

Sixty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2155

Introduced by

Senator Klein

Representative Weisz

1 A BILL for an Act to amend and reenact sections 20.1-01-06 and 20.1-01-34, subsection 11 of
2 section 20.1-02-05, and section 20.1-15-01 of the North Dakota Century Code, relating to
3 hunting with an airbow, prohibiting hunting with an airbow while intoxicated, and testing airbow
4 hunters for intoxicating substances.

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

6 **SECTION 1. AMENDMENT.** Section 20.1-01-06 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **20.1-01-06. Being afield with gun or other firearm or bow and arrow while intoxicated**
9 **prohibited - Penalty.**

10 No person may be afield at any time, with a gun or other firearm or a bow and arrow,
11 including an airbow, while intoxicated or under the influence of alcoholic beverages or drugs.
12 Upon conviction of a person for violating this section, that person's hunting license is void. The
13 judge of the convicting court shall take the license, mark it revoked, and send it to the
14 department. If the conviction is reversed on appeal, the license must be restored to the
15 defendant. Game wardens, including special wardens, have the authority of a general peace
16 officer in the enforcement of this section. In addition to the penalty provided in this chapter, any
17 person convicted of committing a subsequent offense under this section is ineligible for a
18 hunting license in this state for two years from and after the conviction.

19 **SECTION 2. AMENDMENT.** Section 20.1-01-34 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **20.1-01-34. Crossbow and airbow legal ~~weapon~~weapons.**

22 Notwithstanding any other provision of law, an individual may use a crossbow or airbow
23 during the duration of any deer gun season the individual possesses the appropriate deer gun
24 license.

1 **SECTION 3. AMENDMENT.** Subsection 11 of section 20.1-02-05 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 11. Issue to any individual who is blind, is a paraplegic, or who has lost the use of one or
4 both arms a special permit to hunt game with a crossbow or airbow if that individual
5 otherwise complies with and qualifies under the licensing and other provisions of this
6 title. Battery-powered and electronic-lighted sight pins and telescopic sights not
7 exceeding a maximum power of four by thirty-two millimeters may be attached to
8 crossbows or airbows used for hunting under this subsection. However, an individual
9 who is blind and who receives a special permit to hunt game with a crossbow or
10 airbow under this subsection may hunt only on a preserve or area approved by the
11 director. For purposes of this subsection, an individual who is blind means an
12 individual who is totally blind, whose central visual acuity does not exceed twenty/two
13 hundred in the better eye with corrective lenses, or in whom the widest diameter of the
14 visual field is no greater than twenty degrees.

15 **SECTION 4. AMENDMENT.** Section 20.1-15-01 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **20.1-15-01. Implied consent to determine alcohol concentration and presence of**
18 **drugs.**

19 Any individual who is afield with a gun or other firearm or a bow and arrow is deemed to
20 have given consent, and shall consent, subject to this chapter, to a chemical test of the blood,
21 breath, or urine for the purpose of determining the alcohol concentration or presence of other
22 drugs, or combination thereof, in the individual's blood, breath, or urine. As used in this chapter,
23 "bow and arrow" includes an airbow. "drug" means any drug or substance or combination of
24 drugs or substances which renders an individual incapable of safely hunting or being afield with
25 a gun or other firearm or a bow and arrow, and "chemical test" means any test or tests to
26 determine the alcohol concentration or presence of other drugs, or combination thereof, in the
27 individual's blood, breath, or urine, approved by the director of the state crime laboratory or the
28 director's designee under this chapter. The chemical test must be administered at the direction
29 of a game warden or a law enforcement officer only after placing the individual, except
30 individuals mentioned in section 20.1-15-04, under arrest and informing that individual that the
31 individual is or will be charged with the offense of being afield with a gun or other firearm or a

1 bow and arrow while under the influence of intoxicating liquor, drugs, or a combination thereof.
2 For the purposes of this chapter, the taking into custody of a minor under section 27-20-13
3 satisfies the requirement of an arrest. The game warden or law enforcement officer shall also
4 inform the individual charged that refusal of the individual to submit to the chemical test
5 determined appropriate will result in a revocation for up to four years of the individual's hunting
6 privileges. The game warden or law enforcement officer shall determine the chemical test to be
7 used. When a minor is taken into custody for violating section 20.1-01-06, the game warden or
8 law enforcement officer shall diligently attempt to contact the minor's parent or legal guardian to
9 explain the cause for the custody and the implied consent chemical testing requirements.
10 Neither the game warden or law enforcement officer's efforts to contact, nor any consultation
11 with, a parent or legal guardian may be permitted to interfere with the administration of chemical
12 testing requirements under this chapter.