

**HOUSE BILL NO. 1234**

Introduced by

Representatives Roers Jones, Boschee, Satrom

Senators Myrdal, Oban

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; the federal  
8 drug enforcement administration; the bureau of alcohol, tobacco, firearms and  
9 explosives; the homeland security investigations unit of the department of homeland  
10 security; the bureau of Indian affairs police; federal law enforcement officers; or the  
11 United States customs and border protection who is authorized to arrest, with or  
12 without a warrant, any individual for a violation of the United States Code and carry a  
13 firearm in the performance of the employee's duties as a federal law enforcement  
14 officer.
- 15 2. A federal agent has the same authority and immunity as a peace officer in this state  
16 when making an arrest for a nonfederal crime if any of the following exist:
- 17 a. The federal agent has reasonable grounds to believe that a felony offense was  
18 committed and the individual arrested committed the offense.
- 19 b. The federal agent is rendering assistance to a peace officer in an emergency or  
20 at the request of the peace officer.
- 21 c. The federal agent is working as a part of a task force composed of North Dakota  
22 peace officers and federal law enforcement officers.

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

1           **29-06-15. Arrest without warrant - Peace officer - ~~Officer in the United States customs-~~**  
2 **~~and border protection~~Federal agent.**

- 3           1. A law enforcement officer, without a warrant, may arrest a person:
- 4           a. For a public offense, committed or attempted in the officer's presence and for the  
5           purpose of this subdivision, a crime must be deemed committed or attempted in  
6           the officer's presence when what the officer observes through the officer's senses  
7           reasonably indicates to the officer that a crime was in fact committed or  
8           attempted in the officer's presence by the person arrested.
- 9           b. When the person arrested has committed a felony, although not in the officer's  
10           presence.
- 11           c. When a felony in fact has been committed, and the officer has reasonable cause  
12           to believe the person arrested to have committed it.
- 13           d. On a charge, made upon reasonable cause, of the commission of a felony by the  
14           party arrested.
- 15           e. For the public offenses, not classified as felonies and not committed in the  
16           officer's presence as provided for under section 29-06-15.1.
- 17           f. On a charge, made upon reasonable cause, of driving or being in actual physical  
18           control of a vehicle while under the influence of alcoholic beverages.
- 19           g. For the offense of violating a protection order under section 14-07.1-06, an order  
20           prohibiting contact under section 12.1-31.2-02, or for an assault involving  
21           domestic violence under section 14-07.1-11.
- 22           h. On a charge, made upon reasonable cause, of being under the influence of  
23           volatile chemical vapors in violation of section 19-03.1-22.1.
- 24           2. ~~An officer of the United States customs and border protection~~A federal agent, without  
25           a warrant, may arrest a person if all of the following circumstances exist:
- 26           a. The officer is on duty.
- 27           b. One or more of the following situations exist:
- 28           (1) The person commits an assault or other crime, defined and punishable  
29           under chapter 12.1-17, against the officer or against any other person in the  
30           presence of the officer.

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

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

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

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