Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021

SENATE BILL NO. 2344
(Senators Dwyer, Larson, Meyer)
(Representatives Devlin, K. Koppelman)

AN ACT to amend and reenact section 37-17.1-29 of the North Dakota Century Code, relating to governmental regulation of firearms and ammunition; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-17.1-29 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-29. Firearms in emergencies.

1. Notwithstanding any other law, ~~a person acting on behalf or under the authority of the state or a political subdivision may not do any of the following during a declared emergency~~a state agency, political subdivision, or elected or appointed official or employee of this state or of a political subdivision may not, under governmental authority or color of law, including any other statutorily authorized responses to disaster, war, acts of terrorism, or emergencies of whatever kind or nature:

   a. Close or limit the operating hours of:

      (1) Any government-owned or government-operated indoor or outdoor shooting range, unless the closure or limitation is required for maintenance, law enforcement training, military training, hunter education, or other special activities associated with the shooting sports or the closing or limitation of hours applies equally to all forms of commerce, use, recreation, enjoyment, or general activity within the jurisdiction;

      (2) Any private indoor or outdoor shooting range, unless the closing or limitation of hours applies equally to all forms of commerce, use, recreation, enjoyment, or general activities within the jurisdiction; or

      (3) Any entity engaged in the lawful selling or servicing of any firearm, including any component or accessory; ammunition, including any component or accessory; ammunition-reloading equipment and supplies; or personal weapons other than firearms, unless the closing or limitation of hours applies equally to all forms of commerce, use, recreation, enjoyment, or general activity within the jurisdiction;

   b. Prohibit, regulate, or ~~restrict~~curtail the otherwise lawful possession, defensive use, carrying, transfer, transportation, storage, ~~or~~ display, or other lawful use of ~~a firearm or ammunition;~~

   ~~b.~~ ~~Seize~~; or seize, commandeer, confiscate, or authorize the seizure or confiscation of, any otherwise lawfully possessed firearm or ammunition unless the person acting on behalf of or under the authority of the state or political subdivision is defending that person or another from an assault, arresting an individual in actual possession of a firearm or ammunition for a violation of law, or seizing or confiscating the firearm or ammunition as evidence of a crime; ~~or~~

   c. ~~Require registration of any firearm or ammunition for which~~When registration is not otherwise required by law, require registration of any firearm, including any component or accessory; ammunition, including any component or accessory; ammunition-reloading equipment and supplies; or personal weapons other than firearms;

d. Suspend or revoke a permit to carry a concealed pistol issued pursuant to chapter 62.1-04, except as expressly authorized in that chapter; or

e. Refuse to accept an application for a permit to carry a concealed pistol, provided the application has been completed properly in accordance with chapter 62.1-04.

2. ~~Subdivision a of subsection 1 as it relates to transfer of a firearm or ammunition does not apply to the commercial sale of firearms or ammunition if an authorized authority has ordered an evacuation or general closure of businesses in the affected area.~~

~~3.~~ Any individual aggrieved by a violation of this section may commence a civil action against any person who subjects the individual, or causes the individual to be subjected, to an action prohibited by this section.

~~4.~~3. In addition to any other remedy, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this section may bring an action for the return of the firearm or ammunition, or the value of the firearm or ammunition, if the firearm or ammunition is no longer available, in the district court of the county in which that individual resides, in which the firearm or ammunition is located, or in which the seizure or confiscation occurred.

~~5.~~4. In any action to enforce this section, the court shall award a prevailing plaintiff costs and reasonable attorney's fees.

President of the Senate	Speaker of the House
Secretary of the Senate	Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2344.

Senate Vote:	Yeas 46	Nays 0	Absent 1
House Vote:	Yeas 92	Nays 2	Absent 0

Secretary of the Senate

Received by the Governor at _____M. on _____, 2021.

Approved at _____M. on _____, 2021.

Governor

Filed in this office this _____day of _____, 2021,

at _____ o'clock _____M.

Secretary of State