

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1138
(Representatives Larson, Dockter, Karls)
(Senators Carlisle, Lyson)

AN ACT to amend and reenact sections 12-63-09 and 12-63-12 of the North Dakota Century Code, relating to peace officer licenses; and to repeal section 12-63-08 of the North Dakota Century Code, relating to peace officer licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

12-63-09. Limited license.

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

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

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

1. The board shall deny a license, refuse to renew a license, suspend a license, revoke a license, or impose probationary conditions if the individual has been convicted or pled guilty or

nolo contendere before a court of competent jurisdiction in any state, or before any court, of a felony offense.

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

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

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

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

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-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1138.

House Vote: Yeas 90 Nays 0 Absent 4

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State