

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1291
(Representatives D. Johnson, Boschee, Trottier)
(Senators Armstrong, O. Larsen, Luick)

AN ACT to create and enact a new section to chapter 4.1-72 of the North Dakota Century Code, relating to authority to use a uniform summons and complaint by brand inspectors who are licensed peace officers; to amend and reenact section 4.1-72-04 of the North Dakota Century Code, relating to brand inspectors as licensed peace officers; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-72-04 of the North Dakota Century Code is amended and reenacted as follows:

4.1-72-04. Chief brand inspector - Deputy brand inspectors - Licensed peace officers.

The chief brand inspector and any individual employed by the North Dakota stockmen's association to serve as a deputy brand inspector must be licensed peace officers in accordance with chapter 12-63 or hold a limited peace officer license under section 12-63-09. As used in this section "peace officer" has the same meaning as in section 12-63-01. These individuals peace officers may exercise the full authority of their license to enforce the brand laws and any other state laws relating to livestock. The chief brand inspector and the deputy brand inspectors may provide aid and assistance to other law enforcement agencies or officers, upon request, provided the requests are not for continuous or ongoing assistance.

SECTION 2. A new section to chapter 4.1-72 of the North Dakota Century Code is created and enacted as follows:

Uniform complaint and summons - Promise to appear - Penalty.

1. There is established a uniform complaint and summons that may be used by licensed peace officers under 4.1-72-04 in cases involving violations of this title or other violations of state law. Whenever the complaint and summons established by this section is used, the provisions of the North Dakota Rules of Criminal Procedure apply. The uniform complaint and summons must comply with the North Dakota Rules of Criminal Procedure.
2. The time of court appearance to be specified in the summons must be at least five days after the issuance of the summons unless the defendant demands an earlier hearing.
3. Upon receipt from the defendant of a written promise to appear at the time and place specified in the summons, the defendant must be released from custody. After signing a promise to appear, the defendant must be given a copy of the uniform complaint and summons. Any individual refusing to give a written promise to appear may be arrested if proper cause exists, or proceeded against by complaint and warrant of arrest as provided in the North Dakota Rules of Criminal Procedure.
4. If an individual fails to appear in court after promising to do so, the court may issue an arrest warrant.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

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-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1291 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 86 Nays 3 Absent 5

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 44 Nays 0 Absent 3

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2017.

Approved at _____ M. on _____, 2017.

Governor

Filed in this office this _____ day of _____, 2017,
at _____ o'clock _____ M.

Secretary of State