Sixty-seventh Legislative Assembly of North Dakota

HOUSE BILL NO. 1450

Introduced by

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Representative B. Koppelman

- 1 A BILL for an Act to amend and reenact subsection 1 of section 62.1-04-03 of the North Dakota
- 2 Century Code, relating to a license to carry a firearm or dangerous weapon concealed.

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

- 4 **SECTION 1. AMENDMENT.** Subsection 1 of section 62.1-04-03 of the North Dakota 5 Century Code is amended and reenacted as follows:
 - The director of the bureau of criminal investigation shall issue a license to carry a
 firearm or dangerous weapon concealed upon review of an application submitted to
 the director if the following criteria are met:
 - The applicant is at least twenty-one years of age for a class 1 firearm license or at least eighteen years of age for a class 2 firearm and dangerous weapon license;
 - b. The applicant can demonstrate that the applicant is a resident of this state by providing a copy of a valid driver's license or state-issued identification card from this state that establishes personal identification through photographic means and shows the applicant's name associated with a valid residential street address in this state or the applicant possesses a valid driver's license from the applicant's state of residence that establishes personal identification through photographic means and shows the applicant's name associated with a valid residential street address and a valid concealed weapons license from the applicant's state of residence, which state has reciprocity with this state under section 62.1-04-03.1;
 - c. The applicant is not an individual specified in section 62.1-02-01 and for a class 1 firearm license the applicant:
 - Has not been convicted of a felony;

1 Has not been convicted of a crime of violence; (2) 2 Has not been convicted of an offense involving the use of alcohol within ten-3 years prior to the date of application; 4 (4) Has not been convicted of a misdemeanor offense involving the unlawful 5 use of narcotics or other controlled substances within ten years prior to the 6 date of application; 7 Has not been convicted of an offense involving moral turpitude; (5)(4)8 $\frac{(6)(5)}{(5)}$ Has not been convicted of an offense involving domestic violence; 9 (7)(6) Has not been adjudicated by a state or federal court as mentally 10 incompetent, unless the adjudication has been withdrawn or reversed; and 11 (8)(7) Is qualified to purchase and possess a firearm under federal law; 12 d. The applicant has successfully completed the testing procedure conducted by a 13 certified test administrator. The person conducting the testing may assess a 14 charge of up to fifty dollars for conducting this testing. The attorney general may 15 certify a test administrator based upon criteria and guidelines prescribed by the 16 director of the bureau of criminal investigation; 17 The applicant satisfactorily completes the bureau of criminal investigation e. 18 application form and has successfully passed the criminal history records check 19 conducted by the bureau of criminal investigation and the federal bureau of 20 investigation. The applicant shall provide all documentation relating to any 21 court-ordered treatment or commitment for mental health or alcohol or substance 22 abuse. The applicant shall provide the director of the bureau of criminal 23 investigation written authorizations for disclosure of the applicant's mental health 24 and alcohol or substance abuse evaluation and treatment records. The bureau 25 may deny approval for a license if the bureau has reasonable cause to believe 26 that the applicant or licenseholder has been or is a danger to self or others as 27 demonstrated by evidence, including past pattern of behavior involving unlawful 28 violence or threats of unlawful violence; past participation in incidents involving 29 unlawful violence or threats of unlawful violence; or conviction of a weapons 30 offense. In determining whether the applicant or licenseholder has been or is a

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danger to self or others, the bureau may inspect expunged or sealed records of arrests and convictions of adults and juvenile court records; and

f. The applicant is not prohibited under federal law from owning, possessing, or

having a firearm under that individual's control.