I would think. The university could not prohibit a student from possessing a firearm.

Senator Armstrong: I think that this will have to end up being further clarified but I am not sure I disagree with Senator Triplett's interpretation. Speaking generally of the amendments I know that the bill will have some serious discussion and regardless of how you feel about the underlying thing what we struck in the amendments is language to make sure that the last bill that we passed is the bill that moves forward.

Senator Triplett: I am not opposed to the bill as it is proposed to be amended I just want to make sure that we as a committee has some sense of what we think it means.

There was no further discussion, roll was taken and the amendment was adopted on a 7-0-0 count.

Vice Chair Unruh made a motion for a do pass as amended with a second by Senator Armstrong.

Senator Triplett: Can someone on the subcommittee tell me if they feel like all the bases are covered for these 3 bills.

Senator Armstrong: The subcommittee felt that the last bill that we passed was a pretty strong piece of legislation that had pretty good support; this bill was the one that had the most opposition in committee hearing for these two sections. This would allow lots and lots of people to have a locked gun in their car on a college campus. The unloaded language means that a gun with a clip in it without a shell in the chamber would now be considered unloaded.

Senator Triplett then asked for clarification on the differences between the changes made in HB 1450 and HB 1241.

Vice Chair Unruh: We though that this language created clarity in the law and didn't require the taking off and putting on of a gun, this made it a little more simple.

Senator Hogue: What is the policy of employees of a university or students of a university to be able to lock weapons? Is it the intent that you want to authorize them to do that or not. If you read this section it talks about a very broad prohibition and subsection 6 the prohibitions do not apply.

Vice Chair Unruh: The intent is to prohibit the employer from prohibiting employees from having guns in their car.

Senator Hogue: I think that we need to have the intent discussion. What exactly is the prohibition that does apply in subsection 6.

Senator Armstrong: We should proceed with the broadest definition possible.

There was no further discussion, roll was taken and the motion passed on a 6-1-0 count and Vice Chair Unruh carrying the bill to the floor.

There was no further work in front of the committee and Chairman Schaible closed the committee work on HB 1450.

March 30, 2015

4/2/15
JL

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1450

- Page 1, line 1, replace "subsections 1 and" with "subsection"
- Page 1, line 1, remove ", sections"
- Page 1, line 2, replace "62.1-02-04 and 62.1-02-05," with "and"
- Page 1, line 2, remove the second comma
- Page 1, line 3, remove "section 62.1-03-01, and subsection 2 of section 62.1-04-03"
- Page 1, remove lines 6 through 21
- Page 2, remove lines 5 through 29
- Page 3, remove lines 1 through 31
- Page 4, remove lines 1 through 15
- Page 4, line 19, remove the overstrike over "property"
- Page 4, remove lines 20 through 30
- Page 5, remove lines 1 through 30
- Page 6, remove lines 1 through 25
- Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1450, as engrossed: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1450 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsections 1 and" with "subsection"

Page 1, line 1, remove ", sections"

Page 1, line 2, replace "62.1-02-04 and 62.1-02-05," with "and"

Page 1, line 2, remove the second comma

Page 1, line 3, remove "section 62.1-03-01, and subsection 2 of section 62.1-04-03"

Page 1, remove lines 6 through 21

Page 2, remove lines 5 through 29

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 15

Page 4, line 19, remove the overstrike over "~~property~~"

Page 4, remove lines 20 through 30

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 25

Renumber accordingly

2015 TESTIMONY

HB 1450

#1
HB 1450
2-4-15
PJ1

2/4/15

Mr. Chairman and Members of the Judiciary Committee, My name is Rep. Ben Koppelman, and I represent District 16 in West Fargo. I am here to testify in favor of HB 1450.

I introduced this bill to better clarify areas, in which an individual with a valid concealed weapons license (CWL) may carry, to slightly expand those privileges in prudent areas, and to unify some definitions with other states.

Section 1 would align the definition of a loaded handgun with that of a loaded shotgun, rifle, or muzzleloader by simply defining loaded as having a cartridge in the chamber (or chambers) of a firearm. This definition is also consistent with the rules used by the state of Utah, which is likely the most commonly sought after license that ND permit holders seek after they have secured their ND license. The reason is that it has reciprocity with many of the states including some states that ND does not such as MN. I think the reason Utah and others use a definition such as this is that it would still take multiple actions to manipulate the firearm to a fire-able position. For example, in the case of a semi-auto handgun, even if a magazine has cartridges in it and it inserted into the handgun, the individual would have to pull the slide

✓

#1
HB1450
2-4-15
PJR

back, after possibly turning the safety off, before the trigger could be pulled. By having multiple actions required verses a single action, this reduces the opportunity of accidental discharge.

Section 2 would more clearly define bars or liquor establishments, which I believe was the intent of this section, so that liquor stores are not thought to be included. After all, the concern demonstrated in this section seems to be with someone who is under the influence and may not use rational judgment in the use of ones' otherwise legally carried firearm. Also, the penalty for a violation is changed from a class A to a class B misdemeanor. This makes it consistent with the penalties with in the rest of the chapter and because it would be a class B and not a class A, it could be handled by municipal court rather than district court. Finally, the local control clause, which allows municipalities to make the requirements for CWL holders less strict if they choose, is included to make is consistent with the similar clause in CC62.1-02-05 subsection 3. In Section 3 the term "public gathering" is changed to "prohibited public place" as this better describes the types of places that the section restricts. Also to be more clear, the terms "school or school functions" and "church or church functions" are changed to "means in a school or on school grounds" and "means in a church or on church grounds"

#1
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2-4-15
Pg 3

respectively. Music concerts and athletic or sporting events are better clarified by adding, "if a ticket for admission is required to be purchased". The language relating to Political rallies or functions is removed as it could be construed as being very broad. The public park language is removed as many of those parks are already exempted later in the section. And finally, publicly owned rest areas are exempted from the current restriction in publicly owned or operated buildings.

Section 4 would now allow college students who were legally allowed to possess a firearm to have it secured in their vehicle. This section of code already defends a person's vehicle as being an extension of their personal property, but does not afford that same right to those who work at or attend a university. This is especially problematic since we are a rural state and hunting is an after school or work activity for many during hunting season. This change would not grant any new permission to carry on campus, but would allow a gun to be secured in a vehicle.

The changes to Section 5 is merely some cleanup language to better clarify when a handgun may be carried unloaded. It is correcting an unintended change that resulted from an amendment to the statute in a recent legislative session.

#1
HB1450
2-4-15
Pg 4

Section 6 would clearly define that the privileges of class 1 and class 2 CWL permit holders as being presumed the same within the state. This is consistent with the intent when the class 1 license was added. The class 1 was created to allow ND residents an opportunity to get a license that would enjoy more reciprocity with other states, however, it was never intended to enjoy more privileges within ND. This language is consistent with the description by BCI on the ND AG's website (see handout).

Mr. Chairman and Members of the Committee, this concludes my testimony, and I will be happy to stand for questions.

#1
HB1460
2-4-15
PJ5

North Dakota Attorney General



Wayne Stenehjem

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Sex Offender Web Site

Difference Between Class 1 and Class 2 License

The main difference between a Class 1 license and a Class 2 license is - Reciprocity!

The licenses are equally valid within North Dakota, but because of the additional testing requirements, the holders of a Class 1 license have reciprocity in many more states than those who have a Class 2 license. The application process and testing fees are the same for both classes of license.

Consumer Protection
1-800-472-2600 within ND only

BCI Tip Line
1-800-472-2185 within ND only

Concealed Weapons Hotline
1-855-562-4946 within ND only

The Attorney General and his staff are prohibited by law from providing legal services to the public. For legal advice or an interpretation of state laws, please contact an attorney in private practice.

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§ 62.1-02-13. Possession of secured firearm--Prohibition by..., ND ST 62.1-02-13

West's North Dakota Century Code Annotated
Title 62.1. Weapons
Chapter 62.1-02. Possession of Weapons

NDCC, 62.1-02-13

§ 62.1-02-13. Possession of secured firearm--Prohibition by employer prohibited

Currentness

1. A public or private employer may not:

a. Prohibit any customer, employee, or invitee from possessing any legally owned firearm, if the firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and if the customer, employee, or invitee is lawfully in the area.

b. Make a verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or make an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle. In addition, a public or private employer may not take any action against a customer, employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes. A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by an on-duty law enforcement officer.

c. Condition employment upon the fact that an employee or prospective employee holds or does not hold a concealed weapons license or any agreement by an employee or a prospective employee that prohibits an employee from keeping a legal firearm locked inside or locked to a private motor vehicle in a parking lot, if the firearm is kept for lawful purposes.

d. Prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot or the employer's place of business because the customer's, employee's, or invitee's private motor vehicle contains a legal firearm being carried for lawful purposes, that is out of sight within the customer's, employee's, or invitee's private motor vehicle.

e. Terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising the constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on company property for any reason other than lawful defensive purposes.

2. A public or private employer has no duty of care related to the actions prohibited under this section.

3. A public or private employer is not liable in a criminal or civil action based on actions or inactions taken in compliance with this section. The immunity provided in this subsection does not apply to civil actions based on actions or inactions of public or private employers that are unrelated to compliance with this section.

§ 62.1-02-13. Possession of secured firearm--Prohibition by..., ND ST 62.1-02-13

4. This section does not expand any existing duty, or create any additional duty, on the part of a public or private employer, property owner, or property owner's agent.

5. A person aggrieved under this section may bring a civil action for violation of rights protected under this section. In any successful action brought by a customer, employee, or invitee aggrieved under this section, the court shall award all reasonable personal costs and losses suffered by the aggrieved person as a result of the violation of rights under this section. In any action brought under this section, the court shall award all court costs and attorney's fees to the prevailing party.

6. The prohibitions in subsection 1 do not apply to:

- a. Any public or nonpublic elementary school, middle school, high school, college, or university property.
- b. Any correctional facility or institution.
- c. Property owned or leased by a public or private employer or the landlord of a public or private employer upon which are conducted substantial activities involving national defense, aerospace, or homeland security.
- d. Property owned or leased by a public or private employer or the landlord of a public or private employer upon which the primary business conducted is the manufacture, use, storage, or transportation of combustible or explosive materials regulated under state or federal law, or property owned or leased by an employer who has obtained a permit required under 18 U. S.C. 842 to engage in the business of importing, manufacturing, or dealing in explosive materials on the property.
- e. A motor vehicle owned, leased, or rented by a public or private employer or the landlord of a public or private employer.
- f. Any other property owned or leased by a public or private employer or the landlord of a public or private employer upon which possession of a firearm or other legal product by a customer, employee, or invitee is prohibited under any federal law, contract with a federal governmental entity, or other law of this state.
- g. The state hospital.

Credits

S.L. 2011, ch. 503, § 1, eff. Aug. 1, 2011; S.L. 2011, ch. 41, § 22, eff. July 1, 2011.

NDCC 62.1-02-13, ND ST 62.1-02-13

Current through chapter 522 (end) of the 2013 Regular Session of the 63rd Legislative Assembly.

#3
1450
2-4-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1450

Page 1, line 1, replace "subsection" with "subsections 1 and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile, including a projectile attached to a wire that delivers voltage, by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses direct contact to deliver voltage for the defense of an individual."

Renumber accordingly

#4
HB1450
2-11-15

04 February 2015

Chairperson and Members,
House Judiciary Committee
64th Legislative Assembly
State of North Dakota

Good morning,

My name is Paul Hamers. Let me touch on a few high points of my background. Both my wife and I were born and raised in North Dakota. I am a retired paratrooper of the U.S. Army. I have earned a Master's Degree in Military History, a Bachelor's Degree in Social Sciences Education, a Minor in Business Administration, and an Associate's Degree in Electronic Communications Technology. I am the current Municipal Court Judge for the City of Napoleon, the Technology Coordinator for Napoleon Public Schools, the President of the Napoleon Education Association, and the Lay leader of the Salem United Methodist Church. I have an extensive background in teaching the moral, ethical, and practical use of force to military personal, law enforcement, and civilians. I am currently certified as a North Dakota Concealed Weapons Permit Test Administrator.

Let me state that I am in support of HB1450 if for no other reason than that it represents a clarification of rights granted in the State Constitution of North Dakota, (Article 1, section 1), but more importantly it will clarify and correct ambiguities in firearms related portions of the Century Code. This will assist citizens with understanding and compliance with the law.

Section 1 of HB1450: This amendment would apply the identical definition of what constitutes an unloaded firearm to both rifles and handguns. If the chamber is empty, than the firearm is unloaded. The different definitions of "unloaded" for rifles and handguns have always been a source of confusion during concealed carry classes. This clarification is necessary.

Section 2 of HB1450: Would, essentially, authorize the carrying of concealed weapons in liquor stores, but not in bars. Since liquor stores represent a retail outlet and not generally a place where individuals would linger this amendment makes sense.

I would like you to consider Subsection I of 62.1-02-05 also appear as an exception in 62.1-02-04. This would extend the privilege of carrying concealed weapons in liquor establishments to retired law enforcement officers, staff members of the office of the attorney general, and judges. We already trust these same individuals to carry in schools, churches and in this very building in which we are meeting now, if these individuals qualify annually with a handgun in the same manner as local law enforcement agencies.

Subsection I reads: *A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient.*

Section 3 of HB1450: Past interpretation of a public gathering included the concept of a place that charged an admission fee. This also serves as a clarification in the context presented in HB1450.

The addition of right to carry at a rest area is a welcome addition that will allow citizens to protect themselves at these isolated and possibly dangerous locations. In fact, the possession of a firearm once halted what I believed to be a criminal attack upon my person at a remote rest area in Georgia.

Section 4 of HB1450: This would lift restrictions on the secure storage of firearms in vehicles that are in university parking lots. Since many individuals commute to and from classes each day, it makes sense that their state constitutionally guaranteed right to self-protection would not be infringed by the fact that the final destination of the commute represented an area where firearms are prohibited.

Section 5 of HB1450: The text concerning the carrying of handguns without a permit has always been clunky at best. I have often pondered why this section could not read something similar to this.

Definitions:

“daylight hours” means one hour before sunrise and one hour after sunset.

“hours of darkness” means one hour after sunset and one hour before sunrise.

- a. No individual may carry a handgun during daylight hours unless the handgun is unloaded and either in plain view or is secured.
- b. No individual may carry a handgun during hours of darkness unless the handgun is unloaded and secured.

Section 6 of HB1450: This represents a move toward a one permit system. I am generally in favor of this. However, class 1 and class 2 permits are not equal. A more stringent background check, a mandatory legal review class, and a shooting proficiency test separate the two classes. A future consideration, at a minimum, should include a shooting test for all classes of permit. The rationale is that one should have to demonstrate safety and proficiency. When I first received my ND Dangerous Weapons Permit in 1988, all applicants had to take a lethal force written test and a shooting proficiency test. As a responsible test administrator I work with applicants above and beyond the required limits to teach same firearm habits.

In spite of my previous comments, currently there are very few practical differences in the privileges of each class of permit. Each class should carry the exact same privileges within the borders of our state.

In closing, Chairperson and Members, I thank you for this opportunity to weigh in on HB1450. Feel free to contact me for further commentary at your convenience.

Sincerely,



Paul Hamers

USA Retired

Owner

RICOCHET GUN WORKS

701-400-0085

ricochetgunworks@gmail.com





Prairie Patriot Firearms Training

HB 1450
2-4-15
pg 1

<http://prairiepatriot.com/> <https://www.facebook.com/PrairiePatriotFirearmsTraining>

Mr. Chairman and Members of the Committee,

Thank you for allowing me to testify in favor of HB 1450.

I am Robert Severson. My wife Josette and I own Prairie Patriot Firearms Training. We teach firearms safety and use as well as personal, home, and business safety. Part of our business includes the administration and testing of candidates for concealed carry licenses.

In teaching our students the physical safety aspects of handgun use as well as the laws for owning, transporting, and carrying (concealed or not) students very often express confusion over the specifics of the laws. They find that there are aspects of the laws that are unclear to them. I find that my students want very clear rules to follow if they carry a concealed handgun.

The changes HB 1450 would make, which I fully support, will help clarify many of the issues that currently confuse my students.

One major issue was the wording of a "public gathering" as this term lead to speculation as to what it would or wouldn't include. HB 1450 changes the specific term used to "prohibited public place" and clearly defines those places. That will help my students understand the law with much less explanation.

Excluding rest areas from the list of prohibited areas is a humane thing to spell out in the bill. There is no easy work-around to deal with the situation otherwise. I can not imagine not allowing a woman that travels with a gun to make a public rest area stop, or to force her to leave her personal protection gun at home in order to be allowed to empty her bladder. Dangerous either way.

Lifting restriction on the carry of a concealed weapon (by a licensed individual) in places of higher education where adults and not children are present is the right course of action. It is unfortunate that it takes tragedy such as the VA Tech shooting to learn that evil ignores laws, and an armed good man could have stopped some of those 32 deaths.

My handgun tucked into my holster is there for my self defense if such need were to arise. It is much more likely than not that my gun will remain unused. As such the untouched gun is no danger to anybody as long as it can remain in my holster. The less that I have to unholster, manipulate, unload, store, reload, and reholster as I go about my daily activities the less chance that a fleeting moment of inattentiveness will result in any unsafe handling. HB 1450 improves on everyone's safety.

Thank you.

North Dakota Attorney General



Wayne Stenehjem

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- > Quick Links
- Sex Offender Web Site

Difference Between Class 1 and Class 2 License

The main difference between a Class 1 license and a Class 2 license is - Reciprocity!

The licenses are equally valid within North Dakota, but because of the additional testing requirements, the holders of a Class 1 license have reciprocity in many more states than those who have a Class 2 license. The application process and testing fees are the same for both classes of license.

Attachment 1
Rep Koppelman
HB 1450
3/19/15

- Consumer Protection
472-2600 within ND only
- Op Line
1-800-472-2185 within ND only
- Sealed Weapons Hotline
5-562-4946 within ND only

The Attorney General and his staff are prohibited by law from providing legal services to the public. For legal advice or an interpretation of state laws, please contact an attorney in private practice.

[Download Adobe Reader](#)

62.1-02-12. Resident may purchase rifle or shotgun in contiguous state - Application -
Definitions.

Repealed by S.L. 2005, ch. 598, § 2.

Attachment 2
HB 1450

62.1-02-13. Possession of secured firearm - Prohibition by employer prohibited.

Rep Koppelman
3/11/15

1. A public or private employer may not:
 - a. Prohibit any customer, employee, or invitee from possessing any legally owned firearm, if the firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and if the customer, employee, or invitee is lawfully in the area.
 - b. Make a verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or make an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle. In addition, a public or private employer may not take any action against a customer, employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes. A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by an on-duty law enforcement officer.
 - c. Condition employment upon the fact that an employee or prospective employee holds or does not hold a concealed weapons license or any agreement by an employee or a prospective employee that prohibits an employee from keeping a legal firearm locked inside or locked to a private motor vehicle in a parking lot, if the firearm is kept for lawful purposes.
 - d. Prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot or the employer's place of business because the customer's, employee's, or invitee's private motor vehicle contains a legal firearm being carried for lawful purposes, that is out of sight within the customer's, employee's, or invitee's private motor vehicle.
 - e. Terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising the constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on company property for any reason other than lawful defensive purposes.
2. A public or private employer has no duty of care related to the actions prohibited under this section.
3. A public or private employer is not liable in a criminal or civil action based on actions or inactions taken in compliance with this section. The immunity provided in this subsection does not apply to civil actions based on actions or inactions of public or private employers that are unrelated to compliance with this section.
4. This section does not expand any existing duty, or create any additional duty, on the part of a public or private employer, property owner, or property owner's agent.
5. A person aggrieved under this section may bring a civil action for violation of rights protected under this section. In any successful action brought by a customer, employee, or invitee aggrieved under this section, the court shall award all reasonable personal costs and losses suffered by the aggrieved person as a result of the violation of rights under this section. In any action brought under this section, the court shall award all court costs and attorney's fees to the prevailing party.
6. The prohibitions in subsection 1 do not apply to:
 - a. Any public or nonpublic elementary school, middle school, ~~high school, college~~ or university property.
 - b. Any correctional facility or institution.
 - c. Property owned or leased by a public or private employer or the landlord of a public or private employer upon which are conducted substantial activities involving national defense, aerospace, or homeland security.

19 March 2015

HB 1450

Chairperson and Members,
Senate Energy and Natural Resources Committee
64th Legislative Assembly
State of North Dakota

Good morning,

My name is Paul Hamers. Let me touch on a few high points of my background. Both my wife and I were born and raised in North Dakota. I am a retired paratrooper of the U.S. Army. I have earned a Master's Degree in Military History, a Bachelor's Degree in Social Sciences Education, a Minor in Business Administration, and an Associate's Degree in Electronic Communications Technology. I am the current Municipal Court Judge for the City of Napoleon, the Technology Coordinator for Napoleon Public Schools, the President of the Napoleon Education Association, and the Lay leader of the Salem United Methodist Church. I have an extensive background in teaching the moral, ethical, and practical use of force to military personal, law enforcement, and civilians. I am currently certified as a North Dakota Concealed Weapons Permit Test Administrator.

Let me state that I am in support of HB1450 if for no other reason than that it represents a clarification of rights granted in the State Constitution of North Dakota, (Article 1, section 1), but more importantly it will clarify and correct ambiguities in firearms related portions of the Century Code. This will assist citizens with understanding and compliance with the law.

Section 1 of HB1450: This amendment applies a generic definition to the trade name TASER™ (including a projectile and voltage). This amendment does not change the meaning of current NDCC, merely serves to avoid trade mark specific language. This clarification is necessary.

Section 2 of HB1450: This amendment would apply the identical definition of what constitutes an unloaded firearm to both rifles and handguns. If the chamber is empty, than the firearm is unloaded. The different definitions of "unloaded" for rifles and handguns have always been a source of confusion during concealed carry classes. This clarification is necessary.

Section 3 of HB1450: Would authorize the carrying of concealed weapons in liquor stores, but not in bars. Since liquor stores represent a retail outlet and not generally a place where individuals would linger this amendment makes sense. Since it is widely understood that the more often firearm is handled outside of its holster or storage container, allowing citizens to continue to wear a firearm on their person while making a purchase in an off-sale establishment is reasonable. It may also be asserted that the immediate area around liquor establishments represent a higher risk of robbery and or violence. Notably nothing in this amendment authorizes an individual to carry a concealed weapon while under the influence of any substance.

Item 3: The political subdivision language, is a repeat of language found elsewhere in Title 62 of the NDCC and is a necessary clarification in this section.

Section 4 of HB1450: Past interpretation of a public gathering included the concept of a place that charged an admission fee. This also serves as a clarification within the context presented in HB1450. The addition of right to carry at a rest area is a welcome addition that will allow citizens to protect themselves at these isolated and possibly dangerous locations. In fact, the possession of a firearm once halted what I believed to be a criminal attack upon my person at a remote rest area in Georgia. This addition to the NDCC eliminates the debate about whether a rest area represents a "public building". Currently public buildings are an area where firearms possession is limited to specific individuals that meet other criteria such as law enforcement, judges, and retired law enforcement.

Section 5 of HB1450: This portion of the bill must be taken in the context that it applies: it is an edit of a list of parking lots which may impose restrictions on the storage of firearms in vehicles. This amendment would lift restrictions on the secure storage of firearms in vehicles that are in university parking lots. Since many individuals commute to and from classes each day, it makes sense that their state constitutionally guaranteed right to self-protection would not be infringed by the fact that the final destination of the commute represented an area where firearms are prohibited.

Section 6 of HB1450: The text concerning the carrying of handguns without a permit has always been clunky at best. I have often pondered why this section could not read something similar to this.

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- b. No individual may carry a handgun during hours of darkness unless the handgun is unloaded and secured.

Section 7 of HB1450: This represents a move toward a one permit system. I am generally in favor of this. However, class 1 and class 2 permits are not equal. A more stringent background check, a mandatory legal review class, and a shooting proficiency test separate the two classes. A future consideration, at a minimum, should include a shooting test for all classes of permit. The rationale is that one should have to demonstrate safety and proficiency. When I first received my ND Dangerous Weapons Permit in 1988, all applicants had to take a lethal force written test and a shooting proficiency test. As a responsible test administrator I work with applicants above and beyond the required limits to teach same firearm habits.

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In closing, Chairperson and Members, I thank you for this opportunity to weigh in on HB1450. Feel free to contact me for further commentary at your convenience.

Sincerely,



Paul Hamers

USA Retired

Owner

RICOCHET GUN WORKS

701-400-0085

ricochetgunworks@gmail.com

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1450

Tanya Long
3/11/15

Page 1, line 1, replace "subsection" with "subsections 1 and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile, including a projectile attached to a wire that delivers voltage, by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses direct contact to deliver voltage for the defense of an individual."

Renumber accordingly

referred to as a stun gun. , commonly

March 30, 2015

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1450

- Page 1, line 1, replace "subsections 1 and" with "subsection"
- Page 1, line 1, remove ", sections"
- Page 1, line 2, replace "62.1-02-04 and 62.1-02-05," with "and"
- Page 1, line 2, remove the second comma
- Page 1, line 3, remove "section 62.1-03-01, and subsection 2 of section 62.1-04-03"
- Page 1, remove lines 6 through 21
- Page 2, remove lines 5 through 29
- Page 3, remove lines 1 through 31
- Page 4, remove lines 1 through 15
- Page 4, line 19, remove the overstrike over "property"
- Page 4, remove lines 20 through 30
- Page 5, remove lines 1 through 30
- Page 6, remove lines 1 through 25
- Renumber accordingly

Attachment 1
4-2-15

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1450

Introduced by

Representatives B. Koppelman, Brabandt, Karls, K. Koppelman, Laning, Porter, Ruby,
Streyle

Senators Larsen, Miller

1 A BILL for an Act to amend and reenact ~~subsections 1 and~~ subsection 16 of section 62.1-01-01;
2 ~~sections 62.1-02-04 and 62.1-02-05,~~ and subdivision a of subsection 6 of section 62.1-02-13,
3 ~~section 62.1-03-01, and subsection 2 of section 62.1-04-03~~ of the North Dakota Century Code,
4 relating to concealed weapons and firearms.

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

6 **SECTION 1. AMENDMENT.** ~~Subsection 1 of section 62.1-01-01 of the North Dakota~~
7 ~~Century Code is amended and reenacted as follows:~~

8 ~~1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar,~~
9 ~~stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more;~~
10 ~~any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap,~~
11 ~~bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow,~~
12 ~~crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a~~
13 ~~projectile, including a projectile and voltage, by the action of a spring, compressed air,~~
14 ~~or compressed gas, including any such weapon, loaded or unloaded, commonly~~
15 ~~referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any~~
16 ~~object containing or capable of producing and emitting any noxious liquid, gas, or~~
17 ~~substance. "Dangerous weapon" does not include a spray or aerosol containing CS,~~
18 ~~also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-~~
19 ~~chloroacetophenone; or other irritating agent intended for use in the defense of an~~
20 ~~individual, nor does the term include a device that uses direct contact to deliver~~
21 ~~voltage for the defense of an individual.~~

22 **SECTION 2. AMENDMENT.** Subsection 16 of section 62.1-01-01 of the North Dakota
23 Century Code is amended and reenacted as follows:

1 16. "Unloaded" means the chamber of the firearm does not contain a loaded shell. If the
2 firearm is a revolver, then none of the chambers in the cylinder may contain a loaded
3 shell. Handguns with a removable magazine or clip must have the magazine or clip
4 removed from the firearm if the magazine or clip contains any loaded shells.

5 **SECTION 3. AMENDMENT.** Section 62.1-02-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 — ~~62.1-02-04. Possession of firearm or dangerous weapon in liquor establishment~~
8 ~~prohibited -- Penalty -- Exceptions.~~

9 — 1. — An individual who enters or remains in that part of the establishment that is set aside
10 for the retail sale and consumption of alcoholic beverages or used as a gaming site at
11 which bingo is the primary gaming activity while in the possession of a firearm or
12 dangerous weapon is guilty of a class AB misdemeanor.

13 — 2. — This section does not apply to:

14 — a. — A law enforcement officer.

15 — b. — The proprietor.

16 — c. — The proprietor's employee.

17 — d. — A designee of the proprietor when the designee is displaying an unloaded firearm
18 or dangerous weapon as a prize or sale item in a raffle or auction.

19 — e. — Private security personnel while on duty for the purpose of delivering or receiving
20 moneys used at the liquor establishment or at the gaming site at which bingo is
21 the primary gaming activity.

22 — f. — The restaurant part of an establishment if an individual under twenty-one years of
23 age is not prohibited in that part of the establishment.

24 — 3. — This section does not prevent any political subdivision from enacting an ordinance that
25 is less restrictive than this section relating to the possession of firearms or dangerous
26 weapons. An enacted ordinance supersedes this section within the jurisdiction of the
27 political subdivision.

28 — **SECTION 4. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 — ~~62.1-02-05. Possession of a firearm or dangerous weapon at a prohibited public~~
2 ~~gatheringplace - Penalty - Application.~~

3 — 1. — ~~An individual who possesses a firearm or dangerous weapon at a prohibited public~~
4 ~~gatheringplace is guilty of a class B misdemeanor. For the purpose of this section,~~
5 ~~"prohibited public gatheringplace" includes athletic or sporting events, schools means~~
6 ~~in a school or on school functions grounds, churches in a church or on church~~
7 ~~functions grounds, political rallies or functions, musical concerts and athletic or sporting~~
8 ~~events if a ticket for admission is required, and individuals in publicly owned parks~~
9 ~~where hunting is not allowed by proclamation and publicly owned or operated~~
10 ~~buildings.~~

11 — 2. — ~~This section does not apply to:~~

12 — a. — ~~A law enforcement officer;~~

13 — b. — ~~A member of the armed forces of the United States or national guard, organized~~
14 ~~reserves, state defense forces, or state guard organizations, when on duty;~~

15 — c. — ~~A competitor participating in an organized sport shooting event;~~

16 — d. — ~~A gun or antique show;~~

17 — e. — ~~A participant using a blank cartridge firearm at a sporting or theatrical event;~~

18 — f. — ~~A firearm or dangerous weapon carried in a temporary residence or motor~~
19 ~~vehicle;~~

20 — g. — ~~A student and an instructor at a hunter safety class;~~

21 — h. — ~~Private security personnel while on duty;~~

22 — i. — ~~A state or federal park;~~

23 — j. — ~~An instructor, a test administrator, an official, or a participant in educational,~~
24 ~~training, cultural, or competitive events involving the authorized use of a~~
25 ~~dangerous weapon if the event occurs with permission of the person or entity~~
26 ~~with authority over the function or premises in question;~~

27 — k. — ~~An individual possessing a valid class 1 concealed weapons license from this~~
28 ~~state or who has reciprocity under section 62.1-04-03.1 authorizing the individual~~
29 ~~to carry a dangerous weapon concealed if the individual is in a church building or~~
30 ~~other place of worship and has the approval to carry in the church building or~~
31 ~~other place of worship by a primary religious leader of the church or other place~~

1 of worship or the governing body of the church or other place of worship. If a
2 church or other place of worship authorizes an individual to carry a concealed
3 weapon, local law enforcement must be informed of the name of the authorized
4 individual; and

5 ~~l. A municipal court judge, a district court judge, a staff member of the office of~~
6 ~~attorney general, and a retired North Dakota law enforcement officer, if the~~
7 ~~individual maintains the same level of firearms proficiency as is required by the~~
8 ~~peace officer standards and training board for law enforcement officers. A local~~
9 ~~law enforcement agency shall issue a certificate of compliance under this section~~
10 ~~to an individual who is proficient.~~

11 ~~m. An individual in a publicly owned or operated rest area or restroom.~~

12 ~~3. This section does not prevent any political subdivision from enacting an ordinance~~
13 ~~that is less restrictive than this section relating to the possession of firearms or~~
14 ~~dangerous weapons at a prohibited public gathering place. An enacted ordinance~~
15 ~~supersedes this section within the jurisdiction of the political subdivision.~~

16 **SECTION 5. AMENDMENT.** Subdivision a of subsection 6 of section 62.1-02-13 of the
17 North Dakota Century Code is amended and reenacted as follows:

18 a. Any public or nonpublic elementary school, middle school, or high school,
19 college, or university property.

20 ~~**SECTION 6. AMENDMENT.** Section 62.1-03-01 of the North Dakota Century Code is~~
21 ~~amended and reenacted as follows:~~

22 ~~1. An unloaded A handgun may not be carried by an individual not otherwise prohibited~~
23 ~~if unless:~~

24 ~~a. Between the hours of one hour before sunrise and one hour after sunset, the~~
25 ~~handgun is in unloaded and either in plain view or is secured.~~

26 ~~b. Between the hours of one hour after sunset and one hour before sunrise, the~~
27 ~~handgun is unloaded and secured.~~

28 ~~2. The restrictions provided in subdivisions a and b of subsection 1 do not apply to:~~

29 ~~a. An individual possessing a valid concealed weapons license from this state or~~
30 ~~who has reciprocity under section 62.1-04-03.1.~~

Sixty-fourth
Legislative Assembly

- 1 ~~_____ b. An individual on that person's land, or in that individual's permanent or temporary~~
2 ~~residence, or fixed place of business.~~
- 3 ~~_____ c. An individual while lawfully engaged in target shooting.~~
- 4 ~~_____ d. An individual while in the field engaging in the lawful pursuit of hunting or~~
5 ~~trapping. However, nothing in this exception authorizes the carrying of a loaded~~
6 ~~handgun in a motor vehicle.~~
- 7 ~~_____ e. An individual permitted by law to possess a firearm while carrying the handgun~~
8 ~~unloaded and in a secure wrapper from the place of purchase to that person's~~
9 ~~home or place of business, or to a place of repair or back from those locations.~~
- 10 ~~_____ f. Any North Dakota law enforcement officer.~~
- 11 ~~_____ g. Any law enforcement officer of any other state or political subdivision of another~~
12 ~~state if on official duty within this state.~~
- 13 ~~_____ h. Any armed security guard or investigator as authorized by law when on duty or~~
14 ~~going to or from duty.~~
- 15 ~~_____ i. Any member of the armed forces of the United States when on duty or going to or~~
16 ~~from duty and when carrying the handgun issued to the member.~~
- 17 ~~_____ j. Any member of the national guard, organized reserves, state defense forces, or~~
18 ~~state guard organizations, when on duty or going to or from duty and when~~
19 ~~carrying the handgun issued to the member by the organization.~~
- 20 ~~_____ k. Any officer or employee of the United States duly authorized to carry a handgun.~~
- 21 ~~_____ l. An individual engaged in manufacturing, repairing, or dealing in handguns or the~~
22 ~~agent or representative of that individual possessing, using, or carrying a~~
23 ~~handgun in the usual or ordinary course of the business.~~
- 24 ~~_____ m. Any common carrier, but only when carrying the handgun as part of the cargo in~~
25 ~~the usual cargo-carrying portion of the vehicle.~~

26 ~~_____ **SECTION 7. AMENDMENT.** Subsection 2 of section 62.1-04-03 of the North Dakota~~
27 ~~Century Code is amended and reenacted as follows:~~

- 28 ~~_____ 2. The attorney general shall offer class 1 firearm and class 2 firearm and dangerous~~
29 ~~weapon licenses to carry a firearm or dangerous weapon concealed under the~~
30 ~~following requirements:~~

- 1 ~~_____ a. An applicant for a class 1 firearm license shall successfully participate in a~~
2 ~~classroom instruction that sets forth weapon safety rules and the deadly force law~~
3 ~~of North Dakota, complete an open book test based upon a manual, demonstrate~~
4 ~~familiarity with a firearm, and complete an actual shooting or certified proficiency~~
5 ~~exercise. Evidence of familiarity with a firearm to be concealed may be satisfied~~
6 ~~by one of the following:~~
- 7 ~~_____ (1) Certification of familiarity with a firearm by an individual who has been~~
8 ~~certified by the attorney general, which may include a law enforcement~~
9 ~~officer, military or civilian firearms instructor, or hunter safety instructor;~~
- 10 ~~_____ (2) Evidence of equivalent experience with a firearm through participation in an~~
11 ~~organized shooting competition, law enforcement, or military service;~~
- 12 ~~_____ (3) Possession of a license from another state to carry a firearm, concealed or~~
13 ~~otherwise, which is granted by that state upon completion of a course~~
14 ~~described in paragraphs 1 and 2; or~~
- 15 ~~_____ (4) Evidence that the applicant, during military service, was found to be~~
16 ~~qualified to operate a firearm.~~
- 17 ~~_____ b. An applicant for a class 2 firearm and dangerous weapon license is required to~~
18 ~~successfully complete the open book test offered for the class 1 firearm license.~~
- 19 ~~_____ c. A North Dakota resident who has a valid class 1 firearm license also may carry a~~
20 ~~class 2 dangerous weapon without any further testing required. Class 1 and~~
21 ~~class 2 permits are equally valid in this state.~~
- 22 ~~_____ d. Additional testing is not required to renew a class 2 firearm and~~
23 ~~dangerous weapon license. A class 1 firearm license may be renewed upon~~
24 ~~successful completion of the class 1 firearm requirements within thirty days~~
25 ~~before submission of the application for renewal.~~

62.1-02-12. Resident may purchase rifle or shotgun in contiguous state - Application - Definitions.

Repealed by S.L. 2005, ch. 598, § 2.

62.1-02-13. Possession of secured firearm - Prohibition by employer prohibited.

1. A public or private employer may not:
 - a. Prohibit any customer, employee, or invitee from possessing any legally owned firearm, if the firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and if the customer, employee, or invitee is lawfully in the area.
 - b. Make a verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or make an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle. In addition, a public or private employer may not take any action against a customer, employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes. A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by an on-duty law enforcement officer.
 - c. Condition employment upon the fact that an employee or prospective employee holds or does not hold a concealed weapons license or any agreement by an employee or a prospective employee that prohibits an employee from keeping a legal firearm locked inside or locked to a private motor vehicle in a parking lot, if the firearm is kept for lawful purposes.
 - d. Prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot or the employer's place of business because the customer's, employee's, or invitee's private motor vehicle contains a legal firearm being carried for lawful purposes, that is out of sight within the customer's, employee's, or invitee's private motor vehicle.
 - e. Terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising the constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on company property for any reason other than lawful defensive purposes.
2. A public or private employer has no duty of care related to the actions prohibited under this section.
3. A public or private employer is not liable in a criminal or civil action based on actions or inactions taken in compliance with this section. The immunity provided in this subsection does not apply to civil actions based on actions or inactions of public or private employers that are unrelated to compliance with this section.
4. This section does not expand any existing duty, or create any additional duty, on the part of a public or private employer, property owner, or property owner's agent.
5. A person aggrieved under this section may bring a civil action for violation of rights protected under this section. In any successful action brought by a customer, employee, or invitee aggrieved under this section, the court shall award all reasonable personal costs and losses suffered by the aggrieved person as a result of the violation of rights under this section. In any action brought under this section, the court shall award all court costs and attorney's fees to the prevailing party.
6. The prohibitions in subsection 1 do not apply to:
 - a. Any public or nonpublic elementary school, middle school, high school, college, or university property.
 - b. Any correctional facility or institution.
 - c. Property owned or leased by a public or private employer or the landlord of a public or private employer upon which are conducted substantial activities involving national defense, aerospace, or homeland security.

- d. Property owned or leased by a public or private employer or the landlord of a public or private employer upon which the primary business conducted is the manufacture, use, storage, or transportation of combustible or explosive materials regulated under state or federal law, or property owned or leased by an employer who has obtained a permit required under 18 U.S.C. 842 to engage in the business of importing, manufacturing, or dealing in explosive materials on the property.
- e. A motor vehicle owned, leased, or rented by a public or private employer or the landlord of a public or private employer.
- f. Any other property owned or leased by a public or private employer or the landlord of a public or private employer upon which possession of a firearm or other legal product by a customer, employee, or invitee is prohibited under any federal law, contract with a federal governmental entity, or other law of this state.
- g. The state hospital.