Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1467
(Representatives Monson, K. Koppelman)
(Senator Hogue)

AN ACT to amend and reenact sections 29-06-05.2 and 29-06-15 of the North Dakota Century Code, relating to the authority of federal agents.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. "Federal agent" means an employee of the federal bureau of investigation ~~or~~, the federal drug enforcement administration, or the United States customs and border protection who is authorized to arrest, with or without a warrant, any individual for a violation of the United States Code and carry a firearm in the performance of the employee's duties as a federal law enforcement officer.

2. A federal agent has the same authority and immunity as a peace officer in this state when making an arrest for a nonfederal crime if any of the following exist:

   a. The federal agent has reasonable grounds to believe that a felony offense was committed and the individual arrested committed the offense.

   b. The federal agent is rendering assistance to a peace officer in an emergency or at the request of the peace officer.

   c. The federal agent is working as a part of a task force composed of North Dakota peace officers and federal law enforcement officers.

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

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

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

   a. For a public offense, committed or attempted in the officer's presence and for the purpose of this subdivision, a crime must be deemed committed or attempted in the officer's presence when what the officer observes through the officer's senses reasonably indicates to the officer that a crime was in fact committed or attempted in the officer's presence by the person arrested.

   b. When the person arrested has committed a felony, although not in the officer's presence.

   c. When a felony in fact has been committed, and the officer has reasonable cause to believe the person arrested to have committed it.

   d. On a charge, made upon reasonable cause, of the commission of a felony by the party arrested.

e. For the public offenses, not classified as felonies and not committed in the officer's presence as provided for under section 29-06-15.1.

f. On a charge, made upon reasonable cause, of driving or being in actual physical control of a vehicle while under the influence of alcoholic beverages.

g. For the offense of violating a protection order under section 14-07.1-06, an order prohibiting contact under section 12.1-31.2-02, or for an assault involving domestic violence under section 14-07.1-11.

h. On a charge, made upon reasonable cause, of being under the influence of volatile chemical vapors in violation of section 19-03.1-22.1.

2. An officer of the United States customs ~~service or the immigration and naturalization service~~and border protection, without a warrant, may arrest a person if all of the following circumstances exist:

a. The officer is on duty.

b. One or more of the following situations exist:

(1) The person commits an assault or other crime, defined and punishable under chapter 12.1-17, against the officer or against any other person in the presence of the officer.

(2) The officer has reasonable cause to believe that a crime, as defined in paragraph 1, has been committed and reasonable cause to believe that the person to be arrested has committed it.

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

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

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1467.

House Vote:	Yeas 83	Nays 5	Absent 6
Senate Vote:	Yeas 46	Nays 0	Absent 1

Chief Clerk of the House

Received by the Governor at 2:52 P.M. on April 1, 2015.

Approved at 2:33 P.M. on April 2, 2015.

Governor

Filed in this office this 2nd day of April, 2015,

at 323 o'clock P M.

Secretary of State