

SENATE BILL NO. 2056

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact section 29-06.1-02 of the North Dakota Century Code,
2 relating to tribal arrest warrants.

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

4 **SECTION 1. AMENDMENT.** Section 29-06.1-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **29-06.1-02. Arrest with or without warrant.**

- 7 1. A peace officer may arrest a person subject to a tribal arrest warrant if presented with
8 the warrant and may arrest a person without a tribal arrest warrant upon probable
9 cause to believe that the person is the subject of such a warrant. An arrest is
10 authorized under this subsection only if the arrest warrant is issued for commission of
11 a crime punishable as a misdemeanor under the applicable tribal ordinance or
12 resolution.
- 13 2. The arrested person may waive the right to appear before a judge and consent to
14 transfer of custody to the applicable tribal authority by executing a written waiver in the
15 presence of a peace officer or correctional officer. Before executing a written waiver,
16 the arrested person must be informed of the name of the tribe that issued the arrest
17 warrant, the right to assistance of counsel, and the right to appear before a district
18 judge before transfer of custody to the applicable tribal authority. If a waiver is
19 executed, the court shall issue an order transferring custody of the arrested person to
20 the applicable tribal authority or, with the consent of the applicable tribal authority,
21 authorize the voluntary return of the arrested person to the applicable tribal authority.
- 22 3. If the arrested person does not waive appearance before a judge under subsection 2,
23 the arrested person must be brought without unnecessary delay before the nearest
24 available district judge.

1 ~~3.4.~~ The district judge shall issue an order continuing custody upon presentation of the
2 tribal arrest warrant or, if the arrest is made without a warrant, upon testimony or
3 affidavit showing probable cause to believe the person is the subject of such a
4 warrant.