

Introduced by

Senators Schaible, Bowman, Erbele

Representatives Boehning, Rohr, Schmidt

1 A BILL for an Act to amend and reenact sections 12.1-22-03, 20.1-01-18, 20.1-01-19, and  
2 20.1-01-20 of the North Dakota Century Code, relating to criminal trespass and hunting on  
3 private land; and to repeal section 20.1-01-17 of the North Dakota Century Code, relating to the  
4 posting of lands.

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

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

8 **12.1-22-03. Criminal trespass.**

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

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

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

7           ~~5.4.~~ This section does not apply to a peace officer in the course of discharging the peace  
8           officer's official duties.

9           **SECTION 2. AMENDMENT.** Section 20.1-01-18 of the North Dakota Century Code is  
10          amended and reenacted as follows:

11          **20.1-01-18. Hunting ~~on posted land and trapping on private land without permission~~**  
12          **unlawful - Penalty.**

13          ~~No person~~An individual may not hunt or pursue game, or enter for those purposes, upon  
14          ~~legally posted land~~ belonging to another without first obtaining the permission of the person  
15          legally entitled to grant the same. ~~No person~~An individual may not enter upon privately owned  
16          land for the purpose of trapping protected fur-bearing animals without first gaining the written  
17          permission of the owner or operator of that land. ~~A person~~An individual who violates this section  
18          is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for a  
19          subsequent offense within a two-year period.

20          **SECTION 3. AMENDMENT.** Section 20.1-01-19 of the North Dakota Century Code is  
21          amended and reenacted as follows:

22          **20.1-01-19. When ~~posted~~private land may be entered.**

23          ~~Any person~~An individual may enter upon ~~legally posted~~private land to recover game shot or  
24          killed on land where the ~~person~~individual had a lawful right to hunt.

25          **SECTION 4. AMENDMENT.** Section 20.1-01-20 of the North Dakota Century Code is  
26          amended and reenacted as follows:

27          **20.1-01-20. Entering ~~posted~~private land with gun or firearm prima facie evidence of**  
28          **intent to hunt game.**

29          Proof that ~~a person~~an individual having a firearm, or other weapon declared legal by  
30          governor's proclamation, in the ~~person's~~individual's possession entered upon the ~~legally-~~

- 1 ~~posted~~private premises of another without permission of the owner or tenant is prima facie
- 2 evidence the ~~person~~individual entered to hunt or pursue game.
- 3       **SECTION 5. REPEAL.** Section 20.1-01-17 of the North Dakota Century Code is repealed.