

HOUSE BILL NO. 1467

Introduced by

Representatives Monson, K. Koppelman

Senator Hogue

1 A BILL for an Act to amend and reenact sections 29-06-05.2 and 29-06-15 of the North Dakota
2 Century Code, relating to the authority of federal agents.

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

4 **SECTION 1. AMENDMENT.** Section 29-06-05.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **29-06-05.2. Federal law enforcement officer - Authority to make arrests.**

- 7 1. "Federal agent" means an employee of the federal bureau of investigation or the
8 federal drug enforcement administration, or the United States customs and border
9 protection who is authorized to arrest, with or without a warrant, any individual for a
10 violation of the United States Code and carry a firearm in the performance of the
11 employee's duties as a federal law enforcement officer.
- 12 2. A federal agent has the same authority and immunity as a peace officer in this state
13 when making an arrest for a nonfederal crime if any of the following exist:
- 14 a. The federal agent has reasonable grounds to believe that a felony offense was
15 committed and the individual arrested committed the offense.
- 16 b. The federal agent is rendering assistance to a peace officer in an emergency or
17 at the request of the peace officer.
- 18 c. The federal agent is working as a part of a task force composed of North Dakota
19 peace officers and federal law enforcement officers.

20 **SECTION 2. AMENDMENT.** Section 29-06-15 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **29-06-15. Arrest without warrant - Peace officer - Officer in the United States customs**
23 **~~service or the immigration and naturalization service~~ and border protection.**

- 24 1. A law enforcement officer, without a warrant, may arrest a person:

- 1 a. For a public offense, committed or attempted in the officer's presence and for the
2 purpose of this subdivision, a crime must be deemed committed or attempted in
3 the officer's presence when what the officer observes through the officer's senses
4 reasonably indicates to the officer that a crime was in fact committed or
5 attempted in the officer's presence by the person arrested.
- 6 b. When the person arrested has committed a felony, although not in the officer's
7 presence.
- 8 c. When a felony in fact has been committed, and the officer has reasonable cause
9 to believe the person arrested to have committed it.
- 10 d. On a charge, made upon reasonable cause, of the commission of a felony by the
11 party arrested.
- 12 e. For the public offenses, not classified as felonies and not committed in the
13 officer's presence as provided for under section 29-06-15.1.
- 14 f. On a charge, made upon reasonable cause, of driving or being in actual physical
15 control of a vehicle while under the influence of alcoholic beverages.
- 16 g. For the offense of violating a protection order under section 14-07.1-06, an order
17 prohibiting contact under section 12.1-31.2-02, or for an assault involving
18 domestic violence under section 14-07.1-11.
- 19 h. On a charge, made upon reasonable cause, of being under the influence of
20 volatile chemical vapors in violation of section 19-03.1-22.1.
- 21 2. An officer of the United States customs ~~service or the immigration and naturalization~~
22 ~~service~~ and border protection, without a warrant, may arrest a person if all of the
23 following circumstances exist:
 - 24 a. The officer is on duty.
 - 25 b. One or more of the following situations exist:
 - 26 (1) The person commits an assault or other crime, defined and punishable
27 under chapter 12.1-17, against the officer or against any other person in the
28 presence of the officer.
 - 29 (2) The officer has reasonable cause to believe that a crime, as defined in
30 paragraph 1, has been committed and reasonable cause to believe that the
31 person to be arrested has committed it.

1 (3) The officer has reasonable cause to believe that a felony has been
2 committed and reasonable cause to believe that the person to be arrested
3 has committed it.

4 (4) The officer has received positive information from an authoritative source
5 that a peace officer holds a warrant for the person's arrest.

6 e. ~~The officer has received training in the laws of this state equivalent to the training~~
7 ~~provided for a police officer under chapter 12-62.~~

8 3. If a law enforcement officer has reasonable cause to believe an individual has violated
9 a lawful order of a court of this state which requires the individual to participate in the
10 twenty-four seven sobriety program authorized in sections 54-12-27 through 54-12-31,
11 the law enforcement officer may immediately take the individual into custody without a
12 warrant. An individual taken into custody under this subsection may not be released on
13 bail or on the individual's personal recognizance unless the individual has made a
14 personal appearance before a magistrate.