

Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1395

Introduced by

Representatives Karls, Porter, Streyle

Senators Armstrong, O. Larsen

1 A BILL for an Act to amend and reenact subsections 1 and 7 of section 62.1-01-01, subsection 1  
2 of section 62.1-02-04, subdivision m of subsection 2 of section 62.1-02-05, and section  
3 62.1-04-04 of the North Dakota Century Code, relating to dangerous weapons and retired law  
4 enforcement officers; and to declare an emergency.

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

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

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

1 ~~device that uses a projectile and may be used to apply multiple applications of voltage~~  
2 ~~during a single incident.~~

3 7. "Law enforcement officer" means a:

4 a. A public servant authorized by law or by a government agency or branch to  
5 enforce the law and to conduct or engage in investigations or prosecutions for  
6 violations of law;

7 b. A retired public servant in good standing who:

8 (1) Was authorized by law or by a government agency or branch for at least ten  
9 years to enforce the law and to conduct or engage in investigations or  
10 prosecutions for violations of law;

11 (2) Maintains the same level of firearms proficiency as is required by the peace  
12 officers standards and training board for law enforcement officers;

13 (3) Has a photo identification card issued by a local law enforcement agency  
14 that identifies the individual as having been employed by a government  
15 agency or branch as a law enforcement officer and indicates the individual  
16 has passed the firearms proficiency test within twelve months from the date  
17 of issue; and

18 (4) Has not been found by a qualified medical professional to be unqualified for  
19 reasons relating to mental health or entered an agreement with a  
20 government agency or branch in which the public servant acknowledges a  
21 lack of qualifications for reasons relating to the mental health of the public  
22 servant; or

23 c. A retired public servant in good standing who:

24 (1) Was separated from service due to a service-related disability;

25 (2) Maintains the same level of firearms proficiency as is required by the peace  
26 officers standards and training board for law enforcement officers;

27 (3) Has a photo identification card issued by a local law enforcement agency  
28 that identifies the individual as having been employed by a government  
29 agency or branch as a law enforcement officer and indicates the individual  
30 has passed the firearms proficiency test within twelve months from the date  
31 of issue; and

1           (4) Has not been found by a qualified medical professional to be unqualified for  
2           reasons relating to mental health or entered an agreement with a  
3           government agency or branch in which the public servant acknowledges a  
4           lack of qualifications for reasons relating to the mental health of the public  
5           servant.

6           **SECTION 2. AMENDMENT.** Subsection 1 of section 62.1-02-04 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8           1. An individual who enters or remains in that part of the establishment that is set aside  
9           for the retail sale of alcoholic beverages and the consumption of purchased alcoholic  
10           beverages or used as a gaming site at which bingo is the primary gaming activity while  
11           that individual knowingly possesses a firearm or dangerous weapon is guilty of a  
12           class A misdemeanor. In addition, an individual is guilty of an offense under this  
13           section for the knowing possession of a device that uses a projectile and voltage or a  
14           device that uses a projectile and may be used to apply multiple applications of voltage  
15           during a single incident in the part of an establishment that is set aside for the retail  
16           sale and consumption of alcoholic beverages.

17           **SECTION 3. AMENDMENT.** Subdivision m of subsection 2 of section 62.1-02-05 of the  
18 North Dakota Century Code is amended and reenacted as follows:

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

25           **SECTION 4. AMENDMENT.** Section 62.1-04-04 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27           **62.1-04-04. Producing license on demand.**

28           Every person while carrying a concealed firearm or dangerous weapon, for which a license  
29           to carry concealed is required, shall have on one's person the license issued by this or another  
30           state and shall give it to any active law enforcement officer for an inspection upon demand by

- 1 the officer. The failure of any person to give the license to the officer is prima facie evidence that
- 2 the person is illegally carrying a firearm or dangerous weapon concealed.
- 3 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.