

Introduced by

Senators Dever, Schaible

Representative Rohr

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 failure to vacate; to provide a penalty; to provide for an effective date;
3 and to declare an emergency.

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

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

7 **Failure to vacate - Penalty.**

- 8 1. After a law enforcement officer has issued a lawful command to vacate, an individual
9 may not willfully remain:
10 a. On private or public property in violation of section 12.1-22-03;
11 b. On private or public property in violation of 12.1-31-01; or
12 c. In an environmentally sensitive area deemed possibly dangerous to the
13 individual's life, health, or safety.
14 2. The failure of an individual to vacate under subsection 1, following a command to
15 vacate and after a reasonable time for vacating has elapsed, is prima facie evidence
16 the individual is remaining willfully.
17 3. As used in this section "environmentally sensitive area" means an area of land or
18 property which may experience imminent flooding, blizzard, or any other hazardous
19 natural disaster.
20 4. A law enforcement officer shall cite an individual who violates this section with a fine of
21 five thousand dollars for each violation.

22 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective March 1, 2017.

23 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.