

Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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; and to declare an emergency.

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 comply with the North Dakota Rules of  
2           Criminal Procedure.
- 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.

14           **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.