

HOUSE BILL NO. 1304

Introduced by

Representatives Carlson, Headland, K. Koppelman, Porter

Senators Armstrong, Casper

1 A BILL ~~for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota~~
2 ~~Century Code, relating to prohibiting the wearing of masks, hoods, and face coverings at certain~~
3 ~~functions; and to provide a penalty:~~ for an Act to create and enact a new section to chapter
4 12.1-31 of the North Dakota Century Code, relating to prohibiting the wearing of masks, hoods,
5 and face coverings during the commission of a criminal offense; to provide a penalty; and to
6 declare an emergency.

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

8 **SECTION 1.** ~~A new section to chapter 12.1-31 of the North Dakota Century Code is created~~
9 ~~and enacted as follows:~~

10 ~~**Wearing of masks at certain functions prohibited – Exceptions.**~~

11 ~~1. An individual, with the intent to conceal that individual's identity, may not wear a mask,~~
12 ~~hood, or other device that covers, hides, or conceals any portion of that individual's~~
13 ~~face while:~~

14 ~~a. Entering, being, or appearing on any lane, walkway, alley, street, road, highway,~~
15 ~~or other public way;~~

16 ~~b. Entering, appearing on, or within the public property of the state or of any political~~
17 ~~subdivision; or~~

18 ~~c. Holding any meeting or demonstration on the private property of another unless~~
19 ~~written permission has been obtained from the owner or occupant of the property.~~

20 ~~2. This section does not apply to an individual:~~

21 ~~a. Under the age of seventeen;~~

22 ~~b. Wearing a traditional holiday costume in season;~~

- ~~c. Engaged in trade and employment or in a sporting activity at which a mask is worn for the purpose of ensuring the physical safety of the wearer, or because of the nature of the occupation, trade, profession, or sporting activity;~~
- ~~d. Using a mask in a theatrical production or masquerade ball;~~
- ~~e. Wearing a mask prescribed for civil defense drills, exercises, or emergencies;~~
- ~~f. Engaged in a parade, ceremony, or celebration;~~
- ~~g. Wearing a mask, hood, or device for the purpose of providing protection from the elements; or~~
- ~~h. Wearing a mask or other covering based on religious beliefs.~~

~~3. As used in this section:~~

~~a. "Demonstration" means marching, congregating, standing, parading, demonstrating, or patrolling by an individual, with or without signs, for the purpose of persuading others or the public, or to protest some action, attitude, or belief.~~

~~b. "Mask" means a covering for the face or part of the face disguising the wearer.~~

~~4. A violation of this section is a class A misdemeanor.~~

SECTION 1. A new section to chapter 12.1-31 of the North Dakota Century Code is created and enacted as follows:

Wearing of masks during commission of criminal offense prohibited.

1. An individual may not wear a mask, hood, or other device that covers, hides, or conceals any portion of that individual's face for the purpose of:

a. Evading or escaping discovery, recognition, or identification during the commission of a criminal offense; or

b. Concealment, flight, or escape when the individual has been charged with, arrested for, or convicted of a criminal offense.

2. A violation of this section is a class A misdemeanor.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.