

**Sixty-second Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE BILL NO. 1251  
(Representatives Koppelman, Wieland, Guggisberg)  
(Senators J. Lee, Sorvaag, Schneider)

AN ACT to create and enact a new section to chapter 44-08 and a new section to chapter 54-40.3 of the North Dakota Century Code, relating to cooperative agreements among criminal justice agencies.

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

**SECTION 1.** A new section to chapter 44-08 of the North Dakota Century Code is created and enacted as follows:

**Interagency cooperation.**

1. Any appointive or elective agency or office of peace officers, as defined in section 12-63-01, may establish policies and enter agreements with other agencies and offices and a state or local criminal justice agency of this state may establish policies and procedures or enter agreements with other criminal justice agencies of this state to:
  - a. Assist other state and local criminal justice agencies; and
  - b. Exchange the criminal justice agency's peace officers with peace officers of another criminal justice agency on a temporary basis.
2. A criminal justice agency may establish policies for assisting probation and parole officers who are supervising probationers or parolees in the criminal justice agency's jurisdiction.
3.
  - a. When a peace officer provides assistance to another peace officer within the scope of the policies of the peace officer's employing criminal justice agency, the assistance must be within the line of duty and course of employment of the peace officer rendering the assistance.
  - b. When a peace officer acts on behalf of another agency or office within the scope of an exchange agreement entered under subsection 1, the peace officer's actions are within the peace officer's line of duty and course of employment to the same extent as if the peace officer had acted on behalf of the peace officer's employing agency.
4. This section does not extend or enlarge the duties or authority of any peace officer or any other law enforcement agent except as provided in this section.

**SECTION 2.** A new section to chapter 54-40.3 of the North Dakota Century Code is created and enacted as follows:

**Joint exercise of police power.**

A state or a local criminal justice agency of this state, with the approval of its governing body, may enter an agreement in the manner provided in section 54-40.3-01 with another state or a political subdivision of another state, for the joint exercise of peace officer duties. A peace officer acting under an agreement pursuant to this section must be licensed under chapter 12-63, or if the peace officer is from another state, the officer must be licensed or certified by the other state's licensing or certifying authority. A peace officer acting under an agreement pursuant to this section has full peace officer authority in any jurisdiction that is a party to the agreement. Before an agreement entered under this

section is effective, the governing body for each criminal justice agency must have approved the agreement and the attorney general must have determined the agreement is legally sufficient.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1251.

House Vote:      Yeas 93              Nays 0              Absent 1

Senate Vote:      Yeas 28              Nays 18              Absent 1

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2011.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2011.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2011,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State