

**ARTICLE 109-02  
PEACE OFFICER STANDARDS**

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**CHAPTER 109-02-01  
GENERAL PROVISIONS**

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**109-02-01-01. Definitions.**

The terms used throughout this article have the same meaning as in the North Dakota Century Code except:

1. "Agency" means a criminal justice agency, or an agency of the state of North Dakota or one of its political subdivisions, authorized to employ licensed peace officers. For purposes of this title, an agency includes the North Dakota stockmen's association and a railroad that employs licensed peace officers.
2. "Basic full-time peace officer training course" means a board-certified entrance-level training course based on performance objectives essential for full-time licensed peace officers in the state of North Dakota.
3. "Basic part-time peace officer training course" means a board-certified entrance-level training course based on performance objectives essential for part-time licensed peace officers in the state of North Dakota.
4. "Basic reserve peace officer training course" means a board-certified entrance-level training course based on performance objectives essential for reserve licensed peace officers in the state of North Dakota.
5. "Certified instructor" means an instructor certified by the board to instruct law enforcement or basic correctional officer training courses.
6. "Certified shooting course" means a shooting course that meets the requirements of these rules.
7. "Certified training" means training approved by the board.
8. "Challenge" means an option available to an applicant granted a partial waiver of the basic full-time peace officer training which allows the applicant to attempt the licensing examination

without additional preparatory training.

9. "College credits" means credits earned for studies satisfactorily completed through an accredited institution of higher learning in a program leading to an academic degree.
- ~~9-10.~~ "Controlling agent" means the peace officer who is the main point of contact with the confidential informant for the controlled buy, controlled sale, or in-person surreptitious recording.
- ~~10-11.~~ "Crime of violence" means any violation of law where a person purposely or knowingly causes or threatens to cause death or physical bodily injury to another person or persons.
- ~~11-12.~~ "Criminal justice agency" means a unit of government of the state of North Dakota or one of its political subdivisions charged by law with criminal law enforcement duties.
- ~~12-13.~~ "Duty equipment" means the equipment issued or approved by the officer's employing agency and normally carried by an officer in the performance of the officer's duties.
- ~~13-14.~~ "Duty weapon" means the sidearm issued or approved by the officer's employing agency and normally carried by the officer in the performance of the officer's duties.
15. "Enrolled" means officially registered as an active student within a North Dakota university system institution, either as a primary student of the institution or as a student from another university taking coursework at the institution, with status maintained according to the institution's academic policies.
- ~~14-16.~~ "Good standing" means an individual who holds a current license that is not issued on a temporary or restricted basis, is not encumbered or on probation, and is not suspended or revoked.
- ~~15-17.~~ "Law enforcement training academy" means the law enforcement training center.
- ~~16-18.~~ "License requirement" means any term or condition established by the board that must be met before the board may issue, renew, or reinstate an officer's license.
- ~~17-19.~~ "Limited license" means a conditional license granted by the board to an individual who has been hired or appointed by an agency but who has not completed a basic full-time peace officer training course and has not successfully passed the licensing examination.
- ~~18-20.~~ "Moral turpitude" means conduct that:
- a. Involves dishonesty, falsification, or fraud;
  - b. Involves harm or injury directed to another individual or entity or another individual's or entity's property; or
  - c. Is in violation of North Dakota Century Code chapter 12.1-20, 12.1-27.1, or 12.1-27.2 or the equivalent laws of another state or the federal government.
- ~~19-21.~~ "Officer" includes all categories of peace officer standards and training board licensees.
- ~~20-22.~~ "Online training" means computer-based training, distance learning, or e-learning, in a form that takes place completely on the internet. It involves a variety of multimedia elements including graphics, audio, video, and weblinks, which all can be accessed through an internet browser. For the purposes of continuing education credit, any course of instruction that allows for real-time instructor interaction with the student may not be considered "online training".
- ~~21-23.~~ "Part-time peace officer" means a public servant who has a part-time peace officer license and is employed or appointed by a criminal justice agency of the state of North Dakota or one of its political subdivisions to enforce the law or to conduct or engage in investigations or prosecutions for

violations of law within the scope of the part-time peace officer's training.

- ~~22-24.~~ "Peace officer" means a public servant employed by a criminal justice agency of the state of North Dakota or one of its political subdivisions, or a peace officer employed by the North Dakota stockmen's association or a railroad, to enforce the law or to conduct or engage in investigations or prosecutions for violations of law.
- ~~23-25.~~ "Peace officer license" means a license issued by the board.
- ~~24-26.~~ "Reserve peace officer" means a volunteer or employee of a criminal justice agency of the state of North Dakota or one of its political subdivisions who has a reserve peace officer license to enforce the law.
- ~~25-27.~~ "Reserve peace officer license" means a license issued by the board.
- ~~26-28.~~ "School" means a facility, agency, or academy that conducts board-certified basic, advanced, and specialized peace officer training courses or basic correctional officer training courses.
- ~~27-29.~~ "Sidearm" means a handgun, including a semiautomatic handgun or revolver, carried by an officer as the officer's authorized duty weapon.
- ~~28-30.~~ "Sidearm qualification" means the test an officer must complete on a certified shooting course with the officer's duty weapon.
31. "Sponsored college student" means a student enrolled in a North Dakota university system institution who has received formal endorsement from their college or university to attend the basic peace officer training at the North Dakota law enforcement training academy.
32. "Sponsoring university or college" means an accredited institution, either within the North Dakota university system or in partnership with a North Dakota university system institution, that formally endorses a student's application to attend the North Dakota law enforcement training academy. The sponsoring institution verifies the student's eligibility and supports the student's commitment to meeting required training standards.
- ~~29-33.~~ "Training provider" means an individual, school, facility, or academy that conducts certified basic, advanced, specialized officer training courses, or basic correctional officer training courses.
- ~~30-34.~~ "Weapon" includes a handgun, shotgun, and rifle.

**History:** Effective October 1, 2004; amended effective July 1, 2006; April 1, 2014; July 1, 2018; April 1, 2022.

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

**Law Implemented:** NDCC 12-44.1-01(10), 12-44.1-04(4), 12-63-02, 12-63-02.1, 12-63-04

#### **109-02-01-01.1. Application of chapter to all licensees.**

The provisions of this chapter apply to all licensees and officers who have been issued a license unless otherwise provided for in this chapter.

**History:** Effective July 1, 2006; amended effective 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

#### **109-02-01-02. Criminal history background investigation required.**

1. The agency shall conduct a criminal history background investigation when the agency hires or appoints an individual to perform officer duties by submitting a complete set of the individual's fingerprints and all other information necessary to complete a state and nationwide criminal history record check with the bureau of criminal investigation. The agency shall file verification of the

completed criminal history background investigation and results on a form provided by the board.

2. A school shall conduct a criminal history background investigation on each enrollee in the school, unless the enrollee has a limited license or is attending the law enforcement training center by submitting a complete set of the enrollee's fingerprints and all other information necessary to complete a state and nationwide criminal history record check with the bureau of criminal investigation.

**History:** Effective October 1, 2004; amended effective 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 12-63-02.3, 12-63-04(1)(a), 12-63-06(3)

**109-02-01-03. Minimum license requirements.**

An applicant for an officer license and all licensees:

1. Must be a United States citizen, or in resident alien status, as defined by United States citizenship and immigration services laws and regulations.
2. Must be a high school graduate, have a high school equivalency diploma, or have a GED certificate.
3. Must not have pled guilty to, pled nolo contendere to, or have been found guilty, in any state or federal court, of any felony offense.
4. Must not have pled guilty to, pled nolo contendere to, or have been convicted in any state or federal court of offenses involving moral turpitude, sexual violations, domestic violence, violation of a domestic violence restraining order, child abuse or neglect, firearms under North Dakota Century Code title 12.1 or 62.1, or any other criminal offense the board determines has a direct bearing on the applicant's or licensee's ability to serve as an officer.
5. Must not be prohibited from using or possessing a firearm.
6. Must have a valid driver's license issued in the United States.
7. Must have undergone a criminal history background investigation by the employing agency and have fingerprint clearance from the North Dakota bureau of criminal investigation and the United States department of justice federal bureau of investigation.
8. Must have passed a medical examination and psychological examination. The psychological examination must be administered by a board-approved psychological provider. Only physicians, osteopathic physicians, nurse practitioners, and physician assistants are authorized to administer medical examinations for the board. The psychological and medical examinations remain valid for one year from the examination date.
9. Must be employed or appointed as an officer by an agency.
10. Must not be prohibited from access to national crime information center and criminal justice information sharing databases.
11. Must not have been dishonorably discharged or administratively discharged from United States military service for conduct that would be in violation of the officer code of conduct.
12. Must be in good standing with all applicable law enforcement licensing authorities.
13. Must pass the use of force examination and meet the sidearm qualification standards.

**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), 12-63-06, 12-63-12(2)

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

#### **109-02-01-04. Other license requirements.**

1. In addition to other requirements of law when an agency employs or appoints an individual to be an officer, the agency shall notify the board of the employment of the individual on a form provided by the board and verify that the individual meets the requirements of North Dakota Century Code chapter 12-63 and these rules before the individual may begin performing officer duties. The agency shall submit on a form provided by the board verification of completion of the criminal history background investigation, medical examination, and psychological examination. The agency shall also forward a complete record of the individual's previous training and law enforcement experience to the board.
2. ~~Only a~~ A salaried peace officer who has a limited license ~~may~~ must attend the basic full-time peace officer training course at the law enforcement training center. The peace officer's employing agency shall submit a verified statement to the board that the peace officer is a full-time peace officer of the agency in connection with the peace officer's application to attend the law enforcement training center for the basic full-time peace officer training course and that the peace officer is receiving a salary while attending the law enforcement training center.
3. A sponsored North Dakota college student may attend the basic full-time peace officer training course at the North Dakota law enforcement training academy. The student must be enrolled in an institution within the North Dakota university system. The sponsoring university or college must submit a verified statement to the board confirming that the student is sponsored by the institution in connection with the student's application to attend the North Dakota law enforcement training academy for the basic full-time peace officer training course. The sponsoring university or college shall submit verification of completion of the criminal history background investigation, medical examination, and psychological examination on a form provided by the board. The sponsored college student becomes eligible for a North Dakota peace officer license upon successful completion of the basic full-time officer training course at the North Dakota law enforcement training academy.
4. Only an individual hired to be a full-time peace officer may apply for a limited license or a peace officer license, apply for renewal of a license, except for renewal of an inactive license, or apply for reinstatement of a license. The peace officer's employing agency shall submit a verified statement to the board that the peace officer is a full-time peace officer of the agency in connection with the peace officer's application for a limited license or an application for renewal or reinstatement of a license.

**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(1), 12-63-06, 12-63-07, 12-63-09

#### **109-02-01-04.1. Other reserve peace officer license requirements.**

1. In addition to other requirements of law when an agency employs or appoints an individual to be a reserve peace officer, the agency shall notify the board of the employment or appointment of the individual on a form provided by the board and verify that the individual meets the requirements of North Dakota Century Code chapter 12-63 and these rules before the individual may begin performing reserve peace officer duties. The agency shall submit on a form provided by the board verification of completion of the criminal history background investigation, medical examination, and psychological examination. The agency shall forward to the board the record of the individual's completion of the reserve peace officer basic course.
2. An individual may only work for one criminal justice agency at a time in a reserve peace officer capacity.
3. A reserve peace officer may not be on duty more than ~~forty~~ four hundred eighty hours in ~~any thirty-day period~~ per year unless a state of emergency exists.

**History:** Effective April 1, 2022.

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

**Law Implemented:** NDCC 12-63-02.3

**109-02-01-05. Agency's responsibility.**

1. Every agency shall provide or obtain the necessary training for its officers in order that those officers meet all board license requirements.
2. Every agency shall maintain records of training provided to their officers and make the records available to the board upon request.
3. Every agency shall notify the board when it hires an officer, when it terminates the employment or appointment of an officer, or when an officer resigns from employment with the agency. The agency shall submit the notification on the form provided by the board within thirty days from the date of the officer's employment, termination, or resignation.
4. It is the responsibility of each agency to investigate and submit a written report to the board of any of the following:
  - a. A violation of North Dakota Century Code chapter 12-63 by an officer employed or appointed by the agency;
  - b. An arrest, plea of guilty, or finding of guilt for a felony offense by an officer employed or appointed by the agency;
  - c. An arrest, plea of guilty, or finding of guilt by an officer employed by the agency for an offense involving moral turpitude, sexual violations, an offense involving domestic violence or violation of a domestic violence restraining order, an offense involving child abuse or neglect, an offense involving firearms under North Dakota Century Code title 12.1 or 62.1; or
  - d. Any other violation of law or rule of the board.

**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, 12-63-12

**109-02-01-06. Record of certified instructors and shooting courses.**

Repealed effective April 1, 2014.

**109-02-01-07. Waiver.**

The board may waive the requirements of this article upon a showing of good cause. Good cause means a situation involving extreme hardship that places an undue burden on an officer or 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, 12-63-04

**109-02-01-08. Additional agency requirements.**

This article establishes minimum standards and requirements for officers and does not preclude an agency from establishing additional or more stringent hiring and training requirements and ethical standards.

**History:** Effective October 1, 2004; amended effective 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

**109-02-01-09. Hearings and appeals.**

Hearings and appeals must be in accordance with North Dakota Century Code chapters 28-32 and 54-57. An aggrieved individual may waive these requirements and consent to disposition by the board.

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

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

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

## **CHAPTER 109-02-02 LICENSING AND TRAINING REQUIREMENTS**

### Section

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109-02-02-04.1	Reserve Peace Officer License
109-02-02-05	Waiver of Required Training - Reciprocity
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### **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 as outlined in 109-02-01-07. If granted the waiver, the peace officer's employing agency shall submit a verified statement to the board affirming that the peace officer is a full-time peace officer of the agency, is receiving a salary while attending the required full-time peace officer training course, and that the agency will cover the associated training costs. 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 two times 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~~third time, the individual shall successfully complete a basic full-time peace officer training course before the individual may retake the licensing examination. ~~The individual~~A salaried peace officer 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 grants~~ an applicant a partial waiver, ~~the board may only allow the applicant two attempts to successfully complete the licensing examination.~~ applicant may choose one of two options for their first licensing examination attempt:
  - a. **Challenge option.** The applicant may opt to challenge the licensing examination without additional training. If the applicant does not obtain a passing score on this challenge

attempt, they must attend the next available two-week reciprocity course at the North Dakota law enforcement training academy before retaking the examination.

- b. **Two-week reciprocity course.** Alternatively, the applicant may attend the two-week reciprocity course at the North Dakota law enforcement training academy prior to taking the licensing examination. If the applicant does not achieve a passing score after the reciprocity course, they are allowed a second attempt within thirty days of the first examination. Applicants who failed the challenge will only get one attempt to achieve a passing score after attending the two-week reciprocity course.
- c. If a passing score is not obtained on the first attempt after both attempts (whether by the challenge or through the two-week reciprocity course), 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 be required to complete the entire basic full-time peace officer training course before retaking any further attempts at 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~~ personally proctored by the board or the board's designee.
2. **Retaking examinations.** An individual who fails the first examination may retake the examination ~~one time~~ two times upon furnishing to the board the required examination fee. After the ~~second~~ third 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~~ fourth time. ~~The individual~~ A salaried peace officer 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~~fifty dollars.
  - b. Initial license fee - the initial license fee is ~~forty-five~~one hundred dollars.
  - c. License renewal fee - ~~forty-five~~one hundred dollars.
  - d. Late license renewal fee for up to thirty days after expiration of license - ~~one~~two hundred fifty dollars.
  - e. Late license renewal fee from thirty-one days to three hundred sixty-five days after expiration of license - ~~two~~five 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~~five hundred fifty dollars.
  - j. Late instructor renewal fee - one hundred dollars.
  - k. Peace officer license suspension fee – two hundred fifty 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~~ renewing the license in accordance with the rules of the board. When hired by an agency, the individual must immediately complete the board-approved use of force examination and annual sidearm qualification. 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 sixtyseventy-five hours of certified training every three years. Certified training in online, web-based, or video format cannot constitute more than twentyfifty hours of the sixty-hourseventy-five-hour requirement for continuing education

requirements. Twenty-five hours of training must be in person. Training may not sessions must be scheduled in half-hour increments, with a minimum duration of thirty minutes of less than one hour. If an officer has received more than ~~sixty~~seventy-five hours in a three-year period, the surplus in training hours may not be carried forward into the next three-year period. Six hours of training, two hours per year, must be training approved by the board for all licensed peace officers.

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

## CHAPTER 109-02-03 MINIMUM STANDARDS OF TRAINING PRIOR TO CARRYING A WEAPON

### Section

109-02-03-01	Sidearm Authorization and Qualification
109-02-03-02	Use of Force Examination and Sidearm Qualification for Individuals Not Licensed in North Dakota
109-02-03-03	Shotgun, Rifle, and Special Weapons Certification [Repealed]
109-02-03-04	Sidearm Qualification Required Annually
109-02-03-05	Certified Shooting Course
109-02-03-06	Criteria for a Certified Shooting Course
109-02-03-07	Issuance, Denial, or Revocation of Sidearm Qualification
109-02-03-08	Waiver [Repealed]
109-02-03-09	Notice of Denial or Revocation of Qualification - Hearing [Repealed]

### **109-02-03-01. Sidearm authorization and qualification.**

An officer may not carry a sidearm in the course of employment or in the performance of official duties unless the officer has successfully completed the sidearm qualification requirements and the board has issued an officer license or limited license. Sidearm qualification requires passing a North Dakota peace officer standards and training board-approved sidearm qualification course.

**History:** Effective October 1, 2004; amended effective 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(1)(d)

### **109-02-03-02. Use of force examination and sidearm qualification for individuals not licensed in North Dakota.**

The board shall establish and certify a sidearm qualification and use of force examination for individuals not licensed in North Dakota, including:

1. A written examination covering criminal and civil liability and North Dakota law on the use of force. A score of one hundred percent is necessary for successful completion of the written examination. An individual may attempt the use of force examination three times. Only one attempt may occur in any twelve-hour period. If those three attempts are unsuccessful, the individual must wait thirty days from the last unsuccessful attempt before retaking. After that period, the individual may attempt a single use of force examination. If the individual does not pass, they may not attempt the use of force examination for three hundred sixty-five days.
2. A North Dakota certified sidearm shooting course using the officer's duty weapon, duty equipment, and duty ammunition or ammunition equivalent grain to the ammunition the officer carries on duty. Successful completion of the sidearm qualification requires a minimum score of seventy percent and the demonstration of competence in sidearm skills, including the safe handling, loading, and unloading of the sidearm, as determined by a certified weapons instructor.
3. An individual may attempt to qualify four times. The first three attempts only may occur once in any twelve-hour period. If a third unsuccessful attempt occurs, the individual must wait thirty days before their final attempt at qualification. If the individual is still unable to qualify, they may not attempt qualification for three hundred sixty-five days from the fourth unsuccessful attempt.
4. Only a North Dakota certified weapons instructor may administer the sidearm qualification and use of force examination.

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

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

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

**109-02-03-03. Shotgun, rifle, and special weapons certification.**

Repealed effective April 1, 2014.

**109-02-03-04. Sidearm qualification required annually.**

Every officer shall qualify with the officer's duty weapon each year as a license requirement.

1. Sidearm qualification requires successful completion of a North Dakota certified shooting course at least once during each calendar year. If an officer fails to qualify after one attempt at any certification course on three separate days by the end of the calendar year, the officer may not carry a duty weapon for thirty days during which time the officer no longer meets minimum license requirements. After thirty days, the officer may again attempt to qualify; however, the officer's license remains suspended until the employing or appointing agency provides proof the officer successfully completed the sidearm qualification and pays the late sidearm qualification fee if required under these rules.
2. For officers employed by an agency who are not required to carry a sidearm in the performance of their duties, the officer's agency may apply to the board for a waiver of the sidearm qualification requirements.
3. Board-approved credit hours will only be given for one on duty weapon and one off duty weapon.

**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

**109-02-03-05. Certified shooting course.**

An officer may not qualify with the officer's duty weapon on a noncertified shooting course.

**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

**109-02-03-06. Criteria for a certified shooting course.**

A sidearm shooting course must meet the following requirements before the agency may receive certification for the course and before an officer may qualify or requalify with the officer's duty weapon:

1. The course must provide for a minimum of three firing positions, including:
  - a. Prone.
  - b. Sitting.
  - c. Standing.
  - d. Kneeling.
  - e. Point shoulder.
  - f. Crouch.
  - g. Walking.

- h. Barricade position.
- 2. The course must induce stress by the use of time, physical activity, or night or low light conditions or a combination of all three. The course must provide a time limit for course completion.
- 3. The course must include firing from at least three different distances:
  - a. The distance may not be less than one yard [.91 meter] nor more than twenty-five yards [22.86 meters].
  - b. The majority of firing must occur at seven yards [6.40 meters] or more.
- 4. The course must include firing at least eighteen but not more than sixty rounds of ammunition from start to finish.
- 5. The course must be fired completely with the officer's duty weapon and duty equipment and include left-hand and right-hand shooting. An approved substitute weapon of the same type, model, and manufacture as the duty weapon may be used if the duty weapon becomes defective during firing.
- 6. The ammunition used when firing for qualification must be the same as or equivalent grain to the ammunition normally carried on duty.
- 7. Only silhouette targets may be used on a certified shooting course.

**History:** Effective October 1, 2004; amended effective July 1, 2006; 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(1)(d)

**109-02-03-07. Issuance, denial, or revocation of sidearm qualification.**

- 1. The board shall review all applications for sidearm qualification. The board may deny or revoke an application for sidearm qualification:
  - a. If the applicant failed to successfully complete the shooting course;
  - b. Upon a finding that the applicant falsified any information required to obtain qualification or requalification;
  - c. Upon the written recommendation of a certified instructor; or
  - d. If the shooting course was not board-certified.
- 2. The board may require any officer to repeat a sidearm qualification test based upon the written recommendation of the agency administrator or certified weapons instructor or when the board deems it necessary.
- 3. Documentation for sidearm qualification must be submitted to the board on forms provided by the board and must include:
  - a. Identification of the officer.
  - b. Identification of the weapons instructor.
  - c. Identification of the duty weapon, including model and manufacturer.
  - d. Date of the officer's sidearm qualification.

e. Identification of the certified shooting course.

**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(1)(d)

**109-02-03-08. Waiver.**

Repealed effective April 1, 2014.

**109-02-03-09. Notice of denial or revocation of qualification - Hearing.**

Repealed effective April 1, 2014.

**CHAPTER 109-02-04**  
**INSTRUCTOR AND TRAINING COURSE CERTIFICATION**

Section

109-02-04-01	Certification of Instructors
109-02-04-02	Requirements for Certification of Law Enforcement Instructors
109-02-04-03	Certification Duration
109-02-04-04	Application for Instructor Certification
109-02-04-05	Requirements for Weapons Instructor Certification
109-02-04-06	Weapons Instructor Requirements
109-02-04-07	Certification of Training Providers
109-02-04-07.1	Certified Training Provider and Certified Instructor Denial, Suspension, Revocation, or Imposition of Probationary Terms
109-02-04-08	Basic Full-Time Peace Officer Training Course Requirements
109-02-04-08.1	Basic Part-Time Law Enforcement Training Course Requirements
109-02-04-08.2	Basic Reserve Law Enforcement Training Course Requirements
109-02-04-09	Application for Course Certification
109-02-04-10	Notice of Suspension, Revocation, Denial, or Denial of Renewal - Hearing [Repealed]

**109-02-04-01. Certification of instructors.**

The board shall certify law enforcement instructors who the board has determined are qualified, based on the instructor's education, training, and experience, to teach one or more law enforcement subjects in accordance with the requirements of this chapter.

1. The board may deny, deny renewal of, or suspend an instructor's certification if it determines that the instructor fails to meet the requirements of this chapter to teach one or more law enforcement subjects.
2. The board may deny, deny renewal of, suspend, or revoke an instructor's certification if the board finds that false information was willfully submitted to the board for purposes of obtaining instructor certification or renewal of certification.
3. The board shall maintain a record of certified instructors, certified training courses, and certified shooting courses.

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

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

**Law Implemented:** NDCC 12-63-04(1)(a)(b)(c)

**109-02-04-02. Requirements for certification of law enforcement instructors.**

1. A North Dakota licensed officer applying for certification as a law enforcement instructor to teach general police subjects or the use of weapons, must have:
  - a. Two years' experience as a licensed or certified officer;
  - b. Verified training or documented experience in each subject to be taught;
  - c. Compliance with all board requirements, including successful completion of a course of instructor development training or its equivalent approved by the board; and
  - d. A recommendation by the applicant's agency administrator or training officer.
2. The board may waive any part of the requirements of this section if it finds that a person who does not satisfy all requirements of this section is otherwise qualified to be an instructor.

**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(1)(a)(b)(c)

**109-02-04-03. Certification duration.**

A law enforcement instructor's certification is effective for no more than the instructor's officer license period. The law enforcement instructor's initial certification period will expire the same date as the instructor's officer license. Subsequent instructor certification periods will run concurrently with the instructor's three-year license period. At the end of the instructor's officer license period, the board may renew the instructor's certification provided that:

1. The instructor has completed a certified instructor refresher course at least once during the certification period;
2. The instructor is recommended by the agency administrator or training officer; and
3. A law enforcement instructor who has not completed a certified instructor refresher course during the instructor's officer license period may not apply for renewal. If the instructor completes the methods of instruction refresher long course and pays the late instructor renewal fee within six months of instructor certification expiration, the instructor certification is reinstated. Individuals not completing these requirements within six months of the expiration date must retake the entire methods of instruction training to obtain their instructor certification.

**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(1)(a)(b)(c)

**109-02-04-04. Application for instructor certification.**

1. Applications for instructor certification must be made on a board-approved form.
2. The board shall review all applications for certification. The board may issue an instructor's certificate, issue an instructor's certificate subject to conditions, or deny issuance of the certificate.

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

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

**Law Implemented:** NDCC 12-63-04(1)(a)(b)(c)

**109-02-04-05. Requirements for weapons instructor certification.**

1. In order to be certified as a weapons instructor, an officer shall successfully complete North Dakota peace officer standards and training board-approved instructor development and weapons instructor development courses. In order to waive any of those requirements the applicant shall make a personal appearance before the peace officer standards and training board.
2. If the officer is only going to conduct sidearm qualification testing on a certified shooting course, the officer only needs to successfully complete a North Dakota peace officer standards and training board-approved weapons instructor course.
3. Each instructor shall successfully complete a certified weapons instructor refresher course at least once during the instructor's certification period in order to be eligible for recertification.

4. The initial weapons instructor certification period will expire the same date as the instructor's officer license. Subsequent weapons instructor certification periods will run concurrent with the three-year license 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(1)(a)(b)(c)

#### **109-02-04-06. Weapons instructor requirements.**

1. Within thirty days after an officer or applicant has completed a certified shooting course, the weapons instructor shall forward a completed sidearm qualification form to the board.
2. The board may suspend a weapons instructor's certification if the weapons instructor fails to submit an officer's or applicant's sidearm qualification form to the board within thirty days after the officer has completed the sidearm qualification on a certified shooting course.
3. The board shall notify a weapons instructor in writing if it suspends the instructor's certification. The notice must specify the basis of the suspension.

**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(1)(a)(b)(c)

#### **109-02-04-07. Certification of training providers.**

Training providers must be certified by the board prior to the commencement of training. Certification may not exceed four years.

1. The training provider shall file satisfactory proof of adequate training equipment, facilities, and qualified instructors with the board prior to certification. Adequate training equipment and facilities include sufficient supplies and safety assurances. The training provider's instructors must have experience, training, and education in law enforcement subjects or basic correctional officer training courses before the board may certify the instructor.
2. Upon review of the training provider's request for certification and after determination the training provider has met the requirements of the board, the board may grant provisional certification until the board completes additional evaluation and inspection.
3. The training provider's certification is subject to periodic review by the board.

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

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

**Law Implemented:** NDCC 12-44.1-01(1), 12-44.1-04(4), 12-63-04(1)(a)(b)(c)

#### **109-02-04-07.1. Certified training provider and certified instructor denial, suspension, revocation, or imposition of probationary terms.**

1. The board may deny, suspend, revoke, or place conditions upon a training provider's or certified instructor's certification, or impose probationary conditions on the training provider or certified instructor, or suspend or revoke certification of a training course if the training provider or certified instructor:
  - a. Fails to provide instruction consistent with the prescribed performance objectives in the subject areas for which the training provider or training course was certified;
  - b. Fails to comply with or cooperate in a board investigation of the training provider or training course, including an investigation of misconduct by students, faculty, or staff. For

purposes of this requirement, the term "misconduct" includes cheating on a licensing examination or tests required by the training provider or the board, helping another individual to cheat on a licensing examination or tests required by the training provider or the board, filing a false report or information with the board, or obstructing a board investigation; or

- c. Fails to comply with North Dakota Century Code chapter 12-63 or the rules of the board.
2. Failure to comply with board requirements may result in one or more of the following:
  - a. A letter of censure to the certified training provider or certified instructor;
  - b. Formal or informal probation for the certified training provider or certified instructor; or
  - c. Denial, denial of renewal, suspension, or revocation of certification of the certified training provider, certified instructor, or certified training course.
3. The board shall notify in writing any certified training provider or certified instructor when the board denies, denies renewal of, suspends, revokes, or places conditions upon certification. The notice must specify the basis of the denial, denial of renewal, suspension, or revocation of the certification. The certified training provider or certified instructor may request a hearing in accordance with North Dakota Century Code chapter 28-32.

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

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

**Law Implemented:** NDCC 12-63-04(1)(a)(b)(c)

#### **109-02-04-08. Basic full-time peace officer training course requirements.**

1. The basic full-time peace officer training course must include training based on performance objectives essential for law enforcement in the state of North Dakota, and must include classroom training, field training, and firearms training.
2. The basic full-time peace officer training course must include testing on the performance objectives. The training provider conducting the basic full-time peace officer training course shall maintain records of tests and testing procedures.
3. Before a certified training provider offers any course from the basic full-time peace officer training courses at another site not included in the original certification, the training provider shall notify the board in writing.

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

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

**Law Implemented:** NDCC 12-63-04(1)(a)(b)(c)

#### **109-02-04-08.1. Basic part-time law enforcement training course requirements.**

1. The basic part-time law enforcement training course must include training based on performance objectives essential to part-time peace officers in the state of North Dakota, and must include classroom training, field training, and firearms training.
2. The basic part-time peace officer training course must include testing on the performance objectives. The school or agency conducting the basic part-time peace officer training course shall maintain records of tests and testing procedures.
3. An applicant for a part-time peace officer license must successfully complete the basic part-time peace officer training course within two years after the applicant started the basic part-time peace officer training course.
4. The school or agency conducting the basic part-time peace officer training course shall notify

the board if the applicant for a part-time peace officer license fails to complete or pass any part of the basic part-time peace officer training course.

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

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

**Law Implemented:** NDCC 12-63-02.1

**109-02-04-08.2. Basic reserve law enforcement training course requirements.**

1. The basic reserve law enforcement training course must include training based on performance objectives essential to reserve peace officers in the state of North Dakota, and must include classroom training, field training, and firearms training.
2. The basic reserve peace officer training course must include testing on the performance objectives. The school or agency conducting the basic reserve peace officer training course shall maintain records of tests and testing procedures.
3. An applicant for a reserve peace officer license must successfully complete the basic reserve peace officer training course within one year after the applicant started the basic reserve peace officer training course.
4. The school or agency conducting the basic reserve peace officer training course shall notify the board if the applicant for a reserve peace officer license fails to complete or pass any part of the basic reserve peace officer training course.

**History:** Effective April 1, 2022.

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

**Law Implemented:** NDCC 12-63-02.3

**109-02-04-09. Application for course certification.**

The following procedures apply to all training courses for which certification is requested:

1. The individual or training provider seeking course certification shall submit an application and course description for program certification to the board on a form provided by the board at least fifteen days before the training is to commence.
2. The application must include:
  - a. A course description showing the title of course, a detailed course outline, name of person or agency preparing the training program, course objective, testing methods if applicable, course content, estimated length of course, and references; and
  - b. Information concerning the instructors' education and experience if the instructors have not been certified by the board.
3. Within thirty days after the completion of a training program, the training coordinator shall submit to the board a completed student roster on a form provided by the board. The completed form must include each officer's name, license number, employing agency, hours attended, course name, subject matter, training location, and the dates and times of training.
4. Course certification will not be granted unless the course meets the following criteria:
  - a. Meets a law enforcement educational need;
  - b. Is law enforcement or law enforcement administrative function related;

- c. Is based on knowledge, skills, or abilities needed to be an officer; and
- d. Is ~~a minimum of one hour~~ at least a half-hour in length and is offered in ~~one-hour increments of~~ a half-hour.

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

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

**Law Implemented:** NDCC 12-63-04(1)(a)(b)(c)

**109-02-04-10. Notice of suspension, revocation, denial, or denial of renewal - Hearing.**

Repealed effective April 1, 2022.