

HOUSE BILL NO. 1122

Introduced by

Representatives Roers Jones, Heinert, Porter

Senators Hogue, Larson

1 A BILL for an Act to create and enact section 12-63-02.3 of the North Dakota Century Code,
2 relating to reserve peace officers; and to amend and reenact section 12-63-03 of the North
3 Dakota Century Code, relating to peace officer duties or activities.

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

5 **SECTION 1.** Section 12-63-02.3 of the North Dakota Century Code is created and enacted
6 as follows:

7 **12-63-02.3. Reserve peace officer - License.**

- 8 1. Except as otherwise provided in this section, all provisions of this chapter apply to
9 licensed reserve peace officers and a licensed reserve peace officer has the same
10 authority as a licensed peace officer.
- 11 2. The board shall issue a reserve peace officer license to an individual who is appointed
12 by a criminal justice agency and meets the requirements of this chapter and the rules
13 established by the board.
- 14 3. A criminal justice agency may appoint a licensed reserve peace officer to supplement
15 and assist a licensed peace officer. If a criminal justice agency appoints a licensed
16 reserve peace officer, the licensed reserve peace officer must be under the
17 supervision of a licensed peace officer designated by the criminal justice agency.
- 18 4. A licensed reserve peace officer may not exercise reserve peace officer functions
19 when off duty.
- 20 5. The board shall establish criteria for reserve licenses.

21 **SECTION 2. AMENDMENT.** Section 12-63-03 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **12-63-03. Persons and practices not affected.**

24 This chapter does not prevent or restrict the practice of peace officer duties or activities of:

Sixty-seventh
Legislative Assembly

- 1 1. Auxiliary personnel such as members of organized groups for purposes such as
2 posse, search and rescue, and security at dances, if the ~~group operates~~personnel
3 operate as adjunct to the police or sheriff's department, and ~~does~~do not have arrest
4 powers or peace officer authority delegated to ~~its member~~the personnel by the
5 department.
- 6 2. ~~A reserve officer such as an individual used by a municipal, county, or state law-~~
7 ~~enforcement agency to provide services to that jurisdiction on a nonsalaried basis and~~
8 ~~who is granted full arrest authority.~~
- 9 ~~3.~~ A person who provides private investigative services in this state.
- 10 ~~4.~~3. A person doing private security work or any private security agency.
- 11 ~~5.~~4. A person performing peace officer duties in an official capacity as a federal officer.