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September 14, 2007  
(Inside Mail)

Jeff Nelson  
Staff Counsel  
Legislative Council  
600 East Boulevard  
Bismarck, ND 58505-0360

RE: Peace Officer Standards and Training Board, Tribal Police Officer Licensing

Dear Jeff:

This letter is to advise you of the current status of licensing tribal law enforcement officers by the North Dakota Peace Officer Standards and Training Board ("P.O.S.T. Board").

The Sixtieth Legislative Assembly enacted House Bill 1504, relating to licensing tribal police officers. The provisions of House Bill 1504 appear at N.D.C.C. § 12-63-02.2.

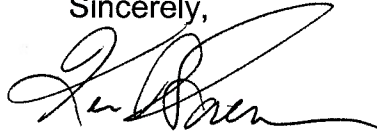
N.D.C.C. § 12-63-02.2(1) provides that a tribal police officer of a federally recognized tribe in this state who meets the requirements of N.D.C.C. ch. 12-63 and the rules of the P.O.S.T. Board is eligible for a peace officer license or a part-time peace officer license.

N.D.C.C. § 12-63-02.2(2) directs the P.O.S.T. Board to issue a peace officer license or a part-time peace officer license to a tribal police officer who is eligible for the license and has paid the prescribed license fees if: (1) the tribal police officer has a special deputy appointment; (2) the tribal police officer is employed by the state or a political subdivision; or (3) there is an agreement between the state of North Dakota and the tribe, or between a political subdivision and the tribe, for tribal police officers to perform law enforcement services.

A tribal police officer who has been issued a license in accordance with N.D.C.C. § 12-63-02.2 may exercise the powers of a peace officer of this state within the exterior boundaries of the reservation, or off the reservation in accordance with the special deputy appointment, the employment agreement, or the agreement between the state or political subdivision and the tribe.

The provisions of House Bill 1504 became effective on August 1, 2007. To date, the P.O.S.T. Board has not received any applications for licenses for tribal police officers, nor has it been informed of any pending special deputy appointments, employment agreements, or state and tribal or political subdivision and tribal agreements for which the P.O.S.T. Board is authorized to issue a peace officer license under this law.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Sorenson', with a stylized flourish extending to the right.

Ken Sorenson  
Assistant Attorney General

cc: Scott Busching, Chairman, P.O.S.T. Board  
Mark Gilbertson, Executive Secretary