

CHAPTER 109-02-02 LICENSING AND TRAINING REQUIREMENTS

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109-02-02-01. Compliance with minimum training standards.

1. Each applicant for a peace officer's license shall successfully complete the first available board-certified basic full-time peace officer training course from the date of the issuance of the peace officer's limited license, except as extended by the board under these rules and successfully pass the licensing examination. The applicant must successfully pass the licensing examination before the board may issue a full-time peace officer's license.
2. Each applicant for a part-time peace officer's license shall successfully complete the basic part-time peace officer training course within two years after the applicant commenced taking the classes in the basic part-time peace officer training course.
3. An individual who has never been employed or appointed by an agency for up to two years after successfully completing the basic full-time peace officer training course and licensing examination is eligible for a peace officer license and may be issued a license upon employment or appointment as a peace officer with an agency.
4. An individual who has never been employed or appointed by an agency for two years or more, but less than three years, after successfully completing the full-time basic peace officer training course and licensing examination shall obtain a limited license, attend the criminal and traffic portions of the basic full-time peace officer training course, successfully pass the licensing examination, and be employed by an agency in order to receive a peace officer license.
5. An individual who has never been employed or appointed by an agency as a peace officer for more than three years after successfully completing the basic full-time peace officer training course and licensing examination shall obtain a limited license, complete the entire basic full-time peace officer training course, successfully pass the licensing examination, and be employed by an agency in order to receive a peace officer license.

6. The board may grant an extension of time to a peace officer to complete required courses upon written request by the agency administrator upon a showing of good cause.

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, 12-63-03(1)(2), 12-63-06, 12-63-07

109-02-02-02. Supervision of a part-time licensed peace officer.

Supervision of a peace officer with a part-time license means the supervising officer has the ability to have direct personal contact with the part-time peace officer within a reasonable time and the part-time peace officer is able to have direct personal contact with the supervising full-time peace officer within a reasonable time.

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

General Authority: NDCC 12-63-02.1(3)(7), 12-63-04(2)(d)

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

109-02-02-03. Reserve officers.

Repealed effective April 1, 2014.

109-02-02-04. Limited peace officer license.

1. The board may issue a limited peace officer license to an individual who has completed the educational, medical, and psychological examination licensing requirements and has been qualified to carry a sidearm.
2. The application for the limited license must be made by the individual's employing agency. A peace officer with a limited license must work under the supervision of an officer with a full-time peace officer license. Supervision of a peace officer with a limited license means the supervising officer has the ability to have direct personal contact with the peace officer with a limited license within a reasonable time and the peace officer with a limited license is able to have direct personal contact with the supervising full-time peace officer within a reasonable time.
3. A limited license is effective until the individual has successfully completed the first available basic full-time peace officer training course and has successfully completed the licensing examination.
4. The board may authorize an individual to attend a subsequent basic full-time peace officer training course upon a showing of good cause by the agency or individual. The board may renew the limited license once if the individual failed the licensing examination. An individual with a limited license may retake the licensing examination within thirty days after the first examination and upon payment of the examination fee. If an individual with a limited license fails the licensing examination a second time, the individual shall successfully complete a basic full-time peace officer training course before the individual may retake the licensing examination. The individual shall obtain a limited license if the individual will attend the basic full-time peace officer training course at the law enforcement training academy.
5. If a peace officer with a limited license is no longer employed with the agency that applied for the limited license, or if the peace officer fails to attend and successfully complete the first available basic full-time peace officer training course without the prior approval of the board, the peace officer's limited license expires.

6. An applicant for a part-time peace officer license may not receive a limited peace officer 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, 12-63-06, 12-63-07, 12-63-09

109-02-02-05. Waiver of required training - Out-of-state and federal peace officers.

1. An individual having peace officer experience or having completed an equivalent basic full-time peace officer training course conducted in another state or by a federal law enforcement agency may qualify for a partial waiver of basic full-time peace officer training requirements. The administrator of the agency employing the individual may apply to the board for a partial waiver. The board shall review all applications for a waiver and may grant a partial waiver.
 - a. Training received in a state or from a federal law enforcement agency with laws governing or regulating peace officer training must have been approved or certified by the governing or regulating body of the state or federal agency in which the individual received the training.
 - b. The board may prescribe additional training as a license requirement for an individual applying for a partial waiver under this rule.
 - c. Applicants for a partial waiver of basic full-time peace officer training shall submit complete documentation of prior basic full-time peace officer training, including current licensing or certification, to the board.
2. If the board has granted an applicant a partial waiver, the board may only allow the applicant two attempts to successfully complete the licensing examination. If a passing score is not obtained on the first attempt, the applicant may retake the examination, but only if the applicant retakes the examination within thirty days from the date of the first examination. If a passing score is not obtained on the second attempt, the applicant shall complete the entire basic full-time peace officer training course before retaking the licensing examination.
3. An individual without peace officer experience who has completed an equivalent basic full-time peace officer training course in another state or with a federal law enforcement agency may only qualify for a partial waiver of the basic full-time peace officer training course if it has been less than three years since the individual completed the other state's or federal agency's peace officer training course.
4. An individual with peace officer experience who has been employed as a certified or licensed peace officer in another state or with a federal law enforcement agency may only qualify for a partial waiver of the basic full-time peace officer training course if it has been less than three years since the individual has been employed as a peace officer in another state or with a federal law enforcement agency.

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

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

Law Implemented: NDCC 12-63-04, 12-63-06

109-02-02-06. Licensing examinations.

1. **Examination requirements.** An individual is eligible to take the licensing examination upon completion of or during the basic full-time peace officer training course. A minimum score of seventy percent is necessary for successful completion of the licensing examination. The

individual shall pay the examination fee established by the board prior to taking the examination.

2. **Retaking examinations.** An individual who fails the first examination may retake the examination one time upon furnishing to the board the required examination fee. After the second unsuccessful attempt, the individual shall successfully complete the entire basic full-time peace officer training course before the individual may retake the examination a third time. The individual shall obtain a limited license if the individual will attend the basic full-time peace officer training course at the law enforcement training academy.

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

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

Law Implemented: NDCC 12-63-04, 12-63-07

109-02-02-07. Employment of peace officers.

1. **Application procedures for a full-time peace officer license.** If an individual is not already a licensed peace officer when hired by an agency, but the individual is eligible to be licensed, the individual shall apply to be licensed at the time of appointment or hire. The application must be made on a form provided by the board, and both the applicant and the agency administrator shall verify the applicant is eligible to be licensed. The applicable license fee must accompany the application.
2. **Application procedures for a part-time peace officer license.** If an agency has hired or appointed an individual to be a part-time peace officer, and the individual does not have a part-time peace officer license, but has completed all requirements for a part-time peace officer license, the individual shall apply for a part-time peace officer license at the time of appointment or hire. The application must be made on a form provided by the board. The applicant and the agency administrator shall verify the applicant is eligible for a part-time peace officer license. The applicable license fee must be submitted with the application.

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, 12-63-06, 12-63-07, 12-63-09

109-02-02-08. Medical and psychological examination.

An applicant for a peace officer license shall successfully complete a board-approved psychological examination by a board-approved provider. An applicant shall also successfully complete a medical examination. The employing agency shall submit the results of the psychological examination and documentation of the medical examination with the application for the peace officer license or limited license.

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

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

Law Implemented: NDCC 12-63-06(4)

109-02-02-09. Compliance with sidearm qualification as a license requirement.

The board may not issue, renew, or reinstate a peace officer license or limited license unless the peace officer has complied with all sidearm qualification requirements. The board may suspend an officer's license if the officer fails to comply with all sidearm qualification requirements under these rules.

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)(d)

109-02-02-10. License certificate.

Repealed effective April 1, 2014.

109-02-02-10.1. Scope of part-time peace officer authority.

A peace officer with a part-time peace officer license may only perform peace officer duties within the scope of the peace officer's board-approved training.

History: Effective July 1, 2006.

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

Law Implemented: NDCC 12-63-02.1

109-02-02-11. Licensing, renewal, and reinstatement fees.

1. The following fees are nonrefundable:
 - a. Licensing examination fee - twenty-five dollars.
 - b. Initial license fee - the initial license fee is forty-five dollars.
 - c. License renewal fee - forty-five dollars for a three-year period.
 - d. Late license renewal fee for up to thirty days after expiration of license - one hundred dollars.
 - e. Late license renewal fee from thirty-one days to three hundred sixty-five days after expiration of license - two hundred fifty dollars.
 - f. License reinstatement fee after revocation of license - five hundred dollars.
 - g. Duplicate license fee - ten dollars.
 - h. Late sidearm qualification fee - one hundred dollars.
 - i. Reinstatement fee for sidearm suspension or revocation - two hundred fifty dollars.
2. License renewals are every three years on a calendar-year basis. License renewal dates are based on the following surname divisions: A-G, H-M, N-Z.

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

General Authority: NDCC 12-63-04(2)(d), 12-63-05

Law Implemented: NDCC 12-63-05, 12-63-10

109-02-02-12. Surrender of license.

Licenses remain the property of the board. A peace officer shall surrender the officer's license if the board has suspended or revoked the peace officer's license or if the peace officer has not requested inactive status and has allowed the peace officer license to expire.

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

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

Law Implemented: NDCC 12-63-02, 12-63-04, 12-63-11(2)

109-02-02-13. Reinstatement of license.

A peace officer that does not perform duties as a peace officer, is no longer employed by an agency, or otherwise allows the peace officer's license to expire shall comply with the following conditions for reinstatement:

1. If the board has revoked an individual's peace officer license by adverse license action under North Dakota Century Code section 12-63-12, the individual may not apply for reinstatement of the license until one year from the date of revocation of the license.
2. Before the board may accept the application for reinstatement, the individual shall comply with the following conditions for reinstatement:
 - a. The individual shall pay the reinstatement fee and shall meet the same continuing education requirements applicable for renewal of a peace officer license under this chapter.
 - b. The individual shall successfully complete the written examination and sidearm qualification requirements under chapter 109-02-03 of these rules prior to reinstatement.
 - c. If the individual does not apply for reinstatement within one year after becoming eligible to apply for reinstatement, the board may not accept the application for reinstatement.

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

109-02-02-14. Inactive status.

An individual who does not perform duties as a licensed peace officer or is no longer employed by an agency may request the board place the individual on inactive status. The individual shall make the request for inactive status in writing on a form provided by the board. The individual may remain on inactive status indefinitely if the individual meets the same requirements for a peace officer on active status, including annual sidearm qualification requirements, and maintains continuing education requirements and renews the license in accordance with the rules of the board. An individual who has been hired by an agency but who has been on inactive status for three or more years when the individual was hired by the agency shall attend the first available criminal and traffic law portions of the full-time peace officer basic course, and successfully complete the licensing examination before the board may restore the individual's license to active status.

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

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

Law Implemented: NDCC 12-63-11(2)

109-02-02-15. Continuing education requirements.

1. In order for a peace officer to remain licensed, the peace officer shall comply with all license requirements and shall receive a minimum of sixty hours of certified training every three years. Certified training in online, web-based, or video format cannot constitute more than twenty hours of the sixty-hour requirement for continuing education requirements. Training may not be in increments of less than one hour. If an officer has received more than sixty hours in a three-year period, the surplus in training hours may not be carried forward into the next three-year period.
2. Every peace officer shall meet the sixty-hour continuing education requirements within the officer's three-year license period or the peace officer's license expires at the expiration of the officer's three-year license period.

3. A peace officer who has enrolled and completed college courses may request a waiver of the sixty-hour training requirement for renewal of the peace officer's license. The board may grant the request upon a showing of successful completion of at least four semester credit hours of college credit in a criminal justice-related or job-related topic. The peace officer shall submit documentation of successful course completion within thirty days after completion of the college course.
4. If a peace officer fails to complete the required sixty-hour continuing education within the time period specified in this section, or the peace officer or the peace officer's agency fails to submit a record of the peace officer's approved continuing education to the board within the time period specified in this section, the peace officer's license expires.
5. A training course or seminar must be certified training to qualify for the continuing education training requirement for license renewal under this chapter.
 - a. If a training course or seminar has not been approved by the board, the peace officer or the peace officer's employing agency shall notify the board of the proposed training course or seminar prior to commencement of the training course or seminar. The peace officer, or the peace officer's employing agency, shall provide the board the course name and subject matter, the training location, the dates and times of training, and if available, a training syllabus or agenda.
 - b. Within thirty days after completion of training, the officer or the officer's employing agency shall submit verification of the officer's attendance at the training or seminar. If the training or seminar agenda was not previously submitted, the training or seminar agenda must be submitted within thirty days following completion of the training or seminar.
 - c. The board may waive the required number of training hours upon a showing of good cause. For purposes of this section, good cause means a situation in which the officer is unable to complete the required training because of factors beyond the control of either the officer or the officer's employing agency. Under this section, good cause includes a situation in which the officer has suffered a physical injury or ailment that prevents the officer from successfully completing required training or when the officer is called to active military service and is unable to successfully complete the required training.

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

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

Law Implemented: NDCC 12-63-04

109-02-02-16. License renewal.

1. **Application.** An application for renewal of a peace officer license must be made on forms issued by the board. A peace officer applying for renewal shall verify compliance with sidearm and continuing education requirements on the application for renewal and submit the application for renewal prior to the expiration of the peace officer's license.
2. **Renewal.** The board shall issue a license renewal, which is valid for three years, to each peace officer who has submitted the appropriate fee on or before December thirty-first of the year the peace officer's license expires and who has verified compliance with all licensing requirements, including continuing education and annual sidearm qualification requirements.
3. **Late renewal.** If a peace officer fails to renew a license by December thirty-first of the year the peace officer's license expires, the peace officer's license is no longer in effect and the peace officer may not perform peace officer duties until the peace officer has renewed the license in accordance with the requirements of this section. The peace officer may apply for late renewal no later than December thirty-first of the following year upon payment of the late renewal fee

and verification of compliance with all licensing requirements, including continuing education and sidearm qualification requirements. The board may not renew the officer's license unless the officer has completed all required continuing education and annual sidearm qualification requirements.

4. **Expiration of license.** If a peace officer fails to apply for renewal of a license within one year after the expiration of the officer's license, the board may not renew the officer's license.
5. **Application for limited license and partial waiver.** If an individual fails to renew the license within one year after expiration of the license, the individual's employing agency may apply to the board for a limited license. The individual's employing agency may request a partial waiver of basic training after the board has issued a limited license to the individual.
6. **No partial waiver.** If an individual has not been employed or appointed by an agency as a peace officer within three years after the individual's peace officer license has expired, the individual shall complete the enter basic full-time peace officer training course, successfully pass the licensing examination, and must be employed by an agency. The individual shall obtain a limited license if the individual will attend the basic full-time peace officer training course at the law enforcement training academy.

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

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

Law Implemented: NDCC 12-63-04, 12-63-11

109-02-02-17. Termination of peace officer employment.

An agency's termination of a peace officer's employment, whether the termination is voluntary or involuntary, may not preclude adverse license action against the individual by the board under North Dakota Century Code section 12-63-12.

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

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

Law Implemented: NDCC 12-63-12, 12-63-13

109-02-02-18. Notice of termination.

If an agency terminates a peace officer's employment, the agency shall notify the board within thirty days of the termination on a form provided by the board. The notice of termination must include:

1. The nature and cause of the termination.
2. The effective date of the termination.
3. A statement from the agency indicating whether or not the agency is recommending denial, suspension, or revocation of the peace officer license.

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

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

Law Implemented: NDCC 12-63-01(2), 12-63-12, 12-63-13

109-02-02-19. Notice of denial, suspension, or revocation - Hearing.

The board shall notify a peace officer in writing when the board has made a determination to deny, refuse to renew or reinstate, suspend, revoke, or impose probationary conditions on a peace officer's license. The notice must specify the basis of the denial, refusal to renew or reinstate, suspension, revocation, or probationary conditions. The peace officer may request an administrative hearing on the denial, refusal to renew or reinstate suspension, revocation, or probationary conditions. The board may

take adverse license action by service of an administrative complaint on the peace officer. The board shall notify a peace officer's employing agency if the board has commenced adverse license action against a peace officer currently employed by the agency.

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

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

Law Implemented: NDCC 12-63-12, 12-63-13