

HOUSE BILL NO. 1310

Introduced by

Representatives Kiefert, Johnston, Karls, D. Ruby, Streyle, Trottier

Senators Campbell, O. Larsen, D. Larson, Luick

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 carrying a concealed firearm in a school; and to amend and reenact
3 subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception
4 to the prohibition against possessing a firearm at a public gathering.

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 **Possession of a concealed weapon - First armed responder in schools.**

9 An individual possessing a valid class 1 concealed weapons license from this state may
10 carry a firearm concealed on school property, if the individual is on private school property and
11 has the approval of the governing body of the private school to carry a firearm concealed or if
12 the individual is on public school property and has the approval of the board of the school
13 district to carry a firearm concealed. The approval must be conditioned upon the individual
14 agreeing to cooperate in training with local law enforcement for school emergencies to provide
15 a coordinated response to building lockdown and active killer events. The governing body or
16 school board shall require additional training and education provided through a North Dakota
17 peace officer standards and training approved first armed responder curriculum consisting of
18 forty hours of instruction including legal considerations related to the force continuum and
19 deadly force in the defense of others, firearm proficiency, target identification and discriminatory
20 use of force, weapon retention and concealed carry techniques, defense tactics, procedures in
21 response to school lockdown and active killer events, armed movement in crowds, first aid for
22 the treatment of gunshot wounds, and interacting with law enforcement officers responding to
23 school emergencies. A first armed responder must attend annual training and recertification
24 courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment.

1 An individual may not carry a firearm or dangerous weapon on school premises until the
2 individual has been approved by the school board and the individual has completed the first
3 armed responder curriculum requirements. An individual previously certified as a first armed
4 responder may not carry a firearm or dangerous weapon on school premises if the individual
5 has failed to complete the first armed responder recertification course requirements within the
6 previous twelve months. A firearm carried by any authorized individual on school premises must
7 remain concealed and under the direct control of the certified individual. Any use of force under
8 this section must comply with chapter 12.1-05. Consideration of approval for an individual to
9 carry a firearm concealed under this section must be conducted in an executive session of the
10 school board and any record or information considered or discussed at the executive session
11 must be treated as a confidential record. If the governing body or school board of any school
12 authorizes an individual to carry a firearm concealed, the governing body or school board shall
13 inform, in writing, local law enforcement of the name of the authorized individual and the law
14 enforcement agency shall maintain that record as confidential. Any other record provided by the
15 individual to the school as part of the authorization under this section and any other record
16 provided by the individual or the school to local law enforcement is an exempt record. The
17 school and any private or public training provider recognized by the North Dakota peace officer
18 standards and training board are immune from civil liability for any acts or omissions made
19 during the performance, administration, or implementation of any services or programs
20 authorized under this section. An individual authorized to carry deadly weapons under this
21 section is immune from civil liability to the extent allowed under section 12.1-05-07.2.

22 **SECTION 2. AMENDMENT.** Subsection 2 of section 62.1-02-05 of the North Dakota
23 Century Code is amended and reenacted as follows:

- 24 2. This section does not apply to:
- 25 a. A law enforcement officer;
 - 26 b. A member of the armed forces of the United States or national guard, organized
27 reserves, state defense forces, or state guard organizations, when on duty;
 - 28 c. A competitor participating in an organized sport shooting event;
 - 29 d. A gun or antique show;
 - 30 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; and
- 26 n. Individuals authorized to carry concealed weapons on school property under
27 section 1 of this Act.