

— VEST FIRST RESPONDER —  
HELP FOR HEROES

# NORTH DAKOTA

## Self-Defense Law Reference Guide

Stand Your Ground | Castle Doctrine | Self-Defense | First Responder Protections | Police Use of Force

### CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

*This document is intended exclusively for VEST Certified Trainers delivering VEST Level I, II, and III curriculum in the state of North Dakota. It is not a substitute for legal counsel.*

## PART I: THE NORTH DAKOTA SELF-DEFENSE STATUTORY FRAMEWORK

North Dakota's self-defense laws are codified in Chapter 12.1-05 of the North Dakota Century Code (NDCC). A significant 2021 legislative update expanded North Dakota's self-defense rights by formally codifying both a Stand Your Ground provision and a robust Castle Doctrine, eliminating the prior duty to retreat that had existed in the state. North Dakota now stands as one of the stronger self-defense states in the Midwest.

### CORE STATUTE MAP

| STATUTE                            | SUBJECT MATTER                                                       |
|------------------------------------|----------------------------------------------------------------------|
| NDCC § 12.1-05-03                  | Self-Defense — Use of Force to Protect Persons                       |
| NDCC § 12.1-05-07                  | Castle Doctrine — Defense of Dwelling, Vehicle, Place of Business    |
| NDCC § 12.1-05-06                  | Defense of Property                                                  |
| NDCC § 12.1-05-03 (2021 Amendment) | Stand Your Ground — No Duty to Retreat                               |
| NDCC § 12.1-17-02                  | Aggravated Assault — Enhanced for Attacks on EMS/Fire/Peace Officers |
| NDCC § 12.1-17-01.1                | Reckless Endangerment                                                |
| NDCC POST Standards                | Police Use of Force — Neck Restraint Policy                          |

### NDCC § 12.1-05-03 — Self-Defense (Stand Your Ground)

Under NDCC § 12.1-05-03, a person is justified in using force to protect themselves or others when they reasonably believe it is necessary to prevent imminent unlawful force. The 2021 legislative update eliminated the prior duty to retreat, aligning North Dakota with the majority of U.S. states.

*"Under NDCC § 12.1-05-03, individuals are not required to retreat before using force in self-defense, as long as they are in a place where they have a legal right to be, not engaged in unlawful activity, and acting to prevent imminent harm."*

- Reasonableness Standard — the belief must be objectively reasonable given the totality of the circumstances.
- Imminence — the harm must be immediate. Past or future threats do not satisfy this standard.
- Lawful Presence — Stand Your Ground protections apply anywhere the actor is lawfully present.
- No Criminal Activity — the actor must not be engaged in criminal activity at the time.

#### **STAND YOUR GROUND — 2021 UPDATE:**

Prior to August 1, 2021, North Dakota required persons to retreat from danger when retreat was possible, except in their own homes. The 2021 legislation eliminated this duty entirely, extending no-retreat protections to public spaces, vehicles, workplaces, and all locations where a person is lawfully present. This update significantly strengthened the legal position of first responders attacked on duty.

#### **NDCC § 12.1-05-07 — Castle Doctrine**

North Dakota's Castle Doctrine is codified in § 12.1-05-07 and applies to dwellings, occupied vehicles, and places of business. The statute creates a presumption that force was necessary when defending against an unlawful intruder in these protected spaces.

*"A person is presumed to have acted in self-defense if they used force against a person who unlawfully and forcibly entered their home, vehicle, or place of business."*

- Dwelling — any residence including a home, apartment, or fixed habitation.
- Motor Vehicle — any occupied vehicle, including an ambulance or emergency response unit.
- Place of Business — a place of employment, including a fire station or EMS base.

#### **AMBULANCE AS CASTLE:**

North Dakota's Castle Doctrine extends to occupied vehicles and places of business — both of which encompass an ambulance and an EMS station. A violent forced entry into an occupied North Dakota ambulance activates the Castle Doctrine presumption. No retreat is required, and the burden shifts to the prosecution to overcome the presumption that force was necessary.

## **PART II: DUTY TO RETREAT — NORTH DAKOTA'S POSITION (2021 UPDATE)**

North Dakota has NO duty to retreat following the 2021 legislative reform. This represents a significant change from prior law.

- You are NOT required to attempt escape before using force at any location where you are lawfully present.

- The 2021 reform extended no-retreat protections beyond the home to all public and private spaces where a person is lawfully present.
- North Dakota's approach now mirrors Missouri and Texas in giving first responders the right to stand their ground at any lawful scene.
- Exception: Aggressors who initiated or provoked the confrontation do not receive Stand Your Ground protection.

## PART III: FIRST RESPONDER ASSAULT — ENHANCED CRIMINAL PROTECTIONS

### NDCC § 12.1-17-02 — Aggravated Assault with Enhanced Penalties

North Dakota's aggravated assault statute at NDCC § 12.1-17-02 is enhanced when the victim is a member of a protected class of first responders and public safety officers. Under this statute, assaults against peace officers or correctional institution employees acting in official capacity, employees of the state hospital on duty, and members of a fire department or EMS unit performing their duties are classified as Class C Felonies — carrying up to 5 years imprisonment and/or a \$10,000 fine.

A standard assault (Class B Misdemeanor, 30 days and/or \$1,500 fine) is elevated to a Class C Felony when the victim is a firefighter or EMS member performing their duties. This represents a substantial increase in criminal exposure for persons who attack on-duty first responders.

#### TRAINER EMPHASIS:

North Dakota's felony enhancement for assaults on first responders provides a meaningful deterrent and legal consequence for persons who attack EMS or fire personnel on duty. Trainers should ensure all participants understand that violence against them carries felony-level criminal consequences in North Dakota.

## PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

North Dakota does not have a standalone statutory chokehold ban equivalent to Minnesota's § 626.8452 or California's Gov. Code § 7286.5. Use of neck restraints by law enforcement in North Dakota is governed by POST (Peace Officer Standards and Training) board standards and individual agency use-of-force policies, applying the general deadly force framework.

### Neck Restraints Under North Dakota POST Standards

The North Dakota Peace Officer Standards and Training Board (NPOST) governs officer training and certification. Under North Dakota's general use-of-force framework in NDCC § 12.1-05-03 and related law enforcement authority statutes, neck restraints that restrict breathing or blood flow are classified as deadly force — meaning they are only permissible when deadly force is otherwise justified. Individual agencies may adopt more specific policies, but no statewide statutory prohibition equivalent to Minnesota's has been enacted.

- Respiratory chokeholds — classified as deadly force; permissible only when deadly force is justified.
- Carotid restraints — governed by agency policy; generally classified as a high-level control technique.
- No statewide statutory prohibition as of 2024 — governed by NPOST standards and agency policy.

#### **FIRST RESPONDERS VS. LAW ENFORCEMENT:**

North Dakota's law enforcement use-of-force framework does not apply to EMS and fire personnel. Civilian first responders are governed by the civilian §§ 12.1-05-03 and 12.1-05-07 self-defense standards. A North Dakota paramedic defending their life against a violent attack is evaluated only under civilian force justification — no police use-of-force policy restriction applies. Their use of any physical defensive technique in lawful self-defense is governed solely by the civilian standard.

## **PART V: APPLYING VEST PRINCIPLES UNDER NORTH DAKOTA LAW**

North Dakota's 2021 legislative update created a strong, modern self-defense framework that aligns closely with VEST's training philosophy. First responders in North Dakota have the legal right to stand their ground, defend themselves and their partners, and use proportionate force — including deadly force when warranted — without any duty to retreat from any lawful location.

### **1. You Have the Legal Right to Defend Yourself — Anywhere You Are Deployed**

Following the 2021 reform, North Dakota's NDCC § 12.1-05-03 gives every first responder the right to stand their ground at any lawful location. A North Dakota paramedic or firefighter has no obligation to flee before using force — whether at a roadway scene, in a patient's home, or at the station. VEST training reinforces this right by preparing providers to recognize threats early, de-escalate where possible, and respond with proportionate force when necessary.

### **2. Your Ambulance and Station Are Your Castle**

North Dakota's Castle Doctrine under § 12.1-05-07 covers occupied vehicles and places of business. An ambulance and a fire station are explicitly protected spaces. A violent forced entry activates the Castle Doctrine presumption, and no retreat is required. VEST compartment security and station protocols directly support the factual record for this protection.

### **3. De-Escalation Is Always Your First Step**

Even with no duty to retreat, North Dakota's force standard requires proportionality and reasonable belief. VEST Level I — verbal de-escalation, threat recognition, pre-attack indicators — builds the behavioral and evidentiary foundation for any lawful use of force. A provider who attempted verbal intervention before force became necessary is in a legally and professionally stronger position.

#### 4. Protect Your Partner — North Dakota Covers Defense of Others

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NDCC § 12.1-05-03 extends the self-defense justification to protecting third persons. A North Dakota first responder who uses force to protect a partner from violent attack has the same legal justification as if defending themselves. VEST Level III partner defense training is directly supported by this statute.

#### 5. Document Thoroughly

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North Dakota does not have an explicit civil immunity statute equivalent to Texas's § 83.001. Documentation — PCR narratives, incident reports, partner statements, and supervisor notifications — creates the evidentiary record that supports the § 12.1-05-03 justification in any post-incident review, criminal proceeding, or civil litigation. Every pre-incident threat indicator and every force continuum step should be recorded.

#### 6. Know When Force Ends

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North Dakota's use-of-force standard requires that force be necessary and proportionate. Once a subject is restrained, compliant, or no longer capable of harm, the justification for force ends. Continuing force after neutralization is not protected. VEST curriculum teaches continuous threat reassessment for this reason.

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#### LEGAL DISCLAIMER

*This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. North Dakota Century Code statutes are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies.*

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