

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1206**

Introduced by

Representative Porter

1 A BILL for an Act to create and enact a new subdivision to subsection 1 of section 54-12-14 and
2 section 62.1-04-03.2 of the North Dakota Century Code, relating to a class 1 exempt firearm
3 license; and to amend and reenact section 62.1-02-05 of the North Dakota Century Code,
4 relating to possession of a concealed firearm or dangerous weapon at a public gathering.

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

6 **SECTION 1.** A new subdivision to subsection 1 of section 54-12-14 of the North Dakota
7 Century Code is created and enacted as follows:

8 For costs associated with class 1 exempt licenses under section 62.1-04-03.2.

9 **SECTION 2. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**
12 **Penalty - Application.**

- 13 1. An individual who knowingly possesses a firearm or dangerous weapon at a public
14 gathering is guilty of a class B misdemeanor. For the purpose of this section, "public
15 gathering" means an athletic or sporting event, a school, a church, and a publicly
16 owned or operated building.
- 17 2. This section does not apply to:
- 18 a. A law enforcement officer, or a correctional officer employed by the department
19 of corrections and rehabilitation or by a correctional facility governed by
20 chapter 12-44.1. A correctional officer employed by the department of
21 corrections and rehabilitation may carry a firearm only as authorized in
22 section 12-47-34. A correctional officer employed by a correctional facility
23 governed by chapter 12-44.1 may carry a firearm or dangerous weapon only
24 as authorized in section 12-44.1-30;

- 1 b. A member of the armed forces of the United States or national guard, organized
2 reserves, state defense forces, or state guard organizations, when on duty;
- 3 c. A competitor participating in an organized sport shooting event;
- 4 d. A gun or antique show;
- 5 e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 6 f. A firearm or dangerous weapon carried in a temporary residence or motor
7 vehicle;
- 8 g. A student and an instructor at a hunter safety class;
- 9 h. Private and public security personnel while on duty;
- 10 i. A state or federal park;
- 11 j. An instructor, a test administrator, an official, or a participant in educational,
12 training, cultural, or competitive events involving the authorized use of a
13 dangerous weapon if the event occurs with permission of the person or entity
14 with authority over the function or premises in question;
- 15 k. An individual in a publicly owned or operated rest area or restroom;
- 16 l. An individual possessing a valid concealed weapons license from this state or
17 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
18 a dangerous weapon concealed if the individual is in a church building or other
19 place of worship and has the approval to carry in the church building or other
20 place of worship by a primary religious leader of the church or other place of
21 worship or the governing body of the church or other place of worship;
- 22 m. A state, federal, or municipal court judge, a district court magistrate judge, or
23 judicial referee; a retired state, federal, or municipal court judge, district court
24 magistrate judge, or judicial referee who has at least ten years of service as a
25 judge or referee; and a staff member of the office of attorney general if the
26 individual maintains the same level of firearms proficiency as is required by the
27 peace officer standards and training board for law enforcement officers. A local
28 law enforcement agency shall issue a certificate of compliance under this section
29 to an individual who is proficient. Upon issuance of a certificate of compliance,
30 the bureau of criminal investigation shall issue that individual an unrestricted
31 concealed weapons license; and

1 n. A North Dakota member of the Congress of the United States who maintains the
2 same level of firearms proficiency as is required by the peace officer standards
3 and training board for law enforcement officers. A local law enforcement agency
4 shall issue a certificate of compliance under this subdivision to an individual who
5 is proficient and the individual shall file the certificate with the bureau of criminal
6 investigation;

7 o. An individual who possesses a valid class 1 exempt license under section
8 62.1-04-03.2 and who is at an athletic or sporting event, or in a publicly owned or
9 operated building. For purposes of this subdivision:

10 (1) A "publicly owned or operated building" does not include a public school or
11 an institution of higher education; and

12 (2) An "athletic or sporting event" does not include a school-sponsored athletic
13 or sporting event; and

14 p. An individual's storage of a firearm or dangerous weapon in a building that is
15 owned or managed by the state or a political subdivision, provided:

16 (1) The individual resides in the building;

17 (2) The storage is inside the individual's assigned residential unit; and

18 (3) The storage has been consented to by the state, the governing board, or a
19 designee.

20 3. This section does not prevent any political subdivision from enacting an ordinance that
21 is less restrictive than this section relating to the possession of firearms or dangerous
22 weapons at a public gathering. An enacted ordinance supersedes this section within
23 the jurisdiction of the political subdivision.

24 4. Notwithstanding any other provision of law, a church or, place of worship, or county
25 may not be held liable for any injury or death or damage to property caused by an
26 individual permitted to carry a dangerous weapon concealed under this section.

27 **SECTION 3.** Section 62.1-04-03.2 of the North Dakota Century Code is created and
28 enacted as follows:

29 **62.1-04-03.2. Class 1 exempt firearm license.**

30 1. The director of the bureau of criminal investigation shall issue a class 1 exempt license
31 to carry a firearm or dangerous weapon concealed to an individual who:

- 1 a. Possesses a valid class 1 firearm license under section 62.1-04-03; and
- 2 b. Successfully completes the training and testing requirements under this section.
- 3 2. The bureau of criminal investigation shall coordinate with the peace officer standards
- 4 and training board to develop and implement training standards and testing
- 5 requirements equivalent to the firearms proficiency required by the peace officer
- 6 standards and training board for law enforcement officers. The bureau of criminal
- 7 investigation shall certify instructors under this section. Training must include:
- 8 a. Classroom training on weapons and procedures; and
- 9 b. Field training on weapons and procedures.
- 10 3. The bureau of criminal investigation shall develop and administer an annual training
- 11 requirement for holders of a class 1 exempt license which may include classroom and
- 12 field training components.
- 13 4. The bureau of criminal investigation shall prescribe the form of the application and
- 14 license.
- 15 5. All fees collected for a class 1 exempt license must be credited to the attorney
- 16 general's operating fund. All fees must be paid before the license application is
- 17 processed by the director of the bureau of criminal investigation. The attorney general
- 18 shall adopt rules establishing the fees associated with a license issued under this
- 19 section.