

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~~an 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 a felony offense, an offense
- 19 involving domestic violence or violation of a domestic violence restraining order,
- 20 an offense involving child abuse or neglect, an offense involving firearms under
- 21 title 12.1 or title 62.1, or another criminal offense determined by the board to have
- 22 a direct bearing upon ~~a person's~~an individual's ability to serve as a peace officer,
- 23 or the board determines, following a conviction or adjudication, that the
- 24 ~~person~~individual is not 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.