

**SENATE BILL NO. 2165**

Introduced by

Senators Rummel, Cory, Sickler, Larson

Representative Heinert

1 A BILL for an Act to amend and reenact subsection 2 of section 12-63-04 and sections 12-63-05  
2 and 12-63-12 of the North Dakota Century Code, relating to the powers and duties of the peace  
3 officer standards and training board and peace officer licensing fees.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 12-63-04 of the North Dakota Century  
6 Code is amended and reenacted as follows:

- 7 2. The board shall keep records and minutes necessary to carry out its functions. The  
8 board may:
- 9 a. Issue subpoenas, examine witnesses, administer oaths, and investigate  
10 allegations of practices violating the provisions of this chapter or rules adopted by  
11 the board.
  - 12 b. If the board deems an examination to be in the best interest of public safety,  
13 require, with cause, any licensed peace officer complete a physical or  
14 psychological examination, or both, by a psychologist, licensed physician, or  
15 other qualified evaluation professional selected by the board to determine mental  
16 and physical competency.
  - 17 c. Examine and review any medical or psychological records, including test results  
18 relative to the examination or treatment of the licensed police officer under  
19 subdivision b. A written request from the board is legal authorization to release  
20 medical and psychological information pertinent to peace officer licensure. The  
21 medical or psychological information provided to the board is not subject to  
22 section 44-04-18 and section 6 of article XI of the Constitution of North Dakota.
  - 23 d. Examine, under oath, any applicant for licensing.



1           upon an individual's ability to serve as a peace officer, or the board determines,  
2           following a conviction or adjudication, that the individual is not rehabilitated under  
3           section 12.1-33-02.1.

4           b. Has used unjustified deadly force in the performance of the duties as a peace  
5           officer as described in section 12.1-05-07.

6           c. Has made a false material statement under oath to the board.

7           d. Has made a false material statement to the board while obtaining or renewing a  
8           license or permit.

9           e. Has a psychological or physical condition and the individual is deemed unable to  
10          safely and competently perform the duties of a peace officer.

11          f. Has violated a provision of this chapter or a rule of the board.

12          3. Denial, refusal to renew, suspension, revocation, or imposition of probationary  
13          condition on a license may be ordered by the board after a hearing in accordance with  
14          chapter 28-32. An application for reinstatement may be made to the board one year  
15          from the date of the refusal to renew or the revocation of the license. The board may  
16          accept or reject an application for reinstatement and may hold a hearing to consider  
17          the reinstatement. The board may require an applicant complete a physical or  
18          psychological examination, or both, by a psychologist, licensed physician, or other  
19          qualified evaluation professional selected by the board before reinstatement. The  
20          board may examine and review any relevant medical or psychological records  
21          associated with the applicant's examination. A written request from the board is legal  
22          authorization to release medical or psychological information pertinent to peace officer  
23          licensure. The board shall deny licensure or reinstatement of an applicant if the  
24          applicant refuses to release requested medical or psychological information. The  
25          medical or psychological information provided to the board is not subject to section  
26          44-04-18 and section 6 of article XI of the Constitution of North Dakota. In the case of  
27          a denial of an application, the applicant may not reapply for a period of one year from  
28          the date of the order of denial.

29          4. An appeal from the final decision of the board to refuse to issue, to not renew, to  
30          suspend, or to revoke a license may be made to the district court. Venue is the county

- 1 in which the aggrieved individual resides. The appeal must be made within thirty days
- 2 from the service of the decision on the individual.