



North Dakota

Summary of State Firearms Law

Last updated November 14, 2011

Overview

In its publication [Gun Laws Matter: A Comparison of State Firearms Laws and Statistics](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. North Dakota ranked 36 out of 50 – having enacted few gun violence prevention laws.

North Dakota does **not**:

- Require a background check prior to the transfer of a firearm [between private parties](#);
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#), or [large capacity ammunition magazines](#);
- License or significantly regulate [firearms dealers](#);
- Limit the number of firearms that may be [purchased at one time](#);
- Regulate [unsafe handguns](#);
- Require the [licensing of gun owners](#); or
- Impose [registration requirements](#) on firearms.

Local governments in North Dakota generally [lack authority](#) to regulate firearms and ammunition, and North Dakota affords local law enforcement some discretion in issuing [concealed carry licenses](#).

North Dakota Statistics

Gun Deaths in North Dakota

North Dakota ranks 16th among the states in number of gun deaths per capita. In 2007, 57 people died from firearm-related injuries in North Dakota.¹

Crime Guns in North Dakota

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [North Dakota](#) supplied the 35th highest number of crime guns to other states per capita. North Dakota exports more crime guns than it imports.²

Number of Federally Licensed Firearms Dealers in North Dakota

There are 412 federally licensed firearms dealers and pawnbrokers in North Dakota.³

¹ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Injury Mortality Reports, 1999-2007*, at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html.

² For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

³ U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (Oct. 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

North Dakota “Right to Bear Arms”

The North Dakota Constitution provides for the keeping and bearing of arms, but permits firearm-related regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

Local Authority to Regulate Firearms in North Dakota

North Dakota has preempted most areas of local firearms regulation. See [State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

State Firearms Policies

To view the sections of the North Dakota statutes provided in the summary below, search for the citation using the [North Dakota Century Code](#).

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

Persons Prohibited from Firearm Possession

North Dakota Prohibited Purchasers Generally

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

In addition, North Dakota has adopted other classes of prohibited persons and incorporated some of the federal prohibitions as state offenses. North Dakota provides that, subject to certain limited exceptions, no person shall possess a firearm if he or she:

- Has been convicted of a felony involving violence or intimidation in any state or under federal law, or released from incarceration, parole or probation after being so convicted, during the past ten years;
- Has been convicted of a felony other than a felony involving violence or intimidation in any state or under federal law, committed while using or possessing a firearm, other dangerous weapon, destructive device or explosive, or released from incarceration, parole or probation after being so convicted, during the past five years;
- Has been convicted of a class A misdemeanor involving violence or intimidation in any state or under federal law, committed while using or possessing a firearm, other dangerous weapon, destructive device or explosive, or released from incarceration, parole or probation after being so convicted, during the past five years; or
- Is or has ever been confined or committed to an institution as a person requiring treatment or as a mentally deficient person, unless the person has not suffered from the disability for the previous three years, or has had the petition for diagnosis, confinement, or commitment dismissed.⁴

⁴ N.D. Cent. Code § 62.1-02-01.

For purposes of these provisions, a person is considered to have been “convicted,” upon a verdict of guilty, a plea of guilty or a plea of nolo contendere.⁵ A person may be considered “convicted” even if:

- The court suspended execution or deferred imposition of the sentence, or placed the person on probation;
- The person's conviction has been reduced in accordance with state law;⁶
- Sentence dispositions, sentence reductions, or offense determinations equivalent to this section were imposed or granted by a court, board, agency, or law of another state or the federal government; or
- The person committed the offense when that person was subject to juvenile adjudication or proceedings.⁷

For information on the background check process used to enforce these provisions, see the [North Dakota Background Checks](#) section.

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

⁵ *Id.*

⁶ See N.D. Cent. Code §§ 12.1-32-02(9), 12.1-32-07.1.

⁷ *Id.*

North Dakota Minimum Age to Purchase / Possess Firearms

A person under the age of 18 may not possess a handgun except while under the direct supervision of an adult for purposes of firearm safety training, target shooting, or hunting.⁸ It is a misdemeanor to sell, barter, hire, lend, or give a handgun to a "minor," except while the minor is under the direct supervision of an adult and for the purpose of firearm safety training, target shooting, or hunting.⁹

There is no minimum age to possess rifles and shotguns in North Dakota.¹⁰ North Dakota also does not penalize sales or transfers of long guns to minors.

[Federal age restrictions](#) impose stricter limits.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

⁸ N.D. Cent. Code § 62.1-02-01.

⁹ N.D. Cent. Code § 62.1-03-02.

¹⁰ *Id.*

Domestic Violence and Firearms in North Dakota

Firearm Prohibitions for Domestic Violence Misdemeanants

North Dakota law does **not**:

- Prohibit individuals convicted of domestic violence misdemeanors from possessing firearms or ammunition (unlike [federal law](#));
- Prohibit individuals subject to domestic violence protective orders from possessing firearms or ammunition (unlike [federal law](#));
- Require courts to notify domestic abusers when they become prohibited from possessing firearms or ammunition under [federal law](#); or
- Explicitly authorize or require the removal of firearms or ammunition at the scene of a domestic violence incident.

Removal or Surrender of Firearms When Domestic Violence Protective Orders are Issued

North Dakota law authorizes a court that is issuing a domestic violence protection order to require the respondent to surrender for safekeeping any firearm in the respondent's immediate possession or control or subject to the respondent's immediate control, if the court has probable cause to believe that the respondent is likely to use, display, or threaten to use the firearm in further acts of violence.¹¹ A court is authorized to include this provision in ex parte temporary protection orders (those issued without notice and a hearing) as well.¹² If so ordered, the respondent shall surrender the firearm to the designee of the sheriff of the county, or to the chief of police of the city, where the respondent resides.¹³

A domestic violence protection order, including a temporary ex parte one, is available to any of the following individuals who have been subject to domestic violence: a spouse, family member, former spouse, parent, child, person related by blood or marriage, person in a dating relationship, person presently residing with or who has resided in the past with the abuser, person with a child

¹¹ N.D. Cent. Code § 14-07.1-02(4)(g).

¹² N.D. Cent. Code § 14-07.1-03(2)(d).

¹³ N.D. Cent. Code § 14-07.1-02(4)(g), 14-07.1-03(2)(d).

in common to the abuser, and any person with a sufficient relationship to the abuser as determined by the court.¹⁴

When an individual who is charged with or arrested for a crime of violence or threat of violence, stalking, harassment, or a sex offense, who is the subject of an order prohibiting contact, is released from custody before arraignment or trial, the court must require the individual to surrender any firearm in or subject to the individual's immediate possession or control to the sheriff of the county or chief of police of the city where the individual resides if the court has probable cause to believe that the individual charged or arrested is likely to use, display, or threaten to use a firearm in any further act of violence.¹⁵

For general information on the background check process and categories of prohibited purchasers or possessors, see the [North Dakota Background Checks](#) and [North Dakota Prohibited Purchasers Generally](#) sections.

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

¹⁴ N.D. Cent. Code § 14-07.1-01(4).

¹⁵ N.D. Cent. Code § 12.1-31.2-02(2).

Disarming Prohibited Persons in North Dakota

North Dakota law authorizes a court that is issuing a domestic violence protection order to require the respondent to surrender for safekeeping any firearm in the respondent's immediate possession or control or subject to the respondent's immediate control, if the court has probable cause to believe that the respondent is likely to use, display, or threaten to use the firearm in further acts of violence.¹⁶ For additional information, see the section entitled [Domestic Violence and Firearms in North Dakota](#). North Dakota has no other law requiring the removal of firearms from [persons who have become prohibited from possessing them](#).

¹⁶ N.D. Cent. Code § 14-07.1-02(4)(g).

Sales & Transfers

Background Checks in North Dakota

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal [National Instant Criminal Background Check System \(“NICS”\) database.](#) (Note that state files are not always included in the federal database.)

North Dakota is not a point of contact state for NICS. North Dakota has no law requiring firearms dealers to initiate a background check prior to transferring a firearm. In North Dakota, all firearms transfers by licensed dealers are processed directly through the FBI, which enforces the federal prohibitions referenced above.¹⁷

Under federal law, persons who have been issued state permits to purchase or possess firearms are exempt from background checks if those permits were issued: 1) within the previous five years in the state in which the transfer is to take place; and 2) after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful.¹⁸ Concealed weapons license holders whose permits were issued after December 1, 1999 are exempt from background checks when purchasing a firearm according to the [Bureau of Alcohol, Tobacco, Firearms and Explosives \(ATF\) chart](#) that outlines those permits that qualify as alternatives to the federal [Brady Act](#). Please note that ATF's exempt status determination is subject to change without notice. For further information, see the [North Dakota Concealed Weapons Permitting](#) section.

Firearms transfers by private sellers (non-firearms dealers) are not subject to background checks in North Dakota, although federal and state purchaser prohibitions still apply. See the [North Dakota Private Sales](#) section.

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

¹⁷ Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited November 7, 2011).

¹⁸ 18 U.S.C. § 922(t)(3), 27 C.F.R. § 478.102(d).

Mental Health Reporting in North Dakota

Federal law prohibits any person from selling or otherwise transferring a firearm or ammunition to any person who has been “adjudicated as a mental defective” or “committed to any mental institution.”¹⁹ No federal law requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

Courts in North Dakota are required, after certain mental health-related proceedings, to make a finding as to whether the subject of the proceeding is prohibited by federal law from firearm possession.²⁰ If the subject is determined to be prohibited, the court must forward the individual’s name and nonclinical identifying information to the state Bureau of Criminal Investigation to be forwarded to NICS.²¹ The court must also notify the prohibited individual of any relevant firearms prohibitions.²²

For general information on the background check process and categories of prohibited purchasers/possessors, see the [North Dakota Background Checks](#) section.

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

¹⁹ 18 U.S.C. § 922(d)(4).

²⁰ N.D. Cent. Code § 62.1-02-01.2(1).

²¹ N.D. Cent. Code § 62.1-02-01.2(2).

²² *Id.*

Multiple Purchases / Sales of Firearms in North Dakota

North Dakota has no law limiting the number of firearms that may be purchased or sold at one time.

See [*Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms*](#) for a comprehensive discussion of this issue.

Retention of Sales / Background Check Records in North Dakota

North Dakota does not have any laws requiring the retention of sales records or background check records.

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

North Dakota Waiting Periods

North Dakota has no law imposing a waiting period prior to the purchase of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

Gun Dealers & Other Sellers

North Dakota Dealer Regulations

North Dakota does not license firearms dealers. However, firearms dealers are subject to state laws governing gun sales generally. See the [North Dakota Private Sales](#) section for further information.

Pursuant to the [Brady Act](#), federally licensed firearms dealers must conduct background checks on prospective purchasers each time the dealer transfers a firearm. See the [North Dakota Background Checks](#) section.

Within seven days of receiving a federal license to sell handguns, a retail firearms dealer who sells handguns must send a copy of the license to the chief of police of the city and the sheriff of the county in which the dealer is licensed.²³

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

²³ N.D. Cent. Code § 62.1-03-03.

Private Sales in North Dakota

Private firearms transfers (*i.e.*, transfers by non-firearms dealers) are not subject to a background check requirement in North Dakota, although [federal and state purchaser prohibitions](#) still apply.

North Dakota prohibits supplying a firearm or ammunition to a person the transferor knows or has reasonable cause to believe is prohibited from possessing them under state law.²⁴ North Dakota also prohibits procuring or receiving a firearm or ammunition for such a person.²⁵ North Dakota prohibits any person from transferring a handgun to any such a person.²⁶

North Dakota prohibits any person from delivering to or providing a penitentiary inmate with a firearm intended to be used for an assault or to damage property.²⁷ It also prohibits knowingly supplying a firearm for use in a riot.²⁸

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

²⁴ N.D. Cent. Code § 62.1-02-08; *see also* N.D. Cent. Code § 62.1-02-01 (listing the types of individuals who are prohibited from possessing firearms under state law).

²⁵ N.D. Cent. Code § 62.1-02-08.

²⁶ N.D. Cent. Code § 62.1-02-02.

²⁷ N.D. Cent. Code § 12-47-21(6).

²⁸ N.D. Cent. Code § 12.1-25-02.

North Dakota Gun Shows

North Dakota does not have a law regulating gun shows. See the [North Dakota Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

North Dakota Immunity Statutes

North Dakota provides that a firearm manufacturer, distributor, or seller who lawfully manufactures, distributes, or sells a firearm is not liable to any 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.²⁹

In addition, an association of federally licensed firearm manufacturers, importers, or dealers "is not liable to any 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 sold or manufactured by any licensee who is a member of the association."³⁰

However, North Dakota law does not immunize firearms manufacturers, distributors, sellers, and importers from claims for relief for deceit, breach of contract, express or implied warranty, or for injury resulting from failure of a firearm to operate in a normal or usual manner due to defects or negligence in design or manufacture.³¹ The potential of a firearm to cause serious injury, damage, or death as a result of normal function does not constitute a defective condition of the product.³² A firearm also may not be deemed defective on the basis of its potential to cause serious injury, damage, or death when discharged.³³

In addition, North Dakota law does not immunize firearms manufacturers, distributors, sellers, and importers from claims for relief arising from the unlawful sale or transfer of a firearm or an instance when the transferor knew or should have known that the recipient would engage in the unlawful sale or transfer of the firearm or would use or purposely allow the use of the firearm in an unlawful, negligent, or improper fashion.³⁴

North Dakota law provides, in part:

If a sport shooting range has been in operation for one year since the date on which it began operation as a sport shooting range, it does not become a public or private nuisance as a result of changed conditions in or around the locality of the sport shooting range.

...

If a sport shooting range remains in compliance with noise control or nuisance abatement rules or ordinances in effect on the date on which it commenced operation, it is not subject to a civil or criminal action resulting from or relating to noise generated by the operation of the sport shooting range.

²⁹ N.D. Cent. Code § 32-03-54(2).

³⁰ N.D. Cent. Code § 32-03-54(3).

³¹ N.D. Cent. Code § 32-03-54(4).

³² *Id.*

³³ *Id.*

³⁴ N.D. Cent. Code § 32-03-54(4).

...

A person who acquires title to real property that is adversely affected by the operation of a permanently located and improved sport shooting range constructed and initially operated before that person acquired title to the property adversely affected may not maintain a civil action on the basis of noise or noise pollution against the person who owns or operates the sport shooting range.³⁵

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

³⁵ N.D. Cent. Code § 42-01-01.1.

Gun Owner Responsibilities

Licensing of Gun Owners or Purchasers in North Dakota

North Dakota has no law requiring gun owners or purchasers to obtain a license.

See [*Regulating Guns in America: Licensing of Gun Owners or Purchasers*](#) for a comprehensive discussion of this issue.

North Dakota Registration of Firearms

North Dakota has no law requiring the registration of gun owners.

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

Reporting Lost or Stolen Firearms in North Dakota

North Dakota does not require firearms owners to report the loss or theft of a firearm.

See [*Regulating Guns in America: Reporting Lost or Stolen Firearms*](#) for a comprehensive discussion of this issue.

Firearms in Public Places

Concealed Weapons Permitting in North Dakota

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

No person other than a law enforcement officer may carry a firearm concealed unless the person is licensed to do so.³⁶ Pursuant to state law, a firearm is considered "concealed" if any one of the following apply:

- The firearm is being carried in such a manner as to not be discernible by the ordinary observation of a passerby, even if it is not absolutely invisible;
- The firearm is worn under clothing and not secured;
- The firearm is carried in a bundle that is held or carried by the individual and not secured; or
- The firearm is being transported not secured in a vehicle, and is available to the individual, including beneath the seat or in a glove compartment.³⁷

North Dakota is a "shall issue" state, meaning that local law enforcement must issue a concealed deadly weapon license if the applicant meets certain qualifications. Pursuant to North Dakota law, to qualify for a permit an applicant must:

- Have a valid reason for carrying a concealed firearm, including self-protection, protection of others, or work-related needs;

³⁶ N.D. Cent. Code § 62.1-04-02.

³⁷ N.D. Cent. Code § 62.1-04-01. A firearm that falls within the above definition of "concealed" is still not considered "concealed" if it is:

- Carried in a belt holster which is wholly or substantially visible;
 - Carried in a case designed for carrying a firearm and which is wholly or substantially visible;
 - Carried in the field while lawfully engaged in hunting, trapping, or target shooting;
 - Carried unloaded and in a secure wrapper to or from the place of purchase to the purchaser's home, place of business, or place of repair;
 - An unloaded long gun carried in a vehicle; or
 - An unloaded weapon that will expel or is readily capable of expelling a projectile by action of a spring, compressed air, or compressed gas, including a BB gun, air rifle, or CO[2] gun, while carried in a motor vehicle. *Id.*
- "Secured" means:
- Closed into a trunk or non-passenger part of a vehicle;
 - Placed into a closed and secure carrying device;
 - Rendered inoperative by 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. N.D. Cent. Code § 62.1-01-01(11)

- Be eligible to possess a firearm under state and federal law;
- Have written approval from the sheriff of the applicant's county of residence;
- Have written approval by the chief of police if the city in which the applicant resides has one, or a designee of that city; and
- Pass a background check conducted by the Bureau of Criminal Investigation, after providing all documentation relating to any court-ordered treatment or commitment for mental health or alcohol or substance abuse or incidents of domestic violence, and providing written authorization for disclosure of mental health and alcohol or substance abuse evaluation and treatment records.³⁸

The attorney general must offer Class 1 and Class 2 licenses.³⁹ A Class 1 license may not be issued to any individual who:

- Has been convicted of a felony;
- Has been convicted of a crime of violence;
- Has been convicted of an offense involving the use of alcohol;
- Has been convicted of an offense involving the unlawful use of narcotics or other controlled substances;
- Has been convicted of an offense involving moral turpitude;
- Has been convicted of an offense involving domestic violence;
- Has been adjudicated by a state or federal court as mentally incompetent, unless the adjudication has been withdrawn or reversed; or
- Is disqualified to purchase and possess a firearm under federal law.⁴⁰

Additionally, North Dakota may deny a class 1 license to anyone it has reason to believe is or has been a danger to self or others as demonstrated by evidence, including past pattern of behavior involving unlawful violence or threats of unlawful violence; or conviction of a weapons offense. In determining whether the applicant is or has been a threat to self or others, North Dakota may inspect expunged adult and juvenile court records of arrests and convictions.⁴¹

³⁸ N.D. Cent. Code § 62.1-04-03.

³⁹ N.D. Cent. Code § 62.1-04-03(2).

⁴⁰ N.D. Cent. Code § 62.1-04-03(1)(c).

⁴¹ N.D. Cent. Code § 62.1-04-03(1)(e).

An applicant must be 21 years of age for a Class 1 license, or 18 years of age for a Class 2 license.⁴² State law appears to make no distinction between the conduct allowed under a Class 1 or a Class 2 license.

The license fee for a concealed weapons license is an additional \$45.⁴³ Additional application and background check requirements, as well as permit suspension or disqualification information, are detailed under state law.⁴⁴

Firearm Safety Training

In order to obtain the approval of the county sheriff, the applicant must successfully complete a background investigation in that county and must have successfully completed a testing procedure conducted by a certified weapons instructor.⁴⁵ A weapons instructor certified by the attorney general shall conduct the testing procedure.⁴⁶ The person conducting the testing may assess a charge of up to \$50 for conducting this testing.⁴⁷ The attorney general may certify a weapons instructor based upon criteria and guidelines prescribed by the Director of the Bureau of Criminal Investigation.⁴⁸

The attorney general must offer Class 1 and Class 2 licenses.⁴⁹ An applicant for a Class 1 license must:

- Participate in classroom instruction that sets forth weapon safety rules and the deadly force law of North Dakota;
- Complete an open book test based upon a manual;
- Demonstrate familiarity with a firearm or dangerous weapon, through certification by a certified instructor, participation in an organized shooting competition or dangerous weapon course of training, or possession of a license from another state, or evidence of weapons experience during military service; and
- Complete an actual shooting or certified proficiency exercise.⁵⁰

An applicant for a Class 2 license is only required to successfully complete the open book test offered for the Class 1 license.⁵¹

⁴² *Id.*

⁴³ N.D. Cent. Code § 62.1-04-03(4).

⁴⁴ N.D. Cent. Code § 62.1-04-03, and N.D. Admin. Code r. 10-12-01-01 through 10-12-01-11.

⁴⁵ N.D. Cent. Code § 62.1-04-03(1)(d).

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ N.D. Cent. Code § 62.1-04-03(2).

⁵⁰ *Id.*

⁵¹ N.D. Cent. Code § 62.1-04-03(2).

Duration & Renewal

A license to carry a concealed weapon is currently valid for up to three years; however, beginning July 1, 2011, a license to carry a concealed weapon will be valid for up to five years.⁵² Fingerprints, which are required as part of an application for an original license, are not required in an application for renewal.⁵³

Disclosure or Use of Information

Information collected from an applicant for a concealed weapons license is confidential information.⁵⁴ However, the information may be disclosed:

- To a governmental agency or court for a law enforcement purpose, including the investigation, prosecution, or punishment of a violation of law.
- To a court to aid in a decision concerning sentence, probation, or release pending trial or appeal.
- Pursuant to a court order or a judicial, legislative, or administrative agency subpoena issued in North Dakota.⁵⁵

Reciprocity

Pursuant North Dakota law, a valid license to carry issued by another state which recognizes the concealed carry licenses of North Dakota is valid in North Dakota.⁵⁶

For a list of states with which North Dakota has signed formal reciprocity agreements, see the [North Dakota Permit Reciprocity](#) page, maintained by the North Dakota Attorney General.

⁵² N.D. Cent. Code § 62.1-04-03(5); *see also* 2009 N.D. HB 2415, § 1(5).

⁵³ *Id.*

⁵⁴ N.D. Cent. Code § 62.1-04-03(7).

⁵⁵ *Id.*

⁵⁶ N.D. Cent. Code § 62.1-04-03.1.

Open Carrying in North Dakota

North Dakota allows any person to carry an unloaded handgun openly during the day.⁵⁷
Concealed weapons permit holders may openly carry loaded handguns during the day or night.⁵⁸
North Dakota allows any person to openly carry a long gun in public at any time.

⁵⁷ N.D. Cent. Code § 62.1-03-01(1)(a).

⁵⁸ N.D. Cent. Code § 62.1-03-01(1), (2)(a).

Location Restrictions

Guns in Vehicles in North Dakota

North Dakota permits the [open carrying](#) of an unloaded long gun in a motor vehicle.⁵⁹ North Dakota permits the open carrying of a loaded or unloaded handgun in a motor vehicle with a license or permit.⁶⁰

⁵⁹ N.D. Cent. Code § 62.1-02-10.

⁶⁰ N.D. Cent. Code § 62.1-02-10.

Guns in Schools in North Dakota

North Dakota prohibits any person, including a concealed carry licensee, from possessing a firearm at a public gathering, which includes schools and school functions.⁶¹ State law is silent regarding the possession or carrying of firearms on college and university campuses.

In North Dakota, each school district board is required to adopt a policy prohibiting the possession of firearms on school property or at a school function.⁶² A student who possesses a firearm in violation of the policy must be expelled for at least one year.⁶³

The policy must authorize the school district superintendent or the school principal, if the school district does not have a superintendent, to modify an expulsion for firearms possession under this section on a case-by-case basis in accordance with criteria established by the board.⁶⁴ If a school district expels a student under this section, the district may authorize the provision of educational services to the student in an alternative setting.⁶⁵

See [LCAV's policy page on Guns in Schools](#) for further information.

⁶¹ N.D. Cent. Code § 62.1-02-05(1).

⁶² N.D. Cent. Code § 15.1-19-10(1), (2).

⁶³ *Id.*; see also N.D. Cent. Code § 15.1-19-09(4).

⁶⁴ N.D. Cent. Code § 15.1-19-10(1), (2).

⁶⁵ N.D. Cent. Code § 15.1-19-10(3).

Other Location Restrictions in North Dakota

With limited exceptions, any person, including a concealed carry licensee, may not possess a firearm at:

- The part of a liquor establishment set aside for the retail sale of alcoholic beverages, unless the person is the proprietor, the proprietor's employee, or a designee of the proprietor displaying an unloaded firearm as a prize or sale item in a raffle or auction;⁶⁶
- An establishment used as a gaming site, unless the person is the proprietor, the proprietor's employee, or a designee of the proprietor displaying an unloaded firearm as a prize or sale item in a raffle or auction;⁶⁷ or
- A public gathering (defined to include a sporting event, school function, church, church function, political rally, musical concert, public park which prohibits hunting, or public building, but not including any other state or federal park).⁶⁸

However, the prohibition on possession of a firearm at public gatherings does not apply to:

- Competitors participating in organized sport shooting events;
- Gun and antique shows;
- Participants using blank cartridge firearms at sporting or theatrical events;
- Firearms carried in a temporary residence or motor vehicle;
- Students and instructors at hunter safety classes; or
- Private security personnel while on duty.⁶⁹

Possession of a firearm within a state game refuge or state game management area is generally prohibited.⁷⁰

⁶⁶ N.D. Cent. Code § 62.1-02-04.

⁶⁷ N.D. Cent. Code § 62.1-02-04.

⁶⁸ N.D. Cent. Code § 62.1-02-05.

⁶⁹ N.D. Cent. Code § 62.1-02-05(2).

⁷⁰ N.D. Cent. Code § 20.1-11-13(3). The owner or lessee of lands or a lake set aside as a state game refuge may not carry firearms within its limits, nor permit his or her family members or other persons to do so, unless the owner or lessee has reason to believe there are carnivorous animals in the refuge and the Director of the North Dakota Game and Fish Department provides written permission to hunt such animals. N.D. Cent. Code § 20.1-11-08.

Possession of a rifle or shotgun between sunset and sunrise in and about territory where big game animals are frequently and usually found is prima facie evidence that the person was hunting big game animals contrary to law.⁷¹

North Dakota law prohibits being "afield"⁷² with a firearm while intoxicated or under the influence of alcoholic beverages or drugs.⁷³ However, the only penalty for a violation of this section is revocation of the person's hunting privileges for two years.⁷⁴

⁷¹ N.D. Cent. Code § 20.1-05-05.

⁷² "Afield" is defined in N.D. Cent. Code § 20.1-01-02 as "away from one's home or camp."

⁷³ N.D. Cent. Code § 20.1-01-06.

⁷⁴ N.D. Cent. Code §§ 20.1-01-06, 20.1-15-01—20.1-15-15.

Consumer & Child Safety

North Dakota Design Safety Standards for Handguns

North Dakota does not specifically regulate junk guns or unsafe firearms.

See [*Regulating Guns in America: Design Safety Standards for Handguns*](#) for a comprehensive discussion of this issue.

Locking Devices in North Dakota

North Dakota law requires a person carrying a handgun that is not in plain view between the hours of one hour before sunrise and one hour after sunset to carry it unloaded and "secured." At other times (between the hours of one hour after sunset and one hour before sunrise), any handgun that is being carried, even one that is in plain view, must be unloaded and "secured."⁷⁵ "Secured" means:

- Closed into a trunk or non-passenger part of a vehicle;
- Placed into a closed and secure carrying device;
- Rendered inoperative by 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.⁷⁶

This requirement does not apply to concealed weapons licensees and certain other individuals.⁷⁷ See the [North Dakota Carrying Firearms](#) section above for a complete list of exceptions. North Dakota has no law requiring firearms owners to lock their weapons while not in public.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

⁷⁵ N.D. Cent. Code § 62.1-03-01(1).

⁷⁶ N.D. Cent. Code § 62.1-01-01(11).

⁷⁷ N.D. Cent. Code § 62.1-03-01(2).

Personalized / Owner-Authorized Firearms in North Dakota

North Dakota does not require firearms to be personalized.

See [Regulating Guns in America: Personalized Firearms](#) for a comprehensive discussion of this issue.

North Dakota Child Access Prevention

A parent or guardian of, or person having charge or custody of, a child under 15 years of age who permits the child to carry or use a loaded firearm in public commits a class B misdemeanor unless the child is under the direct supervision of the parent, guardian or person authorized by the parent or guardian.⁷⁸ North Dakota has no other law penalizing allowing a child access to firearms.

For age requirements for the purchase or possession of firearms in North Dakota, see the [North Dakota Minimum Age to Purchase / Possess](#) section.

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

⁷⁸ N.D. Cent. Code § 62.1-02-07.

Classes of Weapons / Ammunition

Assault Weapons in North Dakota

North Dakota has no law regulating assault weapons.

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

Large Capacity Ammunition Magazines in North Dakota

North Dakota has no law regulating large capacity ammunition magazines.

See [*Regulating Guns in America: Large Capacity Ammunition Magazines*](#) for a comprehensive discussion of this issue.

Fifty Caliber Rifles in North Dakota

North Dakota has no law regulating fifty caliber rifles.

See [*Regulating Guns in America: Fifty Caliber Rifles*](#) for a comprehensive discussion of this issue.

Machine Guns/Automatic Firearms in North Dakota

North Dakota prohibits anyone from purchasing, selling, having, or possessing a machine gun or fully automatic rifle unless that person has complied with the National Firearms Act, which only requires that the firearms be registered.⁷⁹ Any federal licensee who purchases, sells, has, or possesses a machine gun or automatic rifle for the licensee's protection or for sale must forward a copy of his 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.⁸⁰

The National Firearms Act generally allows the possession of machine guns manufactured prior to May 19, 1986 so long as they are registered.

See [LCAV's policy page on Machine Guns](#) for further information.

⁷⁹ N.D. Cent. Code § 62.1-05-01.

⁸⁰ *Id.*

Non-Powder Guns in North Dakota

North Dakota defines “dangerous weapon,” to include “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[2] gun.”⁸¹ Thus, except where otherwise specified, any law in the Criminal or Weapons sections of the North Dakota Century Code that refers to dangerous weapons is applicable to non-powder guns.

See [*Regulating Guns in America: Non-Powder Guns*](#) for a comprehensive discussion of this issue.

⁸¹ N.D. Cent. Code §§ 62.1-01-01, 12.1-01-04.

Ammunition Regulation in North Dakota

North Dakota prohibits knowingly supplying ammunition to, or procuring ammunition for, a person who is prohibited by North Dakota law from receiving or possessing it.⁸² However, no North Dakota law limits the persons who may receive or possess ammunition. Note that federal law prohibits certain persons from receiving or possessing ammunition and prohibits the sale or transfer of ammunition to these persons.⁸³ However, federal law does not require a seller of ammunition to conduct a background check on the purchaser to determine whether he or she is a prohibited person.⁸⁴

North Dakota also does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of the purchasers;
- Require a license to purchase or possess ammunition; or
- Prohibit the possession, transfer or use of armor-piercing or other unreasonably dangerous ammunition, although the [federal prohibition on certain kinds of armor-piercing ammunition](#) applies.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

⁸² N.D. Cent. Code § 62.1-02-08.

⁸³ 18 U.S.C. § 922(b)(1), (d), (g), (x)(1).

⁸⁴ 18 U.S.C. § 922(t).

Crime Gun Investigation

Microstamping/Ballistic Identification in North Dakota

North Dakota has no laws regarding firearm microstamping or ballistic identification.

See [*Regulating Guns in America: Ballistic Identification*](#) for a comprehensive discussion of this issue.

Firearms Trafficking in North Dakota

North Dakota prohibits anyone from:

- Giving false information or offering false evidence of the person's identity in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry the handgun concealed.⁸⁵
- Supplying a firearm or ammunition to a person the transferor knows or has reasonable cause to believe is prohibited by law from possessing them under state law.⁸⁶
- Selling, bartering, hiring, lending, or giving a handgun to a minor, unless the minor is using the handgun under the direct supervision of an adult for the purpose of firearm safety training, target shooting, or hunting.⁸⁷
- Delivering to or providing a penitentiary inmate with a firearm intended to be used for an assault or to damage property.⁸⁸
- Knowingly supplying a firearm for use in a riot.⁸⁹
- Changing, altering, removing, or obliterating any mark of identification on a handgun, such as the name of the maker, model, or manufacturer's number or knowingly possessing 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.⁹⁰

North Dakota does not, however, penalize a gun dealer who fails to conduct the federally required [background check](#) on a gun purchaser.

See [LCAV's policy page on Firearms Trafficking](#) for further information.

⁸⁵ N.D. Cent. Code §§ 62.1-03-04.

⁸⁶ N.D. Cent. Code § 62.1-02-08; *see also* N.D. Cent. Code §§ 62.1-02-01, 62.1-02-02.

⁸⁷ N.D. Cent. Code § 62.1-03-02.

⁸⁸ N.D. Cent. Code § 12-47-21(6).

⁸⁹ N.D. Cent. Code § 12.1-25-02.

⁹⁰ N.D. Cent. Code §§ 62.1-03-05.

North Dakota Links

[Attorney General of North Dakota](#)

[Bureau of Alcohol, Tobacco, Firearms & Explosives, St. Paul Field Division \(MN, MT, ND, SD, WI\)](#)

[Domestic Violence Crisis Center, Inc.](#)

[North Dakota Council on Abused Women's Services](#)