

SENATE BILL NO. 2225

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.~~ for an Act to create and enact a new section to chapter 20.1-01 of the North
 5 Dakota Century Code, relating to the creation of a posted land register; to provide a report to
 6 the legislative management; to provide an appropriation to the game and fish department for
 7 defraying the cost of North Dakota information technology; and to provide an expiration date.

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

9 ~~— **SECTION 1. AMENDMENT.** Section 12.1-22-03 of the North Dakota Century Code is~~
 10 ~~amended and reenacted as follows:~~

11 ~~— **12.1-22-03. Criminal trespass.**~~

12 ~~— 1. An individual is guilty of a class C felony if, knowing that that individual is not licensed~~
 13 ~~or privileged to do so, the individual enters or remains in a dwelling or in highly~~
 14 ~~secured premises.~~

15 ~~— 2. An individual is guilty of a class A misdemeanor if, knowing that that the individual is~~
 16 ~~not licensed or privileged to do so, the individual:~~

17 ~~— a. Enters or remains in or on any building, occupied structure, or storage structure,~~
 18 ~~or separately secured or occupied portion thereof; or~~

19 ~~— b. Enters or remains in any the place so enclosed as manifestly to exclude~~
 20 ~~intruders that the individual is not licensed or privileged to be.~~

21 ~~— 3. An individual is guilty of a class B misdemeanor if, knowing that that individual is not~~
 22 ~~licensed or privileged to do so, the individual enters or remains in any place as to~~
 23 ~~which notice against trespass is given by actual communication to the actor by the~~
 24 ~~individual in charge of the premises or other authorized individual or by posting in a~~

1 manner reasonably likely to come to the attention of intruders. The name of the person
2 posting the premises must appear on each sign in legible characters. An individual
3 who violates this subsection is guilty of a class A misdemeanor for the second or
4 subsequent offense within a two-year period.

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

11 ~~SECTION 2. AMENDMENT.~~ Section 20.1-01-18 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 ~~20.1-01-18. Hunting on posted land and trapping on private land without permission~~
14 ~~unlawful -- Penalty.~~

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

22 ~~SECTION 3. AMENDMENT.~~ Section 20.1-01-19 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 ~~20.1-01-19. When posted private land may be entered.~~

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

27 ~~SECTION 4. AMENDMENT.~~ Section 20.1-01-20 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 ~~— 20.1-01-20. Entering posted private land with gun or firearm prima facie evidence of~~
2 ~~intent to hunt game.~~

3 ~~— Proof that a person an individual having a firearm, or other weapon declared legal by~~
4 ~~governor's proclamation, in the person's individual's possession entered upon the legally~~
5 ~~posted private premises of another without permission of the owner or tenant is prima facie~~
6 ~~evidence the person individual entered to hunt or pursue game.~~

7 ~~— SECTION 5. REPEAL. Section 20.1-01-17 of the North Dakota Century Code is repealed.~~

8 **SECTION 1.** A new section to chapter 20.1-01 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Posted land register - Pilot program - Report.**

11 1. Notwithstanding section 20.1-01-17, the department, in cooperation with the
12 information technology department, shall develop and implement an electronic register
13 and digital application of all posted land in up to five counties selected by the governor
14 by January 15, 2019. A county selected by the governor for participation in the
15 electronic register may not be included in the register unless the board of county
16 commissioners of the county approves of the county's participation within thirty days of
17 notification by the governor of the selection.

18 2. The electronic register must:

19 a. Designate land open for hunting;

20 b. Designate land closed to hunting, with no trespassing; and

21 c. Allow landowners to provide contact information to prospective hunters.

22 3. If land located in a selected county is not designated in the electronic register as open
23 for hunting, the land is considered closed to hunting without permission from the
24 landowner.

25 4. The department shall provide a report to the legislative management during the
26 2019-20 interim regarding the progress of the electronic register.

27 **SECTION 2. APPROPRIATION.** There is appropriated from special funds derived from the
28 heritage fund, the sum of \$250,000, or so much of the sum as may be necessary, to the game
29 and fish department for the purpose of defraying the cost of North Dakota information
30 technology necessary to create a posted land register pilot program, for the biennium beginning
31 July 1, 2017, and ending June 30, 2019.

1 | **SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2021, and after that
2 | date is ineffective.