

Sixty-third  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1138

Introduced by

Representatives Larson, Dockter, Karls

Senators Carlisle, Lyson

1 A BILL for an Act to amend and reenact sections 12-63-09 and 12-63-12 of the North Dakota  
2 Century Code, relating to peace officer licenses; and to repeal section 12-63-08 of the North  
3 Dakota Century Code, relating to peace officer licenses.

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

5 **SECTION 1. AMENDMENT.** Section 12-63-09 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **12-63-09. Limited license.**

- 8 1. ~~Pending successful completion of the written examination required in this chapter,~~  
9 ~~the~~The board may grant a limited license to a ~~person~~individual who has completed  
10 the education, medical, ~~and~~ psychological examination ~~requirements, criminal history~~  
11 ~~background investigation,~~ and ~~has been qualified to carry a sidearm requirements of~~  
12 ~~the board and this chapter.~~
- 13 2. The limited license allows the ~~person~~individual to ~~practice~~perform peace officer duties  
14 in accordance with the rules of the board. ~~Except as otherwise provided, the limited~~  
15 ~~license is valid for no longer than the earlier of the expiration of the next available~~  
16 ~~training session, until the person is issued a license under section 12-63-10, or until~~  
17 ~~the limited license is suspended or revoked by the board.~~
- 18 3. ~~After being~~becoming employed ~~but before taking the written examination as a peace~~  
19 ~~officer,~~ the ~~person~~individual shall attend the first available basic full-time peace officer  
20 ~~training program recognized~~course authorized by the board. ~~The limited license may~~  
21 ~~be renewed one time if the person has failed the examination. On terms and~~  
22 ~~conditions prescribed by the board, the~~ in accordance with the rules of the board.
- 23 4. The limited license is limited to the jurisdiction in which the person is employed and is  
24 valid until:

- 1           a. The individual has completed the first available basic full-time peace officer  
2           training course authorized by the board; and  
3           b. The individual has completed the licensing examination and has been issued a  
4           peace officer license by the board.  
5           5. The limited license may be renewed one time if the individual has failed the licensing  
6           examination.  
7           6. The limited license is subject to section 12-63-12.

8           **SECTION 2. AMENDMENT.** Section 12-63-12 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10           **12-63-12. Adverse license action - Appeal.**

- 11           1. The board shall deny a license, refuse to renew a license, suspend a license, revoke a  
12           license, or impose probationary conditions if the individual has been convicted or pled  
13           guilty or nolo contendere before a court of competent jurisdiction in any state, or  
14           before any court, of a felony offense.  
15           2. The board may deny a license, refuse to renew a license, suspend a license, or  
16           revoke a license, or may impose probationary conditions if the ~~person~~individual:  
17           a. Has been convicted or pled guilty or nolo contendere before a court of competent  
18           jurisdiction in any state, or before any court, of an offense involving domestic  
19           violence or violation of a domestic violence restraining order, an offense involving  
20           child abuse or neglect, an offense involving firearms under title 12.1 or title 62.1,  
21           or another criminal offense determined by the board to have a direct bearing  
22           upon a ~~person's~~an individual's ability to serve as a peace officer, or the board  
23           determines, following a conviction or adjudication, that the ~~person~~individual is not  
24           rehabilitated under section 12.1-33-02.1.  
25           b. Has used unjustified deadly force in the performance of the duties as a peace  
26           officer as described in section 12.1-05-07.  
27           c. Has made a false material statement under oath to the board.  
28           d. Has made a false material statement to the board while obtaining or renewing a  
29           license or permit.  
30           e. Has violated a provision of this chapter or a rule of the board.

1     ~~2-3.~~ Denial, refusal to renew, suspension, revocation, or imposition of probationary  
2           condition on a license may be ordered by the board after a hearing in a ~~manner~~  
3           ~~provided by rules adopted by the board~~ accordance with chapter 28-32. An application  
4           for reinstatement may be made to the board one year from the date of the refusal to  
5           renew or the revocation of the license. The board may accept or reject an application  
6           for reinstatement and may hold a hearing to consider the reinstatement. In the case of  
7           a denial of an application, the applicant may not reapply for a period of one year from  
8           the date of the order of denial.

9     ~~3-4.~~ An appeal from the final decision of the board to refuse to issue, to not renew, to  
10           suspend, or to revoke a license may be made to the district court. Venue is the county  
11           in which the aggrieved ~~person~~ individual resides. The appeal must be made within  
12           ~~ninety~~ thirty days from the service of the decision on the ~~person~~ individual.

13     **SECTION 3. REPEAL.** Section 12-63-08 of the North Dakota Century Code is repealed.