

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1219**

Introduced by

Representatives Porter, Delmore, Karls

Senators Carlisle, Hogue, Murphy

1 A BILL for an Act to amend and reenact subsection 1 of section 62.1-02-01, subsection 1 of
2 section 62.1-02-01.1, and subsection 2 of section 62.1-03-01 of the North Dakota Century
3 Code, relating to weapons.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 62.1-02-01 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 1. a. A person who has been convicted anywhere of a felony offense involving
8 violence or intimidation in violation of chapters 12.1-16 through 12.1-25 or an
9 equivalent felony offense of another state or the federal government is prohibited
10 from owning a firearm or having one in possession or under control ~~from~~. If the
11 conviction occurred in this state, the prohibition is effective beginning on the date
12 of conviction and ~~continuing~~continues for a period of ten years after the date of
13 conviction or the date of release from incarceration, parole, or probation,
14 whichever is latest.

15 b. A person who has been convicted anywhere of a felony offense of this or another
16 state or the federal government not provided for in subdivision a or who has been
17 convicted of a class A misdemeanor offense involving violence or intimidation in
18 violation of chapters 12.1-16 through 12.1-25 or an equivalent offense of another
19 state or the federal government and the offense was committed while using or
20 possessing a firearm, a dangerous weapon, or, as defined in subsections 7 and 8
21 of section 12.1-01-04, a destructive device or an explosive, is prohibited from
22 owning a firearm or having one in possession or under control ~~from~~. If the
23 conviction occurred in this state, the prohibition is effective beginning on the date
24 of conviction and ~~continuing~~continues for a period of five years after the date of

1 conviction or the date of release from incarceration, parole, or probation,
2 whichever is latest.

3 c. A person who is or has ever been diagnosed and confined or committed to a
4 hospital or other institution in this state or elsewhere by a court of competent
5 jurisdiction, other than a person who has had the petition that provided the basis
6 for the diagnosis, confinement, or commitment dismissed under section
7 25-03.1-17, 25-03.1-18, or 25-03.1-19, or equivalent statutes of another
8 jurisdiction, as a person requiring treatment as defined in section 25-03.1-02, or
9 as a mentally deficient person as defined in section 25-01-01, is prohibited from
10 purchasing a firearm or having one in possession or under control. This limitation
11 does not apply to a person who has not suffered from the disability for the
12 previous three years or who has successfully petitioned for relief under section
13 62.1-02-01.2.

14 d. A person under the age of eighteen years may not possess a handgun except
15 that such a person, while under the direct supervision of an adult, may possess a
16 handgun for the purposes of firearm safety training, target shooting, or hunting.
17 A person who violates subdivision a or b is guilty of a class C felony, and a person who
18 violates subdivision c or d is guilty of a class A misdemeanor.

19 **SECTION 2. AMENDMENT.** Subsection 1 of section 62.1-02-01.1 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 1. An individual who is prohibited from possessing a firearm due to a conviction of a
22 felony under subdivision b of subsection 1 of section 62.1-02-01 may petition the
23 district court for restoration of the individual's firearm rights. If the felony offense was
24 committed in this state, the petition must be filed with the district court in the county
25 where the offense occurred. ~~If the offense was a felony of another state or the federal~~
26 ~~government, the petition must be filed with the district court in the county where the~~
27 ~~petitioner resides.~~ A copy of the petition must be served on the state's attorney's office
28 in the county where the petition is filed in accordance with Rule 5 of the North Dakota
29 Rules of Civil Procedure. The state's attorney's office shall have twenty days to file a
30 written response to the petition with the district court. Individuals seeking to restore

1 these rights for convictions from another state or federal courts must do so in a court
2 of jurisdiction of that conviction.

3 **SECTION 3. AMENDMENT.** Subsection 2 of section 62.1-03-01 of the North Dakota
4 Century Code is amended and reenacted as follows:

- 5 2. The restrictions provided in ~~subdivisions a and b~~ of subsection 1 do not apply to:
- 6 a. An individual possessing a valid concealed weapons license from this state or
7 who has reciprocity under section 62.1-04-03.1.
 - 8 b. An individual on that person's land, or in that individual's permanent or temporary
9 residence, or fixed place of business.
 - 10 c. An individual while lawfully engaged in target shooting.
 - 11 d. An individual while in the field engaging in the lawful pursuit of hunting or
12 trapping. However, nothing in this exception authorizes the carrying of a loaded
13 handgun in a motor vehicle.
 - 14 e. An individual permitted by law to possess a firearm while carrying the handgun
15 unloaded and in a secure wrapper from the place of purchase to that person's
16 home or place of business, or to a place of repair or back from those locations.
 - 17 f. Any North Dakota law enforcement officer.
 - 18 g. Any law enforcement officer of any other state or political subdivision of another
19 state if on official duty within this state.
 - 20 h. Any armed security guard or investigator as authorized by law when on duty or
21 going to or from duty.
 - 22 i. Any member of the armed forces of the United States when on duty or going to or
23 from duty and when carrying the handgun issued to the member.
 - 24 j. Any member of the national guard, organized reserves, state defense forces, or
25 state guard organizations, when on duty or going to or from duty and when
26 carrying the handgun issued to the member by the organization.
 - 27 k. Any officer or employee of the United States duly authorized to carry a handgun.
 - 28 l. An individual engaged in manufacturing, repairing, or dealing in handguns or the
29 agent or representative of that individual possessing, using, or carrying a
30 handgun in the usual or ordinary course of the business.

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- 1 m. Any common carrier, but only when carrying the handgun as part of the cargo in
- 2 the usual cargo carrying portion of the vehicle.