

**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.