

HOUSE BILL NO. 1352

Introduced by

Representatives Koppelman, Kasper, Marschall, M. Ruby, Vetter, Louser

Senators Boehm, Castaneda, Clemens, Cory, Meyer

1 A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota
2 Century Code, relating to exemption from liability for public and private entities; and to amend
3 and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of
4 firearms or dangerous weapons at a church or place of worship.

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

6 **SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Exemption from liability for public and private entities.**

9 Notwithstanding any other provision of law, a public or private entity may not be held liable
10 for any injury or death or damage to property caused by an individual permitted to carry a
11 dangerous weapon concealed under this chapter.

12 **SECTION 2. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**

15 **Penalty - Application.**

16 1. An individual may not possess a firearm or dangerous weapon at:

17 a. A school or school-sponsored event on school property; or

18 b. ~~A church or other place of worship; or~~

19 e. A publicly owned or operated building.

20 2. This section does not apply to:

21 a. A law enforcement officer, or a correctional officer employed by the department of
22 corrections and rehabilitation or by a correctional facility governed by chapter
23 12-44.1. A correctional officer employed by the department of corrections and
24 rehabilitation may carry a firearm only as authorized in section 12-47-34. A

- 1 correctional officer employed by a correctional facility governed by chapter
2 12-44.1 may carry a firearm or dangerous weapon only as authorized in section
3 12-44.1-30;
- 4 b. An individual who is on an ambulance or firefighter crew while the individual is on
5 duty if:
- 6 (1) The individual has written permission from the governing body or owner of
7 the fire department or ambulance service;
- 8 (2) The individual possesses a valid class 1 concealed weapons license;
- 9 (3) The individual has successfully completed a weapons training course
10 developed by the North Dakota private investigative and security board; and
- 11 (4) The governing body or owner of the fire department or ambulance crew
12 provides written notice to the bureau of criminal investigation of the
13 individuals authorized or no longer authorized to carry a firearm or
14 dangerous weapon under this section, including that all training and
15 certification requirements have been satisfied;
- 16 c. A member of the armed forces of the United States or national guard, organized
17 reserves, state defense forces, or state guard organizations, when on duty;
- 18 d. A competitor participating in an organized sport shooting event;
- 19 e. A gun or antique show;
- 20 f. A participant using a blank cartridge firearm at a sporting or theatrical event;
- 21 g. A firearm or dangerous weapon carried in a temporary residence or motor
22 vehicle;
- 23 h. A student and an instructor at a hunter safety class;
- 24 i. Private and public security personnel while on duty;
- 25 j. A state or federal park;
- 26 k. An instructor, a test administrator, an official, or a participant in educational,
27 training, cultural, or competitive events involving the authorized use of a
28 dangerous weapon if the event occurs with permission of the person or entity
29 with authority over the function or premises in question;
- 30 l. An individual in a publicly owned or operated rest area or restroom;

- 1 m. ~~An individual who is authorized under section 62.1-04-02 to carry a firearm or~~
2 ~~dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1~~
3 ~~authorizing the individual to carry a firearm or dangerous weapon concealed if~~
4 ~~the individual is in a church building or other place of worship and the primary~~
5 ~~religious leader or the governing body of the church or other place of worship~~
6 ~~approves the individual or group of individuals to carry a firearm or dangerous~~
7 ~~weapon through a policy or any other means;~~
- 8 n. A state, federal, or municipal court judge, a district court magistrate judge or
9 judicial referee, and a staff member of the office of attorney general if the
10 individual maintains the same level of firearms proficiency as is required by the
11 peace officer standards and training board for law enforcement officers. A local
12 law enforcement agency shall issue a certificate of compliance under this section
13 to an individual who is proficient;
- 14 o.n. An individual's storage of a firearm or dangerous weapon in a building that is
15 owned or managed by the state or a political subdivision, provided:
- 16 (1) The individual resides in the building;
- 17 (2) The storage is inside the individual's assigned residential unit; and
- 18 (3) The storage has been consented to by the state, the governing board, or a
19 designee; and
- 20 p.o. An individual authorized to carry a concealed weapon on school property under
21 section 62.1-02-14.
- 22 3. This section does not prevent any political subdivision from enacting an ordinance that
23 is less restrictive than this section relating to the possession of firearms or dangerous
24 weapons at a public gathering. An enacted ordinance supersedes this section within
25 the jurisdiction of the political subdivision.
- 26 4. ~~Notwithstanding any other provision of law, a church or place of worship may not be~~
27 ~~held liable for any injury or death or damage to property caused by an individual~~
28 ~~permitted to carry a dangerous weapon concealed under this section.~~
- 29 5. This section does not prevent the governing body of a school or the entity exercising
30 control over a publicly owned or operated building or property from authorizing the use

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- 1 of a less than lethal weapon as part of the security plan for the school, building, or
- 2 property.
- 3 ~~6.5.~~ An individual who knowingly violates this section is guilty of an infraction.