17.0886.03000

Sixty-fifth Legislative Assembly of North Dakota

## FIRST ENGROSSMENT with Senate Amendments ENGROSSED HOUSE BILL NO. 1395

Introduced by

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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.

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

- SECTION 1. AMENDMENT. Subsections 1 and 7 of section 62.1-01-01 of the North Dakota
   Century Code are amended and reenacted as follows:
  - "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or 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 other 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. However, the term includes a

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| 1  |                   | the standards for qualifications in firearms training for active law               |
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| 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  | <u>(3)</u>        | 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 | <u>(4)</u>        | 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. A      | AMENDMENT. Subsection 1 of section 62.1-02-04 of the North Dakota                  |
| 17 | Century Code is a | mended and reenacted as follows:   |
| 18 | 1. An indivi      | dual who enters or remains in that part of the establishment that is set aside     |
| 19 | for the re        | tail sale of alcoholic beverages and the consumption of purchased alcoholic        |
| 20 | beverage          | es or used as a gaming site at which bingo is the primary gaming activity while    |
| 21 | that indiv        | ridual knowingly possesses a firearm or dangerous weapon is guilty of a            |
| 22 | class A n         | nisdemeanor. In addition, an individual is guilty of an offense under this         |
| 23 | section for       | or the knowing possession of a device that uses a projectile and voltage or a      |
| 24 | device th         | at 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. A      | AMENDMENT. Subdivision m of subsection 2 of section 62.1-02-05 of the              |
| 28 | North Dakota Cen  | tury Code is amended and reenacted as follows:                                     |
| 29 | m. Am             | unicipal court judge, a district court judge, and a staff member of the office of  |
| 30 | atto              | rney general, and a retired North Dakota law enforcement officer, if the           |
| 31 | indi              | vidual 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                       |
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| 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.                                 |