

**State of North Dakota  
Office of Attorney General**

**MANUAL FOR NORTH DAKOTA  
CONCEALED WEAPON PERMITS**



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## **GENERAL INFORMATION REGARDING CONCEALED WEAPON PERMIT APPLICATIONS**

**Application Forms:** Application for Concealed Weapon Permit forms are available from the local police department, sheriff's office, or by contacting the Bureau of Criminal Investigation.

**Minimum Age:** Applicants must be at least 18 years of age to apply for a permit.

**Testing:** Applicants must take a written test from a concealed weapon permit test administrator. Local police departments or sheriff's offices can provide information on test administrators in your area. The Office of Attorney General website also provides a list of civilian test administrators. The written test is open-book and consists of ten questions. You must get all questions correct.

**Testing Fees:** The maximum amount a test administrator may charge for the test is \$25. If the applicant does not pass the written test on the first attempt, the test administrator may charge for each subsequent test.

**Signatures Required:** Applications must be signed by the Sheriff of the county in which the applicant resides. If the applicant lives in a city with a police department, the application must also be signed by the Chief of Police.

**Applicant Fees/Photos/Fingerprints:** After successful completion of the written test, submit the completed application, two color photos (size 1" x 1¼") and a check for \$25 made payable to the "North Dakota Office of Attorney General" to your local law enforcement agency. The agency will review your application, obtain fingerprints, conduct a local records check, determine your ability to obtain the permit, and forward the information to the BCI.

**Record Checks at BCI:** BCI performs state and national records checks and processes applicant fingerprints through the regional Automated Fingerprint Identification System (AFIS).

**Those Prohibited:** Concealed weapon permits may only be issued to those who legally may possess a firearm or dangerous weapon. Individuals may be prohibited by state or federal law from owning, possessing, or having a firearm under their control.

**Weapon Purchase/NICS Alternative:** Because a National Instant Check System (NICS) background check is completed during the application process, the requirement for a NICS check for each firearm purchase is waived for North Dakota residents with a valid concealed weapon permit. The NICS number is printed on the permit. The weapon dealer may choose to accept the permit as an alternate to a NICS check. They are not required to use it as an alternative.

**Nonresidents:** Individuals who are not residents of North Dakota may apply for a North Dakota concealed weapon permit, but cannot use the permit as an alternate to a NICS check when purchasing firearms.

**Reciprocity:** North Dakota has "reciprocity" with some, but not all, other states. This means that a North Dakota concealed weapon permit is valid while in those states, and permits from those states are recognized as valid in North Dakota. BCI maintains a list of states with which North Dakota has reciprocity.

**Permit Period:** Concealed weapon permits are valid for a period of three years.

**Renewal Notices:** A renewal notice will be sent to the mailing address we have on file prior to the expiration date.

**Address Change:** Permit holders are required to submit a change of address in writing to the BCI within 30 days after an address change. The request must include name, permit number, old address, and new address. Keeping address information up-to-date is important because renewal notices are sent to the mailing address the BCI has on file.

**Lost or Destroyed Permits:** If a permit is lost or destroyed, a replacement may be obtained from BCI. Please send a written request to the BCI indicating the permit holder's name, address, date of birth, and the reason a replacement is needed. Two 1" x 1 ¼" photographs of the permit holder must also be enclosed.

**Renewal Period:** The renewal process may begin 45 days prior to permit expiration and up to 90 days after expiration. If a permit holder fails to begin the renewal process within the 90-day grace period after the expiration date, the individual may not "renew" the permit. They must re-apply by taking the written test, getting fingerprinted, etc.

**Expired Permits:** If your permit has expired, do not carry concealed! You must be able to produce a valid concealed weapon permit upon demand at all times while carrying concealed. If your permit has expired, it is not a valid permit.

**Renewal Process:** The process for renewal is very similar to the process for the original application except that fingerprint submission and testing are not required. Contact local law enforcement (or BCI) for an application form, indicate "renewal" and provide your current permit number on your application, obtain signatures of the county Sheriff and the Chief of Police (if you reside in a city with a police department), submit a check for \$25 made payable to the "North Dakota Office of Attorney General" and two 1" x 1 ¼" photographs to BCI. Local, state, and national record checks will be conducted.

**Denials:** A concealed weapon permit application may be denied for a variety of reasons including: if the applicant is prohibited by state or federal law from possessing any weapon; if the applicant fails to provide a valid reason to possess a concealed weapon; if the application is not complete; if the applicant made a material false statement on the application; and for any good and valid reason that has a direct bearing on the applicant's fitness to carry and possess a concealed weapon.

**Revocations:** Once issued, a concealed weapon permit may be revoked if an individual becomes prohibited by state or federal law from possessing a firearm, or if another valid reason to revoke a permit exists. Examples would include: a criminal violation while the permit holder was in the possession of a concealed weapon, a conviction of any weapons law, false statements on the application, etc.

**CHAPTER 62.1-01**  
**DEFINITIONS - GENERAL PROVISIONS**

**62.1-01-01. General definitions.** As used in this title, unless the context otherwise requires:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any stun gun; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO<sub>2</sub> gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance.
2. "Direct supervision of an adult" means that an adult is present in such close proximity so as to be capable of observing and directing the actions of the individual supervised.
3. "Firearm" or "weapon" means any device which will expel, 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.
4. "Gaming site" means any room or premises licensed by the attorney general or by a city or county governing body to conduct legal gaming operations.
5. "Government building" means a building which is owned, possessed, or used by or leased to the state of North Dakota, or any of its political subdivisions.
6. "Handgun" means any firearm that is not designed to be fired from the shoulder, which has a barrel less than sixteen 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 the Thompson contender forty-five caliber single-shot center-fire with a pistol grip or similar firearm, if in compliance with the National Firearms Act [26 U.S.C. 5801-5872].
7. "Law enforcement officer" means 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.
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 five or more shots to the second.
9. "Plain view" means the handgun is placed in such a location or carried in such a position as to be easily discernible by the ordinary observation of a passerby. In a motor vehicle, this includes being placed on the seat, dashboard, or in a gunrack as long as the handgun is not covered or is in any other way concealed from view.
10. "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.

11. "Secured" means the firearm is closed into the trunk or nonpassenger part of the vehicle; placed into a closed and secure carrying device; rendered inoperative by the use of a trigger, hammer, cylinder, slide, or barrel-locking device that renders the firearm incapable of firing until the device is unlocked and removed; or so disassembled or disabled as to be rendered incapable of firing.
12. "Short-barreled rifle" means a rifle having one or more barrels less than sixteen 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 twenty-six inches [66.04 centimeters].
13. "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen 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 twenty-six inches [66.04 centimeters].
14. "Shotgun" means a firearm designed or redesigned, made or remade, and intended to be fired with one hand below or behind and one 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.
15. "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.
16. "Unloaded" means the chamber of the firearm does not contain a loaded shell. If the firearm is a revolver, then none of the chambers in the cylinder may contain a loaded shell. Handguns with a removable magazine or clip must have the magazine or clip removed from the firearm if the magazine or clip contains any loaded shells.

**62.1-01-02. Forfeiture of dangerous weapon or firearm by person arrested and convicted of crime.** Any firearm or dangerous weapon used or possessed while in the commission of a felony or a misdemeanor involving violence or intimidation must be seized and, upon conviction and by motion, forfeited to the jurisdiction in which the arrest was made or the jurisdiction in which the charge arose. Except as provided in chapter 29-01 for stolen property, the forfeited firearm or dangerous weapon may be, pursuant to court order, sold at public auction, sold or traded to other law enforcement agencies or authorized firearm dealers, retained for use, or destroyed.

**62.1-01-03. Limitation on authority of political subdivision regarding firearms.** No political subdivision, including home rule cities or counties, may enact any ordinance relating to the purchase, sale, ownership, transfer of ownership, registration, or licensure of firearms and ammunition which is more restrictive than state law. All such existing ordinances are void.



## **CHAPTER 62.1-02 POSSESSION OF WEAPONS**

### **62.1-02-01. Persons who are not to possess firearms - Penalty.**

1. A person who has been convicted anywhere for a felony involving violence or intimidation, as defined in chapters 12.1-16 through 12.1-25, 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 ten years after the date of conviction or release from incarceration or probation, whichever is latest.
2. A person who has been convicted of any felony not provided for in subsection 1 or has been convicted of a class A misdemeanor involving violence or intimidation and that crime was committed while using or possessing a firearm or dangerous weapon, as defined in chapters 12.1-16 through 12.1-25, 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 five years after the date of conviction or release from incarceration or probation, whichever is latest.
3. 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 mentally ill person as defined in section 25-03.1-02, or as a mentally deficient person as defined in section 25-01-01, 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 three years.
4. A person under the age of eighteen 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.

A person who violates subsection 1 or 2 is guilty of a class C felony, and a person who violates subsection 3 or 4 is guilty of a class A misdemeanor. For the purposes of this section, "conviction" means determination by a jury or court that a person committed one of the above-mentioned crimes even though the court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02 or deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02, placed the defendant on probation, the defendant's conviction has been reduced in accordance with subsection 9 of section 12.1-32-02 or section 12.1-32-07.1, or a determination under chapter 27-20 that the person committed a delinquent act equivalent to the offenses provided in subsection 1 or 2.

**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.

### **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].

**62.1-02-04. Possession of firearm or dangerous weapon in liquor establishment or gaming site prohibited - Penalty - Exceptions.** Any person who enters or remains in that part of the establishment that is set aside for the retail sale in an establishment engaged in the retail sale of alcoholic beverages or used as a gaming site while in the possession of a firearm or dangerous weapon is guilty of a class A misdemeanor. This section does not apply to:

1. A law enforcement officer.
2. The proprietor.
3. The proprietor's employee.
4. A designee of the proprietor when the designee is displaying an unloaded firearm or dangerous weapon as a prize or sale item in a raffle or auction.
5. Private security personnel while on duty for the purpose of delivering or receiving moneys used at the liquor establishment or gaming site.

**62.1-02-05. 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 athletic or sporting events, schools or school functions, churches or church functions, political rallies or functions, musical concerts, 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. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient.
3. This section does not prevent any political subdivision from enacting an ordinance which is less restrictive than this section relating to the possession of firearms at a public gathering. Such an ordinance supersedes this section within the jurisdiction of the political subdivision.

**62.1-02-06. Discharge of firearm within city - Penalty - Application.** A person who discharges a firearm within a city is guilty of a class B misdemeanor. This section does not apply to 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 shooting galleries and ranges.

**62.1-02-07. Use of firearm by certain minors prohibited - Penalty.** Any parent, guardian, or other person having charge or custody of any minor under fifteen years of age who permits that minor to carry or use in public any firearm of any description loaded with powder and projectile, except when the minor is under the direct supervision of the parent, guardian, or other person authorized by the parent or guardian, is guilty of a class B misdemeanor.

**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.
2. The offense is a class C felony if the actor:
  - a. Was not licensed or otherwise authorized by law to handle, transfer, or engage in transactions with respect to the firearm, destructive device, or explosive material; or
  - b. Engaged in the forbidden transaction under circumstances manifesting the actor's readiness to supply or procure on other occasions in disregard of lawful restrictions.

Otherwise the offense is a class A misdemeanor.

**62.1-02-09. Possession of explosive and destructive device in government building - Penalty.** A person, except for a law enforcement officer while on official business, is guilty of a class C felony if the person possesses an explosive or destructive device in a government building without the written consent of the government agency or person responsible for the management of the building.

**62.1-02-10. Carrying loaded firearm in vehicle - Penalty - Exceptions.** No person may keep or carry a loaded firearm in or on any motor vehicle in this state. Any person violating this section is guilty of a class B misdemeanor. This prohibition does not apply to:

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer, except while the officer is engaged in hunting or trapping activities with a rifle or shotgun.
3. Any person possessing a valid North Dakota concealed weapons license or a valid license issued by another state authorizing the person to carry a dangerous weapon concealed if that state permits a holder of a valid North Dakota concealed weapons license to carry a dangerous weapon concealed in that state without obtaining a similar license from that state, except while that person is in the field engaged in hunting or trapping activities.
4. Any person in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.
5. A security guard or private investigator licensed to carry firearms by the attorney general.

6. Any person possessing a valid special permit issued pursuant to section 20.1-02-05.

**62.1-02-11. Possessing explosive prohibited - Exception - Penalty.** No person may have in custody, possession, or control, any nitroglycerin, dynamite, or any other dangerous or violent explosive unless the explosive is carried in the prosecution of or to effect a lawful and legitimate purpose. Any person violating this section is guilty of a class C felony.

**62.1-02-12. Resident may purchase rifle or shotgun in contiguous state - Application - Definitions.** Repealed by S.L. 2005, ch. 598, § 2.

## CHAPTER 62.1-03 HANDGUNS

### 62.1-03-01. Carrying handgun - Restrictions - Exceptions.

1. A handgun may be carried by a person not prohibited from possessing one by section 62.1-02-01 or any other state statute, in a manner not prohibited by section 62.1-02-10 if:
  - a. Between the hours of one hour before sunrise and one hour after sunset, the handgun is carried unloaded and either in plain view or secured.
  - b. Between the hours of one hour after sunset and one hour before sunrise, the handgun is carried unloaded and secured.
2. The restrictions provided in subdivisions a and b of subsection 1 do not apply to:
  - a. Any person possessing a valid North Dakota concealed weapons license or a valid license issued by another state authorizing the person to carry a dangerous weapon concealed if that state permits a holder of a valid North Dakota concealed weapons license to carry a dangerous weapon concealed in that state without obtaining a similar license from that state.
  - b. Any person on that person's land, or in that person's permanent or temporary residence, or fixed place of business.
  - c. Any person while lawfully engaged in target shooting.
  - d. Any person while in the field engaging in the lawful pursuit of hunting or trapping. However, nothing in this exception authorizes the carrying of a loaded handgun in a motor vehicle.
  - e. Any person permitted by law to possess a handgun while carrying the handgun unloaded and in a secure wrapper from the place of purchase to that person's home or place of business, or to a place of repair or back from those locations.
  - f. Any North Dakota law enforcement officer.
  - g. Any law enforcement officer of any other state or political subdivision thereof if on official duty within this state.
  - h. Any armed security guard or investigator as authorized by the attorney general when on duty or going to or from duty.
  - i. Any member of the armed forces of the United States when on duty or going to or from duty and when carrying the handgun issued to the member.
  - j. Any member of the national guard, organized reserves, state defense forces or state guard organizations, when on duty or going to or from duty and when carrying the handgun issued to the member by the organization.
  - k. Any officer or employee of the United States duly authorized to carry a handgun.
  - l. Any person engaged in manufacturing, repairing, or dealing in handguns or the agent or representative of such person possessing, using, or carrying a handgun in the usual or ordinary course of such business.

- m. Any common carrier, but only when carrying the handgun as part of the cargo in the usual cargo carrying portion of the vehicle.

**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.

**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 seven 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.

**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.

**62.1-03-05. Prohibited alterations in handgun.** No person may change, alter, remove, or obliterate any mark of identification on a handgun, such as the name of the maker, model, or manufacturer's number or knowingly possess a handgun on which such alterations have been made. Possession of any handgun upon which any such identification mark has been changed, altered, removed, or obliterated creates a rebuttable presumption that the possessor made the alterations.

**62.1-03-06. General penalty.** Any person who violates any provision of this chapter, for which another penalty is not specifically provided, is guilty of a class A misdemeanor.

## **CHAPTER 62.1-04 CONCEALED WEAPONS**

**62.1-04-01. Definition of concealed.** A firearm or dangerous weapon is concealed if it is carried in such a manner as to not be discernible by the ordinary observation of a passerby. There is no requirement that there be absolute invisibility of the firearm or dangerous weapon, merely that it not be ordinarily discernible. A firearm or dangerous weapon is considered concealed if it is not secured, and is worn under clothing or carried in a bundle that is held or carried by the individual, or transported in a vehicle under the individual's control or direction and available to the individual, including beneath the seat or in a glove compartment. A firearm or dangerous weapon is not considered concealed if it is:

1. Carried in a belt holster which is wholly or substantially visible or carried in a case designed for carrying a firearm or dangerous weapon and which is wholly or substantially visible;
2. Locked in a closed trunk or luggage compartment of a motor vehicle;
3. Carried in the field while lawfully engaged in hunting, trapping, or target shooting, whether visible or not; or
4. Carried by any person permitted by law to possess a handgun unloaded and in a secure wrapper from the place of purchase to that person's home or place of business, or to a place of repair, or back from those locations.
5. A bow and arrow, an unloaded rifle or shotgun, or an unloaded weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas including any such weapon commonly referred to as a BB gun, air rifle, or CO<sub>2</sub> gun, while carried in a motor vehicle.

**62.1-04-02. Carrying concealed firearms or dangerous weapons prohibited.** No person, other than a law enforcement officer, may carry any firearm or dangerous weapon concealed unless the person is licensed to do so or exempted pursuant to this chapter. For purposes of this chapter, dangerous weapon does not mean a spray or aerosol containing CS (ortho-chlorobenzamalonitrile), CN (alpha-chloroacetophenone), or other irritating agent intended for use in the defense of a person.

### **62.1-04-03. License to carry a firearm or dangerous weapon concealed.**

1. The chief 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 chief if the following criteria are met:
  - a. The applicant has a valid reason for carrying the firearm or dangerous weapon concealed, including self-protection, protection of others, or work-related needs.
  - b. The applicant is not a person specified in section 62.1-02-01.
  - c. The applicant has the written approval for the issuance of a license from the sheriff of the applicant's county of residence, and, if the city has one, the chief of police or a designee of the city in which the applicant resides. The approval by the sheriff may not be given until the applicant has successfully completed a background investigation in that county and has attended a testing procedure conducted pursuant to rules adopted by the attorney general. The testing procedure for approval of a concealed weapons

license must be an open book test to be given from a manual that sets forth weapon safety rules and the deadly force law of North Dakota, including judicial decisions and attorney general opinions. A weapons instructor certified by the attorney general shall conduct the testing procedure. The attorney general shall develop rules that ensure that this testing will be conducted. The person conducting the testing may assess a charge of up to twenty-five dollars for conducting this testing. The testing procedure is not required for a renewal of a concealed weapons license.

- d. The applicant satisfactorily completes the bureau of criminal investigation application form and has successfully passed a background investigation or criminal records check conducted by that agency.
  - e. The applicant is not prohibited under federal law from owning, possessing, or having a firearm under that person's control.
2. The sheriff is required to process the application within thirty days after the completion of the testing portion unless the application is for renewal of a license and in such case the application must be processed within thirty days after its receipt by the sheriff, the chief of police is required to process the application within ten working days of receipt by the agency, and the bureau of criminal investigation is required to process the application and make a determination within thirty days of receipt from the forwarding agency.
  3. The license fee for a concealed weapons license is twenty-five dollars. Ten dollars of this fee must be credited to the state general fund and fifteen dollars of this fee must be credited to the attorney general's operating fund up to a total of seventy-five thousand dollars each biennium. Any collections from fifteen dollars of this fee in excess of the seventy-five thousand dollars credited to the attorney general's operating fund each biennium must be credited to the state general fund. The license fee must be paid before the license is issued by the director of the bureau of criminal investigation.
  4. The chief 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 background investigation and be accompanied by two sets of classifiable fingerprints. The two sets of classifiable fingerprints are not required for a renewal of a concealed weapons license. The license is valid for three years. The license must be prepared in triplicate, and the original must be delivered to the licensee, the duplicate must be sent by mail, within seven days after issuance, to the sheriff of the county in which the applicant resides, and the triplicate must be preserved for six years by the chief. In those cases in which the licensee resides in a city, an additional copy of the license must be made and sent by mail, within seven days after issuance, to the chief of police of the city in which the applicant resides. The individual shall notify the chief 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.
  5. The chief 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.
  6. The applicant may appeal a denial or revocation of this license to the district court of the applicant's county of residence.



7. 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.
8. The attorney general may adopt rules to carry out this title.

**62.1-04-03.1. Reciprocity.** A person who has a valid license issued by another state to carry a concealed firearm or dangerous weapon in that state and whose state grants to residents of this state the right to carry a concealed firearm or dangerous weapon without requiring a separate license to carry a concealed firearm or dangerous weapon issued by that state may carry, subject to the provisions of this state's law, a concealed firearm or dangerous weapon in this state, and the other state's license is valid in this state.

**62.1-04-04. Producing license on demand.** Every person while carrying a concealed firearm or dangerous weapon for which a license to carry concealed is required, shall have on one's person the license issued by this or another state and shall give it to any law enforcement officer for an inspection upon demand by the officer. The failure of any person to give the license to the officer is prima facie evidence that the person is illegally carrying a firearm or dangerous weapon concealed.

**62.1-04-05. Penalty.** Any person who violates this chapter is guilty of a class A misdemeanor.

**CHAPTER 62.1-05**  
**MACHINE GUNS, AUTOMATIC RIFLES, SILENCERS, BOMBS**

**62.1-05-01. Possession and sale of machine guns, automatic rifles, silencers, and bombs - Penalty - Forfeiture.** No person may 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].

Any federal licensee who purchases, sells, has, or possesses those items for the licensee's protection or for sale 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 to the chief of the bureau of criminal investigation within five days of the receipt of those forms.

A person who violates this section is guilty of a class C felony. Upon arrest of that person, the firearm or dangerous weapon must be seized. Upon conviction of the person and motion to the court in which the conviction occurred, the firearm or dangerous weapon must be forfeited to the jurisdiction in which the arrest was made. The firearm or dangerous weapon may be sold at public auction, retained for use, or destroyed pursuant to the court's order. If a qualified local program as defined under section 12.1-32-02.2 has paid a reward for information that resulted in forfeiture of the item and the item has been sold, the jurisdiction shall, after payment of expenses for forfeiture and sale, repay the qualified local program for the reward that it has paid.

**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.

**CHAPTER 12.1-05**  
**JUSTIFICATION - EXCUSE - AFFIRMATIVE DEFENSES**

**12.1-05-01. Justification.**

1. Except as otherwise expressly provided, justification or excuse under this chapter is a defense.
2. If a person is justified or excused in using force against another, but he recklessly or negligently injures or creates a risk of injury to other persons, the justifications afforded by this chapter are unavailable in a prosecution for such recklessness or negligence.
3. That conduct may be justified or excused within the meaning of this chapter does not abolish or impair any remedy for such conduct which is available in any civil action.

**12.1-05-02. Execution of public duty.**

1. Conduct engaged in by a public servant in the course of the person's official duties is justified when it is required or authorized by law.
2. A person who has been directed by a public servant to assist that public servant is justified in using force to carry out the public servant's direction, unless the action directed by the public servant is plainly unlawful.
3. A person is justified in using force upon another to effect that person's arrest or prevent that person's escape when a public servant authorized to make the arrest or prevent the escape is not available if the other person has committed, in the presence of the actor, any crime which the actor is justified in using force to prevent, or if the other person has committed a felony involving force or violence.
4. Conduct engaged in by an individual at the direction of a public servant, known by that individual to be a law enforcement officer, to assist in the investigation of a criminal offense is justified unless the individual knows or has a firm belief, unaccompanied by substantial doubt, that the conduct is not within the law enforcement officer's official duties or authority. For purposes of this subsection, conduct "not within the law enforcement officer's official duties or authority" is conduct in which the law enforcement officer alone could not lawfully engage in that officer's official capacity. When practicable, permission must be obtained from a parent or guardian of a minor who is under the age of eighteen years and is neither married nor in the military service of the United States before the minor may engage in conduct, other than the providing of information, to assist in a criminal investigation under the direct supervision of a public servant.

**12.1-05-03. Self-defense.** A person is justified in using force upon another person to defend himself against danger of imminent unlawful bodily injury, sexual assault, or detention by such other person, except that:

1. A person is not justified in using force for the purpose of resisting arrest, execution of process, or other performance of duty by a public servant under color of law, but excessive force may be resisted.

2. A person is not justified in using force if:
  - a. He intentionally provokes unlawful action by another person to cause bodily injury or death to such other person; or
  - b. He has entered into a mutual combat with another person or is the initial aggressor unless he is resisting force which is clearly excessive in the circumstances. A person's use of defensive force after he withdraws from an encounter and indicates to the other person that he has done so is justified if the latter nevertheless continues or menaces unlawful action.

**12.1-05-04. Defense of others.** A person is justified in using force upon another person in order to defend anyone else if:

1. The person defended would be justified in defending himself; and
2. The person coming to the defense has not, by provocation or otherwise, forfeited the right of self-defense.

**12.1-05-05. Use of force by persons with parental, custodial, or similar responsibilities.** The use of force upon another person is justified under any of the following circumstances:

1. Except as provided in section 15.1-19-02, a parent, guardian, or other person responsible for the care and supervision of a minor, or other person responsible for the care and supervision of a minor for a special purpose, or a person acting at the direction of any of the foregoing persons, may use reasonable force upon the minor for the purpose of safeguarding or promoting the minor's welfare, including prevention and punishment of the minor's misconduct, and the maintenance of proper discipline. The force may be used for this purpose, whether or not it is "necessary" as required by subsection 1 of section 12.1-05-07. The force used must not create a substantial risk of death, serious bodily injury, disfigurement, or gross degradation.
2. A guardian or other person responsible for the care and supervision of an incompetent person, or a person acting at the direction of the guardian or responsible person, may use reasonable force upon the incompetent person for the purpose of safeguarding or promoting the incompetent person's welfare, including the prevention of the incompetent person's misconduct or, when the incompetent person is in a hospital or other institution for care and custody, for the purpose of maintaining reasonable discipline in the institution. The force may be used for these purposes, whether or not it is "necessary" as required by subsection 1 of section 12.1-05-07. The force used must not create a substantial risk of death, serious bodily injury, disfigurement, or gross degradation.
3. A person responsible for the maintenance of order in a vehicle, train, vessel, aircraft, or other carrier, or in a place where others are assembled, or a person acting at the responsible person's direction, may use force to maintain order.
4. A duly licensed physician, or a person acting at a duly licensed physician's direction, may use force in order to administer a recognized form of treatment to promote the physical or mental health of a patient if the treatment is administered:
  - a. In an emergency;

- b. With the consent of the patient, or, if the patient is a minor or an incompetent person, with the consent of the patient's parent, guardian, or other person entrusted with the patient's care and supervision; or
  - c. By order of a court of competent jurisdiction.
5. A person may use force upon another person, about to commit suicide or suffer serious bodily injury, to prevent the death or serious bodily injury of such other person.

**12.1-05-06. Use of force in defense of premises and property.** Force is justified if it is used to prevent or terminate an unlawful entry or other trespass in or upon premises, or to prevent an unlawful carrying away or damaging of property, if the person using such force first requests the person against whom such force is to be used to desist from his interference with the premises or property, except that a request is not necessary if it would be useless or dangerous to make the request or substantial damage would be done to the property sought to be protected before the request could effectively be made.

**12.1-05-07. Limits on the use of force - Excessive force - Deadly force.**

- 1. A person is not justified in using more force than is necessary and appropriate under the circumstances.
- 2. Deadly force is justified in the following instances:
  - a. When it is expressly authorized by law or occurs in the lawful conduct of war.
  - b. When used in lawful self-defense, or in lawful defense of others, if such force is necessary to protect the actor or anyone else against death, serious bodily injury, or the commission of a felony involving violence. The use of deadly force is not justified if it can be avoided, with safety to the actor and others, by retreat or other conduct involving minimal interference with the freedom of the person menaced. A person seeking to protect someone else must, before using deadly force, try to cause that person to retreat, or otherwise comply with the requirements of this provision, if safety can be obtained thereby. But, (1) a public servant justified in using force in the performance of his duties or a person justified in using force in his assistance need not desist from his efforts because of resistance or threatened resistance by or on behalf of the person against whom his action is directed; and (2) no person is required to retreat from his dwelling or place of work unless he was the original aggressor or is assailed by a person who he knows also dwells or works there.
  - c. When used by a person in possession or control of a dwelling or place of work, or a person who is licensed or privileged to be there, if such force is necessary to prevent commission of arson, burglary, robbery, or a felony involving violence upon or in the dwelling or place of work, and the use of force other than deadly force for such purposes would expose anyone to substantial danger of serious bodily injury.
  - d. When used by a public servant authorized to effect arrests or prevent escapes, if such force is necessary to effect an arrest or to prevent the escape from custody of a person who has committed or attempted to commit a felony involving violence, or is attempting to escape by the use of a deadly weapon, or has otherwise indicated that he is likely to endanger human life or to inflict serious bodily injury unless apprehended without delay.

- e. When used by a guard or other public servant, if such force is necessary to prevent the escape of a prisoner from a detention facility, unless he knows that the prisoner is not such a person as described in subdivision d. A detention facility is any place used for the confinement, pursuant to a court order, of a person (1) charged with or convicted of an offense; or (2) charged with being or adjudicated a juvenile delinquent; or (3) held for extradition; or (4) otherwise confined pursuant to court order.
- f. When used by a duly licensed physician, or a person acting at his direction, if such force is necessary to administer a recognized form of treatment to promote the physical or mental health of a patient and if the treatment is administered (1) in an emergency; (2) with the consent of the patient, or, if the patient is a minor or an incompetent person, with the consent of his parent, guardian, or other person entrusted with his care and supervision; or (3) by order of a court of competent jurisdiction.
- g. When used by a person who is directed or authorized by a public servant, and who does not know that, if such is the case, the public servant is himself not authorized to use deadly force under the circumstances.

**12.1-05-08. Excuse.** A person's conduct is excused if he believes that the facts are such that his conduct is necessary and appropriate for any of the purposes which would establish a justification or excuse under this chapter, even though his belief is mistaken. However, if his belief is negligently or recklessly held, it is not an excuse in a prosecution for an offense for which negligence or recklessness, as the case may be, suffices to establish culpability. Excuse under this section is a defense or affirmative defense according to which type of defense would be established had the facts been as the person believed them to be.

**12.1-05-09. Mistake of law.** Except as otherwise expressly provided, a person's good faith belief that conduct does not constitute a crime is an affirmative defense if he acted in reasonable reliance upon a statement of the law contained in:

- 1. A statute or other enactment.
- 2. A judicial decision, opinion, order, or judgment.
- 3. An administrative order or grant of permission.
- 4. An official interpretation of the public servant or body charged by law with responsibility for the interpretation, administration, or enforcement of the law defining the crime.

**12.1-05-10. Duress.**

- 1. In a prosecution for any offense, it is an affirmative defense that the actor engaged in the proscribed conduct because he was compelled to do so by threat of imminent death or serious bodily injury to himself or to another. In a prosecution for an offense which does not constitute a felony, it is an affirmative defense that the actor engaged in the proscribed conduct because he was compelled to do so by force or threat of force. Compulsion within the meaning of this section exists only if the force, threat, or circumstances are such as would render a person of reasonable firmness incapable of resisting the pressure.
- 2. The defense defined in this section is not available to a person who, by voluntarily entering into a criminal enterprise, or otherwise, willfully placed himself in a situation in which it was foreseeable that he would be subjected to duress. The defense is also unavailable if he was

negligent in placing himself in such a situation, whenever negligence suffices to establish culpability for the offense charged.

**12.1-05-11. Entrapment.**

1. It is an affirmative defense that the defendant was entrapped into committing the offense.
2. A law enforcement agent perpetrates an entrapment if, for the purpose of obtaining evidence of the commission of a crime, the law enforcement agent induces or encourages and, as a direct result, causes another person to engage in conduct constituting such a crime by employing methods of persuasion or inducement which create a substantial risk that such crime will be committed by a person other than one who is ready to commit it. Conduct merely affording a person an opportunity to commit an offense does not constitute entrapment.
3. In this section "law enforcement agent" includes personnel of federal and local law enforcement agencies as well as state agencies, and any person cooperating with such an agency.

**12.1-05-12. Definitions.** In this chapter:

1. "Deadly force" means force which a person uses with the intent of causing, or which he knows creates a substantial risk of causing, death or serious bodily injury. A threat to cause death or serious bodily injury, by the production of a weapon or otherwise, so long as the actor's intent is limited to creating an apprehension that he will use deadly force if necessary, does not constitute deadly force.
2. "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is for the time being a person's home or place of lodging.
3. "Force" means physical action, threat, or menace against another, and includes confinement.
4. "Premises" means all or any part of a building or real property, or any structure, vehicle, or watercraft used for overnight lodging of persons, or used by persons for carrying on business therein.

## **RECIPROCITY**

North Dakota Century Code § 62.1-04-03.1 provides that if another state recognizes the North Dakota concealed weapon permit, then North Dakota will recognize that other state's permit. The Bureau of Criminal Investigation maintains a list of reciprocity states. The information is available by contacting the BCI office or by visiting our website.

It is important to realize that individuals must be familiar with and obey the laws of the state in which they are traveling. While North Dakota state law allows for concealed weapon permit reciprocity with other states, it is the ultimate responsibility of the permit holder to contact the state in which they would like to carry a concealed weapon, to insure that carrying the weapon concealed in that other state is, in fact, lawful.



## FEDERAL PROHIBITIONS ON POSSESSION OF WEAPONS

62.1-04-03 (1)(e) requires that concealed weapon permits may not be issued to any applicant prohibited under federal law from owning, possessing, or having a firearm under that person's control. Because federal law may change after the printing and distribution of this manual, it is the responsibility of the concealed weapon permit holder or applicant to be familiar with, and to comply with, all federal laws regarding the purchase, possession, and use of firearms and dangerous weapons.

At the printing of this manual, persons prohibited from receiving firearms under Title 18 USC 922(g)(1) through (9) and (n) are those who:

- (1) have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) are fugitives from justice;
- (3) are unlawful users of or addicted to any controlled substance;
- (4) have been adjudicated as a mental defective or who have been committed to a mental institution;
- (5) are illegal or unlawful aliens;
- (6) have been discharged from the Armed Forces under dishonorable conditions;
- (7) have renounced their US citizenship;
- (8) are the subject of a protection or restraining order;
- (9) have been convicted in any court of a misdemeanor crime of domestic violence;
- (n) are under indictment or information for a crime punishable by imprisonment for a term exceeding one year.

**Items (1 and n):** in many states this refers to "felony" offenses but it can also apply to specific misdemeanors in some states.

As indicated in 62.1-02-01, if an individual has been convicted of a felony in North Dakota, firearm rights are restored after a 5 or 10 year period depending on the type of crime. If convicted of a misdemeanor A offense involving violence and intimidation and a firearm, firearm rights are restored after 5 years.

If an individual has been convicted of a felony or disqualifying misdemeanor in a state other than North Dakota, and that state has not restored firearm rights, the individual is federally prohibited.

If an individual is under indictment or information (has been formally accused) of a crime that is punishable by imprisonment for a term exceeding one year, the individual is federally prohibited.

**Item (2):** If a person has an active misdemeanor or felony warrant in any state, that person is federally prohibited.

**Item (3):** A person is federally prohibited, if that person:

- (1) has been convicted for use or possession of a controlled substance within the past year; or
- (2) has multiple arrests for use or possession of a controlled substance within the past five years and the most recent arrest occurred within the past year; or
- (3) has been arrested for use or possession of a controlled substance within the past year and the substance tested positive for a controlled substance.

**Item (4):** If there has been a determination by a court, board, commission or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetence, condition or disease, (1) is a danger to himself or others, or (2) lacks the mental capacity to contract or manage their own affairs, that person is federally prohibited.

**Item (5):** Only a legal and lawful alien may purchase or redeem a firearm.

For those with immigrant status, the following must be provided:

- (1) proof of 90 consecutive days of residency;
- (2) a form of government issued photo identification; and
- (3) a valid alien registration card issued by United States Immigration and Customs Enforcement (ICE)

For nonimmigrant status, the following must be provided:

- (1) proof of 90 consecutive days of residency;
- (2) a form of government issued photo identification;
- (3) a valid I94 card issued by United States Immigration and Customs Enforcement; and
- (4) at least one of the following exceptions must be met:
  - a. provide a valid hunting license or permit
  - b. be verified by the US Department of State as an official representative of a foreign government
  - c. be designated by the US Department of State as an official of a foreign government or distinguished foreign visitor
  - d. be verified by the US Department of State as a foreign law enforcement officer of a friendly foreign government entering the US on official law enforcement business
  - e. have a US Department of State verified waiver
  - f. Other lawful documentation as provided by the US Department of State

**Item (6):** Those who have been discharged from the US Armed Forces under dishonorable conditions are federally prohibited.

**Item (7):** Persons that have renounced their US citizenship are federally prohibited.

**Item (8):** Persons subject to a court order that restrains them from harassing, stalking or threatening an intimate partner or child of an intimate partner, or from engaging in other conduct that would place the partner or child in reasonable fear of bodily injury are federally prohibited.

**Item (9):** Persons convicted in any court of a misdemeanor crime of domestic violence are prohibited federally from possessing a firearm.

A person is federally prohibited from possessing a firearm if that person was convicted of a crime, that

- (a) is a misdemeanor under state or federal law (or in states that do not use the terminology "misdemeanor" - any offense that is punishable by imprisonment for a term of one year or less, and includes offenses that are punishable by fine);
- (b) involves the use or attempted use of physical force, or the threatened use of a deadly weapon; and
- (c) was committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or a person similarly situated to a spouse, parent or guardian of the victim.

## WEAPON SAFETY RULES

*The following rules were adopted by the NRA Weapons Safety committee. The Bureau of Criminal Investigation does not mean to imply that this is an exclusive list of precautions which will prevent all accidents. The Bureau assumes no responsibility for accidents which result from following, or failing to follow, these or other safety guidelines.*

Safety rules, in themselves, never prevent an accident. It is the practice of safety *rules* to the point where they become automatic that prevents accidents. Even that is not enough! The mind of the shooter or gun handler must also be devoted to his actions. The person with the gun in his possession has a full time job. You cannot guess, you cannot forget, you must know!

You MUST KNOW:

- How it works
- Whether it's loaded
- Where it's pointing
- Where his target is
- What his target is
- Where the bullet will go
- Where the bullet will stop

IT'S A FULL-TIME JOB!

Under the discipline which is enforced on the range, the possibility of an accident is greatly minimized. It is when yours are the only eyes devoted to the problem, when yours is the only brain thinking about it, that the accident has its greatest chance to happen. Carelessness on your part can bring about the injury or death of another person.

### 1. GENERAL SAFETY PRECAUTIONS

- A. Treat every gun as if it is loaded. It applies, even, to guns which you KNOW to be unloaded.
- B. Open the action. Don't pass a "Closed" weapon to another person. It isn't good gun manners and it isn't safe.
- C. Unload. When you take the handgun from its holster for any purpose other than to fire it ... unload! Remember... YOU are the one who is responsible. Don't take anyone's word for the loaded condition. Check it yourself.
- D. Never point a firearm, loaded or unloaded, at anyone you do not intend to shoot, nor in a direction where unintentional discharge could cause injury or damage. This rule is especially important in connection with dry firing. The person doing the dry firing may be tempted, because he knows the gun to be unloaded, to point it at another person. Don't use a window as a dry firing target. Don't use an inside wall.
- E. Keep the finger out of the trigger guard until you are ready to fire. Develop the habit of handling the handgun without getting the fingers in contact with the trigger. Even stumbling may cause an involuntary grip which could cause an accidental discharge. Remember... the trigger is for firing... the handle is for handling.
- F. Don't pull the hammer back to the cocked position unless you intend to fire. When it is necessary to lower the hammer on a live round, however, use this

procedure: Use de-cock lever or remove finger from trigger and point weapon in safe direction. Place left thumb between the hammer and the frame. Place right thumb securely on the cocking spur to control fall of hammer. Press trigger with right index finger and allow thumb and hammer to move forward slightly. Remove finger from trigger and keep it clear. With the right thumb, let the hammer down slowly until it is in contact with left thumb. Remove left thumb from path of hammer and control remaining fall of hammer. If this procedure is necessary with one hand: Remove finger from trigger and point weapon in a safe direction. Place right thumb securely on cocking spur. Place right index finger on the trigger, squeeze it and remove it immediately. Guide the hammer down very carefully.

- G. Don't allow yourself to acquire nervous habits related to your handgun. Wherever you may be, don't remove it from the holster for idle purposes. In short, don't "play" with it.
- H. Don't let your newfound interest in your handgun make it a "conversation piece" with your family and friends. Do not let them handle it. Be especially careful that your children don't come to look on it as a toy.

## II. SAFETY AT HOME

### A. General statement about guns at home.

Some people believe it is vital to instruct all family members in the use of firearms, and make it a matter of honor that no one will handle the firearms without parental permission. Other parents maintain that firearms should be locked up, out of sight, and if possible, "secret" from other occupants of the home. Since there is no one best method of dealing with the problem, then general guidance seems preferable to inflexible rules.

Common experience demands that all firearms should be kept out of the reach of children and immature or irresponsible adults. Unloaded rifles, shotguns, and handguns should at all times be in a rack, cabinet, closet, or drawer that is locked. Under some circumstances the method of storage should be such that the firearms cannot be seen. Likewise, cartridges and shells should be locked away and preferably out of sight.

Loaded guns in any household present a greater danger potential than unloaded guns. Usually the only reason for having a loaded gun in the home is for protection against criminal intruders. However, there are 2 beliefs on this subject that warrant review.

Some people maintain that no gun should be kept loaded in a home. Instead, when the gun is needed, it and the ammunition can be taken from storage and united at the moment of emergency. On the other hand, people who have been confronted with an emergency that requires a firearm know that the ritual of getting gun and ammunition and bringing them together can be as defeating as having no gun at all.

No matter how certain anyone may feel about his solution, he must make ample allowance for the unexpected that haunts our every pursuit.

While it may seem that instructions and cautions to youngsters are sufficient, in cold reality the gun that is out of sight and behind a proper lock is less likely to be the cause of trouble than a gun more readily available.

In short, in the matter of home gun security, it is safer to be overly careful, and to combine instruction and admonitions with a strong lock on a substantial storage place.

B. Some specific considerations.

One large metropolitan police department says, "Don't sleep with a loaded revolver within easy reach. Not all dreams are of... pleasant things. A handy loaded revolver might cause you to shoot a member of the family or yourself before you are fully awake. Keep it in the same place at all times, but make it far enough from your bed to assure your awakening before you get the gun."

Additional weapon safety information is readily available on the internet, including the following websites:

<http://www.nssf.org/lit/Pub081.pdf>

<http://www.nssf.org/lit/Pub080.pdf>

[http://w3.agsfoundation.com/safety/r\\_universal.html](http://w3.agsfoundation.com/safety/r_universal.html)





**APPLICATION FOR CONCEALED WEAPON PERMIT**  
 OFFICE OF ATTORNEY GENERAL  
 BUREAU OF CRIMINAL INVESTIGATION  
 SFN 9756 (08-05)

New Application  
 Renewal      Prior Permit # \_\_\_\_\_  
 Expiration Date \_\_\_\_\_

FOR OFFICIAL USE ONLY	
DATE CHECKED:	CHECK #
NCIC/CWIS HIT? No Yes	RECEIPT DATE:
ND RECORD? No Yes - Attached	RECEIPT #:
III HIT? No Yes - Attached	
AFIS HIT? No Yes	PERMIT #:
CWPTN:	ISSUE DATE:
NICS #:	ISSUED BY:

**PRIVACY ACT NOTIFICATION**

Your social security number is requested to permit the North Dakota Bureau of Criminal Investigation to properly conduct a background investigation pursuant to NDCC section 62.1-04-03 before the issuance of a license to carry a concealed weapon. Disclosure of your social security number is voluntary. However, not providing this information may result in delay of issuance of a license due to misidentification or criminal records check requirements of other state, local, or federal agencies.

**APPLICANT INFORMATION (Please print clearly in ink, or type)**

NAME (LAST)			(FIRST)			(MIDDLE)			MAIDEN/PRIOR/OTHER NAMES			NICKNAMES				
DATE OF BIRTH				PLACE OF BIRTH (CITY AND STATE)					SOCIAL SECURITY NUMBER				PHONE NUMBER			
SEX	RACE	ETHNICITY	HEIGHT	WEIGHT	EYE COLOR	HAIR COLOR	COUNTY IN WHICH YOU RESIDE				RESIDE IN CITY LIMITS? <input type="checkbox"/> NO <input type="checkbox"/> YES					
MAILING ADDRESS						CITY			STATE			ZIP CODE				
STREET ADDRESS						CITY			STATE			ZIP CODE				
PRIOR ADDRESS(ES) YOU HAVE LIVED AT DURING THE PAST FIVE YEARS (USE ATTACHED ADDITIONAL SHEET IF MORE THAN TWO PRIOR ADDRESSES)																
STREET AND NUMBER				UNIT NO.				CITY				STATE				
CIRCLE ALL STATES WHERE YOU HAVE EVER LIVED AS AN ADULT (18 YRS. OR OLDER). IF THIS IS A RENEWAL, ONLY CIRCLE STATES YOU HAVE LIVED IN DURING THE PAST 3 YEARS.																
AL AK AZ CA CO CT DE DC FL GA HI IA IL IN KS KY LA ME MD MA MI MN MS NE NV NH NJ NM NY NC ND OH OK OR RI SC SD TN TX UT VT VA WA WV WI WY																

**Sample**

**EMPLOYER INFORMATION**

PRESENT EMPLOYER				OCCUPATION/JOB TITLE							
PRESENT EMPLOYER'S ADDRESS				CITY		STATE		ZIP CODE		PHONE NUMBER	

**PLEASE INDICATE IF YOU ARE EMPLOYED IN ANY OF THE FOLLOWING CAPACITIES:**

<input type="checkbox"/> LICENSED PEACE OFFICER	<input type="checkbox"/> EMPLOYEE OF LOCAL CORRECTIONAL FACILITY	<input type="checkbox"/> JUVENILE COURT SUPERVISOR
<input type="checkbox"/> EMPLOYEE OF LAW ENFORCEMENT AGENCY	<input type="checkbox"/> EMPLOYEE OF DEPARTMENT OF CORRECTIONS AND REHABILITATION	<input type="checkbox"/> JUVENILE PROBATION OFFICER
<input type="checkbox"/> LOCAL CORRECTIONAL OFFICER		
IF YOU ARE AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY, STATE OR LOCAL CORRECTIONAL FACILITY, OR THE DEPARTMENT OF CORRECTIONS AND REHABILITATION (DOCR), DO YOU EVER WORK IN AN UNDERCOVER CAPACITY? <input type="checkbox"/> NO <input type="checkbox"/> YES		

**ADDITIONAL REQUIRED INFORMATION**

NEW APPLICANTS: HAVE YOU EVER BEEN CHARGED WITH OR CONVICTED OF A CRIME OTHER THAN TRAFFIC VIOLATIONS?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - LIST ON ATTACHED SHEET
RENEWAL APPLICANTS: IN THE LAST THREE YEARS, HAVE YOU BEEN CHARGED WITH OR CONVICTED OF A CRIME OTHER THAN TRAFFIC VIOLATIONS?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - LIST ON ATTACHED SHEET
ALL APPLICANTS: HAVE YOU EVER BEEN ADJUDICATED MENTALLY DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - WHEN AND WHERE?
ALL APPLICANTS: DO YOU POSSESS ANY FEDERAL FIREARM LICENSES OR PERMITS?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - TYPE?
ALL APPLICANTS: HAVE ANY OTHER WEAPONS PERMITS EVER BEEN ISSUED TO YOU OR POSSESSED BY YOU?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - WHEN AND FROM WHERE?
ALL APPLICANTS: HAVE YOU EVER BEEN GRANTED RELIEF FROM THE ATF, OR HAD YOUR RIGHT TO BEAR ARMS RESTORED?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - BY WHOM AND WHEN?
ALL APPLICANTS: IS THERE CURRENTLY A PROTECTION/RESTRAINING ORDER AGAINST YOU?	<input type="checkbox"/> NO	<input type="checkbox"/> YES- WHERE AND EXPIRATION DATE?
ALL APPLICANTS: ARE YOU A FUGITIVE FROM JUSTICE?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - PLEASE EXPLAIN
ALL APPLICANTS: ARE YOU AN UNLAWFUL USER OF, OR ADDICTED TO, MARIJUANA, OR ANY DEPRESSANT, STIMULANT, OR NARCOTIC DRUG, OR ANY OTHER CONTROLLED SUBSTANCE?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - PLEASE EXPLAIN
ALL APPLICANTS: HAVE YOU BEEN DISCHARGED FROM THE ARMED FORCES UNDER DISHONORABLE CONDITIONS?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - PLEASE EXPLAIN
ALL APPLICANTS: ARE YOU AN ALIEN ILLEGALLY IN THE UNITED STATES?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - PLEASE EXPLAIN
ALL APPLICANTS: HAVE YOU EVER RENOUNCED YOUR UNITED STATES CITIZENSHIP?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - PLEASE EXPLAIN
ALL APPLICANTS: ARE YOU A CITIZEN OF THE UNITED STATES?	<input type="checkbox"/> YES	<input type="checkbox"/> NO - COUNTRY OF CITIZENSHIP _____
(If you are not a US citizen, country of citizenship and ICE-issued alien or admission number are required. Please see instruction section of the application form regarding additional documentation required to process noncitizen applications.)		ICE-ISSUED ALIEN OR ADMISSION NUMBER _____
ALL APPLICANTS: HAS THE FBI NICS SECTION ISSUED YOU A VOLUNTARY APPEAL FILE UPIN NUMBER?	<input type="checkbox"/> NO	<input type="checkbox"/> YES - UPIN NUMBER _____
ALL APPLICANTS: REASON FOR APPLYING FOR A CONCEALED WEAPON PERMIT:		

**(APPLICANT MUST SIGN REVERSE SIDE OF APPLICATION)**







**RENEWAL PROCEDURES:**

TESTING: Testing is not required for timely renewals. You may begin the renewal process during the period 45 days before expiration of the permit and up to 90 days after the expiration of the permit. If the permit has been expired for more than 90 days, you will be required to take the written test again.

FINGERPRINTS: Fingerprints are not required for timely renewals.

PHOTOGRAPHS: Attach two 1 inch by 1.25 inch color photographs. These should be the same style, clarity, and size as a North Dakota driver's license photo.

FEE: The fee for processing your application is \$25.00. Please attach a check or money order made payable to "North Dakota Attorney General"

RECOMMENDATIONS: The applicant must obtain the signature of the Sheriff of the county in which the applicant resides. If the applicant lives within a city and that city has a police department, the Chief of Police's signature is also required.

The completed form with all signatures, photographs, and \$25 fee should be forwarded to: **Bureau of Criminal Investigation, PO Box 1054, Bismarck ND 58502-1054**

New Application or Renewal: Check "new application" if you have never had a concealed weapon permit or if more than 90 days has elapsed since your permit expired. Check "renewal" if you are renewing a permit that will expire in 45 days or less or has already expired but it is less than 90 days since expiration.

Name: Provide complete legal name

Maiden/Prior/Other Names: Provide maiden name and any other names by which you have been known

Nicknames: List any nicknames by which you are known

Date of Birth: Provide the month, day, and four-digit year

Place of Birth: Provide city and state of birth. If you were born outside the United States, also provide country of birth.

Social Security Number: Provide social security number. See privacy act notification on front of application.

Phone Number: Provide area code and 7-digit number

Sex: F = Female, M = Male

Race: A = Asian or Pacific Islander, B = Black, I = American Indian or Alaskan Native, W = White

Ethnicity: H = Hispanic, N = Non-Hispanic

Height: Provide your height in feet and inches. For example, 5' 9"

Weight: Provide your weight in pounds

Employer Information: List employer, occupation, and employer address. If you are employed in law enforcement check which capacity.

Additional Information: Check yes or no to each question. If yes, provide further information.

Criminal Background: New applicants list all offenses. Renewal applicants list all offenses in the last three years.

**ADDITIONAL DOCUMENTATION REQUIRED IF YOU ARE NOT A US CITIZEN:**

For immigrant status, the following must be provided:

- (1) proof of 90 consecutive days of residency (This may be documentation of utility bills, etc., for the last three months)
- (2) a copy of your government issued photo identification, and
- (3) a copy of your valid alien registration card issued by US Immigration and Customs Enforcement (ICE).

For nonimmigrant status, the following must be provided:

- (1) proof of 90 consecutive days of residency (This may be documentation of utility bills, etc., for the last three months)
- (2) a copy of your government issued photo identification
- (3) a copy of your valid I94 card issued by US Immigration and Customs Enforcement (ICE)
- (4) and at least one of the following "exceptions" must be met:
  - a. provide a copy of a valid hunting license or permit;
  - b. provide US Department of State documentation as an official representative of a foreign government;
  - c. provide documentation that you have been designated by the US Department of State as an official of a foreign government or distinguished foreign visitor;
  - d. be verified by the US Department of State as a foreign law enforcement officer of a friendly foreign government entering the US on official law enforcement business;
  - e. have a US Department of State verified waiver;
  - f. provide other lawful US Department of State documentation.