

Section 109-02-01-01 is amended as follows:

**109-02-01-01. Definitions.** The terms used throughout this article have the same meaning as in the North Dakota Century Code except:

1. "Agency" means a criminal justice agency, or an agency of the state of North Dakota or one of its political subdivisions, authorized to employ licensed peace officers. For purposes of this title, an agency includes the North Dakota stockmen's association and a railroad that employs licensed peace officers.
2. "Basic full-time peace officer training course" means a board-certified entrance-level training course based on performance objectives essential for full-time licensed peace officers in the state of North Dakota.
3. "Basic part-time peace officer training course" means a board-certified entrance-level training course based on performance objectives essential for part-time licensed peace officers in the state of North Dakota.
4. "Certified instructor" means an instructor certified by the board to instruct law enforcement or basic correctional officer training courses.
5. "Certified shooting course" means a shooting course that meets the requirements of these rules.
6. "Certified training" means training approved by the board.
7. "College credits" means credits earned for studies satisfactorily completed through an accredited institution of higher learning in a program leading to an academic degree.
8. "Controlling agent" is defined as the peace officer who is the main point of contact with the confidential informant.
9. "Crime of violence" is defined as any violation of law where a person purposely or knowingly causes or threatens to cause death or physical bodily injury to another person or persons.
10. "Criminal justice agency" means a unit of government of the state of North Dakota or one of its political subdivisions charged by law with criminal law enforcement duties.
- ~~9.~~11. "Duty equipment" means the equipment issued or approved by the peace officer's employing agency and normally carried by a peace officer in the performance of the peace officer's duties.

- ~~40.12.~~ "Duty weapon" means the sidearm issued or approved by the peace officer's employing agency and normally carried by the peace officer in the performance of the peace officer's duties.
- ~~44.13.~~ "Full-time peace officer" means a full-time salaried public servant employed by an agency of the state of North Dakota or one of its political subdivisions, or a peace officer employed by the North Dakota stockmen's association or a railroad, to enforce the law or to conduct or engage in investigations or prosecutions for violations of law.
- ~~42.14.~~ "Law enforcement training academy" means the highway patrol law enforcement training center.
- ~~43.15.~~ "License requirement" means any term or condition established by the board that must be met before the board may issue, renew, or reinstate a peace officer's license.
- ~~44.16.~~ "Limited license" means a conditional license granted by the board to an individual who has been hired or appointed by an agency but who has not completed a basic full-time peace officer training course and has not successfully passed the licensing examination.
- ~~45.17.~~ "Moral turpitude" means conduct that:
- a. Involves falsification or fraud;
  - b. Involves harm or injury directed to another individual or entity or another individual's or entity's property; or
  - c. Is in violation of North Dakota Century Code chapter 12.1-20, 12.1-27.1, or 12.1-27.2 or the equivalent laws of another state or the federal government.
- ~~46.18.~~ "Part-time peace officer" means a public servant who has a part-time peace officer license and is employed or appointed by a criminal justice agency of the state of North Dakota or one of its political subdivisions to enforce the law or to conduct or engage in investigations or prosecutions for violations of law within the scope of the part-time peace officer's training.
- ~~47.19.~~ "Peace officer" means a salaried public servant employed by a criminal justice agency of the state of North Dakota or one of its political subdivisions, or a peace officer employed by the North Dakota stockmen's association or a railroad, to enforce the law or to conduct or engage in investigations or prosecutions for violations of law.

- ~~18~~.20. "Peace officer license" means a license issued by the board.
- ~~19~~.21. "School" means a facility, agency, or academy that conducts board-certified basic, advanced, and specialized peace officer training courses or basic correctional officer training courses.
- ~~20~~.22. "Sidearm" means a handgun, including a semiautomatic handgun or revolver, carried by a peace officer as the officer's authorized duty weapon.
- ~~21~~.23. "Sidearm qualification" means the test a peace officer must complete on a certified shooting course with the peace officer's duty weapon.
- ~~22~~.24. "Training provider" means an individual, school, facility, or academy that conducts certified basic, advanced, specialized peace officer training courses, or basic correctional officer training courses.
- ~~23~~.25. "Weapon" includes a handgun, shotgun, and rifle.

**History:** Effective October 1, 2004; amended effective July 1, 2006; April 1, 2014;

**General Authority:** NDCC 12-63-02.1(7), 12-63-04(2)(d)

**Law Implemented:** NDCC 12-44.1-01(10), 12-44.1-04(4), 12-63-02.1, 12-63-04

Chapter 109-02-06 is created as follows:

**109-02-06. Confidential informants.**

1. A peace officer utilizing a confidential informant is responsible for the safety of the confidential informant and must document that relationship using a written informant agreement agreed to by the parties prior to any controlled buy, controlled sale, or surreptitious recording taking place.
2. A peace officer shall review the confidential informant agreement with each confidential informant. Each informant agreement must be in writing on a form approved by the board and shall be signed by the confidential informant and the controlling agent who must be a peace officer. The peace officer shall maintain and control access to the written informant agreement.
3. A peace officer shall keep all confidential informant records secret with access limited to persons with a need to know or subject to a court order for disclosure.
4. When a controlling agent gets removed from an investigation using a confidential informant, that peace officer must document this information on the informant agreement and notify the confidential informant. If the investigation continues, the peace officer assuming control of the confidential informant must enter into a new informant agreement with the confidential informant.
5. A peace officer who is acting as the controlling agent for a confidential informant shall request a criminal history report on all target offenders of the investigation and verbally report the propensity for crimes of violence for each target offender to the confidential informant.
6. The controlling agent shall provide an operational/safety plan for each controlled buy, controlled sale, or surreptitious recording attempted by a confidential informant.
7. A peace officer shall inform a paid confidential informant in writing of the compensation amounts prior to any controlled buy, controlled sale, or surreptitious recording taking place.
8. A peace officer shall not have any sexual contact or sexual relationship with any confidential informant.
9. A peace officer shall communicate to the confidential informant, if possible, when the confidential informant is deactivated. A peace officer

shall enter a dated, written notation on the informant agreement when the confidential informant is deactivated.

10. A peace officer shall not violate North Dakota Century Code chapter 29-29.5.

**History:** Effective \_\_\_\_\_.

**General Authority:** NDCC

**Law Implemented:** NDCC