Sixty-seventh Legislative Assembly of North Dakota

## **HOUSE BILL NO. 1122**

Introduced by

Representatives Roers Jones, Heinert, Porter

Senators Hogue, Larson

- 1 A BILL for an Act to create and enact section 12-63-02.3 of the North Dakota Century Code,
- 2 relating to reserve peace officers; and to amend and reenact section 12-63-03 of the North
- 3 Dakota Century Code, relating to peace officer duties or activities.

## 4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1.** Section 12-63-02.3 of the North Dakota Century Code is created and enacted as follows:
- 7 <u>12-63-02.3. Reserve peace officer License.</u>
- 8 <u>1. Except as otherwise provided in this section, all provisions of this chapter apply to</u>
- 9 <u>licensed reserve peace officers and a licensed reserve peace officer has the same</u>
- 10 <u>authority as a licensed peace officer.</u>
- 11 <u>2.</u> The board shall issue a reserve peace officer license to an individual who is appointed
- by a criminal justice agency and meets the requirements of this chapter and the rules
- 13 <u>established by the board.</u>
- 14 3. A criminal justice agency may appoint a licensed reserve peace officer to supplement
- and assist a licensed peace officer. If a criminal justice agency appoints a licensed
- 16 reserve peace officer, the licensed reserve peace officer must be under the
- supervision of a licensed peace officer designated by the criminal justice agency.
- 18 <u>4. A licensed reserve peace officer may not exercise reserve peace officer functions</u>
- 19 <u>when off duty.</u>
- 5. The board shall establish criteria for reserve licenses.
- 21 **SECTION 2. AMENDMENT.** Section 12-63-03 of the North Dakota Century Code is
- 22 amended and reenacted as follows:
- 23 **12-63-03.** Persons and practices not affected.
- 24 This chapter does not prevent or restrict the practice of peace officer duties or activities of:

## Sixty-seventh Legislative Assembly

6

8

- 1 Auxiliary personnel such as members of organized groups for purposes such as 2 posse, search and rescue, and security at dances, if the group operatespersonnel 3 operate as adjunct to the police or sheriff's department, and does do not have arrest 4 powers or peace officer authority delegated to its membersthe personnel by the 5 department.
- 2. A reserve officer such as an individual used by a municipal, county, or state law-7 enforcement agency to provide services to that jurisdiction on a nonsalaried basis and who is granted full arrest authority.
- 9 <del>3.</del> A person who provides private investigative services in this state.
- 10 <del>4.</del>3. A person doing private security work or any private security agency.
- 11 <del>5.</del>4. A person performing peace officer duties in an official capacity as a federal officer.

Page No. 2

21.0534.01000