

2025 HOUSE JUDICIARY

HB 1418

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1418
1/27/2025

A BILL for an Act to amend and reenact section 29-06-15 of the North Dakota Century Code, relating to arrests without a warrant for harassing a public safety agency.

10:02 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Henderson

Discussion Topics:

- Harassment and false report penalties
- Accidental 911 calls

10:02 a.m. Rozanna Larson, Ward County State's Attorney, testified in favor.

10:12 a.m. Jonathan Byers, representing the ND State's Attorneys, testified in favor.

Additional written testimony:

Lawrence Klemin, North Dakota Representative for District 47, submitted a proposed amendment #31705.

10:13 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

25.0997.02001
Title.

Prepared by the Legislative Council
staff for Representative Klemin
January 22, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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

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

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1418
2/3/2025

A BILL for an Act to amend and reenact section 29-06-15 of the North Dakota Century Code, relating to arrests without a warrant for harassing a public safety agency.

2:47 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff

Members Absent: Representative Schneider

Discussion Topics:

- Harassment cases involving intoxicating drugs
- Legal definition of harassment

2:52 p.m. Representative Wolff moved to Amend and replace "of alcoholic beverages" with "in violation of section 39-08-01" on page 2 lines 2 and 3.

2:52 p.m. Representative VanWinkle seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	A
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

2:54 p.m. Motion passed 13-0-1

2:55 p.m. Representative Karls moved a Do Pass as Amended.

2:55 p.m. Representative Wolff seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	N
Representative Jeff Hoverson	N
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	N
Representative Mary Schneider	A
Representative Bill Tveit	Y
Representative Lori VanWinkle	N
Representative Christina Wolff	Y

2:58 p.m. Motion passed 9-4-1

2:58 p.m. Representative Christianson will carry the bill.

2:59 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

RS 2/3/25
1 of 3

February 3, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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

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

**REPORT OF STANDING COMMITTEE
HB 1418**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** ([25.0997.02002](#)) and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1418 was placed on the Sixth order on the calendar.

2025 SENATE JUDICIARY

HB 1418

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee

Peace Garden Room, State Capitol

HB 1418

3/24/2025

A BILL for an Act to amend and reenact section 29-06-15 of the North Dakota Century Code, relating to arrests without a warrant for harassing a public safety agency.

9:59 a.m. Chair Larson opened the meeting.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Warrantless arrests for harassment
- Public safety agency disruptions
- Class A misdemeanor implication

10:00 a.m. Representative Klemin introduced the bill and submitted testimony in favor #43636.

10:04 a.m. Jonathan Byers, ND State Attorney's Association, testified in favor.

10:10 a.m. Robert Roed, Sheriff, Ward County Sheriff's Department, testified in favor and submitted testimony #43544.

10:18 a.m. Chair Larson closed the hearing.

10:18 a.m. Senator Myrdal moved a Do Pass.

10:18 a.m. Senator Luick seconded the motion.

10:22 a.m. Roza Larson, Ward County State's Attorney, testified as neutral answering committee questions.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

10:24 a.m. Senator Luick will carry the bill.

Senate Judiciary Committee

HB 1418

3/24/2025

Page 2

10:26 a.m. Chair Larson discussed upcoming schedule and listed bill numbers committee needs to take action on.

10:29 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1418 ([25.0997.03000](#))**

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1418 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.



Sheriff's Department



Robert Roed
Sheriff

March 24th, 2025

Chair Larson and members of the committee,

For the record my name is Robert Roed, I am the Sheriff of Ward County in Minot and I am providing testimony in support of HB 1418.

Specifically, I support the creation of subdivision I, which creates what we call a misdemeanor exemption for harassing a 911 emergency line, public safety answering point or an emergency responder communication system. Under North Dakota Century Code, in order for law enforcement to place someone under arrest for a misdemeanor, it must either occur in their presence or there must be an exemption. Since those harassing communications are currently a misdemeanor, it is necessary for a misdemeanor exemption to allow law enforcement to make a probable cause arrest without having to go through the process of obtaining an arrest warrant.

The challenge is that most dispatch centers do not have sworn law enforcement present. So, when a person decides to repetitively call 911 to simply curse and yell at the dispatcher, this creates a situation where it's in the best interest of society to have the person tying up that line to be quickly arrested so that the 911 call center can return to normal operations. Currently, unless there is a law enforcement officer present, an arrest warrant would need to be obtained, which could take hours or much longer depending upon the agency and availability of a prosecutor and judge.

Additionally, this misdemeanor exemption only applies to harassing a 911 emergency line, public safety answering point or an emergency responder communication system. It does not apply to the administrative line of a law enforcement agency. Federal law defines a public safety answering point and the FCC maintains a list of registered PSAPs. We commonly call these dispatch centers.

Sincerely,

Robert Roed, Sheriff
Ward County Sheriff's Department

12.1-17-07. Harassment.

1. A person is guilty of an offense if, with intent to frighten or harass another, the person:
 - a. Communicates in writing or by electronic communication a threat to inflict injury on any person, to any person's reputation, or to any property;
 - b. Makes a telephone call anonymously or in offensively coarse language;
 - c. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication; or
 - d. Communicates a falsehood in writing or by electronic communication and causes mental anguish.
2. The offense is a class A misdemeanor if it is under subdivision a of subsection 1 or subsection 4. Otherwise it is a class B misdemeanor.
3. Any offense defined herein and committed by use of electronic communication may be deemed to have been committed at either the place at which the electronic communication was made or at the place where the electronic communication was received.
4. A person is guilty of an offense if the person initiates communication with a 911 emergency line, public safety answering point, or an emergency responder communication system with the intent to annoy or harass another person or a public safety agency or who makes a false report to a public safety agency.
 - a. Intent to annoy or harass is established by proof of one or more calls with no legitimate emergency purpose.
 - b. Upon conviction of a violation of this subsection, a person is also liable for all costs incurred by any unnecessary emergency response.
5. Any offense defined herein is deemed communicated in writing if it is transmitted electronically, by electronic mail, facsimile, or other similar means. Electronic communication means transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.

Source:

S.L. 1973, ch. 116, § 17; 1975, ch. 116, § 16; 1995, ch. 125, § 1; 1999, ch. 124, § 1; 2013, ch. 103, § 1.