

**2021 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1297**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1297  
1/22/2021

Relating to the possession of firearms or dangerous weapons at a public hearing

9:32 AM

Chairman Porter opened the hearing on HB 1297.

Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista.

### Discussion Topics:

- Prohibited places
- Current law in churches
- School events - school sponsored events
- Criminal infraction – noncriminal infraction
- Churches right to decide

Rep B Koppelman- #2244

Matt Mammoser, NW Regional Director, National Association for Gun Rights #2232

Christopher Dobson, ND Catholic Conference #2208

Amy DeKok, legal counsel, ND School Boards Association #2202

Russ Ziegler, assistant director NDCEL #2180

Michael Heilman, executive director ND Small Organized School #2184

Tim Godfrey, superintendent, Kenmare School District #2193

Hearing closed at 10:09 AM.

*Kathleen Davis, Committee Clerk*

1/22/21

HB 1297

Rep. Ben Koppelman- Testimony

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to introduce HB 1297 to you today. I introduced this bill to achieve three goals in mind.

First, it is my goal to remove the term “public gathering” to describe these prohibited places. Many years ago, this description may have been more appropriate as we used to have a more exhaustive list of prohibited places which included most gathering places. However, now it does not include all public gathering places, but rather only includes schools, athletic events, government buildings and sometimes churches.

My second goal was to more narrowly define sporting events as those that are school sponsored. The currently broad and undefined term athletic or sporting event can be read to be way broader than I think is intended and may include events where there is not a similar public interest. This could include private events that happen to include playing any sport.

My third goal was to clarify that all individuals who are otherwise legally allowed to carry, may carry in a church unless the church has a policy against it.

Mr. Chairman, I request that you attach the amendment 21.0637.02003, and give the amended bill a Do-Pass recommendation. I would be happy to answer any questions that you may have.

Introduced by

Representative B. Koppelman

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,  
2 relating to the possession of firearms or dangerous weapons at a public gathering.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**

7 **Penalty - Application.**

8 1. An individual ~~who knowingly possesses a firearm or dangerous weapon at a public~~  
9 ~~gathering is guilty of an infraction. For the purpose of this section, "public gathering"~~

10 ~~means an~~ may not possess a firearm or dangerous weapon at:

11 a. A school or school-sponsored athletic or sporting event, ~~a;~~

12 b. A school, a;

13 ~~c. A church or other place of worship, and a; or~~

14 ~~d.c.~~ A publicly owned or operated building.

15 2. This section does not apply to:

16 a. A law enforcement officer, or a correctional officer employed by the department of  
17 corrections and rehabilitation or by a correctional facility governed by chapter  
18 12-44.1. A correctional officer employed by the department of corrections and  
19 rehabilitation may carry a firearm only as authorized in section 12-47-34. A  
20 correctional officer employed by a correctional facility governed by chapter  
21 12-44.1 may carry a firearm or dangerous weapon only as authorized in section  
22 12-44.1-30;

23 b. A member of the armed forces of the United States or national guard, organized  
24 reserves, state defense forces, or state guard organizations, when on duty;

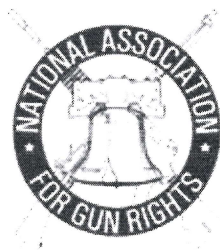


Sixty-seventh  
Legislative Assembly

- 1 c. A competitor participating in an organized sport shooting event;
- 2 d. A gun or antique show;
- 3 e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 4 f. A firearm or dangerous weapon carried in a temporary residence or motor
- 5 vehicle;
- 6 g. A student and an instructor at a hunter safety class;
- 7 h. Private and public security personnel while on duty;
- 8 i. A state or federal park;
- 9 j. An instructor, a test administrator, an official, or a participant in educational,
- 10 training, cultural, or competitive events involving the authorized use of a
- 11 dangerous weapon if the event occurs with permission of the person or entity
- 12 with authority over the function or premises in question;
- 13 k. An individual in a publicly owned or operated rest area or restroom;
- 14 l. An individual ~~possessing a valid concealed weapons license from this state~~ who is
- 15 authorized under section 62.1-04-02 to carry a firearm or dangerous weapon
- 16 concealed or who has reciprocity under section 62.1-04-03.1 authorizing the
- 17 individual to carry a firearm or dangerous weapon concealed if the individual is in
- 18 a church building or other place of worship and ~~has the approval to carry in the~~
- 19 ~~church building or other place of worship by a primary religious leader of the~~
- 20 ~~church or other place of worship or the governing body of the church or other~~
- 21 ~~place of worship~~ has not otherwise restricted the possession of a firearm or
- 22 dangerous weapon;
- 23 m. A state, federal, or municipal court judge, a district court magistrate judge or
- 24 judicial referee, and a staff member of the office of attorney general if the
- 25 individual maintains the same level of firearms proficiency as is required by the
- 26 peace officer standards and training board for law enforcement officers. A local
- 27 law enforcement agency shall issue a certificate of compliance under this section
- 28 to an individual who is proficient;
- 29 n. An individual's storage of a firearm or dangerous weapon in a building that is
- 30 owned or managed by the state or a political subdivision, provided:
- 31 (1) The individual resides in the building;

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Legislative Assembly

- 1                   (2) The storage is inside the individual's assigned residential unit; and
- 2                   (3) The storage has been consented to by the state, the governing board, or a
- 3                                 designee; and
- 4                   o. An individual authorized to carry a concealed weapon on school property under
- 5                                 section 62.1-02-14.
- 6                   3. This section does not prevent any political subdivision from enacting an ordinance that
- 7                                 is less restrictive than this section relating to the possession of firearms or dangerous
- 8                                 weapons at a public gathering. An enacted ordinance supersedes this section within
- 9                                 the jurisdiction of the political subdivision.
- 10                  4. Notwithstanding any other provision of law, a church or place of worship may not be
- 11                                 held liable for any injury or death or damage to property caused by an individual
- 12                                 permitted to carry a dangerous weapon concealed under this section.
- 13                  5. This section does not prevent the governing body of a school or the entity exercising
- 14                                 control over a publicly owned or operated building or property from authorizing the use
- 15                                 of a less than lethal weapon as part of the security plan for the school, building, or
- 16                                 property.
- 17                  6. An individual who knowingly violates this section is guilty of an infraction.



**NATIONAL ASSOCIATION FOR GUN RIGHTS**  
STANDING UP FOR FREEDOM  
DEFENDING THE SECOND AMENDMENT

*Committee Hearing Date: 1/22/2021*

Mr. Chairman and Members of the Committee,

My name is Matt Mammoser and I am the Northwest Regional Director at the National Association for Gun Rights. I am submitting this testimony on behalf of our members in North Dakota regarding our support for House Bill 1297.

As a representative of the leading gun rights organization advocating for the restoration of gun rights nationwide, we applaud Rep. Ben Koppelman and House Bill 1297 for extending concealed carry rights to law-abiding adults in North Dakota.

House Bill 1297 will help keep innocent people safe by allowing law-abiding adults to carry their legally owned handgun in a place of worship.

A law-abiding person should not be required to disarm while going to church.

Unfortunately, we've seen in recent years that criminals have been specifically targeting churches for their sick acts of violence, whether to rob or murder patriotic Americans exercising their First Amendment rights to worship freely.

But we've also seen law-abiding worshippers equipped to defend themselves and their fellow parishioners while in a house of worship. Just over 1 year ago, 71 year old Jack Wilson in White Settlement, TX stopped the mass murder of church attendees when he bravely confronted an armed assailant inside his church.

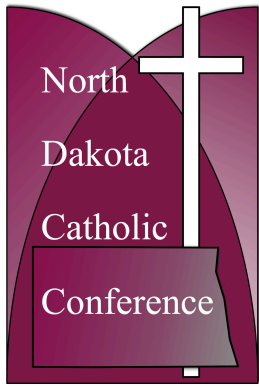
It is no doubt that Mr. Wilson saved numerous lives that day while peacefully worshiping God in his church.

Churches and houses of worship are places of peace, and law-abiding worshippers can, and do keep innocent people safe by lawfully carrying concealed.

We ask that the Energy and Natural Resources pass Rep. Koppelman's House Bill 1297.

I am happy to answer any questions you may have.

Thank you for your consideration.



Representing the Diocese of Fargo  
and the Diocese of Bismarck

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

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

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

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

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

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

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

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

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



**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

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**HB 1297**

**Testimony of Amy DeKok**

**House Energy and Natural Resources Committee**

**January 22, 2021**

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Amy DeKok. I am in-house Legal Counsel for the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I am here today in opposition to HB 1297.

Our schools serve arguably the most vulnerable population of citizens. Parents entrust their children to our schools to protect them and keep them safe from harm. If passed, HB 1297 will make it even more difficult for schools to keep kids safe and protected.

NDSBA opposes HB 1297 to the extent it seeks to eliminate the criminal penalty for unlawful possession of a firearm or dangerous weapon at a public gathering, including a school, an athletic or sporting event, or publicly owned or operated building. These are all places where students may be in attendance for school-related purposes. Last legislative session, the criminal penalty for unlawful possession of a firearm or dangerous weapon was lowered from a class B misdemeanor to an infraction. Completely eliminating the criminal penalty from this section essentially removes any remaining deterrent there is for unlawful possession of a firearm or dangerous weapon at a public gathering. By doing so, it is likely to increase the instances of such unlawful possession. In addition, without the possibility of any criminal penalty, I worry about the impact it will have on a school official's ability to prohibit unlawful possession on school property. I also worry about local law enforcement's ability or willingness in those situations to respond to calls from school administrators for possible instances of unlawful possession at school or at a heated board meeting.

NDSBA further opposes HB 1297 because it would eliminate the words "dangerous weapon" from subsection 1 of section 62.1-02-05. "Dangerous weapon" is defined in section 62.1-01-01 and includes a myriad of dangerous items, including such things as a knife, switchblade, sword or machete. With this language removed, it would arguably make it lawful for anyone to possess a dangerous weapon at a public gathering, including a public school.

For these reasons, NDSBA stands in opposition to HB 1297 and asks this committee to give it a do not pass recommendation. I would be happy to answer any questions the committee may have.





1 **HB 1297 – Relating to the possession of firearms or dangerous weapons at a public gathering.**

2 **January 21, 2021**

3 Chairman Porter and members of the House Energy and Natural Resources Committee – My name  
4 is Dr. Russ Ziegler, and I am the assistant director for the North Dakota Council of Educational  
5 Leaders. I am testifying today in opposition to HB 1297.

6 The section in this bill that NDCEL is in opposition to is the removal of the penalty for individuals  
7 who posses a firearm at locations which are not allowed. This would include school grounds, at  
8 athletic and/or sporting events/ at church or other place of worship, and at publicly owned or  
9 operated building. Striking out “who knowingly possesses a firearm or dangerous weapon at a  
10 public gathering is guilty of an infraction”, in our belief, would not be a deterrent for individuals  
11 to not carry at these places. However, this would put additional stress and duties on the supervisors  
12 and administrators in these locations. Of course, the unarmed supervisor of the event would be  
13 able to ask the armed individual to leave, but that might not be a successful conversation to have  
14 if the armed person knows there are no consequences for their actions. Especially if they do not  
15 know the individual to begin with, such as a parent from out of town.

16 A question that this also raises to me is that if having a law without any consequences, is that really  
17 a law? If consequences are set as a deterrent for people to not break the law, then if there are no  
18 consequences will that law actually be a deterrent in itself? If we think about this in terms of a  
19 different statute, let us say shoplifting. I believe if there was no penalty for shoplifting then the  
20 cases of shoplifting would go up. Another example would be speeding, we have speeding  
21 regulations in place, but if there were no fines for speeding would the occurrences of speeding go  
22 up? Plus, if there are no consequences for speeding would law-enforcement pull people over for  
23 speeding? Would the same outcome occur with this bill, with no punishment for carrying a firearm  
24 at a school event, would law-enforcement come to the event if called and what would their  
25 recourses be if they did?

26 This bill essentially creates a symbolic law which, according to the definition, is a law that tries to  
27 persuade rather than enforce, punish, or prevent. As a symbolic law is this legislation trying to  
28 persuade individuals not to carry on those specific public grounds instead of preventing them from  
29 doing so? In my opinion there is no reason to have a law if there are no consequences for  
30 individuals who break that law.



# North Dakota Small Organized Schools

#2184

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HB 1297 – Related to infraction for firearm

Testimony in opposition

Michael Heilman – Executive Director North Dakota Small Organized School

January 21, 2021

Chairman Porter and members of the Energy and Natural Resources Committee, my name is Michael Heilman. I am the Executive Director of the North Dakota Small Organized Schools (NDSOS). I represent 154-member school districts of the North Dakota Small Organized Schools. NDSOS stands in opposition to of HB 1297.

I will be brief. In schools we try to teach children that behavior has consequences. Positive or negative, most behavior has consequences. Some are natural consequences. For example, if a child touches a hot stove the consequence is likely to cause avoidance of that behavior in the future. Other consequences are imposed by rules or laws; If I speed down the highway or roll through a stop sign, there is a consequence.

We also try to teach personal responsibility. I believe one of the biggest issues we have in this country is far too many individuals no longer take any responsibility for their actions. Consequences are reminders that our actions matter, and we are all responsible for our actions. Additionally, consequences are meant to serve as a deterrent to repeating negative or in this case illegal behavior. NDSOS believe removing the infraction does little to deter an individual, not authorized, from possessing a firearm or dangerous weapon at a school or school event. NDSOS urges a do not pass on HB 1297.

Mr. Michael Heilman – Executive Director

North Dakota Small Organized Schools

[mheilmanndsos@gmail.com](mailto:mheilmanndsos@gmail.com)

701.527.4621

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## Board of Directors

### Region 1

Mr. Tim Holte, Supt. Stanley  
Mr. John Gruenberg, Supt. Powers Lake

### Region 2

Mr. Jeff Hagler, Supt. North Star  
Mr. Steven Heim, Anamoose & Drake

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Dr. Frank Schill, Supt. Edmore  
Mr. Dean Ralston, Supt. Drayton

### Region 4

Mr. Kelly Koppinger, Supt. New England  
Mr. Justin Fryer, Supt. Solen

### Region 5

Mr. Joel Lemer, Bd. Member Carrington  
Mr. Brandt Dick, Supt. Underwood

### Region 6

Mr. Mitch Carlson, Supt. LaMoure  
Dr. Steven Johnson, Supt. Lisbon

**The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.**

Dear Chairman and committee members, thank you for the opportunity to testify in response to House Bill 1297. My name is Tim Godfrey and I'm the superintendent of Kenmare Public Schools.

I would like to add to that I am also a ND conceal carry license holder, a combat veteran, and I have an extensive background in weapons training. With that, I am shocked and dismayed that such a bill would come before my state's Legislature. I am a strong proponent of the 2nd Amendment and very much in favor of the armed first responder law. I feel that in order to deter school violence that involves active shooters, we must be able to defend ourselves with like abilities. To allow anyone with a CCL in a school building is going to be damaging and put our students and staff at perilous risk. We spend vast amount of time creating, implementing, and training on our emergency action plan. House Bill 1297 will completely change the way, or even the ability, to respond to dangerous threats that involve weapons.

First, a Class 2 CCL allows anyone over the age of 18, who can pass a written test and background check, to conceal carry. Over half of our senior class and all of our staff and parents fit that category. As an administrator, I will never know on any given day how many guns are in my school buildings.

Second, because an individual is able to obtain a CCL does not mean they have total control of their faculties or do not have the propensity to seek violence on some level or another. HB 1297 will put our students, staff, and building visitors at risk of mortal harm every minute of every day that our doors are open.

Third, with any amount of unknown weapons in our schools on any given day, there is the possibility for accidents to happen, for weapons to be stolen and misused, and for our school



climate and culture to be shaken with fear of the unknown. Keeping our students safe is the highest priority. Completely reshaping the playing field in this manner puts us in the highest disadvantage and risk we could possibly be in.

I am a trained soldier. When on the battlefield, my advantage is knowing where my enemies lie, and the fighting power I will battle against. If HB 1297 were an Army regulation, it would rip that from my hands. As a school administrator, my advantage is having security measures and state laws in existence that place a hedge of protection around the students and staff I serve. HB 1297 will put these individuals at risk for loss of life. ND has been blessed in not having had to manage a school shooter incident. Is this a chance we want to take? Providing an avenue such as HB 1297 may be the fulcrum that weighs the balance against us. I ask that you consider the imminent safety of our children and educational staff and vote do not pass on House Bill 1297.

Respectfully yours,

Dr. Tim Godfrey  
Superintendent  
Kenmare School District

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1297 Subcommittee  
2/4/2021

Relating to the possession of firearms or dangerous weapons at a public hearing
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### 3:09 PM

Chairman Heinert opened the committee hearing.

Present: Representatives Heinert, Roers Jones, M Ruby, and Guggisberg. Absent: Rep D. Anderson

### Discussion Topics:

- Weapons in church
- Notification
- School sponsored or sanctioned events
- Public building access changes

### 3:17 PM

*Kathleen Davis, Committee Clerk*

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1297 Subcommittee  
2/5/2021

Relating to the possession of firearms or dangerous weapons at a public hearing

### 11:16 AM

Chairman Heinert opened the committee hearing.

Present: Representatives Heinert, Roers Jones, M Ruby, and Guggisberg. Absent: Rep D Anderson

Also present: Samantha Kramer, LC legal counsel

- Carrying within a church
- A school, school sponsored event, or school sanctioned event
- Athletic or sporting language
- Amendment 21.0637.02004

### **Addition written testimony:**

Rep B Koppelman amendment .02004 #5687

**11:25 AM** hearing closed

*Kathleen Davis, Committee Clerk*

21.0637.02004

Sixty-seventh  
Legislative Assembly  
of North Dakota

HOUSE BILL NO. 1297

Introduced by

Representative B. Koppelman

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,  
2 relating to the possession of firearms or dangerous weapons at a public gathering.

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8 1. An individual ~~who knowingly possesses a firearm or dangerous weapon at a public~~  
9 ~~gathering is guilty of an infraction. For the purpose of this section, "public gathering"~~

10 ~~means an~~ may not possess a firearm or dangerous weapon at:

11 a. An school or school-sponsored <sup>or sanctioned</sup> athletic or sporting event, a;

12 b. A school, a;

13 ~~e.~~ A church or other place of worship, and a; or

14 ~~d.c.~~ A publicly owned or operated building.

15 2. This section does not apply to:

16 a. A law enforcement officer, or a correctional officer employed by the department of  
17 corrections and rehabilitation or by a correctional facility governed by chapter  
18 12-44.1. A correctional officer employed by the department of corrections and  
19 rehabilitation may carry a firearm only as authorized in section 12-47-34. A  
20 correctional officer employed by a correctional facility governed by chapter  
21 12-44.1 may carry a firearm or dangerous weapon only as authorized in section  
22 12-44.1-30;

23 b. A member of the armed forces of the United States or national guard, organized  
24 reserves, state defense forces, or state guard organizations, when on duty;

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- 1 c. A competitor participating in an organized sport shooting event;
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- 3 e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 4 f. A firearm or dangerous weapon carried in a temporary residence or motor  
5 vehicle;
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- 7 h. Private and public security personnel while on duty;
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10 training, cultural, or competitive events involving the authorized use of a  
11 dangerous weapon if the event occurs with permission of the person or entity  
12 with authority over the function or premises in question;
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16 concealed or who has reciprocity under section 62.1-04-03.1 authorizing the  
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18 a church building or other place of worship and ~~has the approval to carry in the~~  
19 ~~church building or other place of worship by a primary religious leader of the~~  
20 ~~church or other place of worship or the governing body of the church or other~~  
21 ~~place of worship~~ has not otherwise restricted the possession of a policy approving  
22 an individual to carry a firearm or dangerous weapon;
- 23 m. A state, federal, or municipal court judge, a district court magistrate judge or  
24 judicial referee, and a staff member of the office of attorney general if the  
25 individual maintains the same level of firearms proficiency as is required by the  
26 peace officer standards and training board for law enforcement officers. A local  
27 law enforcement agency shall issue a certificate of compliance under this section  
28 to an individual who is proficient;
- 29 n. An individual's storage of a firearm or dangerous weapon in a building that is  
30 owned or managed by the state or a political subdivision, provided:
- 31 (1) The individual resides in the building;

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Legislative Assembly

- 1                   (2) The storage is inside the individual's assigned residential unit; and  
2                   (3) The storage has been consented to by the state, the governing board, or a  
3                   designee; and  
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# 2021 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1297  
2/11/2021  
Subcommittee

Relating to the possession of firearms or dangerous weapons at a public hearing

**10:43**

Chairman Heinert opened the committee hearing.

Present: Representatives Heinert, Roers Jones, M Ruby, and Guggisberg. Absent: Rep D Anderson

- School, school sponsored event, or school sanctioned event
- Athletic or sporting events
- Penalty

Rep Roers Jones moved to recommend to the full committee a Do Pass with suggested changes, seconded by Rep Anderson.

<b>Representatives</b>	<b>Vote</b>
Representative Pat D. Heinert	Y
Representative Dick Anderson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y
Representative Ron Guggisberg	Y

Motion carried. 5 - 0

**10:50 AM** hearing closed

*Kathleen Davis, Committee Clerk*

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1297  
2/18/2021

Relating to the possession of firearms or dangerous weapons at a public hearing

### 11:23 AM

Chairman Porter opened the hearing on HB 1297.

Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista.

### Discussion Topics:

- Amendment 02004
- School, school sponsored or school sanctioned event
- A school or school sponsored event on school property
- Park property

Rep Roers Jones moved to amend (on the original bill, Line 11, striking out an athletic or sporting event to a school or school sponsored event on school property), seconded by Rep Bosch. Voice vote, motion carried.

Rep Heinert moved to amend to return language, under L, remove all overstrikes and return sub L to the original language in Century Code, seconded by Rep Roers Jones. Voice vote, motion carried.

Rep. M Ruby moved to further amend (Section 1 line 10, after the word firearm add “or dangerous weapon”; on Page 3 after line 16 add a sub 6 add “an individual who knowingly violates this section is guilty of an infraction”) seconded by Rep Roers Jones. Voice vote, motion carried.

Rep Roers Jones moved a Do Pass as Amended 3 times, seconded by Rep Heinert.

Representatives	Vote
Representative Todd Porter	Y
Representative Chuck Damschen	N
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Bill Devlin	Y
Representative Ron Guggisberg	N
Representative Pat D. Heinert	Y
Representative Zachary Ista	N
Representative George Keiser	N
Representative Mike Lefor	Y
Representative Andrew Marschall	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y



Representative Matthew Ruby	Y
Representative Denton Zubke	N

Motion carried. 9 – 5 – 0 Rep Heinert is

carrier. Rep Heinert – amendment #6975

**11:58 AM** hearing closed.

*Kathleen Davis, Committee Clerk*

Reconsidered HB 1297 on 2/19/2021.

February 18, 2021

DP 2/18/21  
1081

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1297

- Page 1, line 10, after "firearm" insert "or dangerous weapon"
- Page 1, line 11, remove "An"
- Page 1, line 11, overstrike "athletic or sporting event"
- Page 1, line 11, after "a" insert "A school or school-sponsored event on property owned by a school"
- Page 1, line 12, remove "A"
- Page 1, line 12, overstrike "school"
- Page 1, line 12, remove the underscored semicolon
- Page 1, line 13, remove "c."
- Page 1, line 14, replace "d." with "c."
- Page 2, line 14, remove the overstrike over "~~possessing a valid concealed weapons license from this state~~"
- Page 2, line 14, remove "who is"
- Page 2, remove line 15
- Page 2, line 16, remove "concealed"
- Page 2, line 18, remove the overstrike over "~~has the approval to carry in the~~"
- Page 2, remove the overstrike over line 19
- Page 2, line 20, remove the overstrike over "~~church or other place of worship or~~"
- Page 2, line 21, remove "has not otherwise restricted the possession of a firearm or"
- Page 2, line 22, remove "dangerous weapon"
- Page 3, after line 16, insert:

"6. An individual who knowingly violates this section is guilty of an infraction."

Re-number accordingly

## **HOUSE BILL 1297**

Page 1, line 11 after “school-sponsored” insert “or sanctioned”

Page 2, line 21 remove the overstrike over “not otherwise restricted the possession of”

Page 2, line 21 overstrike “a policy approving an individual to carry a”

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1297  
2/19/2021

Relating to the possession of firearms or dangerous weapons at a public hearing

### 9:16 AM

Chairman Porter opened the hearing on HB 1297.

Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista.

Rep Heinert – #6998, #6999

#### Discussion Topics:

- Penalties
- Fees

Rep Roers Jones moved to Reconsider, seconded by Rep Anderson. Voice vote, motion carried.

Rep Heinert moved to amend to add “is guilty of a noncriminal offense with a fine of fifty dollars”, seconded by Rep Roers Jones. Voice vote, motion carried.

Rep Heinert moved a Do pass as amended, seconded by Rep Roers Jones.

Representatives	Vote
Representative Todd Porter	Y
Representative Chuck Damschen	N
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Bill Devlin	N
Representative Ron Guggisberg	N
Representative Pat D. Heinert	Y
Representative Zachary Ista	N
Representative George Keiser	N
Representative Mike Lefor	Y
Representative Andrew Marschall	N
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y
Representative Denton Zubke	N

Motion failed. 7 – 7 – 0

Rep Keiser moved without a recommendation as amended, seconded from Rep Guggisberg.

<b>Representatives</b>	<b>Vote</b>
Representative Todd Porter	N
Representative Chuck Damschen	N
Representative Dick Anderson	N
Representative Glenn Bosch	N
Representative Bill Devlin	N
Representative Ron Guggisberg	Y
Representative Pat D. Heinert	N
Representative Zachary Ista	Y
Representative George Keiser	Y
Representative Mike Lefor	N
Representative Andrew Marschall	Y
Representative Shannon Roers Jones	N
Representative Matthew Ruby	N
Representative Denton Zubke	Y

Motion failed. 5 – 9 – 0

**9:25 am** Chairman Porter set the bill aside briefly

**10:20 am** reopened HB 1297

Rep Heinert moved a Do Pass as Amended (02008), seconded by Rep M Ruby.

<b>Representatives</b>	<b>Vote</b>
Representative Todd Porter	Y
Representative Chuck Damschen	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Bill Devlin	Y
Representative Ron Guggisberg	N
Representative Pat D. Heinert	Y
Representative Zachary Ista	N
Representative George Keiser	N
Representative Mike Lefor	Y
Representative Andrew Marschall	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y
Representative Denton Zubke	Y

Motion carried. 11 – 3 – 0 Rep Heinert is carrier.

**10:23 AM** hearing closed.

*Kathleen Davis, Committee Clerk*

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1297

- Page 1, line 10, after "firearm" insert "or dangerous weapon"
- Page 1, line 11, remove "An"
- Page 1, line 11, overstrike "athletic or sporting" and insert immediately thereafter "A school or school-sponsored"
- Page 1, line 11, after "event" insert "on school property"
- Page 1, line 12, remove "A"
- Page 1, line 12, overstrike "school"
- Page 1, line 12, remove the underscored semicolon
- Page 1, line 13, remove "c."
- Page 1, line 14, replace "d." with "c."
- Page 2, line 14, remove the overstrike over "~~possessing a valid concealed weapons license from this state~~"
- Page 2, line 14, remove "who is"
- Page 2, remove line 15
- Page 2, line 16, remove "concealed"
- Page 2, line 18, remove the overstrike over "~~has the approval to carry in the~~"
- Page 2, remove the overstrike over line 19
- Page 2, line 20, remove the overstrike over "~~church or other place of worship or~~"
- Page 2, line 21, remove "has not otherwise restricted the possession of a firearm or"
- Page 2, line 22, remove "dangerous weapon"
- Page 3, after line 16, insert:

"6. An individual who knowingly violates this section is guilty of a noncriminal offense punishable by a fee of fifty dollars."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1297: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1297 was placed on the Sixth order on the calendar.

Page 1, line 10, after "firearm" insert "or dangerous weapon"

Page 1, line 11, remove "An"

Page 1, line 11, overstrike "athletic or sporting" and insert immediately thereafter "A school or school-sponsored"

Page 1, line 11, after "event" insert "on school property"

Page 1, line 12, remove "A"

Page 1, line 12, overstrike "school"

Page 1, line 12, remove the underscored semicolon

Page 1, line 13, remove "c."

Page 1, line 14, replace "d." with "c."

Page 2, line 14, remove the overstrike over "~~possessing a valid concealed weapons license from this state~~"

Page 2, line 14, remove "who is"

Page 2, remove line 15

Page 2, line 16, remove "concealed"

Page 2, line 18, remove the overstrike over "~~has the approval to carry in the~~"

Page 2, remove the overstrike over line 19

Page 2, line 20, remove the overstrike over "~~church or other place of worship or~~"

Page 2, line 21, remove "has not otherwise restricted the possession of a firearm or"

Page 2, line 22, remove "dangerous weapon"

Page 3, after line 16, insert:

"6. An individual who knowingly violates this section is guilty of a noncriminal offense punishable by a fee of fifty dollars."

Renumber accordingly

21.0637.02008  
Title.

Prepared by the Legislative Council staff for  
Representative Heinert  
February 19, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1297

Page 1, line 10, after "firearm" insert "or dangerous weapon"

Page 1, line 11, remove "An"

Page 1, line 11, overstrike "athletic or sporting" and insert immediately thereafter "A school or school-sponsored"

Page 1, line 11, after "event" insert "on school property"

Page 1, line 12, remove "A"

Page 1, line 12, overstrike "school, a"

Page 1, line 12, remove the underscored semicolon

Page 1, line 13, remove "c."

Page 1, line 14, replace "d." with "c."

Page 2, line 14, remove the overstrike over "~~possessing a valid concealed weapons license from this state~~"

Page 2, line 14, remove "who is"

Page 2, remove line 15

Page 2, line 16, remove "concealed"

Page 2, line 18, remove the overstrike over "~~has the approval to carry in the~~"

Page 2, remove the overstrike over line 19

Page 2, line 20, remove the overstrike over "~~church or other place of worship or~~"

Page 2, line 21, remove "has not otherwise restricted the possession of a firearm or"

Page 2, line 22, remove "dangerous weapon"

Page 3, after line 16, insert:

"6. An individual who knowingly violates this section is guilty of a noncriminal offense punishable by a fee of fifty dollars."

Re-number accordingly



21.0637.02008

Sixty-seventh  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1297**

Introduced by

Representative B. Koppelman

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,  
2 relating to the possession of firearms or dangerous weapons at a public gathering.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**  
7 **Penalty - Application.**

8 1. An individual ~~who knowingly possesses a firearm or dangerous weapon at a public~~  
9 ~~gathering is guilty of an infraction. For the purpose of this section, "public gathering"~~  
10 ~~means an~~ may not possess a firearm or dangerous weapon at:

- 11 a. ~~An athletic or sporting~~ A school or school-sponsored event on school property, a;
- 12 b. ~~A school,~~ a;
- 13 ~~c.~~ A church or other place of worship, and a; or
- 14 ~~d.c.~~ A publicly owned or operated building.

15 2. This section does not apply to:

- 16 a. A law enforcement officer, or a correctional officer employed by the department of  
17 corrections and rehabilitation or by a correctional facility governed by chapter  
18 12-44.1. A correctional officer employed by the department of corrections and  
19 rehabilitation may carry a firearm only as authorized in section 12-47-34. A  
20 correctional officer employed by a correctional facility governed by chapter  
21 12-44.1 may carry a firearm or dangerous weapon only as authorized in section  
22 12-44.1-30;
- 23 b. A member of the armed forces of the United States or national guard, organized  
24 reserves, state defense forces, or state guard organizations, when on duty;

Sixty-seventh  
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- 1 c. A competitor participating in an organized sport shooting event;
- 2 d. A gun or antique show;
- 3 e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 4 f. A firearm or dangerous weapon carried in a temporary residence or motor
- 5 vehicle;
- 6 g. A student and an instructor at a hunter safety class;
- 7 h. Private and public security personnel while on duty;
- 8 i. A state or federal park;
- 9 j. An instructor, a test administrator, an official, or a participant in educational,
- 10 training, cultural, or competitive events involving the authorized use of a
- 11 dangerous weapon if the event occurs with permission of the person or entity
- 12 with authority over the function or premises in question;
- 13 k. An individual in a publicly owned or operated rest area or restroom;
- 14 l. An individual [possessing a valid concealed weapons license from this state](#)~~who is~~
- 15 ~~authorized under section 62.1-04-02 to carry a firearm or dangerous weapon~~
- 16 ~~concealed~~ or who has reciprocity under section 62.1-04-03.1 authorizing the
- 17 individual to carry a firearm or dangerous weapon concealed if the individual is in
- 18 a church building or other place of worship and [has the approval to carry in the](#)
- 19 [church building or other place of worship by a primary religious leader of the](#)
- 20 [church or other place of worship](#) or the governing body of the church or other
- 21 place of worship ~~has not otherwise restricted the possession of a firearm or~~
- 22 ~~dangerous weapon~~;
- 23 m. A state, federal, or municipal court judge, a district court magistrate judge or
- 24 judicial referee, and a staff member of the office of attorney general if the
- 25 individual maintains the same level of firearms proficiency as is required by the
- 26 peace officer standards and training board for law enforcement officers. A local
- 27 law enforcement agency shall issue a certificate of compliance under this section
- 28 to an individual who is proficient;
- 29 n. An individual's storage of a firearm or dangerous weapon in a building that is
- 30 owned or managed by the state or a political subdivision, provided:
- 31 (1) The individual resides in the building;

- 1                   (2) The storage is inside the individual's assigned residential unit; and
- 2                   (3) The storage has been consented to by the state, the governing board, or a
- 3                   designee; and
- 4           o. An individual authorized to carry a concealed weapon on school property under
- 5           section 62.1-02-14.
- 6           3. This section does not prevent any political subdivision from enacting an ordinance that
- 7           is less restrictive than this section relating to the possession of firearms or dangerous
- 8           weapons at a public gathering. An enacted ordinance supersedes this section within
- 9           the jurisdiction of the political subdivision.
- 10          4. Notwithstanding any other provision of law, a church or place of worship may not be
- 11          held liable for any injury or death or damage to property caused by an individual
- 12          permitted to carry a dangerous weapon concealed under this section.
- 13          5. This section does not prevent the governing body of a school or the entity exercising
- 14          control over a publicly owned or operated building or property from authorizing the use
- 15          of a less than lethal weapon as part of the security plan for the school, building, or
- 16          property.
- 17          6. An individual who knowingly violates this section is guilty of a noncriminal offense
- 18          punishable by a fee of fifty dollars.

**2021 SENATE JUDICIARY**

**HB 1297**

# 2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee  
Peace Garden Room, State Capitol

HB 1297  
4/6/2021

A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the possession of firearms or dangerous weapons at a public gathering.

Hearing called to order all Senators Present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson.** [3:20]

### Discussion Topics:

- 2<sup>nd</sup> Amendment rights as they apply to social functions
- Self Defense statute consideration

**Rep. Ben Koppleman**, R-West Fargo, provided testimony in favor #11562 [3:20]

**Andrew Kordonoy**, Dickinson, ND, provided testimony in favor #11414 [3:40]

**Chris Dodson**, ND Catholic Conference, provided testimony in opposition [3:42]

**Amy Kopus**, North Dakota Council of Educational Leaders, provided testimony in opposition [3:44]

**Susan Beehler**, Mandan, ND, provided testimony in opposition [3:44]

**Senator Myrdal** Moved Amendment  
21.0637.04003 [3:47]  
**Senator Luick** Seconded the Motion  
Vote Passed 7-0-0

Vote to Amend HB 1297	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

**Senator Myrdal** Moved a DO PASS AS  
AMENDED[3:49]  
**Senator Luick** Seconded the Motion  
Vote Passed 7-0-0  
**Senator Myrdal** Carried the Bill

Vote to DO PASS AS AMENDED	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

**Additional Written Testimony:**  
**#11391, #11392, #11400, #11411**

Hearing Adjourned [3:54]

*Jamal Omar, Committee Clerk*

April 6, 2021

CS  
4/6  
104

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1297

Page 2, line 13, overstrike "possessing a valid concealed weapons license from this state" and insert immediately thereafter "who is authorized under section 62.1-04-02 to carry a firearm or dangerous weapon concealed"

Page 2, line 16, overstrike "has the approval to carry in the church building or"

Page 2, overstrike line 17

Page 2, line 18, overstrike "of worship or"

Page 2, line 18, after the first "the" insert "primary religious leader or the"

Page 2, line 18, after the second "worship" insert "approves the individual or group of individuals to carry a firearm or dangerous weapon through a policy or any other means"

Page 3, line 14, remove "a noncriminal offense"

Page 3, replace line 15 with "an infraction."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1297, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1297 was placed on the Sixth order on the calendar.

Page 2, line 13, overstrike "possessing a valid concealed weapons license from this state" and insert immediately thereafter "who is authorized under section 62.1-04-02 to carry a firearm or dangerous weapon concealed"

Page 2, line 16, overstrike "has the approval to carry in the church building or"

Page 2, overstrike line 17

Page 2, line 18, overstrike "of worship or"

Page 2, line 18, after the first "the" insert "primary religious leader or the"

Page 2, line 18, after the second "worship" insert "approves the individual or group of individuals to carry a firearm or dangerous weapon through a policy or any other means"

Page 3, line 14, remove "a noncriminal offense"

Page 3, replace line 15 with "an infraction."

Renumber accordingly

21.0637.04002

FIRST ENGROSSMENT

Sixty-seventh  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1297

Introduced by

Representative B. Koppelman

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,  
2 relating to the possession of firearms or dangerous weapons at a public gathering.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is  
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6 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**  
7 **Penalty - Application.**

8 1. An individual ~~who knowingly possesses a firearm or dangerous weapon at a public~~  
9 ~~gathering is guilty of an infraction. For the purpose of this section, "public gathering"~~  
10 ~~means an~~ may not possess a firearm or dangerous weapon at:

- 11 a. athletic or sporting ~~a~~ A school or school-sponsored event on school property, a;
- 12 b. school, a ~~A church or other place of worship, and a; or~~
- 13 c. A publicly owned or operated building.

14 2. This section does not apply to:

- 15 a. A law enforcement officer, or a correctional officer employed by the department of
- 16 corrections and rehabilitation or by a correctional facility governed by chapter
- 17 12-44.1. A correctional officer employed by the department of corrections and
- 18 rehabilitation may carry a firearm only as authorized in section 12-47-34. A
- 19 correctional officer employed by a correctional facility governed by chapter
- 20 12-44.1 may carry a firearm or dangerous weapon only as authorized in section
- 21 12-44.1-30;
- 22 b. A member of the armed forces of the United States or national guard, organized
- 23 reserves, state defense forces, or state guard organizations, when on duty;
- 24 c. A competitor participating in an organized sport shooting event;



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- 1 d. A gun or antique show;
- 2 e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 3 f. A firearm or dangerous weapon carried in a temporary residence or motor
- 4 vehicle;
- 5 g. A student and an instructor at a hunter safety class;
- 6 h. Private and public security personnel while on duty;
- 7 i. A state or federal park;
- 8 j. An instructor, a test administrator, an official, or a participant in educational,
- 9 training, cultural, or competitive events involving the authorized use of a
- 10 dangerous weapon if the event occurs with permission of the person or entity
- 11 with authority over the function or premises in question;
- 12 k. An individual in a publicly owned or operated rest area or restroom;
- 13 l. An individual ~~possessing a valid concealed weapons license from this state~~ who is
- 14 authorized under section 62.1-04-02 to carry a firearm or dangerous weapon
- 15 concealed or who has reciprocity under section 62.1-04-03.1 authorizing the
- 16 individual to carry a firearm or dangerous weapon concealed if the individual is in
- 17 a church building or other place of worship and ~~has the approval to carry in the~~
- 18 ~~church building or other place of worship by a primary religious leader of the~~
- 19 ~~church or other place of worship or the~~ primary religious leader or the governing
- 20 body of the church or other place of worship approves the individual or group of
- 21 individuals to carry a firearm or dangerous weapon through a policy or any other
- 22 means;
- 23 m. A state, federal, or municipal court judge, a district court magistrate judge or
- 24 judicial referee, and a staff member of the office of attorney general if the
- 25 individual maintains the same level of firearms proficiency as is required by the
- 26 peace officer standards and training board for law enforcement officers. A local
- 27 law enforcement agency shall issue a certificate of compliance under this section
- 28 to an individual who is proficient;
- 29 n. An individual's storage of a firearm or dangerous weapon in a building that is
- 30 owned or managed by the state or a political subdivision, provided:
- 31 (1) The individual resides in the building;

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Legislative Assembly

- 1                   (2) The storage is inside the individual's assigned residential unit; and
- 2                   (3) The storage has been consented to by the state, the governing board, or a
- 3                   designee; and
- 4                   o. An individual authorized to carry a concealed weapon on school property under
- 5                   section 62.1-02-14.
- 6                   3. This section does not prevent any political subdivision from enacting an ordinance that
- 7                   is less restrictive than this section relating to the possession of firearms or dangerous
- 8                   weapons at a public gathering. An enacted ordinance supersedes this section within
- 9                   the jurisdiction of the political subdivision.
- 10                  4. Notwithstanding any other provision of law, a church or place of worship may not be
- 11                  held liable for any injury or death or damage to property caused by an individual
- 12                  permitted to carry a dangerous weapon concealed under this section.
- 13                  5. This section does not prevent the governing body of a school or the entity exercising
- 14                  control over a publicly owned or operated building or property from authorizing the use
- 15                  of a less than lethal weapon as part of the security plan for the school, building, or
- 16                  property.
- 17                  6. An individual who knowingly violates this section is guilty of <sup>an infraction</sup> a noncriminal offense
- 18                  ~~punishable by a fee of fifty dollars.~~

April 6, 2021

RE: Testimony IN FAVOR of HB 1297

Dear Committee Members,

As a resident and business owner of this state I am writing this testimony in support of House Bill 1248. A sporting event is unclear on where firearms are prohibited. If I am playing horseshoes in my yard am I to be unarmed? Clarification is needed for this and is why I am for HB 1297.

Sincerely,

-Kord

Andrew Kordonowy

Cerberus Security LLC

Dickinson, ND

**Senator,**

I do want to remind you that **NO GUN ZONES** are a perfect target for criminals.

If we are law abiding citizens we should not be restricted on where we carry.

I have to ask you what are you going to do if you are at a school function and a nut job enters the building and starts shooting it up?

**If no person can carry what will YOU do???**

Thank you,

--

**Mitchell S. Sanderson**

**Testimony of Shannon Schutt  
North Dakota Recreation & Park Association  
To Senate Judiciary Committee  
In Opposition to HB 1297  
Monday, April 5, 2021**

Chairwoman Larson and Members of the Committee, my name is Shannon Schutt, and I am the executive director of the North Dakota Recreation & Park Association (NDRPA). We represent more than 900 members, primarily park districts, and work to advance parks, recreation and conservation for an enhanced quality of life in North Dakota. We are in opposition to HB 1297.

HB 1297 removes “sporting and athletic events” from the defined list of locations where firearms and dangerous weapons are prohibited. As a result, individuals would be allowed to carry a firearm or dangerous weapon at park district events such as soccer games, flag football games, tennis matches, softball tournaments, and much more. We feel this would cause additional liability for park districts and potentially put staff and participants in a dangerous situation when attending anything from little league games to major events at our facilities. Some of these events also allow alcohol onsite with use of a permit, which could increase the risk of impaired decision-making with a firearm or dangerous weapon.

NDRPA urges a do not pass recommendation on HB 1297. Thank you.



**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

P.O. Box 7128  
Bismarck ND 58507-7128  
1-800-932-8791 • (701)255-4127  
[www.ndsba.org](http://www.ndsba.org)

**HB 1297**  
**Testimony of Amy DeKok**  
**Senate Judiciary Committee**  
**April 6, 2021**

Chair Larson and members of the Senate Judiciary Committee, my name is Amy DeKok. I am in-house Legal Counsel for the North Dakota School Boards Association (NDSBA). NDSBA represents all 175 North Dakota public school districts and their governing boards. I am here today in opposition to HB 1297.

Our schools serve arguably the most vulnerable population of citizens. Parents entrust their children to our schools to protect them and keep them safe from harm. NDSBA stands in opposition to HB 1297 because it limits the prohibition on possession of a dangerous weapon or firearm “at a school or school-sponsored even on school property.” Many schools sanction or sponsor events that occur off school property or on property leased, but not owned by, the school. Our schools are responsible for ensuring the safety of students at the events they sponsor or sanction. In furtherance of this responsibility, we ask that the Committee consider amending the bill to include the following language on Page 1, line 11: “A school, property or facility owned or leased by a school, or at a school sponsored or sanctioned event.”

NDSBA also opposes HB 1297 to the extent it seeks to further reduce the criminal penalty from an infraction to a noncriminal offense punishable by a fifty-dollar fee. Last legislative session, the criminal penalty for unlawful possession of a firearm or dangerous weapon at a public gathering was lowered from a class B misdemeanor to an infraction. We believe removing the criminal penalty and adding a noncriminal offense in this section essentially removes any remaining deterrent there is for unlawful possession of a firearm or dangerous weapon at a public gathering. By doing so, it may increase the instances of such unlawful possession. In addition, without the possibility of any criminal penalty, we worry about the impact it will have on a school official’s ability to prohibit unlawful possession on school property. We also worry about local law enforcement’s ability or willingness in those situations to respond to calls from school administrators for possible instances of unlawful possession at school event or at a heated board meeting.

Finally, HB 1339 has already been passed by both chambers this session and is on its way to the Governor. HB 1339 requires legislative management to consider studying the definitions of “dangerous weapon” and “public gathering.” It further requires the study to consider which weapons should be considered dangerous weapons and whether a “public gathering” includes athletic or sporting events, school buildings, or churches. It seems appropriate to allow for the study to be completed before making further changes to the definition of “public gathering” in section 62.1-02-05.

For these reasons, NDSBA stands in opposition to HB 1297 and asks this committee to give it a do not pass recommendation. Thank you for your time. I would be happy to answer any questions from the committee.



#11411

**NATIONAL ASSOCIATION FOR GUN RIGHTS**  
STANDING UP FOR FREEDOM  
DEFENDING THE SECOND AMENDMENT

*Committee Hearing Date: 4/6/2021*

Mrs. Chairman and Members of the Committee,

My name is Matt Mammoser and I am the Northwest Regional Director at the National Association for Gun Rights. I am submitting this testimony on behalf of our members in North Dakota regarding our support for amending House Bill 1297.

As a representative of the leading gun rights organization advocating for the restoration of gun rights nationwide, we applaud Rep. Ben Koppelman and House Bill 1297 for attempting to extend concealed carry rights to law-abiding adults in North Dakota.

As originally written and introduced, House Bill 1297 will help keep innocent people safe by allowing law-abiding adults to carry their legally owned handgun in a place of worship.

A law-abiding person should not be required to disarm while going to church.

Unfortunately, we've seen in recent years that criminals have been specifically targeting churches for their sick acts of violence, whether to rob or murder patriotic Americans exercising their First Amendment rights to worship freely.

But we've also seen law-abiding worshippers equipped to defend themselves and their fellow parishioners while in a house of worship. Just over 1 year ago, 71 year old Jack Wilson in White Settlement, TX stopped the mass murder of church attendees when he bravely confronted an armed assailant inside his church.

It is no doubt that Mr. Wilson saved numerous lives that day while peacefully worshipping God in his church.

Churches and houses of worship are places of peace, and law-abiding worshippers can, and do keep innocent people safe by lawfully carrying concealed.

We ask that the Senate Judiciary Committee remove restrictions on law-abiding worshippers before passing Rep. Koppelman's House Bill 1297.

Thank you for your consideration.