

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1251

Introduced by

Representatives Koppelman, Wieland, Guggisberg

Senators J. Lee, Sorvaag, Schneider

1 A BILL for an Act to create and enact a new section to chapter 44-08 and a new section to
2 chapter 54-40.3 of the North Dakota Century Code, relating to cooperative agreements among
3 criminal justice agencies; and to declare an emergency.

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

5 **SECTION 1.** A new section to chapter 44-08 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Interagency cooperation.**

- 8 1. Any appointive or elective agency or office of peace officers, as defined in section
9 12-63-01, may establish policies and enter agreements with other agencies and
10 offices and a state or local criminal justice agency of this state may establish policies
11 and procedures or enter agreements with other criminal justice agencies of this state
12 to:
13 a. Assist other state and local criminal justice agencies; and
14 b. Exchange the criminal justice agency's peace officers with peace officers of
15 another criminal justice agency on a temporary basis.
16 2. A criminal justice agency may establish policies for assisting probation and parole
17 officers who are supervising probationers or parolees in the criminal justice agency's
18 jurisdiction.
19 3. a. When a peace officer provides assistance to another peace officer within the
20 scope of the policies of the peace officer's employing criminal justice agency, the
21 assistance must be within the line of duty and course of employment of the peace
22 officer rendering the assistance.
23 b. When a peace officer acts on behalf of another agency or office within the scope
24 of an exchange agreement entered under subsection 1, the peace officer's

1 actions are within the peace officer's line of duty and course of employment to the
2 same extent as if the peace officer had acted on behalf of the peace officer's
3 employing agency.

4 4. This section does not extend or enlarge the duties or authority of any peace officer or
5 any other law enforcement agent except as provided in this section.

6 **SECTION 2.** A new section to chapter 54-40.3 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Joint exercise of police power.**

9 A state or a local criminal justice agency of this state, with the approval of its governing
10 body, may enter an agreement in the manner provided in section 54-40.3-01 with another state
11 or a political subdivision of another state, for the joint exercise of peace officer duties. A peace
12 officer acting under an agreement pursuant to this agreement must be licensed under chapter
13 12-63, or if the peace officer is from another state, the officer must be licensed or certified by
14 the other state's licensing or certifying authority. A peace officer acting under an agreement
15 pursuant to this section has full peace officer authority in any jurisdiction that is a party to the
16 agreement. Before an agreement entered under this section is effective, the governing body for
17 each criminal justice agency must have approved the agreement and the attorney general must
18 have determined the agreement is legally sufficient.

19 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.