

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, maintains
13 the standards for qualifications in firearms training for active law
14 enforcement officers as determined by the former agency of the individual in
15 the state in which the individual resides, or maintains the standards used by
16 a certified firearms instructor qualified to conduct a firearms qualification test
17 for active duty officers in the state in which the individual resides;

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

23 (4) Has not been found by a qualified medical professional to be unqualified for
24 reasons relating to mental health or entered an agreement with a
25 government agency or branch in which the public servant acknowledges a
26 lack of qualifications for reasons relating to the mental health of the public
27 servant; or

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

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

30 (2) Maintains the same level of firearms proficiency as is required by the peace
31 officers standards and training board for law enforcement officers, maintains

1 the standards for qualifications in firearms training for active law
2 enforcement officers as determined by the former agency of the individual in
3 the state in which the individual resides, or maintains the standards used by
4 a certified firearms instructor qualified to conduct a firearms qualification test
5 for active duty officers in the state in which the individual resides;

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

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

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

- 18 1. An individual who enters or remains in that part of the establishment that is set aside
19 for the retail sale of alcoholic beverages and the consumption of purchased alcoholic
20 beverages or used as a gaming site at which bingo is the primary gaming activity while
21 that individual knowingly possesses a firearm or dangerous weapon is guilty of a
22 class A misdemeanor. In addition, an individual is guilty of an offense under this
23 section for the knowing possession of a device that uses a projectile and voltage or a
24 device that uses a projectile and may be used to apply multiple applications of voltage
25 during a single incident in the part of an establishment that is set aside for the retail
26 sale and consumption of alcoholic beverages.

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

- 29 m. A municipal court judge, a district court judge, and a staff member of the office of
30 attorney general, ~~and a retired North Dakota law enforcement officer,~~ if the
31 individual maintains the same level of firearms proficiency as is required by the

1 peace officer standards and training board for law enforcement officers. A local
2 law enforcement agency shall issue a certificate of compliance under this section
3 to an individual who is proficient.

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

6 **62.1-04-04. Producing license on demand.**

7 Every person while carrying a concealed firearm or dangerous weapon, for which a license
8 to carry concealed is required, shall have on one's person the license issued by this or another
9 state and shall give it to any active law enforcement officer for an inspection upon demand by
10 the officer. The failure of any person to give the license to the officer is prima facie evidence that
11 the person is illegally carrying a firearm or dangerous weapon concealed.

12 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.