

HOUSE BILL NO. 1293

Introduced by

Representatives Grueneich, Dockter, Headland, K. Koppelman, Lefor, Nathe, Oliver, M.
Ruby, Satrom, Seibel

Senator Wanzek

1 A BILL for an Act to amend and reenact section 12.1-22-03 of the North Dakota Century Code,
2 relating to ~~criminal trespass~~trespassing on posted property; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-22-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-22-03. Criminal trespass - Noncriminal offense on posted property.**

- 7 1. An individual is guilty of a class C felony if, knowing that that individual is not licensed
8 or privileged to do so, the individual enters or remains in a dwelling or in highly
9 secured premises.
- 10 2. An individual is guilty of a class A misdemeanor if, knowing that that individual is not
11 licensed or privileged to do so, the individual:
- 12 a. Enters or remains in or on any building, occupied structure, or storage structure,
13 or separately secured or occupied portion thereof; or
- 14 b. Enters or remains in any place so enclosed as manifestly to exclude intruders.
- 15 3. An individual ~~is guilty of a class B misdemeanor if, knowing that that individual is not~~
16 ~~licensed or privileged to do so, the individual enters or remains in any~~ place as to
17 ~~which notice against trespass is given by actual communication to the actor by the~~
18 ~~individual in charge of the premises or other authorized individual or by posting in a~~
19 ~~manner reasonably likely to come to the attention of intruders. The name of the person~~
20 ~~posting the premises must appear on each sign in legible characters,~~ knowing the
21 individual is not licensed or privileged to do so, may not enter or remain in a place as
22 to which notice against trespass is given by posting in a manner reasonably likely to
23 come to the attention of intruders. The name of the person posting the premises must

1 appear on each sign in legible characters. A violation of this subsection is a
2 noncriminal offense.

3 a. A peace officer shall cite an individual who violates this subsection with a fine of
4 two hundred fifty dollars for each violation.

5 b. The peace officer citing the individual shall:

6 (1) Take the name and address of the individual; and

7 (2) Notify the individual of the right to request a hearing if posting bond by mail.

8 c. The peace officer may not take the individual into custody or require the
9 individual to proceed with the peace officer to any other location for the purpose
10 of posting bond. The officer shall provide the individual with an envelope for use
11 in mailing the bond.

12 d. An individual cited may appear before the designated official and pay the
13 statutory fine for the violation at or before the time scheduled for hearing.

14 e. If the individual has posted bond, the individual may forfeit bond by not appearing
15 at the designated time.

16 f. If the individual posts bond by mail, the bond must be submitted within fourteen
17 days of the date of the citation and the individual cited shall indicate on the
18 envelope or citation whether a hearing is requested. If the individual does not
19 request a hearing within fourteen days of the date of the citation, the bond is
20 deemed forfeited and the violation admitted. If the individual requests a hearing,
21 the court for the county in which the citation is issued shall issue a summons to
22 the individual requesting the hearing notifying the individual of the date of the
23 hearing before the designated official.

24 g. Upon appearing at the hearing scheduled in the citation or otherwise scheduled
25 at the individual's request, the individual may make a statement in explanation of
26 the individual's action. The official may at that time waive or suspend the statutory
27 fine or bond. If the individual cited follows the foregoing procedures, the individual
28 is deemed to have admitted the violation and to have waived the right to a
29 hearing on the issue of commission of the violation.

30 h. A citing peace officer may not receive the statutory fine or bond.

1 ~~a. An individual who violates this subsection is guilty of a class A misdemeanor for~~
2 ~~the second or subsequent offense within a two-year period.~~

3 ~~b. A peace officer shall cite an individual who violates this subsection with a fine of~~
4 ~~two hundred fifty dollars for each violation.~~

5 4. An individual is guilty of a class B misdemeanor if that individual remains upon the
6 property of another after being requested to leave the property by a duly authorized
7 individual. An individual who violates this subsection is guilty of a class A
8 misdemeanor for the second or subsequent offense within a two-year period.

9 5. This section does not apply to a peace officer in the course of discharging the peace
10 officer's official duties.