

## **ARTICLE 10-12**

### **CONCEALED FIREARMS AND DANGEROUS WEAPONS**

Chapter 10-12-01	Concealed Firearms and Dangerous Weapons License
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### **CHAPTER 10-12-01**

#### **CONCEALED FIREARMS AND DANGEROUS WEAPONS LICENSE**

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#### **10-12-01-01. Definitions.**

The terms used throughout this chapter have the same meaning as in the North Dakota Century Code unless otherwise defined here:

1. "Agency" means the attorney general's office bureau of criminal investigation division.
2. "Applicant" means an individual who is applying for a concealed weapons license.
3. "Class 1 license" means a concealed weapons license issued to an individual at least twenty-one years of age who has participated in classroom instruction on weapon safety rules and the deadly force law of North Dakota, has demonstrated evidence of familiarity with a firearm, and has successfully completed an actual shooting exercise in accordance with these rules.
4. "Class 2 license" means a concealed weapons license issued to an individual at least eighteen years of age who has successfully completed an open-book examination on weapon safety rules and the deadly force law of North Dakota.
5. "Concealed weapons license" means a class 1 firearm or class 2 firearm and dangerous weapon license issued by the director of the bureau of criminal investigation to carry a firearm or dangerous weapon concealed.
6. "Crime of violence" means a violation of North Dakota Century Code section 12.1-16-01, 12.1-16-02, 12.1-17-02, 12.1-18-01, subdivision a of subsection 1 or subdivision b of subsection 2 of section 12.1-20-03, section 12.1-22-01, subdivision b of subsection 2 of section 12.1-22-02, or an attempt to commit the offenses, or any equivalent statute of any other jurisdiction.

7. "Director" means the director of the bureau of criminal investigation.
8. "Mentally incompetent" means an individual requiring treatment as defined in subsection 11 of North Dakota Century Code section 25-03.1-02.
9. "Offense involving moral turpitude" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States involving conduct that:
  - a. Is done knowingly contrary to justice, honesty, or good morals;
  - b. Includes as an element of the offense falsification or fraud;
  - c. Includes as an element of the offense harm or injury directed to another individual or entity or another individual's or entity's property; or
  - d. Is in violation of North Dakota Century Code chapter 12.1-20 or 12.1-27 or equivalent laws of another state or the federal government.
10. "Test administrator" means an individual certified by the attorney general to provide classroom instruction on weapon safety rules and the North Dakota deadly force law, administer written examinations for concealed weapons licenses, determine evidence of familiarity with weapons, and conduct shooting and proficiency exercises for firearms. This definition includes all law enforcement personnel, military personnel, hunter safety instructors, private civilians, and any other individuals in any other classification who are certified by the attorney general to administer a concealed weapons test.

**History:** Effective September 1, 1986; amended effective April 1, 2010; January 1, 2012; August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

#### **10-12-01-02. Application for concealed weapons license.**

1. An application for a class 1 or class 2 concealed weapons license must be on an original form approved by the director of the bureau of criminal investigation. Only a satisfactorily completed original application may be approved by the director. The application must include:
  - a. All questions on the application answered and all applicable information provided;
  - b. Two fingerprint cards containing the classifiable fingerprints of the applicant; and
  - c. Two color passport-size photographs of the applicant.
2. The applicant shall provide to the agency all documentation relating to any court-ordered treatment or commitment for mental health or alcohol or substance abuse or incidents of domestic violence.
3. The applicant shall provide to the director written authorizations for disclosure of the applicant's mental health and alcohol or substance abuse evaluation and treatment records.
4. A nonrefundable application processing fee in the amount of sixty dollars, by certified check or money order, payable to the order of the attorney general, which includes the fees for state and federal bureau of investigation criminal history record checks.
5. The attorney general may contract with a vendor to collect credit card processing fees.

6. The agency shall process the application and make a determination whether to issue the concealed weapons license within sixty days from receipt of the satisfactorily completed application.
7. The applicant must meet all the criteria set out in subsection 1 of North Dakota Century Code section 62.1-04-03.
8. The test administrator shall complete the application as follows:
  - a. If the application is for a class 2 concealed weapons license, the test administrator shall complete the test block section, including recording the applicant's passing score, and verify whether the applicant has successfully completed an open-book written test on weapon safety rules and the deadly force law of North Dakota. The test administrator shall sign the application.
  - b. If the application is for a class 1 concealed weapons license, the test administrator shall complete the test block section, including recording the applicant's passing score, and verify whether the applicant has successfully participated in classroom instruction on weapon safety rules and the deadly force law of North Dakota, has demonstrated familiarity with a weapon, has completed a shooting course for firearms, and has passed an open-book written test on weapon safety rules and the deadly force law of North Dakota. The test administrator shall sign the application.
9. An incomplete application will be returned to the applicant for completion. The satisfactorily completed application must be returned to the agency no later than thirty days from the postmark date the incomplete application was returned to the applicant. Failure to return the satisfactorily completed application within the time required may result in denial of the application and the applicant will be required to recommence the entire application process.
10. All applications must be submitted to the agency by United States mail only. All applications must be submitted individually. Joint or bulk submission of applications will be returned and will not be considered submitted to the agency.

**History:** Effective September 1, 1986; amended effective April 1, 2010; January 1, 2012; August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(1), 62.1-04-03(4), 62.1-04-03(5)

#### **10-12-01-03. Nonresident applicants.**

Applicants who are not residents of North Dakota may obtain a North Dakota concealed weapons license. To obtain a license, the nonresident shall comply with all requirements of North Dakota Century Code chapter 62.1-04 and these rules.

**History:** Effective September 1, 1986; amended effective April 1, 2010; August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(1)

#### **10-12-01-04. Classroom instruction and written test.**

1. Applicants for a class 2 concealed weapons license shall successfully complete the written examination and submit an application for a concealed weapons license.
2. Applicants for a class 1 concealed weapons license shall attend classroom instruction on weapon safety rules and the deadly force law of North Dakota before they may complete the written examination and submit an application for a concealed weapons license. Only test

administrators certified under this chapter may conduct classroom instruction for applicants for concealed weapons licenses.

3. The written test must be an open-book test approved by the attorney general. The written test must include examination on weapons safety rules and the deadly force law of North Dakota. A minimum score of seventy percent overall and one hundred percent on the deadly force law of North Dakota is necessary to pass the written test. The written test may only be administered within the state of North Dakota and by a test administrator certified under this chapter. The written test may not be administered in conjunction with any other state's concealed weapons laws or procedures.
4. The classroom instruction may only be administered within the state of North Dakota and by a test administrator certified under this chapter. The classroom instruction may not be administered in conjunction with any other state's concealed weapons laws or procedures.

**History:** Effective September 1, 1986; amended effective April 1, 2010; August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(2)

#### **10-12-01-05. Proficiency and shooting test.**

1. Only a test administrator certified under this chapter may administer a firearm shooting or proficiency exercise. Successful completion of the firearm shooting or proficiency exercise requires demonstrated familiarity and safety with a firearm.
2. Evidence of familiarity with a firearm may be satisfied by one of the following:
  - a. Certification of familiarity with a firearm by an individual who has been certified by the attorney general, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor;
  - b. Evidence of equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service;
  - c. Possession of a license from another state to carry a firearm, concealed or otherwise, which is granted by that state upon completion of similar or equivalent classroom instruction, testing, and demonstration of firearm familiarity and proficiency; or
  - d. Evidence that the applicant, during military service, was found to be qualified to operate a firearm.
3. The firearm shooting exercise may only be conducted within the state of North Dakota and in accordance with shooting criteria approved by the director. The minimum passing score is seventy percent of the total rounds fired.
4. The applicant may use any safe firearm with any type of ammunition suitable for that firearm. The test administrator shall determine whether the firearm is safe and the ammunition is appropriate before the shooting exercise starts.
5. The firearm shooting or proficiency exercise may not be administered in conjunction with any other state's concealed weapons license application process.

**History:** Effective September 1, 1986; amended effective April 1, 2010; August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(2)

#### **10-12-01-06. Lost or destroyed licenses.**

If a concealed weapons license is lost or destroyed, the licenseeholder may obtain a replacement license. In order to obtain a replacement license, the licenseeholder shall send a letter to the director of the bureau of criminal investigation indicating the licenseeholder's name, address, and date of birth. In addition, the letter must include the reason the licenseeholder needs a replacement license.

**History:** Effective September 1, 1986; amended effective April 1, 2010.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

#### **10-12-01-07. Denial, revocation, or cancellation of a concealed weapons license.**

The director of the bureau of criminal investigation may deny, revoke, or cancel a concealed weapons license for the following reasons:

1. The applicant or licenseeholder is prohibited from owning, possessing, or having a firearm under North Dakota Century Code section 62.1-02-01 or under federal law or has committed any other violation of North Dakota Century Code title 62.1; or
2. The applicant made a material misstatement on the application for the concealed weapons license.
3. In accordance with subdivision c or e of subsection 1 of North Dakota Century Code section 62.1-04-03.

**History:** Effective September 1, 1986; amended effective April 1, 2010; January 1, 2012; August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(1)(f), 62.1-04-03(6), 62.1-04-03(7)

#### **10-12-01-08. Renewal of a concealed weapons license.**

A concealed weapons license may be renewed if a current licenseeholder is eligible for a concealed weapons license and completes a renewal application subject to the following conditions:

1. No additional testing is required for timely renewal of a class 2 license.
2. A class 1 license may be renewed upon successful completion of the class 1 requirements within thirty days before submission of the application for renewal.
3. Timely renewal is the responsibility of the applicant. The agency sends renewal notifications to the licenseeholder at the licenseeholder's last-known address on file with the agency. The renewal application may be delivered to the agency not more than one hundred eighty days before the license expires through the date the license expires.
4. An incomplete application is not deemed to have been submitted to the bureau of criminal investigation until after it has been returned satisfactorily completed. The satisfactorily completed application must be returned to the bureau of criminal investigation no later than thirty days from the postmark date the incomplete application was returned to the applicant. Failure to return the satisfactorily completed application within the time required will result in denial of the application and the applicant will be required to recommence the entire application process.
5. Renewal applications may not be submitted to the agency after the date the current license expires. Renewal applications received by the agency which are postmarked after the current

license expires are invalid. Invalid application forms may be destroyed by the agency. The licenseeholder will be required to reapply as a new applicant and complete all required testing.

6. The bureau of criminal investigation is required to process the renewal application and make a determination within sixty days of receipt.

**History:** Effective September 1, 1986; amended effective April 1, 2010; January 1, 2012; August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

#### **10-12-01-09. Residence change or change in material facts.**

1. A concealed weapons licenseeholder shall notify the director of the bureau of criminal investigation of a change of address. The notification must be in writing, must be postmarked within thirty days of the change of address, and must include the licenseeholder's name, former address, license number, and new address. The new address must include the new house number or apartment number, street name, city, zip code, and county.
2. The applicant or licenseeholder shall notify the director of any change of material facts that affect the need for or possession of a concealed weapons license.

**History:** Effective September 1, 1986; amended effective April 1, 2010; August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(10)

#### **10-12-01-10. Appeals and reconsideration.**

1. An individual who is aggrieved by the decision of the director to deny an application for a license or a renewal of a license, or to suspend or cancel a license, may petition for reconsideration and rehearing under North Dakota Century Code section 28-32-40.
2. An individual who is aggrieved by the decision of the director to deny an application for a license or a renewal of a license, or to suspend or cancel a license, may appeal to the district court of Burleigh County under North Dakota Century Code section 28-32-42.

**History:** Effective September 1, 1986; amended effective April 1, 2010.

**General Authority:** NDCC 28-32-40, 28-32-42, 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(7)

#### **10-12-01-11. Reciprocity.**

The attorney general may enter into reciprocity agreements with other states to recognize another state's concealed weapons license if a reciprocity agreement is required by the other state in order to recognize North Dakota's concealed weapons license.

**History:** Effective September 1, 1986; amended effective April 1, 2010.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

#### **10-12-01-12. Test administrator certification.**

1. The attorney general may certify test administrators to conduct classroom instruction, administer the written examination, and, if applicable, have the applicant demonstrate familiarity with a weapon, and conduct the shooting and proficiency examination.
2. In order to become certified as a test administrator, an individual shall successfully complete the concealed weapons test administrator course approved by the director. Successful

completion of the certification program requires a passing score on a written examination and a shooting course of fire.

3. The attorney general may certify a peace officer as a test administrator to conduct classroom instruction and administer the written examination who has current certification from the North Dakota peace officer standards and training board in methods of instruction.
4. The attorney general may certify a peace officer as a test administrator to conduct firearm familiarity demonstrations and shooting and proficiency exercises who has current certification from the North Dakota peace officer standards and training board as a weapons instructor.
5. All applications for test administrator certification must be made on a form approved by the director.
6. Test administrator certification is effective for five years from the date of certification.
7. Except as otherwise provided in this chapter, a test administrator must possess a current valid North Dakota concealed weapons license as a requirement for certification under this section.

**History:** Effective April 1, 2010; amended effective January 1, 2012; August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(1)(d)

#### **10-12-01-13. Renewal of test administrator certification.**

1. The director shall prescribe and provide the required training program for renewal of test administrator certification, including classroom and firearm instruction. Successful completion of the renewal training program requires a passing score on a written examination and a shooting course of fire.
2. Applications for renewal must be submitted on a form approved by the director.
3. Except as otherwise provided in this chapter, a test administrator must possess a current valid North Dakota concealed weapons license as a requirement for renewal of certification under this section.

**History:** Effective April 1, 2010; amended effective January 1, 2012; August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(1)(d)

#### **10-12-01-14. Test administrator training and testing procedures and fees.**

1. A certified test administrator may only conduct the training and testing procedures according to the requirements established by the director. The instructor may determine the frequency and class size of training and testing sessions.
2. A certified test administrator shall submit a listing of the dates of every classroom instruction, training, and testing of five or more students to the director on a form approved by the director prior to the commencement of classroom instruction, training, or testing to monitor course content and instructor development.
3. A certified test administrator may not charge a fee exceeding fifty dollars to conduct the requirements for a concealed weapons license.
4. A certified test administrator will complete rosters for all concealed weapons classes and tests on a form approved by the director. All rosters will be submitted by mail to the director within fifteen days of completion of the testing.

5. A certified test administrator must maintain the completed test and class records for one year after the date of testing.

**History:** Effective April 1, 2010; amended effective August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(1)(d)

#### **10-12-01-15. Denial, revocation, or cancellation of test administrator certification.**

The director may deny, revoke, or cancel test administrator certification. Grounds for denial, revocation, or cancellation include:

1. The test administrator is prohibited from owning, possessing, or having a firearm under North Dakota Century Code section 62.1-02-01 or under federal law;
2. The test administrator has committed any other violation of North Dakota Century Code title 62.1;
3. The test administrator willfully submitted false material information for the purposes of obtaining test administrator certification or renewal;
4. The test administrator has failed to follow the approved procedures for the issuance of a concealed weapons license;
5. The test administrator has willfully submitted false material information concerning the training or testing conducted for a concealed weapons license; or
6. The test administrator has not filed a completed application for certification as a test administrator or has not met the requirements for certification as a test administrator.

Denial, revocation, suspension, or cancellation of test administrator certification based on self-disclosure of a violation or violations will be determined on a case by case basis.

**History:** Effective April 1, 2010; amended effective August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(1)(d)

#### **10-12-01-16. Requirements for materials accompanying concealed weapons license application.**

1. Fingerprints for a concealed weapons license may be taken by:
  - a. A test administrator who has been authorized by the agency; or
  - b. Law enforcement personnel who have been trained to take fingerprints.
2. Photographs of the applicant must adhere to the following criteria:
  - a. Photographs must be the size of a normal United States passport photograph at two inches by two inches;
  - b. Photographs must be in color;
  - c. Photographs must be printed on photo paper;
  - d. No hats, caps, scarves, or other regular kinds of head covering may be worn in the photograph;
  - e. No glasses may be worn in the photograph;

- f. No face masks or other types of coverings may be worn in the photograph;
- g. The photograph must depict a full representation of the front of the applicant's face with open eyes and all features visible;
- h. The photograph should include the area from the top of the applicant's head to the applicant's shoulders;
- i. Uniforms may not be worn in the photograph; and
- j. The applicant's face may not be obscured.

Exceptions to the photographic requirements may be made at the discretion of the director for religious or medical reasons upon written request by the applicant or licenseholder. The request must be accompanied by documentation verifying the reason for the exception and mailed to the agency.

**History:** Effective August 1, 2013.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03(10)