

Introduced by

Senators Krebsbach, Lyson

Representatives Price, Sveen

1 A BILL for an Act to amend and reenact section 14-07.1-11 of the North Dakota Century Code,
2 relating to arrest without warrant in domestic violence assaults.

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

4 **SECTION 1. AMENDMENT.** Section 14-07.1-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-07.1-11. Arrest without warrant.**

- 7 1. A law enforcement officer shall arrest a person without a warrant if the person has
8 committed the offense of violating a protection order under section 14-07.1-06,
9 whether or not the violation was committed in the presence of the officer.
- 10 2. A law enforcement officer may arrest a person without a warrant if the arrest is
11 made within ~~four~~ twelve hours from the time the officer determines there is
12 probable cause to arrest for an assault of a family or household member as defined
13 in section 14-07.1-01, whether or not the assault took place in the presence of the
14 officer. After ~~four~~ twelve hours has elapsed, the officer must secure an arrest
15 warrant before making an arrest. A law enforcement officer may not arrest a
16 person pursuant to this subsection without first observing that there has been
17 recent physical injury to, or impairment of physical condition of, the alleged victim.
- 18 3. A law enforcement officer may not be held criminally or civilly liable for making an
19 arrest pursuant to this section if the officer acts in good faith on probable cause
20 and without malice.