

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1332
(Representatives Heinert, Johnston, Marschall, Porter, D. Ruby)
(Senators D. Larson, Luick, Myrdal, Oehlke)

AN ACT to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the carrying of a concealed firearm on school property by qualified individuals; and to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

Armed first responder in schools - Possession of a concealed weapon - Liability.

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for approval of plans under this section.
2. The superintendent of public instruction may accept a proposal from a public school, upon approval by the school board or governing board, indicating the intention by the school to participate in an armed first responder program.
3. Within ninety days of informing the superintendent of public instruction of the intent to participate in the program, the school shall:
 - a. Identify the individual selected by the school to participate in the program and attend training to become the school's armed first responder;
 - b. Submit a plan to the superintendent of public instruction specifying how the school will implement the program; and
 - c. Participate in a comprehensive emergency operations assessment for the purpose of identifying school crisis and emergency threats and risks.
4. The plan submitted by the school to the superintendent of public instruction is a security system plan as defined in section 44-04-24 and a public health and security plan as defined in section 44-04-25. The plan continues to be an exempt record after the required disclosures of the plan under this section.
5. The plan submitted by the school to the superintendent of public instruction must show response time from law enforcement.
6. The plan submitted by the school to the superintendent of public instruction must be approved by local law enforcement and the department of homeland security.
7. The plan submitted by the school to the superintendent of public instruction must require the selected individual to complete training equivalent to the South Dakota school sentinel program as established on August 1, 2019, or complete the course established by the private investigative and security board.
8. An individual selected to become an armed first responder for a school participating in the program:
 - a. Must be a retired law enforcement officer or meet the requirements of subsection 7;

- b. Must be a citizen of the United States;
 - c. Must be at least twenty-one years old;
 - d. Shall complete a criminal background check successfully and be approved by the local law enforcement agencies with jurisdiction over the school premises where the individual will be an armed first responder;
 - e. Must be a high school graduate or meet equivalency standards;
 - f. Shall complete successfully a physical performed by a physician or an advanced practice registered nurse and a mental evaluation by a qualified mental health provider who certifies the individual is capable of performing the duties of an armed first responder;
 - g. Shall complete successfully a faculty and administrator safety training and emergency response program in addition to the requirements under subsection 7;
 - h. Must be approved by the school board or governing board to carry a firearm concealed on school property;
 - i. Shall possess a valid class 1 firearm license from this state; and
 - j. May not be directly responsible for the supervision of children while serving as an armed first responder.
9. An individual selected to become an armed first responder at a school participating in the program shall cooperate in training with local law enforcement for school emergencies to provide a coordinated response to building lockdown and active killer events. The individual shall attend annual training and recertification courses consisting of a minimum of ten hours of instruction and a skills evaluation assessment.
10. The school board or governing board of any school participating in the program shall inform local law enforcement, in writing, of the name of the individual authorized by the school to participate in the program.
11. The school board or governing board of any school participating in the program shall ensure the district participates in annual active shooter training.
12. An individual selected as an armed first responder may not carry a firearm concealed or a dangerous weapon on school premises unless:
- a. The individual has been approved by the school board or governing body under subsection 8;
 - b. The individual has completed the armed first responder curriculum requirements under subsections 7 and 8; and
 - c. The individual completes the armed first responder recertification course requirements every twelve months.
13. A firearm or dangerous weapon carried by an armed first responder on school premises must remain concealed and under the direct control of the certified armed first responder or stored in a lockbox accessible only by the armed first responder.
14. The school board or governing board shall approve a posttraumatic stress disorder treatment program for armed first responders.
15. The school board or governing board may withdraw a school from participation in the program at anytime.

16. A school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
17. The board of a school district or the governing body of a nonpublic school may establish a program for providing a plan to establish a school first responder which includes authorizing an individual to conceal and carry a weapon if the individual has received education and training in accordance with this section.
18. A staff member may choose not to function in the capacity of a school first responder.
19. An individual authorized to work as a first responder under subsection 17, a school district, the board of a school district, or the governing body of a nonpublic school that establishes a first responder program is not civilly or criminally liable for any act or omission of the first responder if the first responder is acting in good faith while providing protection to a student or the school, except if the first responder's conduct amounts to gross negligence.

SECTION 2. AMENDMENT. Subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

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 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; ~~and~~
- 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 1 of this Act.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1332.

House Vote: Yeas 75 Nays 15 Absent 4

Senate Vote: Yeas 31 Nays 14 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State