

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~~ ~~one thousand five hundred feet~~ ~~[2.41-~~
10 ~~kilometers~~ ~~457.2 meters]~~ outside the county.

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

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

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

21 2. Authorize the employment of law enforcement officers having ~~concurrent~~ jurisdiction
22 ~~with other law enforcement officers or enter a joint powers agreement with a political~~
23 ~~subdivision to enable law enforcement from the political subdivision as provided in this~~
24 ~~subsection~~ to enforce laws 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~~ North Dakota state university has jurisdiction on all
3 property owned or leased by the state board of higher education and up to
4 ~~one-quarter mile [.40 kilometers] outside the boundary of the~~ property on and
5 within the boundaries of the intersection of nineteenth avenue north and Dakota
6 drive south to eighth avenue north, eighth avenue north east to tenth street north,
7 tenth street north north to nineteenth avenue north, nineteenth avenue north west
8 to Dakota drive.

9 b. A law enforcement officer employed by the university of North Dakota has
10 jurisdiction on all property owned or leased by the state board of higher education
11 and property on and within the boundaries of the intersection of demers avenue
12 and north fifty-fifth street, north fifty-fifth street north to university avenue,
13 university avenue east to north forty-second street, north forty-second street
14 north to gateway drive, gateway drive east to north columbia road, north
15 columbia road south to tenth avenue north, tenth avenue north east to north
16 twenty-fifth street, north twenty-fifth street south to sixth avenue north, sixth
17 avenue north west to north twentieth street, north twentieth street south to fifth
18 avenue north, fifth avenue north west to north twenty-third street, north
19 twenty-third street south to university avenue, university avenue east to north
20 twenty-first street, north twenty-first street south to dyke avenue, dyke avenue
21 east to north washington street, north washington street south to demers avenue,
22 and demers avenue west to north fifty-fifth street. Jurisdiction under this
23 subdivision includes Grand Forks international airport.

24 c. A law enforcement officer employed by the North Dakota state college of science
25 has jurisdiction on all property owned or leased by the state board of higher
26 education and property on and within the boundaries of the intersection of
27 seventh avenue north and eleventh street north, eleventh street north to sixteenth
28 avenue north, sixteenth avenue north west to fourth street north, and fourth street
29 north south to seventh avenue north.

30 d. A law enforcement officer employed by an institution under the control of the state
31 board of higher education who is in "hot pursuit" may continue beyond the

1 one-quarter mile [40 kilometers] limit jurisdictional boundaries of each institution
2 to make an arrest, in compliance with a warrant or without a warrant under the
3 conditions of section 29-06-15, if obtaining the aid of peace officers having
4 jurisdiction beyond that limit would cause a delay permitting escape.

5 ~~c. The jurisdiction limits in subdivision a do not apply to a law enforcement officer~~
6 ~~employed by an institution under the control of the state board of higher~~
7 ~~education who is acting pursuant to a joint powers agreement with another~~
8 ~~jurisdiction.~~

9 d.e. The state board of higher education may enter a joint powers agreement with a
10 political subdivision to enable law enforcement from the political subdivision and
11 law enforcement from the institution to provide secondary response to each other
12 outside the jurisdictional boundaries provided in this subsection.

13 f. Notwithstanding any other provision of law or joint powers agreement, any
14 misdemeanor or felony violation of law occurring in or on property owned or
15 leased by the state board of higher education or within the extraterritorial
16 jurisdiction must be filed in district court unless the primary law enforcement
17 officer involved is not employed by the state board of higher education. An
18 infraction or noncriminal offense occurring in or on property owned or leased by
19 the state board of higher education or within the extraterritorial jurisdiction may
20 be filed in municipal court.

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

23 **40-20-05. Chief of police and police officers - Powers and duties - Hot pursuit.**

- 24 1. The chief of police shall perform such duties as shall be prescribed by the governing
25 body for the preservation of the peace. The chief of police shall have the authority
26 to ~~may~~ administer oaths to police officers under the chief's supervision. Within the city
27 limits, and for a distance of one and one-half miles [2.41 kilometers] in all directions
28 outside the city limits, the police officers and watchmen of the city shall perform the
29 duties and exercise the powers of peace officers as defined and prescribed by the
30 laws of this state.

- 1 2. A police officer in "hot pursuit" may continue beyond the one and one-half mile [2.41
2 ~~kilometer~~kilometers] limit to make an arrest, in obedience to a warrant or without a
3 warrant under the conditions of section 29-06-15, ~~whenever~~if obtaining the aid of
4 peace officers having jurisdiction beyond that limit would cause a delay permitting
5 escape. As used in this subsection, "hot pursuit" means the immediate pursuit of a
6 person who is endeavoring to avoid arrest. The jurisdiction limits in subsection 1 do
7 not apply to a police officer acting pursuant to a joint powers agreement with another
8 jurisdiction.
- 9 3. Police officers shall serve and execute any warrant, writ, process, order, or notice
10 issued ~~to them~~ by a municipal judge within the city in any civil or criminal action or
11 proceeding for or on account of a violation of any city ordinance or in any action or
12 proceeding in which the city is a party or is interested beneficially. The police, within
13 the limits prescribed in this section, may serve and execute all writs and process
14 issued by justices in civil actions. In addition to the duties set out in this section, the
15 police shall perform such other duties as may be prescribed by ordinance or statute.