

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~~section must be licensed under  
13 chapter 12-63, or if the peace officer is from another state, the officer must be licensed or  
14 certified by the other state's licensing or certifying authority. A peace officer acting under an  
15 agreement pursuant to this section has full peace officer authority in any jurisdiction that is a  
16 party to the agreement. Before an agreement entered under this section is effective, the  
17 governing body for each criminal justice agency must have approved the agreement and the  
18 attorney general must have determined the agreement is legally sufficient.

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