

HOUSE BILL NO. 1418

Introduced by

Representatives Klemin, Karls, Lefor, Louser, Schneider

Senators Dwyer, Larson, Sickler

1 A BILL for an Act to amend and reenact section 29-06-15 of the North Dakota Century Code,
2 relating to arrests without a warrant for harassing a public safety agency.

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

4 **SECTION 1. AMENDMENT.** Section 29-06-15 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **29-06-15. Arrest without warrant - Peace officer - Federal agent.**

7 1. A law enforcement officer, without a warrant, may arrest a person:

8 a. For a public offense, committed or attempted in the officer's presence and for the
9 purpose of this subdivision, a crime must be deemed committed or attempted in
10 the officer's presence when what the officer observes through the officer's senses
11 reasonably indicates to the officer that a crime was in fact committed or
12 attempted in the officer's presence by the person arrested.

13 b. When the person arrested has committed a felony, although not in the officer's
14 presence.

15 c. When a felony in fact has been committed, and the officer has reasonable cause
16 to believe the person arrested to have committed it.

17 d. On a charge, made upon reasonable cause, of the commission of a felony by the
18 party arrested.

19 e. For the public offenses, not classified as felonies and not committed in the
20 officer's presence as provided for under section 29-06-15.1.

21 f. On a charge, made upon reasonable cause, of driving or being in actual physical
22 control of a vehicle while under the influence of alcoholic beverages.

- 1 g. For the offense of violating a protection order under section 14-07.1-06, an order
2 prohibiting contact under section 12.1-31.2-02, or for an assault involving
3 domestic violence under section 14-07.1-11.
- 4 h. On a charge, made upon reasonable cause, of being under the influence of
5 volatile chemical vapors in violation of section 19-03.1-22.1.
- 6 i. For the offense of harassing a public safety agency or making a false report to a
7 public safety agency under subsection 4 of section 12.1-17-07.
- 8 2. A federal agent, without a warrant, may arrest a person if all of the following
9 circumstances exist:
- 10 a. The officer is on duty.
- 11 b. One or more of the following situations exist:
- 12 (1) The person commits an assault or other crime, defined and punishable
13 under chapter 12.1-17, against the officer or against any other person in the
14 presence of the officer.
- 15 (2) The officer has reasonable cause to believe that a crime, as defined in
16 paragraph 1, has been committed and reasonable cause to believe that the
17 person to be arrested has committed it.
- 18 (3) The officer has reasonable cause to believe that a felony has been
19 committed and reasonable cause to believe that the person to be arrested
20 has committed it.
- 21 (4) The officer has received positive information from an authoritative source
22 that a peace officer holds a warrant for the person's arrest.
- 23 3. If a law enforcement officer has reasonable cause to believe an individual has violated
24 a lawful order of a court of this state which requires the individual to participate in the
25 twenty-four seven sobriety program authorized in sections 54-12-27 through 54-12-31,
26 the law enforcement officer may immediately take the individual into custody without a
27 warrant. An individual taken into custody under this subsection may not be released on
28 bail or on the individual's personal recognizance unless the individual has made a
29 personal appearance before a magistrate.