

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 or enter a joint powers agreement with a political  
22 subdivision to enable law enforcement from the political subdivision to enforce laws  
23 and regulations at its institutions.

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

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

22           **40-20-05. Chief of police and police officers - Powers and duties - Hot pursuit.**

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

- 1 warrant under the conditions of section 29-06-15, ~~whenever~~<sup>if</sup> obtaining the aid of  
2 peace officers having jurisdiction beyond that limit would cause a delay permitting  
3 escape. As used in this subsection, "hot pursuit" means the immediate pursuit of a  
4 person who is endeavoring to avoid arrest. The jurisdiction limits in subsection 1 do  
5 not apply to a police officer acting pursuant to a joint powers agreement with another  
6 jurisdiction.
- 7 3. Police officers shall serve and execute any warrant, writ, process, order, or notice  
8 issued ~~to them~~ by a municipal judge within the city in any civil or criminal action or  
9 proceeding for or on account of a violation of any city ordinance or in any action or  
10 proceeding in which the city is a party or is interested beneficially. The police, within  
11 the limits prescribed in this section, may serve and execute all writs and process  
12 issued by justices in civil actions. In addition to the duties set out in this section, the  
13 police shall perform such other duties as may be prescribed by ordinance or statute.