

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1122
(Representatives Roers Jones, Heinert, Porter)
(Senators Hogue, Larson)

AN ACT to create and enact section 12-63-02.3 of the North Dakota Century Code, relating to reserve peace officers; and to amend and reenact section 12-63-03 of the North Dakota Century Code, relating to peace officer duties or activities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 12-63-02.3 of the North Dakota Century Code is created and enacted as follows:

12-63-02.3. Reserve peace officer - License.

1. Except as otherwise provided in this section, all provisions of this chapter apply to licensed reserve peace officers and a licensed reserve peace officer has the same authority as a licensed peace officer.
2. The board shall issue a reserve peace officer license to an individual who is appointed by a criminal justice agency and meets the requirements of this chapter and the rules established by the board.
3. A criminal justice agency may appoint a licensed reserve peace officer to supplement and assist a licensed peace officer. If a criminal justice agency appoints a licensed reserve peace officer, the licensed reserve peace officer must be under the supervision of a licensed peace officer designated by the criminal justice agency.
4. A licensed reserve peace officer may not exercise reserve peace officer functions when off duty.
5. The board shall establish criteria for reserve licenses.

SECTION 2. AMENDMENT. Section 12-63-03 of the North Dakota Century Code is amended and reenacted as follows:

12-63-03. Persons and practices not affected.

This chapter does not prevent or restrict the practice of peace officer duties or activities of:

1. Auxiliary personnel such as members of organized groups for purposes such as posse, search and rescue, and security at dances, if the ~~group operates~~personnel operate as adjunct to the police or sheriff's department, and ~~does do~~ not have arrest powers or peace officer authority delegated to its ~~members~~the personnel by the department.
2. ~~A reserve officer such as an individual used by a municipal, county, or state law enforcement agency to provide services to that jurisdiction on a nonsalaried basis and who is granted full arrest authority.~~
3. A person who provides private investigative services in this state.
- 4.3. A person doing private security work or any private security agency.
- 5.4. A person performing peace officer duties in an official capacity as a federal officer.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1122.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State