

Introduced by

Senators Kreun, Luick, Sorvaag

Representatives Blum, Boschee, Mock

1 A BILL for an Act to amend and reenact section 11-15-33, subsection 2 of section 15-10-17, and
2 section 40-20-05 of the North Dakota Century Code, relating to jurisdiction of law enforcement
3 officers.

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

5 **SECTION 1. AMENDMENT.** Section 11-15-33 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-15-33. County law enforcement officer - Jurisdiction - Fresh pursuit.**

8 1. A county law enforcement officer employed by a county has jurisdiction within that
9 county and up to one and one-half miles [2.41 kilometers] outside the county.

10 2. A county law enforcement officer in fresh pursuit may enter another county and may
11 continue within that county in fresh pursuit to make an arrest, in compliance with a
12 warrant or without a warrant under the conditions of section 29-06-15, if obtaining the
13 aid of law enforcement officers having jurisdiction in that county would cause a delay
14 permitting escape. As used in this section, "fresh pursuit" means fresh pursuit as
15 defined in section 29-06-07.

16 3. The jurisdiction limits in subsection 1 do not apply to a county law enforcement officer
17 acting pursuant to a joint powers agreement with another jurisdiction.

18 **SECTION 2. AMENDMENT.** Subsection 2 of section 15-10-17 of the North Dakota Century
19 Code is amended and reenacted as follows:

20 2. Authorize the employment of law enforcement officers having concurrent jurisdiction
21 with other law enforcement officers to enforce laws and regulations at its institutions.

22 a. A law enforcement officer employed by an institution under the control of the state
23 board of higher education has jurisdiction on all property owned or leased by the

- 1 state board of higher education and up to one-quarter mile [.40 kilometers]
2 outside the boundary of the property.
- 3 b. A law enforcement officer employed by an institution under the control of the state
4 board of higher education who is in "hot pursuit" may continue beyond the
5 one-quarter mile [.40 kilometers] limit to make an arrest, in compliance with a
6 warrant or without a warrant under the conditions of section 29-06-15, if obtaining
7 the aid of peace officers having jurisdiction beyond that limit would cause a delay
8 permitting escape.
- 9 c. The jurisdiction limits in subdivision a do not apply to a law enforcement officer
10 employed by an institution under the control of the state board of higher
11 education who is acting pursuant to a joint powers agreement with another
12 jurisdiction.
- 13 d. Notwithstanding any other provision of law or joint powers agreement, any
14 violation of law occurring in or on property owned or leased by the state board of
15 higher education or within the extraterritorial jurisdiction must be filed in district
16 court unless the primary law enforcement officer involved is not employed by the
17 state board of higher education.

18 **SECTION 3. AMENDMENT.** Section 40-20-05 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **40-20-05. Chief of police and police officers - Powers and duties - Hot pursuit.**

- 21 1. The chief of police shall perform ~~such~~ duties as shall be prescribed by the governing
22 body for the preservation of the peace. The chief of police shall have the authority
23 ~~to~~may administer oaths to police officers under the chief's supervision. Within the city
24 limits, and for a distance of one and one-half miles [2.41 kilometers] in all directions
25 outside the city limits, the police officers and watchmen of the city shall perform the
26 duties and exercise the powers of peace officers as defined and prescribed by the
27 laws of this state.
- 28 2. A police officer in "hot pursuit" may continue beyond the one and one-half mile [2.41
29 ~~kilometer~~kilometers] limit to make an arrest, in obedience to a warrant or without a
30 warrant under the conditions of section 29-06-15, ~~whenever~~if obtaining the aid of
31 peace officers having jurisdiction beyond that limit would cause a delay permitting

- 1 escape. As used in this subsection, "hot pursuit" means the immediate pursuit of a
2 person who is endeavoring to avoid arrest. The jurisdiction limits in subsection 1 do
3 not apply to a police officer acting pursuant to a joint powers agreement with another
4 jurisdiction.
- 5 3. Police officers shall serve and execute any warrant, writ, process, order, or notice
6 issued ~~to them~~ by a municipal judge within the city in any civil or criminal action or
7 proceeding for or on account of a violation of any city ordinance or in any action or
8 proceeding in which the city is a party or is interested beneficially. The police, within
9 the limits prescribed in this section, may serve and execute all writs and process
10 issued by justices in civil actions. In addition to the duties set out in this section, the
11 police shall perform such other duties as may be prescribed by ordinance or statute.