

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2125

Introduced by

Judiciary Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,
2 relating to possession of a firearm or dangerous weapon.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**
7 **Penalty - Application.**

8 1. An individual who knowingly possesses a firearm or dangerous weapon at a public
9 gathering is guilty of a class B misdemeanor. For the purpose of this section, "public
10 gathering" means an athletic or sporting event, a school, a church, and a publicly
11 owned or operated building.

12 2. This section does not apply to:

13 a. A law enforcement officer, or a correctional officer employed by the department
14 of corrections and rehabilitation or by a correctional facility governed by
15 chapter 12-44.1. A correctional officer employed by the department of
16 corrections and rehabilitation may carry a firearm only as authorized in
17 section 12-47-34. A correctional officer employed by a correctional facility
18 governed by chapter 12-44.1 may carry a firearm only as authorized in
19 section 12-44.1-30;

20 b. A member of the armed forces of the United States or national guard, organized
21 reserves, state defense forces, or state guard organizations, when on duty;

22 c. A competitor participating in an organized sport shooting event;

23 d. A gun or antique show;

24 e. A participant using a blank cartridge firearm at a sporting or theatrical event;

- 1 f. A firearm or dangerous weapon carried in a temporary residence or motor
2 vehicle;
- 3 g. A student and an instructor at a hunter safety class;
- 4 h. Private security personnel while on duty;
- 5 i. A state or federal park;
- 6 j. An instructor, a test administrator, an official, or a participant in educational,
7 training, cultural, or competitive events involving the authorized use of a
8 dangerous weapon if the event occurs with permission of the person or entity
9 with authority over the function or premises in question;
- 10 k. An individual in a publicly owned or operated rest area or restroom;
- 11 l. An individual possessing a valid concealed weapons license from this state or
12 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
13 a dangerous weapon concealed if the individual is in a church building or other
14 place of worship and has the approval to carry in the church building or other
15 place of worship by a primary religious leader of the church or other place of
16 worship or the governing body of the church or other place of worship. If a church
17 or other place of worship authorizes an individual to carry a concealed weapon,
18 local law enforcement must be informed of the name of the authorized individual;
19 and
- 20 m. A municipal court judge, a district court judge, a staff member of the office of
21 attorney general, and a retired North Dakota law enforcement officer, if the
22 individual maintains the same level of firearms proficiency as is required by the
23 peace officer standards and training board for law enforcement officers. A local
24 law enforcement agency shall issue a certificate of compliance under this section
25 to an individual who is proficient.
- 26 3. This section does not prevent any political subdivision from enacting an ordinance that
27 is less restrictive than this section relating to the possession of firearms or dangerous
28 weapons at a public gathering. An enacted ordinance supersedes this section within
29 the jurisdiction of the political subdivision.