

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1126  
(Representatives Roers Jones, Buffalo, Heinert, Ista, Jones, Mock, Porter)  
(Senators Bakke, Dwyer)

AN ACT to amend and reenact section 12-63-02.2 of the North Dakota Century Code, relating to tribal police officers; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 12-63-02.2 of the North Dakota Century Code is amended and reenacted as follows:

**12-63-02.2. Tribal police officers.**

1. A tribal police officer of a federally recognized Indian tribe in this state who meets the requirements of this chapter and the rules adopted by the board is eligible for a peace officer license or part-time peace officer license. The board may waive the training program required for licensure for a tribal police officer.
2. The board shall issue a peace officer license or part-time peace officer license to a tribal police officer who is eligible for a peace officer license or part-time peace officer license under this section and who has paid the prescribed license fee if:
  - a. The tribal police officer has been appointed as a special deputy in accordance with section 11-15-02;
  - b. The tribal police officer is employed by the state or a political subdivision; ~~or~~
  - c. There is an agreement between the state or a political subdivision and the tribe for tribal police officers to perform law enforcement services; or
  - d. The tribal police officer has completed the training program unless waived by the board.
3. A tribal police officer who is a member of a police force of a tribal government and who is licensed under this section may exercise the powers of a peace officer of this state within the exterior boundaries of the reservation, or off the reservation, in accordance with the terms and conditions of the special deputy appointment, the employment agreement, or the agreement between the state or political subdivision and the tribe.
4. A tribal police officer who has a peace officer license under this section is subject to this chapter and the rules adopted by the board, including requirements for license renewal or reinstatement, annual sidearm qualification, and continuing education.
5. The state or political subdivision is not liable for any act or omission of a tribal police officer exercising peace officer powers authorized by an agreement between the state or a political subdivision and a tribe.
6. Notwithstanding section 12-63-02, a tribal police officer is not required to be licensed in this state to provide emergency law enforcement services or to provide mutual aid to a law enforcement officer of the state or a political subdivision within the exterior boundaries of the reservation or off the reservation.
7. This section does not diminish or expand the jurisdiction of any tribe or the state.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Kim A. Hoegedorn  
Speaker of the House

Ernst P. Johnson  
President of the Senate

Bruce J. Reek  
Chief Clerk of the House

Barbara Meyer  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1126 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:        Yeas 82                      Nays 10                      Absent 2

Kim A. Hoegedorn  
Speaker of the House

Bruce J. Reek  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:        Yeas 45                      Nays 1                      Absent 1

Ernst P. Johnson  
President of the Senate

Barbara Meyer  
Secretary of the Senate

Received by the Governor at 9:33 AM on March 11, 2021.

Approved at 1:16 PM on March 16, 2021.

Doug Burgum  
Governor

Filed in this office this 16<sup>th</sup> day of March, 2021,  
at 2:23 o'clock P. M.

Christine Stegman  
Secretary of State