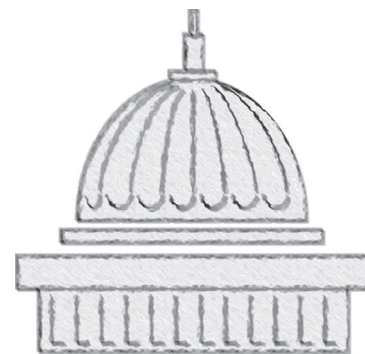


NRA / ILA Firearms Laws for

NORTH DAKOTA

(As of December, 2006)



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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

Rifles and

Shotguns

Permit to Purchase
Registration of Firearms
Licensing of Owners
Permit to Carry

Handguns

No	No
No	No
No	No
No	Yes*

* Concealed only.

STATE CONSTITUTIONAL PROVISION

“All individuals . . . have certain inalienable rights, among which are . . . to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.” Article 1, Section 1

PURCHASE

A copy of the federal license to sell handguns shall be sent by retail dealers to the chief of police of the city and sheriff of the county in which the dealer is licensed to sell handguns within seven days after receipt of the dealer's license.

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

It is unlawful to sell a handgun to a minor. However, this does not prohibit a person from lending or giving a handgun to a minor if he or she will be using the handgun under direct supervision of an adult. No person may transfer a handgun to any person who the transferor knows or has reasonable cause to believe is prohibited from possessing a firearm. It is unlawful to supply a firearm or ammunition to, or procure or receive a firearm or ammunition for, a person prohibited from receiving it if the transferor knows or has reasonable cause to believe that such person is prohibited from receiving or possessing it.

POSSESSION

Possession or ownership of a firearm is prohibited by any person convicted anywhere of a felony involving violence or intimidation for ten years from the date of conviction or release from confinement or probation, whichever is the latter; any person convicted of any other felony or of a Class A misdemeanor involving violence or intimidation and that crime was committed while using or possessing a dangerous weapon or firearm is prohibited from owning or possessing a firearm for five years from the date of conviction or release from incarceration or probation, whichever is the latter; a person diagnosed and confined or committed

(by a court of competent jurisdiction) as mentally ill is prohibited from owning or possessing a firearm, but this does not apply to a person who has not suffered from the disability for the previous three years. A person under eighteen may possess a handgun only under direct adult supervision for purposes of firearm safety training, target shooting or hunting.

It is unlawful to possess or sell a rifle with an overall length under 26 inches and/or a barrel under 16 inches or shotgun with an overall length under 26 inches and/or a barrel under 18 inches with the exception of law enforcement officers or members of the armed forces in official duty capacity, and any person complying with the National Firearms Act.

Possession of a firearm is prohibited in a liquor establishment or gaming site with the exception of law enforcement officers, proprietors and their employees or a designee displaying an unloaded firearm as a prize or sale item in raffle or auction.

At a public gathering¹ it is unlawful to possess a firearm except for law enforcement officers, members of the armed forces (on duty), competitors in shooting events and gun shows, those using blank cartridges in theatrical events, firearms carried in a temporary residence or motor vehicle, students and instructors at hunter safety classes, and on-duty private security personnel.

CARRY

Loaded Firearms.

No person may keep or carry a loaded firearm in or on any motor vehicle. Exceptions include:

1. Persons possessing a valid North Dakota concealed weapons license, except while that person is in the field engaged in trapping and hunting activities.
2. Any person in the field engaged in lawful hunting or trapping of nongame species or furbearing animals.
3. A security guard or private investigator licensed to carry firearms by the attorney general.
4. Any person possessing a valid special permit.
5. A law enforcement officer, except while the officer is engaged in hunting and trapping activities with a rifle or shotgun.
6. A member of the military while possessing an issued firearm and while on official duty.

Concealed Firearms.

Carrying any firearm concealed is prohibited with the exception of one who is licensed to do so, or is exempted by statute, or is a law enforcement officer. Concealed is defined as “not discernible by the ordinary observation of a passerby.” Concealed does not include: a firearm in a belt holster or gun case if the holster or case is substantially visible or locked in a closed trunk or luggage compartment of a motor vehicle; a firearm carried in a field while lawfully engaged in hunting, target shooting or trapping; a handgun carried unloaded and in a secure wrapper to or from a home, place of business, or repair; an unloaded rifle or shotgun

while carried in a motor vehicle.

Handguns.

Unless otherwise prohibited by statute, handguns may be carried between the hours of one hour before sunrise and one hour after sunset only if unloaded and in plain view or secured; between the hours of one hour after sunset and one hour before sunrise only if the handgun is carried unloaded and secured. These restrictions do not apply to one who is on his own land or fixed place of business or permanent or temporary residence; possesses a valid North Dakota concealed weapons license; is lawfully engaged in target shooting or in the field and engaged in hunting or trapping; is carrying a handgun in a secure wrapper from the place of purchase to that person's home or business or to the place of repair; is a North Dakota law enforcement officer or a law enforcement officer from another state on official duty; is an armed security guard or member of the military and is on duty; is an employee of the United States authorized to carry a handgun; is a person engaged in manufacturing, repairing, or dealing in handguns, or the agent of such person possessing, using, or carrying a handgun in the usual or ordinary course of business; and is a common carrier when carrying handguns as a part of the cargo in the usual cargo carrying portion of the vehicle.

License to Carry Concealed.

The chief of the bureau of criminal investigation shall issue a license to carry a firearm concealed upon review of an application if the applicant meets the following criteria:

1. Has a valid reason for carrying the firearm concealed, including self-protection, protection of others, or work related needs.
2. Is not prohibited from possessing a firearm.
3. Has written approval for the issuance of such a license from the sheriff of the applicants county of residence and, if the city has one, the chief of police or designee of the city in which the applicant resides.
4. Satisfactorily completes the bureau of criminal investigation application form and successfully completed a background investigation or the criminal records check conducted by that agency.

The license fee for a concealed weapons license is \$25. The license fee must be paid before the license is issued.

Pending the sheriff's approval the applicant must successfully complete a background investigation in that county and have attended a testing procedure conducted pursuant to rules adopted by the attorney general. The testing procedure must include an open book test to be given from a manual that sets forth weapon safety rules and the deadly force law of North Dakota. Also included in this testing procedure is a proficiency test consisting of a course of fire. A weapons instructor certified by the attorney general shall conduct the testing procedure to ensure a minimal level of competency in the loading and unloading of the firearm, use of safety devices and basic firearm functioning, and minimal accuracy. A fee of up to fifty dollars may be charged for conducting this test. The sheriff is required to process the application within 30 days after the applicant has successfully completed a proficiency test, the police chief is required to process the application within 10 working days of its receipt, and the bureau of criminal investigation is required to process the application and make a determination within 30 days of receipt from the forwarding agency.

The chief of the bureau of criminal investigation shall prescribe the form of the application and license. Photographs and fingerprints are required. The license is valid for three years, costs \$25, and must be prepared in triplicate with the original sent to the applicant and duplicates sent by mail to the sheriff and/or chief of police of the place in which the

applicant resides.

Every person while carrying a concealed firearm must produce a license on demand. Failure to do so is evidence that the weapon is being carried illegally.

MACHINE GUNS

No person may possess a machine gun unless he complies with the National Firearms Act. Any federal licensee who purchases, sells, has or possesses a machine gun must forward a copy of the licensee's federal license along with the required weapons transfer form to the licensee's local county sheriff and the chief of the bureau of criminal investigations within five days of receipt of the form. Exemptions are for: authorized agents of one who has a license to purchase, sell, have, or possess a machine gun; members of a duly authorized military organization; North Dakota and federal law enforcement officers.

ANTIQUES

Antiques are not addressed in North Dakota law and therefore are treated as any other firearm.

MISCELLANEOUS PROVISIONS

No political subdivision, including home rule cities or counties, may enact any ordinance relating to the purchase, sale, ownership, transfer, registration, or licensure of firearms and ammunition which is more restrictive than state law.

A firearms manufacturer, distributor, or seller who lawfully transfers a firearm is not liable to a person or to the estate, a successor, or survivor of any person for any injury suffered, including wrongful death and property damage, because of the use of a firearm by another. A firearm may not be deemed defective on the basis of its potential to cause serious injury, damage, or death when discharged.

It is unlawful to discharge a firearm within a city, with the exception of the lawful discharge of firearms by law enforcement officers, by citizens in defense of person or property, or by participants in lawful activities in which discharge of firearms is a recognized part of the activity including but not limited to shooting galleries and ranges.

It is unlawful for any parent, guardian, or other person having charge or custody of a minor under fifteen years of age to permit that minor to carry or use in public any loaded firearm, except when the minor is under the direct supervision of the parent or guardian.

It is lawful for a person residing in the state, including a corporation or other business entity maintaining a place of business, to purchase or otherwise obtain a rifle or shotgun from a federally licensed gun dealer in a contiguous state and to receive or transport that rifle or shotgun into this state.

No person may change, alter, remove, or obliterate any mark of identification on a handgun or knowingly possess a handgun on which such alterations have been made. Possession of such a handgun creates a rebuttable presumption that the possessor made the alterations.

SOURCES: North Dakota Century Code, §32-03-54, §62.1-01-01 to §62.1-05-02.

1. Includes sporting events, concerts, schools and churches and their functions, political functions, publicly owned or operated buildings, and publicly owned parks where hunting is not allowed.

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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