

Introduced by

Representatives Delmore, DeKrey, Hawken

Senators Nelson, Trenbeath

1 A BILL for an Act to amend and reenact sections 14-07.1-10 and 14-07.1-12 of the North
2 Dakota Century Code, relating to domestic violence arrest procedures and reports.

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

4 **SECTION 1. AMENDMENT.** Section 14-07.1-10 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-07.1-10. Arrest procedures.**

- 7 1. If a law enforcement officer has probable cause to believe that a person has
8 committed a crime involving domestic violence, whether the offense is a felony or
9 misdemeanor, and whether or not the crime was committed in the presence of the
10 officer, the law enforcement officer shall presume that arresting the person is the
11 appropriate response.
- 12 2. A law enforcement officer investigating a crime involving domestic violence may
13 not threaten, suggest, or otherwise indicate, for the purpose of discouraging
14 requests for law enforcement intervention, that family or household members will
15 be arrested. When complaints are received from two or more family or household
16 members, the officer shall evaluate each complaint separately, including to
17 determine if either party acted in self-defense as defined in section 12.1-05-03. If
18 self-defense is not a factor, to determine whether to seek an arrest warrant or to
19 pursue further investigation, the officer may determine which party has engaged in
20 the most immediately significant aggression by considering certain factors,
21 including the comparative severity of injuries involved, to determine whether to
22 seek an arrest warrant and the likelihood of future harm.
- 23 3. An individual arrested for a crime involving domestic violence may not be released
24 on bail or on the individual's personal recognizance unless the individual has made

1 a personal appearance before a magistrate pursuant to rule 5 of the North Dakota
2 Rules of Criminal Procedure.

3 **SECTION 2. AMENDMENT.** Section 14-07.1-12 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **14-07.1-12. Reports.** A law enforcement officer shall make a written report of the
6 investigation of any allegation of domestic violence regardless of whether an arrest was made.
7 If an officer determines through the course of an investigation that one of the individuals has
8 engaged in the most immediately significant aggression, the report must include the name of
9 that individual and a description of the evidence that supports the findings. The officer shall
10 submit the report to the officer's supervisor or to any other person to whom the officer is
11 required to submit similar reports.