

FIRST ENGROSSMENT

ENGROSSED 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.

- 1 f. On a charge, made upon reasonable cause, of driving or being in actual physical
2 control of a vehicle ~~while under the influence of alcoholic beverages~~ in violation of
3 section 39-08-01.
- 4 g. For the offense of violating a protection order under section 14-07.1-06, an order
5 prohibiting contact under section 12.1-31.2-02, or for an assault involving
6 domestic violence under section 14-07.1-11.
- 7 h. On a charge, made upon reasonable cause, of being under the influence of
8 volatile chemical vapors in violation of section 19-03.1-22.1.
- 9 i. For the offense of harassing a public safety agency or making a false report to a
10 public safety agency under subsection 4 of section 12.1-17-07.
- 11 2. A federal agent, without a warrant, may arrest a person if all of the following
12 circumstances exist:
- 13 a. The officer is on duty.
- 14 b. One or more of the following situations exist:
- 15 (1) The person commits an assault or other crime, defined and punishable
16 under chapter 12.1-17, against the officer or against any other person in the
17 presence of the officer.
- 18 (2) The officer has reasonable cause to believe that a crime, as defined in
19 paragraph 1, has been committed and reasonable cause to believe that the
20 person to be arrested has committed it.
- 21 (3) The officer has reasonable cause to believe that a felony has been
22 committed and reasonable cause to believe that the person to be arrested
23 has committed it.
- 24 (4) The officer has received positive information from an authoritative source
25 that a peace officer holds a warrant for the person's arrest.
- 26 3. If a law enforcement officer has reasonable cause to believe an individual has violated
27 a lawful order of a court of this state which requires the individual to participate in the
28 twenty-four seven sobriety program authorized in sections 54-12-27 through 54-12-31,
29 the law enforcement officer may immediately take the individual into custody without a
30 warrant. An individual taken into custody under this subsection may not be released on

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- 1 bail or on the individual's personal recognizance unless the individual has made a
- 2 personal appearance before a magistrate.