

HOUSE BILL NO. 1279

Introduced by

Representatives B. Koppelman, Rick C. Becker, Brabandt, D. Ruby

Senator O. Larsen

1 A BILL for an Act to amend and reenact sections 12-44.1-30 and 12-47-34, subsection 1 of
2 section 62.1-02-05, and subsection 3 of section 62.1-02-10 of the North Dakota Century Code,
3 relating to carrying a weapon; and to repeal section 62.1-03-01 of the North Dakota Century
4 Code, relating to restrictions on carrying a handgun.

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

6 **SECTION 1. AMENDMENT.** Section 12-44.1-30 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12-44.1-30. Correctional officers authorized to carry weapons.**

9 The administrator of a correctional facility may allow a qualified correctional officer to carry
10 a weapon, including a firearm, during the transport of another governmental agency's prisoner if
11 the correctional facility has a contract with the governmental agency to transport the agency's
12 prisoners and that contract requires the officer doing the transport to be armed with a weapon.
13 For purposes of this section, "governmental agency" means an agency or department of this
14 state or of any political subdivision in this state, or another state or of a political subdivision of
15 another state, or of the United States. The administrator of a correctional facility shall adopt a
16 policy, approved by the director of the department of corrections and rehabilitation, which
17 establishes the qualifications and training an officer must meet to carry a weapon under this
18 section. Sections 62.1-02-05, and 62.1-02-10, ~~and 62.1-03-01~~ do not apply to the possession
19 and use of a firearm by a qualified correctional officer acting in the course of employment as
20 allowed by this section.

21 **SECTION 2. AMENDMENT.** Section 12-47-34 of the North Dakota Century Code is
22 amended and reenacted as follows:

1 **12-47-34. Escapes from director's custody - Director may offer reward for recapture -**
2 **Payment of reward - Use of firearms.**

- 3 1. The director of the department of corrections and rehabilitation shall adopt measures
4 necessary for the detection and capture of offenders escaping from the custody of the
5 department. If an offender in the custody of the department escapes, the director shall
6 use all lawful means for the apprehension of the offender. The director may offer a
7 reward not to exceed one thousand dollars and not less than one hundred dollars for
8 information leading to apprehension of an offender who has escaped from the custody
9 of the department.
- 10 2. The director may authorize correctional officers trained in the use of firearms:
11 a. To carry firearms when in the course of their duties on penitentiary premises.
12 b. To carry firearms, including keeping and carrying loaded firearms in motor
13 vehicles, when transporting offenders in the custody of the department.
14 c. To carry firearms, including keeping and carrying loaded firearms in motor
15 vehicles, for the prevention of escapes or for the apprehension of offenders who
16 have escaped from the custody of the department.
- 17 3. Sections 62.1-02-05; and 62.1-02-10, ~~and 62.1-03-01~~ do not apply to the possession
18 and use of firearms by authorized and trained correctional officers acting in the course
19 of their employment under this section.

20 **SECTION 3. AMENDMENT.** Subsection 1 of section 62.1-02-05 of the North Dakota
21 Century Code is amended and reenacted as follows:

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

26 **SECTION 4. AMENDMENT.** Subsection 3 of section 62.1-02-10 of the North Dakota
27 Century Code is amended and reenacted as follows:

- 28 3. An individual possessing a valid concealed weapons license from this state or who
29 has reciprocity under section 62.1-04-03.1 with a handgun, ~~or with a rifle or shotgun if~~
30 ~~not in the field hunting or trapping.~~

31 **SECTION 5. REPEAL.** Section 62.1-03-01 of the North Dakota Century Code is repealed.