

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 ~~12-63~~44-08 and a new section to
2 chapter ~~44-08~~54-40.3 of the North Dakota Century Code, relating to ~~the joint exercise of police-~~
3 ~~powers and~~ cooperative agreements among ~~peace officer~~criminal justice agencies; ~~and to~~
4 declare an emergency.

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

6 ~~SECTION 1. A new section to chapter 12-63 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~Joint exercise of police power.~~

9 ~~Upon the execution of an agreement that authorizes the exercise of peace officer or police~~
10 ~~powers by a peace officer appointed by one of the governmental units within the jurisdiction of~~
11 ~~the other governmental unit, a peace officer acting pursuant to that agreement has the full and~~
12 ~~complete authority of a peace officer as though appointed by both governmental units provided~~
13 ~~that:~~

14 ~~1. The peace officer has successfully completed a professionally recognized peace-~~
15 ~~officer preemployment training program that the board has found to be comparable to~~
16 ~~North Dakota peace officer preemployment training; and~~

17 ~~2. The peace officer is duly licensed or certified by the peace officer licensing or~~
18 ~~certification authority of the state in which the peace officer's appointing authority is~~
19 ~~located.~~

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

22 **Interagency cooperation.**

23 1. Any appointive or elective agency or office of peace officers, as defined in section
24 12-63-01, may establish policies and enter agreements with other agencies and

1 offices ~~for~~ and a state or local criminal justice agency of this state may establish
2 policies and procedures or enter agreements with other criminal justice agencies of
3 this state to:

4 a. ~~Assisting other peace officers in the line of the other peace officer's duty and~~
5 ~~within the course of the other peace officer's employment~~ Assist other state and
6 local criminal justice agencies; and

7 b. ~~Exchanging~~ Exchange the criminal justice agency's peace officers with peace
8 officers of another criminal justice agency ~~or office~~ on a temporary basis.

9 2. ~~The~~ A criminal justice agency ~~or office~~ may establish policies for assisting probation
10 and parole ~~agents~~ officers who are supervising probationers or parolees in the
11 geographic area within the criminal justice agency's ~~or office's~~ jurisdiction.

12 3. a. When a peace officer provides assistance to another peace officer, ~~or to a parole-~~
13 ~~or probation agent,~~ within the scope of the policies of the peace officer's
14 ~~appointive or elected agency or office~~ employing criminal justice agency, the
15 assistance must be within the line of duty and course of employment of the peace
16 officer rendering the assistance.

17 b. When a peace officer acts on behalf of another agency or office within the scope
18 of an exchange agreement entered under subsection 1, the peace officer's
19 actions are within the peace officer's line of duty and course of employment to the
20 same extent as if the peace officer had acted on behalf of the peace officer's
21 employing agency.

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

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

26 **Joint exercise of police power.**

27 A state or a local criminal justice agency of this state, with the approval of its governing
28 body, may enter an agreement in the manner provided in section 54-40.3-01 with another state
29 or a political subdivision of another state, for the joint exercise of peace officer duties. A peace
30 officer acting under an agreement pursuant to this agreement must be licensed under chapter
31 12-63, or if the peace officer is from another state, the officer must be licensed or certified by

1 the other state's licensing or certifying authority. A peace officer acting under an agreement
2 pursuant to this section has full peace officer authority in any jurisdiction that is a party to the
3 agreement. Before an agreement entered under this section is effective, the governing body for
4 each criminal justice agency must have approved the agreement and the attorney general must
5 have determined the agreement is legally sufficient.

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