

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2165
(Senators Rummel, Cory, Sickler, Larson)
(Representative Heinert)

AN ACT to amend and reenact subsection 2 of section 12-63-04 and sections 12-63-05 and 12-63-12 of the North Dakota Century Code, relating to the powers and duties of the peace officer standards and training board and peace officer licensing fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

2. The board shall keep records and minutes necessary to carry out its functions. The board may:
 - a. Issue subpoenas, examine witnesses, administer oaths, and investigate allegations of practices violating the provisions of this chapter or rules adopted by the board.
 - b. If the board deems an examination to be in the best interest of public safety, require, with cause, any licensed peace officer complete a physical or psychological examination, or both, by a psychologist, licensed physician, or other qualified evaluation professional selected by the board to determine mental and physical competency.
 - c. Examine and review any medical or psychological records, including test results relative to the examination or treatment of the licensed police officer under subdivision b. A written request from the board is legal authorization to release medical and psychological information pertinent to peace officer licensure. The medical or psychological information provided to the board is not subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota.
 - d. Examine, under oath, any applicant for licensing.
 - e.e. Examine, under oath, any licensed peace officer during a hearing to suspend, revoke, or to not renew a license of a peace officer.
 - d.f. Adopt rules relating to the professional conduct of peace officers and to implement the requirements of this chapter, including rules relating to professional licensure, continuing education, and ethical standards of practice, for persons holding a license to practice peace officer duties.
 - e.g. Expend funds to sponsor training for instruction of licensees, including up to fifty thousand dollars annually from fees collected by the board.

SECTION 2. AMENDMENT. Section 12-63-05 of the North Dakota Century Code is amended and reenacted as follows:

12-63-05. Fees.

The board shall prescribe by rule the fee for application for examination, for an initial license, for renewal of a license, for suspension of a license, for reinstatement of a license after revocation, for a duplicate license, for a late sidearm qualification, for late instructor renewal, and for late renewal of a license. The board shall administer fees received under this chapter in accordance with section 54-44-12.

SECTION 3. AMENDMENT. Section 12-63-12 of the North Dakota Century Code is amended and reenacted as follows:

12-63-12. Grounds for denial, revocation, or suspension of license - Adverse license action - Appeal.

1. The board shall deny a license, refuse to renew a license, suspend a license, revoke a license, or impose probationary conditions if the individual has been convicted or pled guilty or nolo contendere before a court of competent jurisdiction in any state, or before any court, of a felony offense.
2. The board may deny a license, refuse to renew a license, suspend a license, or revoke a license, or may impose probationary conditions if the individual:
 - a. Has been convicted or pled guilty or nolo contendere before a court of competent jurisdiction in any state, or before any court, of an offense involving domestic violence or violation of a domestic violence restraining order, an offense involving child abuse or neglect, an offense involving firearms under title 12.1 or title 62.1, or another criminal offense determined by the board to have a direct bearing upon an individual's ability to serve as a peace officer, or the board determines, following a conviction or adjudication, that the individual is not rehabilitated under section 12.1-33-02.1.
 - b. Has used unjustified deadly force in the performance of the duties as a peace officer as described in section 12.1-05-07.
 - c. Has made a false material statement under oath to the board.
 - d. Has made a false material statement to the board while obtaining or renewing a license or permit.
 - e. Has a psychological or physical condition and the individual is deemed unable to safely and competently perform the duties of a peace officer.
 - f. Has violated a provision of this chapter or a rule of the board.
3. Denial, refusal to renew, suspension, revocation, or imposition of probationary condition on a license may be ordered by the board after a hearing in accordance with chapter 28-32. An application for reinstatement may be made to the board one year from the date of the refusal to renew or the revocation of the license. The board may accept or reject an application for reinstatement and may hold a hearing to consider the reinstatement. The board may require an applicant complete a physical or psychological examination, or both, by a psychologist, licensed physician, or other qualified evaluation professional selected by the board before reinstatement. The board may examine and review any relevant medical or psychological records associated with the applicant's examination. A written request from the board is legal authorization to release medical or psychological information pertinent to peace officer licensure. The board shall deny licensure or reinstatement of an applicant if the applicant refuses to release requested medical or psychological information. The medical or psychological information provided to the board is not subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota. In the case of a denial of an application, the applicant may not reapply for a period of one year from the date of the order of denial.
4. An appeal from the final decision of the board to refuse to issue, to not renew, to suspend, or to revoke a license may be made to the district court. Venue is the county in which the aggrieved individual resides. The appeal must be made within thirty days from the service of the decision on the individual.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2165.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 75 Nays 9 Absent 10

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State