

CHAPTER 109-02-02 LICENSING AND TRAINING REQUIREMENTS

Section

109-02-02-01	Compliance With Minimum Training Standards
109-02-02-02	Supervision of Part-Time Licensed Peace Officers and Reserve Licensed Peace Officers
109-02-02-03	Reserve Officers [Repealed]
109-02-02-04	Limited Peace Officer License
109-02-02-04.1	Reserve Peace Officer License
109-02-02-05	Waiver of Required Training - Reciprocity
109-02-02-06	Licensing Examinations
109-02-02-06.1	Reserve Peace Officer Licensing Examinations
109-02-02-07	Employment of Officers
109-02-02-08	Medical and Psychological Examination
109-02-02-09	Compliance With Sidearm Qualification as a License Requirement
109-02-02-10	License Certificate [Repealed]
109-02-02-10.1	Scope of Part-Time Peace Officer Authority
109-02-02-11	Licensing, Renewal, and Reinstatement Fees
109-02-02-12	Surrender of License
109-02-02-13	Reinstatement of License
109-02-02-14	Inactive Status
109-02-02-15	Continuing Education Requirements
109-02-02-16	License Renewal
109-02-02-17	Termination of Officer Employment or Appointment
109-02-02-18	Notice of Termination
109-02-02-19	Notice of Denial, Suspension, or Revocation - Hearing

109-02-02-01. Compliance with minimum training standards.

1. Each applicant for a peace officer's license shall successfully complete the first available board-certified basic full-time peace officer training course from the date of the issuance of the peace officer's limited license, except as extended by the board under these rules and successfully pass the licensing examination. The applicant must successfully pass the licensing examination before the board may issue a full-time peace officer's license.
2. Each applicant for a part-time peace officer's license shall successfully complete the basic part-time peace officer training course within two years after the applicant commenced taking the classes in the basic part-time peace officer training course.
3. An individual who has never been employed or appointed by an agency for up to two years after successfully completing the basic full-time peace officer training course and licensing examination is eligible for a peace officer license and may be issued a license upon employment or appointment as a peace officer with an agency.
4. An individual who has never been employed or appointed by an agency for two years or more, but less than three years, after successfully completing the full-time basic peace officer training course and licensing examination shall obtain a limited license, attend the criminal and traffic portions of the basic full-time peace officer training course, successfully pass the licensing examination, and be employed by an agency in order to receive a peace officer license.
5. An individual who has never been employed or appointed by an agency as a peace officer for more than three years after successfully completing the basic full-time peace officer training course and licensing examination shall obtain a limited license, complete the entire basic

full-time peace officer training course, successfully pass the licensing examination, and be employed by an agency in order to receive a peace officer license.

6. The board may grant an extension of time to a peace officer to complete required courses upon written request by the agency administrator upon a showing of good cause.

History: Effective October 1, 2004; amended effective July 1, 2006; April 1, 2014.

General Authority: NDCC 12-63-02.1(7), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.1, 12-63-03(1)(2), 12-63-06, 12-63-07

109-02-02-02. Supervision of part-time licensed peace officers and reserve licensed peace officers.

Supervision of officers with a part-time license and reserve peace officers means the supervising officer has the ability to have direct personal contact with the part-time peace officer or reserve peace officer within a reasonable time and the part-time peace officer or reserve peace officer is able to have direct personal contact with the supervising full-time peace officer within a reasonable time.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.1(3)(7), 12-63-02.3(3), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.1, 12-63-02.3, 12-63-04

109-02-02-03. Reserve officers.

Repealed effective April 1, 2014.

109-02-02-04. Limited peace officer license.

1. The board may issue a limited peace officer license to an individual who is in good standing and has completed the educational, medical, and psychological examination licensing requirements and has been qualified to carry a sidearm.
2. The application for the limited license must be made by the individual's employing agency. A peace officer with a limited license must work under the supervision of an officer with a full-time peace officer license. Supervision of a peace officer with a limited license means the supervising officer has the ability to have direct personal contact with the peace officer with a limited license within a reasonable time and the peace officer with a limited license is able to have direct personal contact with the supervising full-time peace officer within a reasonable time.
3. A limited license is effective until the individual has successfully completed the first available basic full-time peace officer training course and has successfully completed the licensing examination.
4. The board may authorize an individual to attend a subsequent basic full-time peace officer training course upon a showing of good cause by the agency or individual. The board may renew the limited license once if the individual failed the licensing examination. An individual with a limited license may retake the licensing examination within thirty days after the first examination and upon payment of the examination fee. If an individual with a limited license fails the licensing examination a second time, the individual shall successfully complete a basic full-time peace officer training course before the individual may retake the licensing examination. The individual shall obtain a limited license if the individual will attend the basic full-time peace officer training course at the law enforcement training center.
5. If a peace officer with a limited license is no longer employed with the agency that applied for the limited license, or if the peace officer fails to attend and successfully complete the first

available basic full-time peace officer training course without the prior approval of the board, the peace officer's limited license expires.

6. An applicant for a part-time peace officer license may not receive a limited peace officer license.
7. An individual who has not been issued a limited license may not perform peace officer duties under this section. North Dakota Century Code section 12-63-02 requires an individual to be licensed before performing peace officer duties. North Dakota Century Code section 12.1-13-04 makes impersonating a law enforcement officer a class A misdemeanor.

History: Effective October 1, 2004; amended effective July 1, 2006; April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.1(7), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.1, 12-63-06, 12-63-07, 12-63-09

109-02-02-04.1. Reserve peace officer license.

The board may issue a reserve peace officer license to an individual who is in good standing; passed a criminal history background investigation; has completed the educational, medical, and psychological examination licensing requirements; and has qualified to carry a sidearm. The educational requirement is the reserve peace officer training course set by the board. The application for the reserve peace officer license must be made by the individual's employing or appointing agency.

History: Effective April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)(d), 12-63-06

Law Implemented: NDCC 12-63-02.3, 12-63-04

109-02-02-05. Waiver of required training - Reciprocity.

1. An individual having peace officer experience or having completed an equivalent basic full-time peace officer training course conducted in any state or by a federal law enforcement agency may qualify for a partial waiver of basic full-time peace officer training requirements. The administrator of the agency employing the individual may apply to the board for a partial waiver. The board shall review all applications for a waiver and may grant a partial waiver.
 - a. Training received in a state or from a federal law enforcement agency with laws governing or regulating peace officer training must have been approved or certified by the governing or regulating body of the state or federal agency in which the individual received the training.
 - b. The board may prescribe additional training as a license requirement for an individual applying for a partial waiver under this rule.
 - c. Applicants for a partial waiver of basic full-time peace officer training shall submit complete documentation of prior basic full-time peace officer training, including current licensing or certification, to the board.
 - d. Applicants shall prove they are in good standing with all law enforcement licensing authorities where they have been licensed in order to obtain a waiver.
2. If the board has granted an applicant a partial waiver, the board may only allow the applicant two attempts to successfully complete the licensing examination. If a passing score is not obtained on the first attempt, the applicant may retake the examination, but only if the applicant retakes the examination within thirty days from the date of the first examination. If a passing score is not obtained on the second attempt, the applicant shall complete the entire basic full-time peace officer training course before retaking the licensing examination.

3. An individual without peace officer experience who has completed an equivalent basic full-time peace officer training course in any state or with a federal law enforcement agency may only qualify for a partial waiver of the basic full-time peace officer training course if it has been less than three years since the individual completed the other state's or federal agency's peace officer training course.
4. An individual with peace officer experience who has been employed as a certified or licensed peace officer in any state or with a federal law enforcement agency may only qualify for a partial waiver of the basic full-time peace officer training course if it has been less than three years since the individual has been employed as a peace officer in another state or with a federal law enforcement agency.
5. Those peace officers currently licensed in North Dakota and working for an agency who wish to obtain a reserve peace officer license may be issued a reserve peace officer license upon completion of the reserve peace officer application and payment of the reserve peace officer licensing fee.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)

Law Implemented: NDCC 12-63-02.3, 12-63-04, 12-63-06

109-02-02-06. Licensing examinations.

1. **Examination requirements.** An individual is eligible to take the licensing examination upon completion of or during the basic full-time peace officer training course. A minimum score of seventy percent is necessary for successful completion of the licensing examination. The individual shall pay the examination fee established by the board prior to taking the examination. The examination must be administered by the board or the board's designee.
2. **Retaking examinations.** An individual who fails the first examination may retake the examination one time upon furnishing to the board the required examination fee. After the second unsuccessful attempt, the individual shall successfully complete the entire basic full-time peace officer training course before the individual may retake the examination a third time. The individual shall obtain a limited license if the individual will attend the basic full-time peace officer training course at the law enforcement training center.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04, 12-63-07

109-02-02-06.1. Reserve peace officer licensing examinations.

1. **Examination requirements.** An individual is eligible to take the licensing examination within thirty days of completing the reserve peace officer training course. A minimum score of seventy percent is necessary for successful completion of the licensing examination. There is no fee for the reserve peace officer examination. The examination must be administered by the board or the board's designee.
2. **Retaking examinations.** An individual who fails the first examination may retake the examination one time within thirty days. After a second unsuccessful attempt, the individual shall successfully complete the entire reserve peace officer training course before the individual may retake the examination a third time.
3. **Existing reserve officers or reserve deputies.** Individuals who have served as a reserve officer or reserve deputy for more than one year preceding August 1, 2021, and who meet the minimum license requirements of this chapter may obtain a reserve peace officer license without taking the entire reserve peace officer training program. Those qualified individuals

may obtain a reserve peace officer license by taking a use of force class, passing the use of force examination, taking the reserve peace officer North Dakota criminal and traffic law course, qualifying with their duty weapon, and successfully passing the reserve peace officer examination. Individuals availing themselves of this process only may take the reserve peace officer examination once. If the individual does not pass the reserve peace officer examination, they must take the entire reserve peace officer training program in order to retake the reserve peace officer examination.

History: Effective April 1, 2022.

General Authority: NDCC 12-63-02.3(5)

Law Implemented: NDCC 12-63-02.3

109-02-02-07. Employment of officers.

If an individual is not already a licensed officer when hired by an agency, but the individual is eligible to be licensed, the individual shall apply to be licensed at the time of appointment or hire. The application must be made on a form provided by the board, and both the applicant and the agency administrator shall verify the applicant is eligible to be licensed. The applicable license fee must accompany the application.

History: Effective October 1, 2004; amended effective July 1, 2006; April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.1(7), 12-63-02.3(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.1, 12-63-02.3, 12-63-04, 12-63-06, 12-63-07, 12-63-09

109-02-02-08. Medical and psychological examination.

An applicant for a license shall successfully complete a board-approved psychological examination by a board-approved provider. An applicant shall also successfully complete a medical examination. The employing agency shall submit the results of the psychological examination and documentation of the medical examination with the application for the license.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.3(1)(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.3, 12-63-06(4)

109-02-02-09. Compliance with sidearm qualification as a license requirement.

The board may not issue, renew, or reinstate an officer's license or limited license unless the officer has complied with all sidearm qualification requirements. The board may suspend an officer's license if the officer fails to comply with all sidearm qualification requirements under these rules.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.3(1)(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.3, 12-63-04(1)(d)

109-02-02-10. License certificate.

Repealed effective April 1, 2014.

109-02-02-10.1. Scope of part-time peace officer authority.

A peace officer with a part-time peace officer license may only perform peace officer duties within the scope of the peace officer's board-approved training.

History: Effective July 1, 2006.

General Authority: NDCC 12-63-02.1(7)

Law Implemented: NDCC 12-63-02.1

109-02-02-11. Licensing, renewal, and reinstatement fees.

1. The following fees are nonrefundable:
 - a. Peace officer licensing examination fee - twenty-five dollars.
 - b. Initial license fee - the initial license fee is forty-five dollars.
 - c. License renewal fee - forty-five dollars.
 - d. Late license renewal fee for up to thirty days after expiration of license - one hundred dollars.
 - e. Late license renewal fee from thirty-one days to three hundred sixty-five days after expiration of license - two hundred fifty dollars.
 - f. License reinstatement fee after revocation of license - five hundred dollars.
 - g. Duplicate license fee - ten dollars.
 - h. Late sidearm qualification fee - one hundred dollars.
 - i. Reinstatement fee for sidearm suspension or revocation - two hundred fifty dollars.
 - j. Late instructor renewal fee - one hundred dollars.
2. License renewals are every three years on a calendar-year basis. License renewal dates are based on the following surname divisions: A-G, H-M, N-Z. If an officer's name changes, their current license remains in effect until the expiration date. When an officer's name changes resulting in a surname division change, at the next renewal, the board will move the officer into the appropriate surname division. Depending on the new surname division, the officer shall complete either twenty or forty hours of continuing education in order to renew their license.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-04(2)(d), 12-63-05, 12-63-11

Law Implemented: NDCC 12-63-05, 12-63-10

109-02-02-12. Surrender of license.

Licenses remain the property of the board. An officer shall surrender the officer's license if the board has suspended or revoked the officer's license or if the officer has not requested inactive status and has allowed the officer license to expire.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04, 12-63-11(2)

109-02-02-13. Reinstatement of license.

An individual who does not perform duties as an officer, is no longer employed or appointed by an agency, or otherwise allows the officer's license to expire shall comply with the following conditions for reinstatement:

1. If the board has revoked an individual's license by adverse license action under North Dakota Century Code section 12-63-12, the individual may not apply for reinstatement of the license until one year from the date of revocation of the license.
2. Before the board may accept the application for reinstatement, the individual shall comply with the following conditions for reinstatement:

- a. The individual shall pay the reinstatement fee and shall meet the same continuing education requirements applicable for renewal of a license under this chapter.
- b. The individual shall successfully complete the written examination and sidearm qualification requirements under chapter 109-02-03 of these rules prior to reinstatement.
- c. If the individual does not apply for reinstatement within one year after becoming eligible to apply for reinstatement, the board may not accept the application for reinstatement.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04, 12-63-12

109-02-02-14. Inactive status.

An individual who does not perform duties as a licensed peace officer or is no longer employed by an agency may request the board place the individual on inactive status. The individual shall make the request for inactive status in writing on a form provided by the board. The individual may remain on inactive status indefinitely if the individual meets the same requirements for a peace officer on active status, including annual sidearm qualification requirements, and maintains continuing education requirements and renews the license in accordance with the rules of the board. An individual who has been hired by an agency but who has been on inactive status for three or more years when the individual was hired by the agency shall attend the first available criminal and traffic law portions of the full-time peace officer basic course, and successfully complete the licensing examination before the board may restore the individual's license to active status. Reserve peace officers may not maintain a license in inactive status.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.3, 12-63-11(2)

109-02-02-15. Continuing education requirements.

1. In order for an officer to remain licensed, the officer shall comply with all license requirements. Peace officers shall receive a minimum of sixty hours of certified training every three years. Certified training in online, web-based, or video format cannot constitute more than twenty hours of the sixty-hour requirement for continuing education requirements. Training may not be in increments of less than one hour. If an officer has received more than sixty hours in a three-year period, the surplus in training hours may not be carried forward into the next three-year period.
2. Every officer shall meet the continuing education requirements within the officer's license period. If an officer fails to complete the required continuing education within the time period specified in this section, or the officer or the officer's agency fails to submit a record of the officer's approved continuing education to the board within the time period specified in this section, the officer's license expires.
3. A peace officer who has enrolled and completed college courses may request a waiver of the sixty-hour training requirement for renewal of the peace officer's license. The board may grant the request upon a showing of successful completion of at least four semester credit hours of college credit in a criminal justice-related or job-related topic. The peace officer shall submit documentation of successful course completion within thirty days after completion of the college course.
4. A training course or seminar must be certified training to qualify for the continuing education training requirement for license renewal under this chapter.

- a. If an out-of-state training course or seminar has not been approved by the board, the officer or the officer's employing agency shall notify the board within fifteen days before the start of the training course or seminar. The officer, or the officer's employing agency, shall provide the board the course name and subject matter, the training location, the dates and times of training, and if available, a training syllabus or agenda.
 - b. Within thirty days after completion of any training, the officer or the officer's employing agency shall submit verification of the officer's attendance at the training or seminar.
 - c. The board may waive the required number of training hours upon a showing of good cause. For purposes of this section, good cause means a situation in which the officer is unable to complete the required training because of factors beyond the control of either the officer or the officer's employing agency. Under this section, good cause includes a situation in which the officer has suffered a physical injury or ailment that prevents the officer from successfully completing required training or when the officer is called to active military service and is unable to successfully complete the required training. This waiver request must come from the officer's employing or appointing agency.
5. Reserve peace officers shall receive a minimum of thirty hours of certified training every three years. Ten hours of the certified training may consist of online training. If a reserve peace officer received more than thirty hours in a three-year period, the surplus in training hours may not be carried forward into the next three-year period.

History: Effective October 1, 2004; amended effective April 1, 2014, April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.3, 12-63-04

109-02-02-16. License renewal.

1. **Application.** An application for renewal of a license must be made on forms issued by the board. An officer applying for renewal shall verify compliance with sidearm and continuing education requirements on the application for renewal and submit the application for renewal prior to the expiration of the officer's license.
2. **Renewal.** The board shall issue a license renewal, which is valid for three years, to each officer who has submitted the appropriate fee on or before December thirty-first of the year the officer's license expires and who has verified compliance with all licensing requirements, including continuing education and annual sidearm qualification requirements.
3. **Late renewal.** If an officer fails to renew a license by December thirty-first of the year the officer's license expires, the license is no longer in effect and the individual may not perform officer duties until the officer has renewed the license in accordance with the requirements of this section. The officer may apply for late renewal no later than December thirty-first of the following year upon payment of the late renewal fee and verification of compliance with all licensing requirements, including continuing education and sidearm qualification requirements. The board may not renew the officer's license unless the officer has completed all required continuing education and annual sidearm qualification requirements.
4. **Expiration of license.** If an officer fails to apply for renewal of a license within one year after the expiration of the officer's license, the board may not renew the officer's license.
5. **Application for limited license and partial waiver.** If a peace officer fails to renew the license within one year after expiration of the license, the individual's employing agency may apply to the board for a limited license. The individual's employing agency may request a partial waiver of basic training after the board has issued a limited license to the individual.

6. **No partial waiver.** There are not waivers available for individuals whose peace officer license has been expired for more than three years.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04, 12-63-11

109-02-02-17. Termination of officer employment or appointment.

An agency's termination of an officer's employment or appointment, whether the termination is voluntary or involuntary, may not preclude adverse license action against the individual by the board under North Dakota Century Code section 12-63-12.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.3, 12-63-12, 12-63-13

109-02-02-18. Notice of termination.

If an agency terminates an officer's employment or appointment, the agency shall notify the board within thirty days of the termination on a form provided by the board. The notice of termination must include:

1. The nature and cause of the termination.
2. The effective date of the termination.
3. A statement from the agency indicating whether the agency is recommending denial, suspension, or revocation of the officer's license.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-01(2), 12-63-02.3, 12-63-12, 12-63-13

109-02-02-19. Notice of denial, suspension, or revocation - Hearing.

The board shall notify an officer in writing when the board has made a determination to deny, refuse to renew or reinstate, suspend, revoke, or impose probationary conditions on an officer's license. The notice must specify the basis of the denial, refusal to renew or reinstate, suspension, revocation, or probationary conditions. The officer may request an administrative hearing on the denial, refusal to renew or reinstate, suspension, revocation, or probationary conditions. The board may take adverse license action by service of an administrative complaint on the officer. The board shall notify an officer's employing or appointing agency if the board has commenced adverse license action against an officer currently employed or appointed by the agency.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.3, 12-63-12, 12-63-13