

2023 HOUSE ENERGY AND NATURAL RESOURCES

HB 1479

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1479
1/26/2023

Relating to restrictions on the possession, use, and manufacture of knives; and to the definition of a dangerous weapon

3:13 PM

Vice Chairman D Anderson opened the hearing. Members present: Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby. Absent: Representatives Kasper, and Porter

Discussion Topics:

- Conceal carry knives
- Knife rights
- State/local control

Rep Claire Cory, Dist 42, Grand Forks, presented the bill, Testimony 16895
Todd Rathner, lobbyist, Knife Rights, Owners, Makers and Manufacturer, Testimony 20879
Frank Senn, Acting Chief of City of Beulah, Testimony #20913
Kevin Horowitz, ND Council of Education Leaders, oral testimony

3:34 PM Vice Chairman D Anderson closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1479
2/2/2023
Subcommittee

Relating to restrictions on the possession, use, and manufacture of knives

8:00 AM Chairman Heinert called the subcommittee meeting to order. Present were Chairman Heinert, Representatives Ista, Roers Jones. Absent: subcommittee member Rep Ruby.

Also present: Rep. Porter

Discussion topics:

- Gun bills

Chairman Heinert stated the 7 gun bills the subcommittee would be working on:

1. HB 1339
2. HB 1340
3. HB 1341
4. HB 1350
5. HB 1404
6. HB 1479
7. HB 1483

Claire Ness from the Attorney General's office will attend with information on a Supreme Court case next Thursday, February 9, 2023 at 8 AM. The subcommittee will also meet next Friday, February 10, 2023 at 8:00 AM.

8:04 AM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1479
2/9/2023
Subcommittee

Relating to restrictions on the possession, use, and manufacture of knives
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8:00 AM

Chairman Heinert called the meeting to order. Present were Chairman Heinert, Representatives Ista, Roers Jones, and Ruby. Also present were Representatives D Anderson and Porter.

Discussion Topics:

- Bruen opinion
- Reasoning by analogy
- Person's conduct
- 2nd amendment
- Dangerous and unusual weapons
- Proposed amendment 01001

Claire Ness, Chief Deputy Attorney General, ND Attorney General's Office, oral testimony on New York State Rifle & Pistol Association Inc. v. Bruen (Decided on June, 2022)

Additional written Testimony:

Rep Claire Cory, proposed amendment 01001, Testimony 20876, 22527

8:25 AM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1479
2/10/2023
Subcommittee

Relating to restrictions on the possession, use, and manufacture of knives
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8:00 AM

Chairman Heinert called the meeting to order. Present were Chairman Heinert, Representatives Ruby, and Ista. Rep Roers Jones was absent.

Discussion Topics:

- Study

Chairman Heinert stated that the subcommittee recommend to the full committee a Do Not Pass on HB 1479.

8:45 AM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1479
2/16/2023

Relating to restrictions on the possession, use, and manufacture of knives; and to the definition of a dangerous weapon

10:12 AM

Chairman Porter opened the meeting. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

Discussion Topics:

- Committee action

Rep Heinert moved a Do Not Pass, seconded by Rep Ista.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative Jim Kasper	AB
Representative Andrew Marschall	N
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y

12-1-1 Motion carried. Rep Olson is carrier.

10:13 AM Chairman Porter closed the meeting.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1479: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB
1479 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1479



North Dakota House of Representatives

#16895



STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Representative Claire Cory

District 42
P.O. Box 5094
Grand Forks, ND 58206-5094

C: 701-213-6553

clairecory@ndlegis.gov

COMMITTEES:

Judiciary
Government and Veterans Affairs

Chairman Porter and Members of the House Energy and Natural Resources,

For the record my name is Claire Cory and I represent District 42 in Grand Forks.

House Bill 1479 aims to do two things;

- 1) Legalize the concealed carry of knives that North Dakotans use every day for work, and recreation.
- 2) Stop local jurisdictions (cities and towns) from regulating knives

It is important to note that any knives listed in the code may be carried openly in ND, and concealed with a permit. This bill simply allows those without a permit to put a jacket on over the knife they use to open boxes at work or filet a fish next to a river.

HB 1479 was very narrowly crafted to allow law abiding citizens to carry tools they use in everyday work and recreation, while preserving the authority of the police and prosecutors to prosecute people who commit crimes with knives.

Mr. Chairman and Members of the Energy and Natural Resources Committee, this concludes my testimony and I am happy to answer any questions.

HB 1479
2/9/23 AN

23.0027.01001
Title.

Prepared by the Legislative Council staff for
Representative Cory
January 30, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1479

Page 1, line 3, replace "subsection 1 of section 62.1-01-01" with "section 62.1-04-01"

Page 1, line 4, replace "dangerous weapon" with "concealed for firearms and dangerous weapons"

Page 1, remove lines 6 through 23

Page 2, after line 13, insert:

"4. This section does not apply to an ordinance, rule, tax, or regulation enacted by a political subdivision which prohibits the possession of a knife on property or in a building owned, leased, or possessed by the political subdivision.

SECTION 2. AMENDMENT. Section 62.1-04-01 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-01. Definition of concealed.

A firearm or dangerous weapon is concealed if it is carried in such a manner as to not be discernible by the ordinary observation of a passerby. There is no requirement that there be absolute invisibility of the firearm or dangerous weapon, merely that it not be ordinarily discernible. A firearm or dangerous weapon is considered concealed if it is not secured, and is worn under clothing or carried in a bundle that is held or carried by the individual, or transported in a vehicle under the individual's control or direction and available to the individual, including beneath the seat or in a glove compartment. A firearm or dangerous weapon is not considered concealed if it is:

1. Carried in a belt holster which is wholly or substantially visible or carried in a case designed for carrying a firearm or dangerous weapon and which is wholly or substantially visible;
2. Locked in a closed trunk or luggage compartment of a motor vehicle;
3. Carried in the field while lawfully engaged in hunting, fishing, trapping, camping, field work, or target shooting, or a knife designed as a kitchen knife while en route to or from a place of employment, whether visible or not;
4. Carried by any person permitted by law to possess a handgun unloaded and in a secure wrapper from the place of purchase to that person's home or place of business, or to a place of repair, or back from those locations;
or
5. A bow and arrow, rifle, shotgun, unloaded handgun, or a weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas including any such weapon

commonly referred to as a BB gun, air rifle, or CO₂ gun, while carried in a motor vehicle; or

6. A switchblade, gravity knife, stiletto, or dagger, whether visible or not."

Renumber accordingly

HB 1479
2/9/23 AM

23.0027.01001

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1479

Introduced by

Representatives Cory, Christensen, Dyk, Koppelman, M. Ruby

Senators Boehm, Clemens, Larsen, Luick, Magrum, Paulson

1 A BILL for an Act to create and enact a new section to chapter 62.1-01 of the North Dakota
2 Century Code, relating to restrictions on the possession, use, and manufacture of knives; and to
3 amend and reenact ~~subsection 1 of section 62.1-01-01~~section 62.1-04-01 of the North Dakota
4 Century Code, relating to the definition of ~~dangerous weapon~~concealed for firearms and
5 dangerous weapons.

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

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

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

1 **SECTION 1.** A new section to chapter 62.1-01 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Limitation on authority of political subdivision regarding knives.**

- 4 1. As used in this section "knife" means a cutting instrument with a sharpened or pointed
5 blade.
- 6 2. A political subdivision may not enact any ordinance, rule, or tax relating to the
7 transportation, possession, carry, sale, transfer, purchase, gift, devise, licensure,
8 registration, or use of a knife or knifemaking components. All such existing rules or
9 ordinances are void.
- 10 3. A political subdivision may not enact any rule or ordinance relating to the manufacture
11 of a knife which is more restrictive than any rule or ordinance relating to the
12 manufacture of any other commercial good. All such existing rules or ordinances are
13 void.
- 14 4. This section does not apply to an ordinance, rule, tax, or regulation enacted by a
15 political subdivision which prohibits the possession of a knife on property or in a
16 building owned, leased, or possessed by the political subdivision.

17 **SECTION 2. AMENDMENT.** Section 62.1-04-01 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **62.1-04-01. Definition of concealed.**

20 A firearm or dangerous weapon is concealed if it is carried in such a manner as to not be
21 discernible by the ordinary observation of a passerby. There is no requirement that there be
22 absolute invisibility of the firearm or dangerous weapon, merely that it not be ordinarily
23 discernible. A firearm or dangerous weapon is considered concealed if it is not secured, and is
24 worn under clothing or carried in a bundle that is held or carried by the individual, or transported
25 in a vehicle under the individual's control or direction and available to the individual, including
26 beneath the seat or in a glove compartment. A firearm or dangerous weapon is not considered
27 concealed if it is:

- 28 1. Carried in a belt holster which is wholly or substantially visible or carried in a case
29 designed for carrying a firearm or dangerous weapon and which is wholly or
30 substantially visible;
- 31 2. Locked in a closed trunk or luggage compartment of a motor vehicle;

North Dakota Knife Law Reform HB1479

Mr. Chairman , members of the committee my name is Todd Rathner and I represent Knife Rights a national organization of knife owners, collectors, makers and manufacturers. Thank you for allowing me to testify today in strong support of HB1479.

Knife Rights has worked over the past decade to reform the knife laws in 26 states, passing 40 separate bills to get it done. Every one of these bills was passed in a bipartisan manner and not one state has moved to repeal any of these laws.

One of the reasons that these reforms have been so popular is because people from all walks of life, carry a knife every single day as a tool to accomplish all types of tasks, whether it's on a farm or ranch, grocery store, or in the kitchen of a restaurant, everyone uses a knife. Folks who carry a knife everyday should not have to be in fear of arrest because they concealed a tool they use for everyday tasks. Currently your constituents could be carrying a knife to hunt or fish, or to open boxes at work and be in violation of the law if they put that tool in their pocket, or put a sweater on. That shouldn't be the case.

Let me reiterate what HB1479 will NOT do. It will NOT prevent the state from prosecuting aggravated assault with a knife under your current laws. They would remain unchanged. HB1479 would simply allow folks who can already carry a firearm concealed, to carry their everyday knife concealed as well.

The second major feature of HB1479 is the preemption of local ordinances. This is important because in other states where we have passed knife law reform without preemption we have seen local jurisdictions pass ordinances essentially undoing what the legislature just did. We had to go back and work to pass preemption in those states. The preemption section would assure uniformity of the law throughout the state making it easier to understand, as well as enforce.

It is for these reasons I urge you to vote to recommend passage of HB1479. Thank you again for allowing me to testify today, and I'd be happy to answer any questions you may have.

From: Frank Senn <bpdsenn@westriv.com>
Sent: Thursday, January 26, 2023 3:52 PM
To: NDLA, H NAT <hnat@ndlegis.gov>
Subject: HB 1479. Statistic from Chief Frank Senn

As requested I have attached 2 tables as reference from the testimony provided 01/26/23 by Frank Senn.



3 weapon categories

WC **Weltz, Colleen A.** 14:21
Krile, Robyn L.

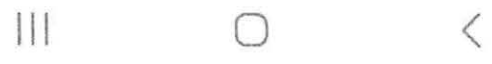
Number of Crimes that involved a Firearm
Current date: 1/26/2023 2:01:29 PM (Central Standard Time)
Rows 1-10 of 10 (43 Suppressed) Columns 1-3 of 3

Measures - Number of Crimes | Incident Date - 2021 | Drag dimensions h

Type of Weapon/Firearm Involved	Firearm	Knife/Cutting Instrument ...	Blunt Object (Club, Hamme...
Offense Type			
Total	616	338	217
Murder and Nonnegligent M...	12	1	
Negligent Manslaughter	2		
Aggravated Assault	86	161	148
Kidnapping/Abduction	7	7	4
Rape	1	5	
Sodomy		1	
Fondling		5	
Robbery	38	25	6
Weapon Law Violations	470	131	57

Colleen Weltz
ND NIBRS Program Manager

Reply





stat



Weltz, Colleen A.
Krile, Robyn L.

13:54
⋮

Number of Crimes that involved a Firearm
 Current date: 1/26/2023 1:53:13 PM (Central Standard Time)
 Rows 1-10 of 10 (43 Suppressed) Columns 1-2 of 2

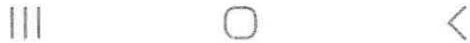
Measures - Number of Crimes | Incident Date - 2021

Type of Weapon/Force Invo...	Firearm	Knife/Cutting Instrument ...
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Negligent Manslaughter	2	
Aggravated Assault	26	161
Kidnapping/Abduction	7	7
Rape	1	5
Sodomy		1
Fondling		5
Robbery	38	25
Weapon Law Violations	470	131

Colleen Weltz
 ND NIBRS Program Manager

Phone: [701-328-5527](tel:701-328-5527)
 Email: cweltz@nd.gov

Reply



Sent from my iPhone

HB 1479
2/9/23 Sub C
HNAT AM

23.0027.01001

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1479

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- 4 4. Carried by any person permitted by law to possess a handgun unloaded and in a
5 secure wrapper from the place of purchase to that person's home or place of
6 business, or to a place of repair, or back from those locations; ~~or~~
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8 readily capable of expelling, a projectile by the action of a spring, compressed air, or
9 compressed gas including any such weapon commonly referred to as a BB gun, air
10 rifle, or CO₂ gun, while carried in a motor vehicle; or
- 11 6. A switchblade, gravity knife, stiletto, or dagger, whether visible or not.