

**ARTICLE 109-02  
PEACE OFFICER STANDARDS**

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**CHAPTER 109-02-01  
GENERAL PROVISIONS**

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**109-02-01-01. Definitions.**

The terms used throughout this article have the same meaning as in the North Dakota Century Code except:

1. "Agency" means a criminal justice agency, or an agency of the state of North Dakota or one of its political subdivisions, authorized to employ licensed peace officers. For purposes of this title, an agency includes the North Dakota stockmen's association and a railroad that employs licensed peace officers.
2. "Basic full-time peace officer training course" means a board-certified entrance-level training course based on performance objectives essential for full-time licensed peace officers in the state of North Dakota.
3. "Basic part-time peace officer training course" means a board-certified entrance-level training course based on performance objectives essential for part-time licensed peace officers in the state of North Dakota.
4. "Certified instructor" means an instructor certified by the board to instruct law enforcement or basic correctional officer training courses.
5. "Certified shooting course" means a shooting course that meets the requirements of these rules.
6. "Certified training" means training approved by the board.
7. "College credits" means credits earned for studies satisfactorily completed through an accredited institution of higher learning in a program leading to an academic degree.

8. "Controlling agent" means the peace officer who is the main point of contact with the confidential informant for the controlled buy, controlled sale, or in-person surreptitious recording.
9. "Crime of violence" means any violation of law where a person purposely or knowingly causes or threatens to cause death or physical bodily injury to another person or persons.
10. "Criminal justice agency" means a unit of government of the state of North Dakota or one of its political subdivisions charged by law with criminal law enforcement duties.
11. "Duty equipment" means the equipment issued or approved by the peace officer's employing agency and normally carried by a peace officer in the performance of the peace officer's duties.
12. "Duty weapon" means the sidearm issued or approved by the peace officer's employing agency and normally carried by the peace officer in the performance of the peace officer's duties.
13. "Full-time peace officer" means a full-time salaried public servant employed by an agency of the state of North Dakota or one of its political subdivisions, or a peace officer employed by the North Dakota stockmen's association or a railroad, to enforce the law or to conduct or engage in investigations or prosecutions for violations of law.
14. "Law enforcement training academy" means the highway patrol law enforcement training center.
15. "License requirement" means any term or condition established by the board that must be met before the board may issue, renew, or reinstate a peace officer's license.
16. "Limited license" means a conditional license granted by the board to an individual who has been hired or appointed by an agency but who has not completed a basic full-time peace officer training course and has not successfully passed the licensing examination.
17. "Moral turpitude" means conduct that:
  - a. Involves falsification or fraud;
  - b. Involves harm or injury directed to another individual or entity or another individual's or entity's property; or
  - c. Is in violation of North Dakota Century Code chapter 12.1-20, 12.1-27.1, or 12.1-27.2 or the equivalent laws of another state or the federal government.
18. "Part-time peace officer" means a public servant who has a part-time peace officer license and is employed or appointed by a criminal justice agency of the state of North Dakota or one of its political subdivisions to enforce the law or to conduct or engage in investigations or prosecutions for violations of law within the scope of the part-time peace officer's training.
19. "Peace officer" means a salaried public servant employed by a criminal justice agency of the state of North Dakota or one of its political subdivisions, or a peace officer employed by the North Dakota stockmen's association or a railroad, to enforce the law or to conduct or engage in investigations or prosecutions for violations of law.
20. "Peace officer license" means a license issued by the board.
21. "School" means a facility, agency, or academy that conducts board-certified basic, advanced, and specialized peace officer training courses or basic correctional officer training courses.

22. "Sidearm" means a handgun, including a semiautomatic handgun or revolver, carried by a peace officer as the officer's authorized duty weapon.
23. "Sidearm qualification" means the test a peace officer must complete on a certified shooting course with the peace officer's duty weapon.
24. "Training provider" means an individual, school, facility, or academy that conducts certified basic, advanced, specialized peace officer training courses, or basic correctional officer training courses.
25. "Weapon" includes a handgun, shotgun, and rifle.

**History:** Effective October 1, 2004; amended effective July 1, 2006; April 1, 2014; July 1, 2018.

**General Authority:** NDCC 12-63-02.1(7), 12-63-04(2)(d)

**Law Implemented:** NDCC 12-44.1-01(10), 12-44.1-04(4), 12-63-02.1, 12-63-04

**109-02-01-01.1. Application of chapter to part-time peace officer license.**

The provisions of this chapter apply to part-time peace officers' licenses and peace officers who have been issued a part-time peace officer license unless otherwise provided for in this chapter.

**History:** Effective July 1, 2006.

**General Authority:** NDCC 12-63-02.1(7)

**Law Implemented:** NDCC 12-63-02.1

**109-02-01-02. Background investigation required.**

1. The agency shall conduct a criminal history background investigation when the agency hires or appoints an individual to perform peace officer duties. The agency shall file verification of the completed criminal history background investigation and results on a form provided by the board. In addition to the form required, the agency shall submit a complete set of the individual's fingerprints and all other information necessary to complete a state and nationwide criminal history record check with the bureau of criminal investigation.
2. A school shall conduct a criminal history background investigation on each enrollee in the school, unless the enrollee has a limited license or is attending the law enforcement training academy. The school shall file verification of the completed criminal history background investigation and results on a form provided by the board. In addition to the form required, the school shall require each enrollee to submit a complete set of the enrollee's fingerprints and all other information necessary to complete a state and nationwide criminal history record check with the bureau of criminal investigation.

**History:** Effective October 1, 2004; amended effective April 1, 2014.

**General Authority:** NDCC 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-04(1)(a), 12-63-06(3)

**109-02-01-03. Minimum license requirements.**

An applicant for a peace officer license:

1. Must be a United States citizen, or in resident alien status, as defined by United States citizenship and immigration services laws and regulations.
2. Must be a high school graduate or have a general educational development (GED) certificate.
3. Must not have pled guilty to, pled nolo contendere to, or have been found guilty, in any state or federal court, of a felony offense.

4. Must not have pled guilty to, pled nolo contendere to, or have been convicted in any state or federal court of an offense involving moral turpitude, an offense involving domestic violence or violation of a domestic violence restraining order, an offense involving child abuse or neglect, an offense involving firearms under North Dakota Century Code title 12.1 or 62.1, or any other criminal offense the board determines has a direct bearing on the applicant's ability to serve as a peace officer.
5. Must not be prohibited from using or possessing a firearm under state or federal law.
6. Must have a valid driver's license.
7. Must have undergone a criminal history background investigation by the employing agency and have fingerprint clearance from the North Dakota bureau of criminal investigation and the United States department of justice federal bureau of investigation.
8. Must have passed a medical examination and psychological examination. The psychological examination must be administered by a board-approved psychological provider.
9. Must be employed as a full-time peace officer by an agency, or for a part-time peace officer license, employed or appointed by an agency.
10. Must not be prohibited from access to national crime information center and criminal justice information sharing databases.
11. Must not have been dishonorably discharged or administratively discharged from United States military service for conduct that would be in violation of the peace officer code of conduct.
12. Shall submit all required documentation and application materials to the board no less than five days prior to attendance of any required basic peace officer training course.

**History:** Effective October 1, 2004; amended effective July 1, 2006; April 1, 2014.

**General Authority:** NDCC 12-63-02.1(7), 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-02.1, 12-63-04, 12-63-12

#### **109-02-01-04. Other license requirements.**

1. In addition to other requirements of law when an agency employs or appoints an individual to be a peace officer, the agency shall notify the board of the employment of the individual on a form provided by the board and verify that the individual meets the requirements of North Dakota Century Code chapter 12-63 and these rules before the individual may begin performing peace officer duties. The agency shall submit on a form provided by the board verification of completion of the criminal history background investigation, medical examination, and psychological examination. The agency shall also forward a complete record of the individual's previous training and law enforcement experience to the board.
2. Only a salaried peace officer who has a limited license may attend the basic full-time peace officer training course at the law enforcement training academy. The peace officer's employing agency shall submit a verified statement to the board that the peace officer is a full-time peace officer of the agency in connection with the peace officer's application to attend the law enforcement training academy for the basic full-time peace officer training course and that the peace officer is receiving a salary while attending the law enforcement training academy.
3. Only an individual hired to be a full-time peace officer may apply for a limited license or a peace officer license, apply for renewal of a license, except for renewal of an inactive license, or apply for reinstatement of a license. The peace officer's employing agency shall submit a verified statement to the board that the peace officer is a full-time peace officer of the agency

in connection with the peace officer's application for a limited license or an application for renewal or reinstatement of a license.

**History:** Effective October 1, 2004; amended effective July 1, 2006; April 1, 2014.

**General Authority:** NDCC 12-63-02.1(7), 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-02.1, 12-63-04(1), 12-63-06, 12-63-07, 12-63-09

**109-02-01-05. Agency's responsibility.**

1. Every agency shall provide or obtain the necessary training for its peace officers in order that its peace officers meet all board license requirements.
2. Every agency shall maintain records of training provided to its peace officers and make the records available to the board upon request.
3. Every agency shall notify the board when it hires a peace officer, when it terminates the employment of a peace officer, or when a peace officer resigns from employment with the agency. The agency shall submit the notification on the form provided by the board within thirty days from the date of the officer's employment, termination, or resignation.
4. It is the responsibility of each agency to investigate and submit a written report to the board of any of the following:
  - a. A violation of North Dakota Century Code chapter 12-63 by a peace officer employed by the agency;
  - b. An arrest, plea of guilty, or finding of guilt for a felony offense by a peace officer employed by the agency;
  - c. An arrest, plea of guilty, or finding of guilt by an officer employed by the agency for an offense involving moral turpitude, an offense involving domestic violence or violation of a domestic violence restraining order, an offense involving child abuse or neglect, an offense involving firearms under North Dakota Century Code title 12.1 or 62.1; or
  - d. Any other criminal offense the board may determine has a direct bearing on the applicant's ability to serve as a peace officer.

**History:** Effective October 1, 2004; amended effective April 1, 2014.

**General Authority:** NDCC 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-04, 12-63-12

**109-02-01-06. Record of certified instructors and shooting courses.**

Repealed effective April 1, 2014.

**109-02-01-07. Waiver.**

The board may waive the requirements of this article upon a showing of good cause. Good cause means a situation involving extreme hardship that places an undue burden on a peace officer or agency.

**History:** Effective October 1, 2004; amended effective April 1, 2014.

**General Authority:** NDCC 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-04

**109-02-01-08. Additional agency requirements.**

This article establishes minimum standards and requirements for peace officers and does not preclude an agency from establishing additional or more stringent hiring and training requirements and ethical standards.

**History:** Effective October 1, 2004.

**General Authority:** NDCC 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-04

**109-02-01-09. Hearings and appeals.**

Hearings and appeals must be in accordance with North Dakota Century Code chapters 28-32 and 54-57. An aggrieved individual may waive these requirements and consent to disposition by the board.

**History:** Effective October 1, 2004; amended effective April 1, 2014.

**General Authority:** NDCC 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-04, 12-63-12