

## “Under the Trooper’s Hat”

By: Trooper Michael Hayen, North Dakota Highway Patrol  
Concealed Carry and Constitutional Carry

I have received numerous questions about the North Dakota concealed carry and constitutional carry laws. This article will address only the basics and it is recommended to research the North Dakota Century Code Title 62.1 or consult with your personal attorney for further information.

According to North Dakota Century Code, concealed is defined as:

A firearm 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 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.

An unloaded firearm is where 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.

## **CONSTITUTIONAL CARRY**

The following are the eligibility requirements for an individual to carry concealed in North Dakota without a concealed weapon license, known as constitutional carry.

- Must be at least 18 years of age. Must be 21 to purchase a handgun but may possess at age 18 in North Dakota provided individual is legally able to possess a firearm under the law.
- Must be a resident of North Dakota for 1 year as evidenced by North Dakota driver’s license or North Dakota identification card.
- Not prohibited by state or federal law from possessing a firearm.
- North Dakota driver’s license or North Dakota identification card MUST be carried (or the individual must have a digital image of the license).
- If carrying under “constitutional carry”, the individual MUST inform law enforcement that they are in possession of the firearm upon any in-person contact by a law enforcement officer including traffic stops.
- Restrictions on location (places) that a firearm may be possessed or carried by law (NDCC Title 62.1-02) still apply. These locations include retail sales of alcoholic beverages and the locations where the consumption of alcoholic beverages occur, as well as, public gatherings (athletic or sporting events, a school, a church, and a publicly owned or operated building).

- An individual may keep a loaded, concealed firearm in a vehicle provided they show valid identification and notify law enforcement that they are in possession of a firearm.
- Constitutional Carry only allows the concealed carry of a firearm by a North Dakota resident within the boundaries of North Dakota. You will need a concealed weapon license to carry concealed outside of North Dakota. Reciprocity with other states may apply only if you possess a valid concealed weapon license.

### **Concealed Weapon License**

There are two types of concealed weapons license in North Dakota: Class 1 and Class 2. The licenses cost the same and are equally valid within North Dakota, but because of the additional testing requirements, the holders of a Class 1 license have reciprocity in many more states than those who hold a Class 2 license.

For further information on concealed weapons license or how to obtain one visit the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/public-safety/concealed-weapons-licenses>.

### **Hunting with a Loaded Firearm in a Vehicle**

An individual who is in the field engaged in the lawful hunting of big game or small game may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile. A person who violates this law is subject to a non-criminal offense. This includes those individuals carrying under the "constitutional carry" and concealed carry provisions.

The mission of the North Dakota Highway Patrol is to make a difference every day by providing high-quality law enforcement services to keep North Dakota safe and secure. NDHP invites you to visit the FAQ section of our website: [www.nd.gov/ndhp](http://www.nd.gov/ndhp), like our Facebook page [www.facebook.com/northdakotahighwaypatrol](https://www.facebook.com/northdakotahighwaypatrol) or join us on Twitter [@NDHighwayPatrol](https://twitter.com/NDHighwayPatrol) or Instagram, [www.instagram.com/ndhighwaypatrol](https://www.instagram.com/ndhighwaypatrol), where you can learn more about traffic safety, get tips, and read NDHP news. Download the NDHP mobile app to receive notifications, download a .pdf of items to include in your winter weather travel kit, report a crime tip, thank a trooper, ask a question, or make a suggestion for next month's *Under the Trooper's Hat* feature.