Sixty-seventh Legislative Assembly of North Dakota

HOUSE BILL NO. 1339

Introduced by

Representatives Simons, Becker, Christensen, Ertelt, Hoverson, Jones, B. Koppelman, Paulson, Toman

Senator O. Larsen

- A BILL for an Act to amend and reenact subsection 1 of section 62.1-01-01, section 62.1-02-05,
- 2 and subsection 5 of section 62.1-04-01 of the North Dakota Century Code, relating to
- 3 dangerous weapons.

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4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- **SECTION 1. AMENDMENT.** Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:
 - 1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, ora knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any 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, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or otheran irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

1	SECTION 2. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is		
2	amended and reenacted as follows:		
3	62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -		
4	Penalty - Application.		
5	1.	An	individual who knowingly possesses a firearm or dangerous weapon at a public
6		gat	hering is guilty of an infraction. For the purpose of this section, "public gathering"
7		me	ans an athletic or sporting event, a school building, a church or other place of
8		wor	rship, and a publicly owned or operated building.
9	2.	Thi	s section does not apply to:
10		a.	A law enforcement officer, or a correctional officer employed by the department of
11			corrections and rehabilitation or by a correctional facility governed by chapter
12			12-44.1. A correctional officer employed by the department of corrections and
13			rehabilitation may carry a firearm only as authorized in section 12-47-34. A
14			correctional officer employed by a correctional facility governed by chapter
15			12-44.1 may carry a firearm or dangerous weapon only as authorized in section
16			12-44.1-30;
17		b.	A member of the armed forces of the United States or national guard, organized
18			reserves, state defense forces, or state guard organizations, when on duty;
19		C.	A competitor participating in an organized sport shooting event;
20		d.	A gun or antique show;
21		e.	A participant using a blank cartridge firearm at a sporting or theatrical event;
22		f.	A firearm or dangerous weapon carried in a temporary residence or motor
23			vehicle;
24		g.	A student and an instructor at a hunter safety class;
25		h.	Private and public security personnel while on duty;
26		i.	A state or federal park;
27		j.	An instructor, a test administrator, an official, or a participant in educational,
28			training, cultural, or competitive events involving the authorized use of a
29			dangerous weapon if the event occurs with permission of the person or entity
30			with authority over the function or premises in question;
31		k.	An individual in a publicly owned or operated rest area or restroom;

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- 1 An individual possessing a valid concealed weapons license from this state or 2 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry 3 a firearm or dangerous weapon concealed if the individual is in a church building 4 or other place of worship and has the approval to carry in the church building or 5 other place of worship by a primary religious leader of the church or other place 6 of worship or the governing body of the church or other place of worship; 7 A state, federal, or municipal court judge, a district court magistrate judge or m. 8 judicial referee, and a staff member of the office of attorney general if the 9 individual maintains the same level of firearms proficiency as is required by the 10 peace officer standards and training board for law enforcement officers. A local 11
 - An individual's storage of a firearm or dangerous weapon in a building that is n. owned or managed by the state or a political subdivision, provided:
 - The individual resides in the building;

to an individual who is proficient;

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

law enforcement agency shall issue a certificate of compliance under this section

- An individual authorized to carry a concealed weapon on school property under 0. section 62.1-02-14.
- 3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.
- 4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.
- 5. This section does not prevent the governing body of a school or the entity exercising control over a publicly owned or operated building or property from authorizing the use of a less than lethal weapon as part of the security plan for the school, building, or property.

- 1 **SECTION 3. AMENDMENT.** Subsection 5 of section 62.1-04-01 of the North Dakota
- 2 Century Code is amended and reenacted as follows:
- 5. A bow and arrow, rifle, shotgun, or unloaded handgun, or a weapon that will expel, or
- 4 is readily capable of expelling, a projectile by the action of a spring, compressed air, or
- 5 compressed gas including any such weapon commonly referred to as a BB gun, air-
- 6 rifle, or CO₂ gun, while carried in a motor vehicle.