Sixty-seventh Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 5, 2021

HOUSE BILL NO. 1383 (Representatives Becker, Dockter, Kasper, Nehring, Rohr, M. Ruby, Steiner) (Senators Elkin, Kannianen, Meyer, Wobbema)

AN ACT to create and enact a new section to chapter 62.1-01 of the North Dakota Century Code, relating to the limitation on enforcing or providing assistance regarding violations of federal firearm laws; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Federal firearms laws - Limitations on enforcement.

- 1. As used in this section, "firearm accessory" means an item used in conjunction with or mounted on a firearm but is not essential to the basic function of a firearm. The term includes a detachable firearm magazine.
- 2. An agency or political subdivision of the state and a law enforcement officer or individual employed by an agency or political subdivision of the state may not provide assistance to a federal agency or official or act independently with respect to the investigation, prosecution, or enforcement of a violation of a federal statute, order, rule, or regulation purporting to regulate a firearm, firearm accessory, or firearm ammunition enacted after January 1, 2021, if the federal statute, order, rule, or regulation is more restrictive than state law, unless:
 - a. The federal agency appeals to the federal district court of the federal district in which the violation or possible violation occurred or would occur and the court finds probable cause that a national security threat exists;
 - b. The violation also is a violation under this title; or
 - <u>c.</u> The violation also is a violation of chapter 12.1-16, 12.1-17, 12.1-18, 12.1-20, 12.1-41, or 19-03.1.
- 3. This section does not prohibit an agency or political subdivision of the state or a law enforcement officer or individual employed by an agency or political subdivision of the state from providing assistance to a federal agency or official for an offense not related to firearms or an offense to which firearms are incidental, including a drug offense, homicide, assault, kidnapping, sex offense, or human trafficking.
- 4. This section does not prohibit law enforcement from providing assistance to a federal agency or official if the investigation also pertains to a felony violation of state law.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

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Speake			of the House	President of the Sena	President of the Senate	
		Chief Cle	rk of the House	Secretary of the Sena	ate	
Legislativ	e Assembly	of North D	akota and is known	House of Representatives of the on the records of that body as House of Representatives voted in favor	se Bill No. 138	
Vote:	Yeas 80		Nays 12	Absent 2		
		Speaker	of the House	Chief Clerk of the Ho	ouse	
This certi	fies that two	-thirds of th	e members-elect of	the Senate voted in favor of said law	V.	
Vote:	Yeas 40		Nays 7	Absent 0		
		Presiden	t of the Senate	Secretary of the Sena	ate	
Received	by the Gove	ernor at	M. on		, 2021.	
Approved at		_M. on			, 2021.	
				Governor		
Filed in th	nis office this		day of		, 2021,	
at	o'clock _	N	l.			
				Secretary of State		