

SUPREME COURT OF NORTH DAKOTA

Steven Hill, M.D. v. D.D.

2018 ND 201 (N.D. 2018) · No. 20180207 · Decided August 28, 2018

SUMMARY

The North Dakota Supreme Court reviewed an involuntary hospitalization order that also applied federal and state firearm restrictions and directed law enforcement to seize the respondent’s firearms. The court held that the firearm restrictions were not unconstitutionally vague and applied to the respondent, but reversed the seizure order because the district court lacked identified statutory authority to order seizure in the mental health commitment proceeding. The case was remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Jerod E. Tufte, Justice; Jerod E. Tufte; Daniel J. Crothers; Lisa Fair McEvers; Jon J. Jensen; Gerald W. VandeWalle, Chief Justice
JURISDICTION	North Dakota
DECIDED	August 28, 2018
DOCKET	20180207
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	D.D. appealed a district court order committing him involuntarily for mental-health treatment, applying federal and state firearm restrictions, and directing law enforcement to seize his firearms and ammunition.
STANDARD OF REVIEW	Constitutionality is a question of law fully reviewable on appeal and constitutional challenges to federal statutes are reviewed de novo. Vagueness is evaluated as applied to the facts of the case.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential.
PARTIES	D.D. v. Steven Hill, M.D.

TOPICS

- constitutional law
- void for vagueness
- due process
- appellate procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether D.D. complied with the notice requirement for constitutional challenges under N.D.R.App.P. 44.
2. Whether 18 U.S.C. §§ 922(d)(4) and 922(g)(4) are unconstitutionally vague as applied to D.D.
3. Whether N.D.C.C. § 62.1-02-01(1)(c) is unconstitutionally vague as applied to D.D.
4. Whether the district court had statutory or other legal authority to order law enforcement to seize D.D.'s firearms and ammunition in the involuntary-commitment proceeding.

HOLDINGS

1. Rule 44 did not require notice to the attorney general because Dr. Hill was a state employee and party acting in his official capacity on behalf of a state agency.
2. The federal firearm restrictions are not unconstitutionally vague as applied to D.D.; they provided adequate fair warning and objective standards for enforcement.
3. N.D.C.C. § 62.1-02-01(1)(c) is not unconstitutionally vague as applied to D.D., and D.D. lacked standing to challenge possible applications of the statute in other circumstances.
4. The district court lacked identified statutory authority to order the summary seizure of D.D.'s firearms and ammunition as part of the involuntary-commitment proceeding; the seizure order was reversed and the matter remanded.

KEY QUOTATIONS

“We affirm the district court’s conclusion that the state and federal firearms restrictions are not unconstitutionally vague and apply to D.D. We reverse the order to seize D.D.’s firearms because neither the state nor the district court identified legal authority for issuing a summary seizure order as part of a mental health commitment process.” (¶1)

“a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law.” (¶7)

“But if a seizure of D.D.’s firearms is to be sustained, it must be pursuant to the procedures required for seizure of forfeitable property under N.D.C.C. § 29-31.1-03 or other legal authority.” (¶19)

FACTUAL BACKGROUND

Dr. Steven Hill sought emergency evaluation and involuntary commitment of D.D., who was admitted to the North Dakota State Hospital. The district court ordered involuntary hospitalization and treatment and found that federal and state laws prohibited D.D. from possessing firearms. D.D. testified that he owned approximately 100 firearms stored at his residence, and the district court ordered law enforcement to seize them. D.D. was later released to outpatient treatment.

PROCEDURAL HISTORY

Dr. Steven Hill petitioned for D.D.'s emergency evaluation, detention, and involuntary commitment. The district court ordered hospitalization and treatment for up to ninety days, found that federal and state firearm restrictions applied, and ordered law enforcement to seize D.D.'s firearms. After D.D. was released to less restrictive outpatient treatment, he appealed; the Supreme Court of North Dakota affirmed the firearm restrictions, reversed the seizure order, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The seizure order was reversed, and the case was remanded for further proceedings consistent with the opinion. Any seizure of D.D.'s firearms must proceed pursuant to N.D.C.C. § 29-31.1-03 or other valid legal authority and required procedures.

CASES CITED

- Connally v. General Construction Co., 269 U.S. 385, 391 (1926)
- United States v. National Dairy Products Corp., 372 U.S. 29, 32-33 (1963)
- Grayned v. City of Rockford, 408 U.S. 104, 108 (1972)
- United States v. Mazurie, 419 U.S. 544, 550 (1975)
- United States v. Washam, 312 F.3d 926, 929 (8th Cir. 2002)
- Henderson v. United States, 135 S. Ct. 1780, 1784 (2015)
- State v. Holbach, 2009 ND 37, ¶¶23-24, 763 N.W.2d 761
- State v. Brown, 2009 ND 150, ¶33, 771 N.W.2d 267
- In re Disciplinary Action Against McGuire, 2004 ND 171, ¶19, 685 N.W.2d 748
- State v. Ness, 2009 ND 182, ¶6, 774 N.W.2d 254
- State v. Tibor, 373 N.W.2d 877, 880-81 (N.D. 1985)
- City of Fargo v. Windmill, Inc., 350 N.W.2d 32, 36 (N.D. 1984)
- State v. Carpenter, 301 N.W.2d 106, 107 (N.D. 1980)
- State v. Connery, 441 N.W.2d 651, 655 (N.D. 1989)
- State v. Morris, 331 N.W.2d 48, 53 (N.D. 1983)

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