

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1537

Introduced by

Representatives Schneider, Boschee, Conmy, Dakane, Davis, Dobervich, Finley-DeVille,
Hanson

Senators Braunberger, Mathern, Piepkorn

1 A BILL for an Act to create and enact a new subsection to section 12.1-32-04 and a new section
2 to chapter 54-12 of the North Dakota Century Code, relating to factors to be considered in
3 sentencing decisions and the data collection and reporting of bias crimes; to amend and
4 reenact section 12-63-04 of the North Dakota Century Code, relating to the duty of a law
5 enforcement agency to provide training approved by the peace officer standards and training
6 board on bias crimes; to provide for a report to the legislative management; and to provide a
7 penalty.

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

9 **SECTION 1. AMENDMENT.** Section 12-63-04 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **12-63-04. Board - Powers - Duties - Authority.**

12 The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate
13 the qualifications of applicants, and approve the examinations for licensing under this chapter.

14 1. The board shall:

- 15 a. Prescribe the criteria for certification of basic, advanced, and specialized peace
16 officer training curriculum, instructors, and schools;
- 17 b. Certify curriculum, instructors, schools, and officers that have met the training
18 certification criteria;
- 19 c. Establish the curriculum for basic and advanced peace officer training, including
20 a course of instruction, and ongoing training in identifying and responding to bias
21 crimes; and
- 22 d. Prescribe minimum standards of sidearm training and certification for peace
23 officers before they may carry a sidearm.

- 1 2. The board shall keep records and minutes necessary to carry out its functions. The
2 board may:
- 3 a. Issue subpoenas, examine witnesses, administer oaths, and investigate
4 allegations of practices violating the provisions of this chapter or rules adopted by
5 the board.
- 6 b. Examine, under oath, any applicant for licensing.
- 7 c. Examine, under oath, any licensed peace officer during a hearing to suspend,
8 revoke, or to not renew a license of a peace officer.
- 9 d. Adopt rules relating to the professional conduct of peace officers and to
10 implement the requirements of this chapter, including rules relating to
11 professional licensure, continuing education, and ethical standards of practice,
12 for persons holding a license to practice peace officer duties.
- 13 3. The board shall require peace officers complete bias crimes refresher training every
14 three years, as a requirement for license renewal.
- 15 a. The course of instruction and ongoing training in identifying and responding to
16 bias crimes established under subdivision c of subsection 1 must:
- 17 (1) Include material to help peace officers distinguish a bias crime from any
18 other crime;
- 19 (2) Help peace officers understand and assist a victim of a bias crime; and
- 20 (3) Include instruction on proper reporting requirements as required under
21 section 3 of this Act.
- 22 b. The board shall update the training criteria periodically as necessary.
- 23 c. As used in this subsection, "bias crime" has the same meaning as in section 3 of
24 this Act.
- 25 4. The board shall adopt rules relating to the professional conduct of licensed peace
26 officers involved in confidential informant agreements under chapter 29-29.5, and shall
27 receive complaints and make determinations if an officer's conduct violated the
28 protections provided in chapter 29-29.5. Annually, the board shall conduct an audit
29 evaluating the effectiveness of confidential informant training requirements.
- 30 4-5. The board shall establish penalties and enforce violations of protections provided in
31 chapter 29-29.5. The penalties established must be formulated based on the nature,

1 severity, gravity, and recurrence of violations. The board may deny, suspend, or
2 revoke a license or may impose probationary conditions, including remedial training.
3 ~~5.6.~~ The board may issue certifications indicating whether law enforcement agencies
4 comply with requirements for grant funding purposes.

5 **SECTION 2.** A new subsection to section 12.1-32-04 of the North Dakota Century Code is
6 created and enacted as follows:

7 The defendant's crime was committed in whole or in part because of bias against
8 color, religion, gender, disability, national origin, ancestry, age, veteran status, or
9 political affiliation.

10 **SECTION 3.** A new section to chapter 54-12 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Collection of bias crime information - Report.**

13 1. As used in this section:

14 a. "Bias crime" means:

- 15 (1) A criminal act committed against a person or a person's property in whole or
16 in part because of actual or perceived race, color, religion, gender, disability,
17 sexual orientation, gender identity, national origin, or ancestry or which is
18 committed for the purpose of restraining that person from exercising the
19 person's rights under the Constitution or laws of this state or of the United
20 States in whole or in part because of actual or perceived race, color,
21 religion, gender, disability, sexual orientation, gender identity, national origin,
22 or ancestry;
- 23 (2) An illegal act directed against any person or any person's property in whole
24 or in part because of the person's actual or perceived race, color, religion,
25 gender, disability, sexual orientation, gender identity, national origin, or
26 ancestry; and
- 27 (3) All other incidents, as determined by a law enforcement agency, intended to
28 intimidate or harass an individual or group in whole or in part because of
29 actual or perceived race, color, religion, gender, disability, sexual orientation,
30 gender identity, national origin, or ancestry.

- 1 b. "Law enforcement agency" means a nonfederal public agency authorized by law
2 or by a government agency or branch to enforce the law and to conduct or
3 engage in investigations or prosecutions for violations of law. The term includes a
4 multijurisdictional task force.
- 5 2. Each law enforcement agency shall collect information on reported bias crimes and on
6 groups and individuals committing bias crimes.
- 7 3. Annually, each law enforcement agency shall submit information collected under
8 subsection 2 to the attorney general in a form, time, and manner prescribed by the
9 attorney general.
- 10 4. The data and reports compiled under this section are public information and not
11 exempt from disclosure but may not contain the name of an individual who:
12 a. Committed or allegedly committed a bias crime; or
13 b. Was the victim or the alleged victim of a bias crime.
- 14 5. By July first of each year, the attorney general shall submit to the legislative
15 management and the governor a written report summarizing the data from the
16 preceding calendar year including:
17 a. The type of bias crimes occurring in the state;
18 b. The number of bias crimes alleged, prosecuted, and for which a conviction was
19 obtained; and
20 c. Bias crime victim demographics.
- 21 6. The attorney general may require the reporting of additional information not specified
22 in this section. The attorney general shall develop standard forms, processes, and
23 deadlines for the biannual submission of bias crime data by law enforcement
24 agencies.
- 25 7. If a law enforcement agency fails to file a report within thirty days after the report is
26 due, the attorney general may compel compliance by any means until the report is
27 filed.
- 28 8. Annually the attorney general shall submit to the federal bureau of investigation the
29 statistical data collected under this section regarding the occurrence of bias crimes
30 within the state.