

Sixty-third  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1138

Introduced by

Representatives Larson, Dockter, Karls

Senators Carlisle, Lyson

1 A BILL for an Act to amend and reenact sections 12-63-09 and 12-63-12 of the North Dakota  
2 Century Code, relating to peace officer licenses; and to repeal section 12-63-08 of the North  
3 Dakota Century Code, relating to peace officer licenses.

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

5 **SECTION 1. AMENDMENT.** Section 12-63-09 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **12-63-09. Limited license.**

- 8 1. ~~Pending successful completion of the written examination required in this chapter,~~  
9 ~~the~~The board may grant a limited license to a ~~person~~an individual who has completed  
10 the education, medical, ~~and~~ psychological examination ~~requirements, criminal history~~  
11 ~~background investigation,~~ and ~~has been qualified to carry a sidearm requirements of~~  
12 ~~the board and this chapter.~~
- 13 2. The limited license allows the ~~person~~individual to ~~practice~~perform peace officer duties  
14 in accordance with the rules of the board. ~~Except as otherwise provided, the limited~~  
15 ~~license is valid for no longer than the earlier of the expiration of the next available~~  
16 ~~training session, until the person is issued a license under section 12-63-10, or until~~  
17 ~~the limited license is suspended or revoked by the board.~~
- 18 3. ~~After being~~becoming employed ~~but before taking the written examination as a peace~~  
19 ~~officer,~~ the ~~person~~individual shall attend the first available basic full-time peace officer  
20 ~~training program recognized~~course authorized by the board. ~~The limited license may~~  
21 ~~be renewed one time if the person has failed the examination. On terms and~~  
22 ~~conditions prescribed by the board, the~~ in accordance with the rules of the board.
- 23 4. The limited license is limited to the jurisdiction in which the person is employed and is  
24 valid until:

- 1           a. The individual has completed the first available basic full-time peace officer
- 2           training course authorized by the board; and
- 3           b. The individual has completed the licensing examination and has been issued a
- 4           peace officer license by the board.
- 5           5. The limited license may be renewed one time if the individual has failed the licensing
- 6           examination.
- 7           6. The limited license is subject to section 12-63-12.

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

10           **12-63-12. Adverse license action - Appeal.**

- 11           1. The board shall deny a license, refuse to renew a license, suspend a license, revoke a
- 12           license, or impose probationary conditions if the individual has been convicted or pled
- 13           guilty or nolo contendere before a court of competent jurisdiction in any state, or
- 14           before any court, of a felony offense.
- 15           2. The board may deny a license, refuse to renew a license, suspend a license, or
- 16           revoke a license, or may impose probationary conditions if the ~~person~~individual:
- 17           a. Has been convicted or pled guilty or nolo contendere before a court of competent
- 18           jurisdiction in any state, or before any court, of an offense involving domestic
- 19           violence or violation of a domestic violence restraining order, an offense involving
- 20           child abuse or neglect, an offense involving firearms under title 12.1 or title 62.1,
- 21           or another criminal offense determined by the board to have a direct bearing
- 22           upon a ~~person's~~an individual's ability to serve as a peace officer, or the board
- 23           determines, following a conviction or adjudication, that the ~~person~~individual is not
- 24           rehabilitated under section 12.1-33-02.1.
- 25           b. Has used unjustified deadly force in the performance of the duties as a peace
- 26           officer as described in section 12.1-05-07.
- 27           c. Has made a false material statement under oath to the board.
- 28           d. Has made a false material statement to the board while obtaining or renewing a
- 29           license or permit.
- 30           e. Has violated a provision of this chapter or a rule of the board.

1     ~~2-3.~~ Denial, refusal to renew, suspension, revocation, or imposition of probationary  
2           condition on a license may be ordered by the board after a hearing in a ~~manner~~  
3           ~~provided by rules adopted by the board~~ accordance with chapter 28-32. An application  
4           for reinstatement may be made to the board one year from the date of the refusal to  
5           renew or the revocation of the license. The board may accept or reject an application  
6           for reinstatement and may hold a hearing to consider the reinstatement. In the case of  
7           a denial of an application, the applicant may not reapply for a period of one year from  
8           the date of the order of denial.

9     ~~3-4.~~ An appeal from the final decision of the board to refuse to issue, to not renew, to  
10           suspend, or to revoke a license may be made to the district court. Venue is the county  
11           in which the aggrieved ~~person~~ individual resides. The appeal must be made within  
12           ~~ninety~~ thirty days from the service of the decision on the ~~person~~ individual.

13     **SECTION 3. REPEAL.** Section 12-63-08 of the North Dakota Century Code is repealed.