

State Laws and Published Ordinances – North Dakota

Current through all acts approved by the governor through end of the 2019 Regular Legislative Session.

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Bismarck

Minot

Fargo

Ray

Jamestown

Wahpeton

Lincoln

Watford City

Title 12.1 – Criminal Code
Chapter 12.1-32 – Penalties and Sentencing

Section 12.1-32-07. Supervision of probationer – Conditions of probation – Revocation.

3. The court shall provide as an explicit condition of every probation that the defendant may not possess a firearm, destructive device, or other dangerous weapon while the defendant is on probation. Except when the offense is a misdemeanor offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-05, or 12.1-17-07.1, or chapter 14-07.1, the court may waive this condition of probation if the defendant has pled guilty to, or has been found guilty of, a misdemeanor or infraction offense, the misdemeanor or infraction is the defendant's first offense, and the court has made a specific finding on the record before imposition of a sentence or a probation that there is good cause to waive the condition. The court may not waive this condition of probation if the court places the defendant under the supervision and management of the department of corrections and rehabilitation. ...

Title 14 – Domestic Relations and Persons
Chapter 14-07.1 – Domestic Violence

Section 14-07.1-02. Domestic violence protection order.

4. Upon a showing of actual or imminent domestic violence, the court may enter a protection order after due notice and full hearing. The relief provided by the court may include any or all of the following:

g. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's immediate possession or control or subject to the respondent's immediate control, if the court has probable cause to believe that the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in any further acts of violence. If so ordered, the respondent shall surrender the firearm or other dangerous weapon to the sheriff, or the sheriff's designee, of the county in which the respondent resides or to the chief of police, or the chief's designee, of the city in which the respondent resides in the manner and at the time and place determined by that law enforcement officer. If the firearm or other dangerous weapon is not surrendered, the law enforcement officer may arrest the respondent pursuant to section 14-07.1-11 and take possession of the firearm or other dangerous weapon.

Section 14-07.1-03. Temporary protection order – Copy to law enforcement agency.

2. An ex parte temporary protection order may include:

d. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's immediate possession or control or subject to the respondent's immediate control, if the court has probable cause to believe that the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in any further acts of violence. If so ordered, the respondent shall surrender the firearm or other dangerous weapon to the sheriff, or the sheriff's designee, of the county in which the respondent resides or the chief of police, or the chief's designee, of the city in which the respondent resides.

Title 62.1 – Weapons
Chapter 62.1-01 – Definitions – General Provisions

Section 62.1-01-01. General definitions.

As used in this title, unless the context otherwise requires:

1. "**Dangerous weapon**" includes any ... projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

3. "**Firearm**" or "**weapon**" means any device that expels or is readily capable of expelling, a projectile by the action of an explosive and includes any such device, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon.

6. "**Handgun**" means any firearm that is not designed to be fired from the shoulder, which has a barrel less than 16 inches [40.64 centimeters] long, and which is capable of firing, by the energy of an explosive in a fixed metallic cartridge, an exposed projectile through a rifled bore. The term includes all firearms that are designed to be readily modified between rifle and pistol forms, if in compliance with the National Firearms Act [26 U.S.C. 5801-5872].

7. "Law enforcement officer" means

- a. A public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for violations of law; or
- b. A retired public servant in good standing who:
 - (1) Was authorized by law or by a government agency or branch for at least ten years to enforce the law and to conduct or engage in investigations or prosecutions for violations of law or who was separated from service due to a service-related physical disability;
 - (2) Maintains the same level of firearms proficiency as is required by the peace officers standards and training board for law enforcement officers, maintains the standards for qualifications in firearms training for active law enforcement officers as determined by the former agency of the individual in the state in which the individual resides, or maintains the standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers in the state in which the individual resides;
 - (3) Has a photo identification card issued by a local law enforcement agency which identifies the individual as having been employed by a government agency or branch as a law enforcement officer and indicates the individual has passed the firearms proficiency test within twelve months from the date of issue; and
 - (4) Has not been found by a qualified medical professional to be unqualified for reasons relating to mental health or entered an agreement with a government agency or branch in which the public servant acknowledges a lack of qualifications for reasons relating to the mental health of the public servant.

8. "Machine gun, submachine gun, or fully automatic rifle" means a firearm, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism, or instrument and fired therefrom at a rate of 5 or more shots to the second.

9. "Mentally deficient individual" means any individual, minor or adult other than a mentally ill individual, who is so mentally defective as to be incapable of managing that individual's affairs and to require supervision, control, and care for that individual's own or the public welfare.

11. "Rifle" means any firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

13. "Short-barreled rifle" means a rifle having 1 or more barrels less than 16 inches [40.64 centimeters] in length and any firearm made from a rifle, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than 26 inches [66.04 centimeters].

14. "Short-barreled shotgun" means a shotgun having 1 or more barrels less than 18 inches [45.72 centimeters] in length and any firearm made from a shotgun, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than 26 inches [66.04 centimeters].

15. "Shotgun" means a firearm designed or redesigned, made or remade, and intended to be fired with 1 hand below or behind and 1 hand in front of the breach, which uses the energy of the explosive in a fixed shotgun shell to fire through a smooth or a rifled bore either a number of ball shot or a single projectile for each single pull of the trigger.

16. "Silencer" means any device for or attached to any firearm which will silence or deaden the sound or natural report of the firearm when it is discharged.

Chapter 62.1-02 – Possession of Weapons

Section 62.1-02-01. Persons who are not to possess firearms – Penalty.

1.

- a. A person who has been convicted anywhere of a felony offense involving violence or intimidation in violation of chapters 12.1-16 through 12.1-25 or an equivalent felony offense of another state or the federal government is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of 10 years after the date of conviction or the date of release from incarceration, parole, or probation, whichever is latest.
- b. A person who has been convicted anywhere of a felony offense of this or another state or the federal government not provided for in subdivision a or who has been convicted of a class A misdemeanor offense involving violence or intimidation in violation of chapters 12.1-16 through 12.1-25 or an equivalent offense of another state or the federal government and the offense was committed while using or possessing a firearm, a dangerous weapon, or, as defined in of section 12.1-01-04, a destructive device or an explosive, is prohibited from owning a firearm or having one in

possession or under control from the date of conviction and continuing for a period of 5 years after the date of conviction or the date of release from incarceration, parole, or probation, whichever is latest.

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

d. A person under the age of 18 years may not possess a handgun except that such a person, while under the direct supervision of an adult, may possess a handgun for the purposes of firearm safety training, target shooting, or hunting.

2. For the purposes of this section, "**conviction**" means a determination that the person committed one of the above-mentioned crimes upon a verdict of guilt, a plea of guilty, or a plea of nolo contendere even though:

a. The court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02;

b. The court deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02;

c. The court placed the person on probation;

d. The person's conviction has been reduced in accordance with subsection 9 of section 12.1-32-02 or section 12.1-32-07.1;

e. Sentence dispositions, sentence reductions, or offense determinations equivalent to this section were imposed or granted by a court, board, agency, or law of another state or the federal government; or

f. The person committed an offense equivalent to an offense described in subdivision a or b of subsection 1 when that person was subject to juvenile adjudication or proceedings and a determination of a court under chapter 27-20 or of a court of another state or the federal government was made that the person committed the delinquent act or offense.

3. A felon who is not sentenced under section 12.1-32-09.1 may possess a rifle that has a barrel sixteen inches [40.72 centimeters] or longer or a shotgun that has a barrel eighteen inches [45.72 centimeters] or longer and which is one of the following:

a. A firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899.

b. A replica of any firearm described in subdivision a, if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

c. A muzzleloading rifle or muzzleloading shotgun designed to use black powder or a black powder substitute and which cannot use fixed ammunition.

Section 62.1-02-01.1. Restoration of right to possess firearm.

1. An individual prohibited from possessing a firearm due to a conviction of a felony under subdivision b of subsection 1 of section 62.1-02-01 may petition the district court for restoration of the individual's firearm rights. If the felony offense was committed in this state, the petition must be filed in the venue where the rights of the individual were revoked. If the offense was a felony of another state or the federal government, the petition must be filed in the venue where the rights of the individual were revoked. A copy of the petition must be served on the state's attorney's office in the county where the petition is filed in accordance with Rule 5 of the North Dakota Rules of Civil Procedure. The state's attorney's office has 20 days to file a written response to the petition with the district court.

2. The district court may restore the right of an individual to possess a firearm if the court determines, by clear and convincing evidence, that all of the following circumstances exist:

a. The individual has paid all fines imposed for the violation resulting in the prohibition;

b. The individual has served all terms of imprisonment imposed for the violation resulting in the prohibition;

c. The individual has successfully completed all conditions of probation or parole imposed for the violation resulting in the prohibition; and

d. The individual's record and reputation are such that the individual is not likely to act in a manner dangerous to the safety of others.

Section 62.1-02-01.2. Mental disability and the possession of firearms.

1. A court shall make a finding as to whether the provisions of 18 U.S.C. 922(d)(4) and (g)(4) apply to the subject of a following proceeding in which the court:

- a. Finds that a person, as a result of mental disease or defect, may not be held criminally responsible in any case pursuant to chapter 12.1-04 or 12.1-04.1;
- b. Finds that a person is a mentally deficient individual;
- c. Orders involuntary hospitalization or commitment to a treatment facility or involuntary treatment pursuant to chapter 25-03.1;
- d. Orders involuntary commitment or involuntary treatment under chapter 25-03.3;
- e. Appoints a guardian ad litem under section 28-03-04;
- f. Appoints a guardian under chapter 30.1-28; or
- g. Appoints a conservator under chapter 30.1-29.

2. If the court finds that the provisions apply, the clerk of the court shall forward the individual's name and nonclinical identifying information to the bureau of criminal investigation, which shall forward the information to the federal bureau of investigation, or its successor agency, for inclusion in the national instant criminal background check system database. The court also shall notify the individual of the prohibitions of 18 U.S.C. 922(d)(4) and (g)(4), and, if relevant, of subdivision c of subsection 1 of section 62.1-02-01.

3. If a court of this state has found an individual under subsection 1 to be subject to the provisions of 18 U.S.C. 922(d)(4) and (g)(4), that individual may petition the court that issued the finding or the district court of the county where the individual resides to remove that individual's firearms-related disabilities, as provided in Public Law 110-180, section 105(a). A copy of the petition for relief must be served on the director of the treatment facility that treated the individual pursuant to court order and the prosecuting attorney of the county in which the original finding, order, or appointment occurred. The director of the treatment facility that treated the individual pursuant to court order and the prosecuting attorney may appear, support, object to, and present evidence relevant to the relief sought by the petitioner. The court shall receive and consider evidence in a closed proceeding, including evidence offered by the petitioner, concerning:

- a. The circumstances of the original order, appointment, or finding;
- b. The petitioner's mental health and criminal history records, if any;
- c. The petitioner's reputation; and
- d. Changes in the petitioner's condition or circumstances relevant to the relief sought.

4. The court shall grant the petition for relief if the court finds by a preponderance of the evidence that the petitioner likely will not act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. A record must be kept of the proceedings. The record is confidential and may be disclosed only to a court in the event of an appeal. An individual may file a petition for relief under this section no more than once every 2 years.

5. When a magistrate or court issues an order granting a petition for relief under subsection 3, the clerk of the court immediately shall forward a copy of the order to the bureau of criminal investigation in the format and medium specified by the bureau after consultation with the state court administrator. The bureau immediately shall forward a copy to the federal bureau of investigation, or its successor agency, for updating of the national instant criminal background check system database.

Section 62.1-02-02. Sale of handgun regulated – Penalty.

No person may transfer a handgun to any person who the transferor knows or has reasonable cause to believe is a person prohibited by section 62.1-02-01 from possessing a firearm. Any person who violates this section is guilty of a class A misdemeanor.

Section 62.1-02-03. Possession or sale of short-barreled rifle or shotgun – Penalty – Application.

A person who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun is guilty of a class C felony. This section does not apply to a law enforcement officer who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun in the course of or in connection with the officer's official duties, to a member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations who possesses or uses a short-barreled rifle or short-barreled shotgun issued to the member by that organization and while on official duty, or to any person who complies with the National Firearms Act [26 U.S.C. 5801-5872].

Section 62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering — Penalty — Application.

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of an infraction. For the purpose of this section, “**public gathering**” means an athletic or sporting event, a school, a church or other place of worship, and a publicly owned or operated building.

2. This section does not apply to:

- a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30 ;
- b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
- c. A competitor participating in an organized sport shooting event;
- d. A gun or antique show;
- e. A participant using a blank cartridge firearm at a sporting or theatrical event;
- f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
- g. A student and an instructor at a hunter safety class;
- h. Private and public security personnel while on duty;
- i. A state or federal park;
- j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
- k. An individual in a publicly owned or operated rest area or restroom;
- l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a firearm or dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
- m. A state, federal, or municipal court judge, a district court magistrate judge or judicial referee, and a staff member of the office of attorney general if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient;
- n. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
 - (1) The individual resides in the building;
 - (2) The storage is inside the individual's assigned residential unit; and
 - (3) The storage has been consented to by the state, the governing board, or a designee; and

o. An individual authorized to carry a concealed weapon on school property under section 62.1-02-14.

3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.

4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.

5. This section does not prevent the governing body of a school or the entity exercising control over a publicly owned or operated building or property from authorizing the use of a less than lethal weapon as part of the security plan for the school, building, or property.

Section 62.1-02-07. Use of firearm by certain minors prohibited – Penalty.

Any parent, guardian, or other person authorized by the parent or guardian of any minor under 15 years of age who permits that minor to carry or use any firearm of any description loaded with powder and projectile in public, is guilty of a

class B misdemeanor. This section does to apply if the minor is under the direct supervision of the parent, guardian, or other person authorized by the parent or guardian.

Section 62.1-02-08. Illegal firearms, ammunition, or explosive materials business.

1. A person is guilty of an offense if the person supplies a firearm, ammunition, or explosive material to, or procures or receives a firearm, ammunition, or explosive material for, a person prohibited by this title from receiving it if the transferor knows or has reasonable cause to believe that such person is prohibited by section 62.1-02-01 from receiving or possessing it.

Chapter 62.1-03 – Handguns

Section 62.1-03-02. Selling handgun to minors prohibited – Penalty.

Any person who sells, barter, hires, lends, or gives any handgun to any minor is guilty of a class A misdemeanor. This section does not prohibit a person from lending or giving a handgun to a minor if the minor will be using the handgun under the direct supervision of an adult and for the purpose of firearm safety training, target shooting, or hunting.

Section 62.1-03-03. Copy of federal license submitted to law enforcement officials.

A retail dealer licensed to sell handguns by the federal government shall send a copy of the license, within 7 days after receiving it, to the chief of police of the city and the sheriff of the county in which the dealer is licensed to sell handguns.

Section 62.1-03-04. False information prohibited.

No person, in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry the handgun concealed, may give false information or offer false evidence of the person's identity.

Section 62.1-03-05. Prohibited alterations on firearms.

A person may not change, alter, remove, or obliterate any mark of identification on a firearm, including the name of the maker, model, or manufacturer's number or knowingly possess a firearm on which these alterations have been made. Possession of any firearm upon which any identification mark has been changed, altered, removed, or obliterated creates a rebuttable presumption that the possessor made the alterations.

Chapter 62.1-04 – Concealed Weapons

Section 62.1-04-03. License to carry a firearm or dangerous weapon concealed – Class 1 firearm license and class 2 firearm and dangerous weapon license.

1. The director of the bureau of criminal investigation shall issue a license to carry a firearm or dangerous weapon concealed upon review of an application submitted to the director if the following criteria are met:

- a. The applicant is at least 21 years of age for a class 1 firearm license or at least 18 years of age for a class 2 firearm and dangerous weapon license;
- b. The applicant can demonstrate that the applicant is a resident of this state by providing a copy of a valid driver's license or state-issued identification card from this state that establishes personal identification through photographic means and shows the applicant's name associated with a valid residential street address in this state or the applicant possesses a valid driver's license from the applicant's state of residence that establishes personal identification through photographic means and shows the applicant's name associated with a valid residential street address and a valid concealed weapons license from the applicant's state of residence, which state has reciprocity with this state under section 62.1-04-03.1;
- c. The applicant is not an individual specified in section 62.1-02-01 and for a class 1 firearm license the applicant:
 - (1) Has not been convicted of a felony;
 - (2) Has not been convicted of a crime of violence;
 - (3) Has not been convicted of an offense involving the use of alcohol within 10 years prior to the date of application;
 - (4) Has not been convicted of a misdemeanor offense involving the unlawful use of narcotics or other controlled substances within 10 years prior to the date of application;
 - (5) Has not been convicted of an offense involving moral turpitude;
 - (6) Has not been convicted of an offense involving domestic violence;
 - (7) Has not been adjudicated by a state or federal court as mentally incompetent, unless the adjudication has been withdrawn or reversed; and
 - (8) Is qualified to purchase and possess a firearm under federal law;

d. The applicant has successfully completed the testing procedure conducted by a certified test administrator. The person conducting the testing may assess a charge of up to \$50 for conducting this testing. The attorney general may certify a test administrator based upon criteria and guidelines prescribed by the director of the bureau of criminal investigation;

e. The applicant satisfactorily completes the bureau of criminal investigation application form and has successfully passed the criminal history records check conducted by the bureau of criminal investigation and the federal bureau of investigation. The applicant shall provide all documentation relating to any court-ordered treatment or commitment for mental health or alcohol or substance abuse. The applicant shall provide the director of the bureau of criminal investigation written authorizations for disclosure of the applicant's mental health and alcohol or substance abuse evaluation and treatment records. The bureau may deny approval for a license if the bureau has reasonable cause to believe that the applicant or license holder has been or is a danger to self or others as demonstrated by evidence, including past pattern of behavior involving unlawful violence or threats of unlawful violence; past participation in incidents involving unlawful violence or threats of unlawful violence; or conviction of a weapons offense. In determining whether the applicant or license holder has been or is a danger to self or others, the bureau may inspect expunged or sealed records of arrests and convictions of adults and juvenile court records; and

f. The applicant is not prohibited under federal law from owning, possessing, or having a firearm under that individual's control.

2. The attorney general shall offer class 1 firearm and class 2 firearm and dangerous weapon licenses to carry a firearm or dangerous weapon concealed under the following requirements:

a. An applicant for a class 1 firearm license shall successfully participate in a classroom instruction that sets forth weapon safety rules and the deadly force law of North Dakota, complete an open book test based upon a manual, demonstrate familiarity with a firearm, and complete an actual shooting or certified proficiency exercise. Evidence of familiarity with a firearm to be concealed may be satisfied by one of the following:

- (1)** Certification of familiarity with a firearm by an individual who has been certified by the attorney general, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor;
- (2)** Evidence of equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service;
- (3)** Possession of a license from another state to carry a firearm, concealed or otherwise, which is granted by that state upon completion of a course described in paragraphs 1 and 2; or
- (4)** Evidence that the applicant, during military service, was found to be qualified to operate a firearm.

b. An applicant for a class 2 firearm and dangerous weapon license is required to successfully complete the open book test offered for the class 1 firearm license.

c. A North Dakota resident who has a valid class 1 firearm license also may carry a class 2 dangerous weapon without any further testing required. Class 1 and class 2 permits are equally valid in this state.

d. Additional testing is not required to renew a class 2 firearm and dangerous weapon license. A class 1 firearm license may be renewed upon successful completion of the class 1 firearm requirements within 30 days before submission of the application for renewal.

e. An individual who has a valid class 2 firearm license may apply to upgrade to a class 1 firearm license within five years from the date the class 2 firearm license was issued and upon successful completion of the requirements under this chapter. An individual who has a valid class 1 firearm license may request to convert the license to a class 2 firearm license before the expiration of the class 1 firearm license.

3. The director of the bureau of criminal investigation shall send by mail to a holder of a license a notice of the procedures for renewal of the license issued under this section. The director shall give the notice at least 150 days but not more than 180 days before the expiration of the license.

4. The bureau of criminal investigation is required to process the application and make a determination within 60 days of receipt of the properly completed application.

5. The fee for a concealed weapons license must be credited to the attorney general's operating fund. All fees must be paid before the license application may be processed by the director of the bureau of criminal investigation. The attorney general shall list the fees associated with the license, including the costs of the fingerprint-based federal criminal history record check, in the attorney general's administrative rules.

6. The director of the bureau of criminal investigation shall prescribe the form of the application and license, which must include the name, address, description, a photograph, and the signature of the individual. The application form must require sufficient information to properly conduct a criminal history record check and be accompanied by:

a. A photocopy of a valid driver's license or identification card issued by this state which establishes personal identification through photographic means and shows the applicant's name associated with a valid residential street address in this state or a valid state-issued driver's license from the applicant's state of residence which establishes personal identification through photographic means and shows the applicant's name associated with a valid residential street address and a valid concealed weapons license from the applicant's state of residence, which has reciprocity with this state under section 62.1-04-03.1; and

b. Two sets of classifiable fingerprints. The 2 sets of classifiable fingerprints are not required for a renewal of a concealed weapons license. The license is valid for 5 years. The original license must be delivered to the licensee and an electronic copy must be preserved for 6 years by the director. Access to license information must be available to law enforcement through electronic means for official law enforcement purposes. The applicant or license holder shall notify the director of the bureau of criminal investigation of any change of address or any other material fact which would affect the restrictions on or the need for the license.

7. The director of the bureau of criminal investigation may deny an application or revoke or cancel a license after it has been granted for any material misstatement by an applicant in an application for the license or any violation of this title. The director of the bureau of criminal investigation shall disclose to the applicant the specific reason for denial or revocation of the license.

8. The applicant may appeal a denial or revocation of this license to the district court of Burleigh County.

9. Information collected from an applicant under this section is confidential information. However, the information may be disclosed:

a. To a governmental agency or court for a law enforcement purpose, including the investigation, prosecution, or punishment of a violation of law.

b. To a court to aid in a decision concerning sentence, probation, or release pending trial or appeal.

c. Pursuant to a court order or a judicial, legislative, or administrative agency subpoena issued in this state.

10. The attorney general may adopt any rules necessary to implement this title.

Chapter 62.1-05 – Machine Guns, Automatic Rifles, Silencers, Bombs

Section 62.1-05-01. Possession and sale of machine guns, automatic rifles, silencers, and bombs – Penalty – Forfeiture.

1. A person may not purchase, sell, have, or possess a machine gun, fully automatic rifle, silencer, or bomb loaded with explosives or poisonous or dangerous gases, or any other federally licensed firearm or dangerous weapon unless that person has complied with the National Firearms Act [26 U.S.C. 5801-5872].

Section 62.1-05-02. Persons exempt from chapter.

This chapter does not apply to:

1. The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine gun, fully automatic rifle, silencer, or a bomb loaded with explosives or poisonous or dangerous gases.

2. Any officer or member of a duly authorized military organization while on official duty and using the firearm or dangerous weapon issued to the officer or member by that organization.

3. A North Dakota law enforcement officer.

4. Any federal officer authorized by the federal government to have or possess a machine gun, submachine gun, fully automatic rifle, silencer, or bomb loaded with explosives or poisonous or dangerous gases.

Title 62.1 – Weapons
Chapter 62.1-01 – Definitions – General Provisions

Section 62.1-01-03. Limitation on authority of political subdivision regarding firearms.

A political subdivision, including home rule cities or counties, may not enact any ordinance relating to the purchase, sale, ownership, possession, transfer of ownership, registration, or licensure of firearms and ammunition which is more restrictive than state law. All such existing ordinances are void.

Section 62.1-01-04. Firearm buyback program—prohibited.

1. As used in this section, “**firearm buyback program**” means a program to purchase privately owned firearms, firearm parts, or ammunition from private individuals or organizations for the purpose of providing cash, gifts, or vouchers; or reducing the number of firearms, firearm parts, or ammunition owned by civilians; or permitting a civilian to sell a firearm to the government without fear of prosecution. The term does not include the purchase of firearms, firearm parts, or ammunition from a licensed firearms dealer, or a program to purchase firearms, firearm parts, or ammunition for law enforcement purposes.
2. A state agency, political subdivision, or any law enforcement agency of this state may not conduct a firearm buyback program or participate in the implementation, administration, or operation of a firearm buyback program.
3. A state agency, political subdivision, or any law enforcement agency of this state may not expend any taxpayer dollars for the purpose of implementing, administering, or otherwise operating a firearm buyback program.

Bismarck Code of Ordinances

Current through July 23, 2019.

Title 6 – Criminal Offenses

Chapter 6-08 – Weapons

Section 6-08-02. Possession of Firearm at Public Gathering.

1. A person who possesses a firearm at a public gathering is guilty of an infraction. For the purpose of this section, “**public gathering**” means an athletic or sporting event, a school, a church and a publicly owned or operated building.
2. This section does not apply to:
 - a. Law enforcement officers.
 - b. On-duty animal wardens employed by the City.
 - c. Members of the armed forces of the United States or National Guard, organized reserves, state defense forces, or state guard organizations, when on duty.
 - d. Competitors participating in organized sport shooting events.
 - e. Gun and antique shows.
 - f. Participants using blank cartridge firearms at sporting or theatrical events.
 - g. Students and instructors at hunter safety classes.
 - h. Private security personnel while on duty.
 - i. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question.
 - j. An individual in a publicly owned or operated rest area or restroom.
 - k. An individual possessing a valid class 1 concealed weapons license from this state or who has reciprocity under NDCC Section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship. If a church or other place of worship authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual.
 - l. A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient.

Fargo Code of Ordinances

Current through Ordinance 5226, enacted September 9, 2019. (Supplement 7, Update 7)

**Chapter 20 – Land Development Code
Article 20-04 – Use Regulations**

Section 20-0402. Use Standards

T. Non-farm Commercial Uses

3. Prohibited Uses. Dispatch Centers, Firearms and Ammunition Sales and Adult Entertainment Centers Uses as defined in Section 20-0403.C.5 are prohibited uses.

Section 20-0403. Accessory Uses

C. Home Occupations

5. Prohibited Uses

e. Firearms and Ammunition Sales The sale of firearms and/or ammunition, and the production of ammunition for sale or resale are prohibited as home occupations.

Jamestown Code of Ordinances

Current through Ordinance 1381, adopted May 7, 2012. (Supplement 5-12)

Chapter 22 – Offenses, Miscellaneous

Section 22-49.1. Possession of a firearm at a public gathering, Penalty, Application.

(1) A person who possesses a firearm at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "**public gathering**" includes ... schools ...and publicly owned or operated buildings. The term "public gathering" does not apply to a state or federal park.

(2) This section does not apply to law enforcement officers; members of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty; competitors participating in organized sport shooting events; gun and antique shows; participants using blank cartridge firearms at sporting or theatrical events; any firearms carried in a temporary residence or motor vehicle; students and instructors at hunter safety classes; or private security personnel while on duty. In addition, a municipal court judge licensed to practice law in this state, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer are exempt from the prohibition and penalty in subsection (1) if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient.

Chapter 22.5 – Pawn Brokers

Section 22.5-18. Compliance with state and federal firearm statutes.

No pawn broker licensed under these provisions shall, unless licensed under the applicable federal firearms statutes, sell or otherwise accept for pawning, pledging or consignment or otherwise deal in firearms as defined under state and federal firearms statutes.

Lincoln Code of Ordinances

Current through July 10, 2014

**Title 12 – Offenses
Chapter 12-08 – Weapons**

Section 12-08-02. Possession of Firearm at Public Gathering.

1. A person who possesses a firearm at a public gathering is guilty of an offense. For the purpose of this section, "**public gathering**" includes ... schools ... and individuals in publicly owned parks where hunting is not allowed by proclamation and publicly owned or operated buildings.

2. This section does not apply to law enforcement officers; members of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty; competitors participating in organized sport shooting events; gun and antique shows; participants using blank cartridge firearms at sporting or theatrical events; any firearms carried in a temporary residence or motor vehicle; students and instructors at hunter safety classes; or private security personnel while on duty. In addition, a municipal court judge licensed to practice law in this state, a district court judge, and a retired North Dakota law enforcement officer are exempt from the prohibition and penalty in subsection 1 if the individual is otherwise licensed to carry a firearm under section 62.1-04-03 and maintains the

same level of firearms proficiency as is required by the peace officers standards and training board for law enforcement officers. The chief of police shall issue a certificate of compliance under this section to an individual who is proficient.

Minot Code of Ordinances

Current through Ordinance 5372, adopted April 15, 2019. (Supplement 114, Update 2)

Chapter 23 – Offenses, Miscellaneous

Article IV – Weapons Offenses

Division 1 – Firearms

Section 23-1. Definitions.

The following definitions shall apply to the provisions of this chapter unless the context clearly indicates otherwise or unless another provision explicitly or by fair implication indicates to the contrary:

Firearm means any weapon which will expel, or is readily capable of expelling, a projectile by the action of an explosive and includes any such weapon, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka or cannon.

Section 23-57. Possession of a firearm or dangerous weapon at a public gathering, Penalty, Application.

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

(b) This section does not apply to:

- (1) A law enforcement officer or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by Chapter 12-44.1 of the North Dakota Century Code. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in N.D.C.C. 12.44.1-30;
- (2) A member of the armed forces of the United States or national guard, organized reserved, state defense forces, or state guard organizations, when on duty;
- (3) A competitor participating in an organized sport shooting event;
- (4) A gun or antique show;
- (5) A participant using a blank cartridge firearm at a sporting or theatrical event;
- (6) A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
- (7) A student and an instructor at a hunter safety class;
- (8) Private and public security personnel while on duty;
- (9) A state or federal park;
- (10) An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
- (11) An individual in a publically owned or operated rest area or restroom;
- (12) An individual possessing a valid concealed weapons license from this state or who has reciprocity under Section 62.1-04-03.1, N.D.C.C. authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
- (13) A state, federal, or municipal court judge, a district court magistrate judge or judicial referee, and a staff member of the office of attorney general if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient; and
- (14) An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
 - a. The individual resides in the building;
 - b. The storage is inside the individual's assigned residential unit; and
 - c. The storage has been consented to by the state, the governing board, or a designee.

Ray Code of Ordinances

Current through Ordinance 2019-01, enacted April 22, 2019. (Supplement 1)

Chapter 22 – Offenses and Miscellaneous Provisions

Section 22-4. Firearms not to be furnished to minors.

It shall be unlawful for any person, firm or corporation to sell or rent firearms to minors within the limits of this city.

Section 22-6. Blank cartridges, pistols, etc.; manufacture, use and sale within city.

No person except a licensed dealer shall manufacture, use, sell or keep for sale within the city any blank cartridges, pistols, blank cartridge revolver or other blank cartridge firearms, blank cartridge caps containing dynamite or firecrackers exceeding three inches in length and exceeding one-half inch in diameter.

Wahpeton Code of Ordinances

Current through Ordinance 978, adopted October 17, 2016. (Supplement 1)

Chapter 26 – Offenses and Miscellaneous Provisions

Article IV – Offense Involving Public Safety

Division 2 – Firearms

Section 26-1. Definitions; general provisions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Firearm means any weapon which will expel, or is readily capable of expelling, a projectile by the action of an explosive and includes any such weapon, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, machine gun, shotgun, bazooka, or cannon.

Section 26-158. Possession at public gathering prohibited; exception.

(a) A person who possesses a firearm at a public gathering in the city is guilty of a misdemeanor. For the purpose of this division, the term "**public gathering**" includes ... schools ... and publicly owned or operated buildings.

(b) This section does not apply to law enforcement officers; members of the Armed Forces of the United States or National Guard, organized Reserves, State Defense Forces, or State Guard organizations, when on duty; competitors participating in organized sport shooting events; gun and antique shows; participants using blank cartridge firearms at sporting or theatrical events; any firearms carried in a temporary residence or motor vehicle; students and instructors at hunter safety classes; or private security personnel while on duty. In addition, a municipal court judge licensed to practice law in this state, a district court judge, and a retired state law enforcement officer are exempt from the prohibition and penalty in subsection (a) of this section if the individual is otherwise licensed to carry a firearm under N.D.C.C. 62.1-04-03 and maintains the same level of firearms proficiency as is required by the peace officers', standards and training board for law enforcement officers.

Watford City Code of Ordinances

Current through Ordinance 531, enacted July 1, 2019. (Supplement 20)

Chapter IV – Public Health, Welfare and Safety

Article 9 – Firearms, Fireworks and Explosives

Section 4-901. Firearms not to be furnished to minors.

It shall be unlawful for any person, firm or corporation to sell or rent firearms to minors within the limits of this City.

Section 4-903. Blank Cartridges, Pistols, etc. - Manufacture, Use and Sale of

No person except a licensed dealer, shall manufacture, use, sell or keep for sale within the City of Watford City, North Dakota, any blank cartridges, pistols, blank cartridge revolver or other blank cartridge firearms, blank cartridge caps containing dynamite or fire-crackers exceeding three (3) inches in length and exceeding one-half () inch in diameter.