

HOUSE BILL NO. 1291

Introduced by

Representatives D. Johnson, Boschee, Trottier

Senators Armstrong, O. Larsen, Luick

1 A BILL for an Act to create and enact a new section to chapter 4.1-72 of the North Dakota
2 Century Code, relating to authority to use a uniform summons and complaint by brand
3 inspectors who are licensed peace officers; to amend and reenact section 4.1-72-04 of the
4 North Dakota Century Code, relating to brand inspectors as licensed peace officers; and to
5 provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Section 4.1-72-04 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **4.1-72-04. Chief brand inspector - Deputy brand inspectors - Licensed peace officers.**

10 The chief brand inspector and any individual employed by the North Dakota stockmen's
11 association to serve as a deputy brand inspector must be licensed peace officers in accordance
12 with chapter 12-63 or hold a limited peace officer license under section 12-63-09. As used in
13 this section "peace officer" has the same meaning as in section 12-63-01. These
14 individuals peace officers may exercise the full authority of their license to enforce the brand
15 laws and any other state laws relating to livestock. The chief brand inspector and the deputy
16 brand inspectors may provide aid and assistance to other law enforcement agencies or officers,
17 upon request, provided the requests are not for continuous or ongoing assistance.

18 **SECTION 2.** A new section to chapter 4.1-72 of the North Dakota Century Code is created
19 and enacted as follows:

20 **Uniform complaint and summons - Promise to appear - Penalty.**

21 1. There is established a uniform complaint and summons that may be used by licensed
22 peace officers under 4.1-72-04 in cases involving violations of this title or other
23 violations of state law. Whenever the complaint and summons established by this
24 section is used, the provisions of the North Dakota Rules of Criminal Procedure apply.

- 1 The uniform complaint and summons must be of a form prescribed by the
2 commissioner and approved by the attorney general.
- 3 2. The time of court appearance to be specified in the summons must be at least five
4 days after the issuance of the summons unless the defendant demands an earlier
5 hearing.
- 6 3. Upon receipt from the defendant of a written promise to appear at the time and place
7 specified in the summons, the defendant must be released from custody. After signing
8 a promise to appear, the defendant must be given a copy of the uniform complaint and
9 summons. Any individual refusing to give a written promise to appear may be arrested
10 if proper cause exists, or proceeded against by complaint and warrant of arrest as
11 provided in the North Dakota Rules of Criminal Procedure.
- 12 4. If an individual fails to appear in court after promising to do so, the court may issue an
13 arrest warrant.