

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1453

Introduced by

Representative Disrud

Senator Fischer

1 A BILL for an Act to create and enact a new subsection to section 12.1-05-02 and a new
2 subsection to section 12.1-32-07 of the North Dakota Century Code, relating to execution of
3 public duty and conditions of probation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new subsection to section 12.1-05-02 of the North Dakota Century
6 Code is created and enacted as follows:

7 Conduct engaged in by an individual at the direction of a public servant, known by
8 that individual to be a law enforcement officer, to assist in the investigation of a
9 criminal offense is justified unless the individual knows or has a firm belief,
10 unaccompanied by substantial doubt, that the conduct is not within the law
11 enforcement officer's official duties or authority. For purposes of this subsection,
12 conduct "not within the law enforcement officer's official duties or authority" is
13 conduct in which the law enforcement officer alone could not lawfully engage in
14 that officer's official capacity. When practicable, permission must be obtained from
15 a parent or guardian of a minor who is under the age of eighteen years and is
16 neither married nor in the military service of the United States before the minor
17 may engage in conduct, other than the providing of information, to assist in a
18 criminal investigation under the direct supervision of a public servant.

19 **SECTION 2.** A new subsection to section 12.1-32-07 of the 1999 Supplement to the
20 North Dakota Century Code is created and enacted as follows:

21 Notwithstanding any other provision of law, the court may authorize the defendant
22 to assist law enforcement officers in an investigation of a criminal offense upon the
23 terms and conditions as the court may require by written order. The court shall

- 1 hold a hearing in camera before issuing an order under this subsection. The order
- 2 must be sealed and is subject to inspection only upon order of the court.