

SENATE BILL NO. 2165

Introduced by

Senators Rummel, Cory, Sickler, Larson

Representative Heinert

1 A BILL for an Act to amend and reenact subsection 2 of section 12-63-04 and sections 12-63-05
2 and 12-63-12 of the North Dakota Century Code, relating to the powers and duties of the peace
3 officer standards and training board and peace officer licensing fees.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 12-63-04 of the North Dakota Century
6 Code is amended and reenacted as follows:

- 7 2. The board shall keep records and minutes necessary to carry out its functions. The
8 board may:
- 9 a. Issue subpoenas, examine witnesses, administer oaths, and investigate
10 allegations of practices violating the provisions of this chapter or rules adopted by
11 the board.
 - 12 b. If the board deems an examination to be in the best interest of public safety,
13 require, with cause, any licensed peace officer complete a physical or
14 psychological examination, or both, by a psychologist, licensed physician, or
15 other qualified evaluation professional selected by the board to determine mental
16 and physical competency.
 - 17 c. Examine and review any medical or psychological records, including test results
18 relative to the examination or treatment of the licensed police officer under
19 subdivision b. A written request from the board is legal authorization to release
20 medical and psychological information pertinent to peace officer licensure. The
21 medical or psychological information provided to the board is not subject to
22 section 44-04-18 and section 6 of article XI of the Constitution of North Dakota.
 - 23 d. Examine, under oath, any applicant for licensing.

1 e-e. Examine, under oath, any licensed peace officer during a hearing to suspend,
2 revoke, or to not renew a license of a peace officer.

3 d-f. Adopt rules relating to the professional conduct of peace officers and to
4 implement the requirements of this chapter, including rules relating to
5 professional licensure, continuing education, and ethical standards of practice,
6 for persons holding a license to practice peace officer duties.

7 e-g. Expend funds to sponsor training for instruction of licensees, including up to fifty
8 thousand dollars annually from fees collected by the board.

9 **SECTION 2. AMENDMENT.** Section 12-63-05 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **12-63-05. Fees.**

12 The board shall prescribe by rule the fee for application for examination, for an initial
13 license, for renewal of a license, for suspension of a license, for reinstatement of a license after
14 revocation, for a duplicate license, for a late sidearm qualification, for late instructor renewal,
15 and for late renewal of a license. The board shall administer fees received under this chapter in
16 accordance with section 54-44-12.

17 **SECTION 3. AMENDMENT.** Section 12-63-12 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **12-63-12. Grounds for denial, revocation, or suspension of license - Adverse license**
20 **action - Appeal.**

21 1. The board shall deny a license, refuse to renew a license, suspend a license, revoke a
22 license, or impose probationary conditions if the individual has been convicted or pled
23 guilty or nolo contendere before a court of competent jurisdiction in any state, or
24 before any court, of a felony offense.

25 2. The board may deny a license, refuse to renew a license, suspend a license, or
26 revoke a license, or may impose probationary conditions if the individual:

27 a. Has been convicted or pled guilty or nolo contendere before a court of competent
28 jurisdiction in any state, or before any court, of an offense involving domestic
29 violence or violation of a domestic violence restraining order, an offense involving
30 child abuse or neglect, an offense involving firearms under title 12.1 or title 62.1,
31 or another criminal offense determined by the board to have a direct bearing

1 upon an individual's ability to serve as a peace officer, or the board determines,
2 following a conviction or adjudication, that the individual is not rehabilitated under
3 section 12.1-33-02.1.

4 b. Has used unjustified deadly force in the performance of the duties as a peace
5 officer as described in section 12.1-05-07.

6 c. Has made a false material statement under oath to the board.

7 d. Has made a false material statement to the board while obtaining or renewing a
8 license or permit.

9 e. Has a psychological or physical condition and the individual is deemed unable to
10 safely and competently perform the duties of a peace officer.

11 f. Has violated a provision of this chapter or a rule of the board.

12 3. Denial, refusal to renew, suspension, revocation, or imposition of probationary
13 condition on a license may be ordered by the board after a hearing in accordance with
14 chapter 28-32. An application for reinstatement may be made to the board one year
15 from the date of the refusal to renew or the revocation of the license. The board may
16 accept or reject an application for reinstatement and may hold a hearing to consider
17 the reinstatement. The board may require an applicant complete a physical or
18 psychological examination, or both, by a psychologist, licensed physician, or other
19 qualified evaluation professional selected by the board before reinstatement. The
20 board may examine and review any relevant medical or psychological records
21 associated with the applicant's examination. A written request from the board is legal
22 authorization to release medical or psychological information pertinent to peace officer
23 licensure. The board shall deny licensure or reinstatement of an applicant if the
24 applicant refuses to release requested medical or psychological information. The
25 medical or psychological information provided to the board is not subject to section
26 44-04-18 and section 6 of article XI of the Constitution of North Dakota. In the case of
27 a denial of an application, the applicant may not reapply for a period of one year from
28 the date of the order of denial.

29 4. An appeal from the final decision of the board to refuse to issue, to not renew, to
30 suspend, or to revoke a license may be made to the district court. Venue is the county

- 1 in which the aggrieved individual resides. The appeal must be made within thirty days
- 2 from the service of the decision on the individual.