

HOUSE BILL NO. 1290

Introduced by

Representatives Simons, Becker, Ertelt, Johnston, Jones, McWilliams, M. Nelson, D. Ruby,
M. Ruby

Senators Hogue, O. Larsen, Myrdal

1 A BILL for an Act to create and enact a new section to chapter 29-29 of the North Dakota
2 Century Code, relating to prohibiting entry onto private land without permission.

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

4 **SECTION 1.** A new section to chapter 29-29 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Law enforcement entry onto private land without permission prohibited - Exception.**

- 7 1. As used in this section, "law enforcement officer" has the meaning provided in section
8 12.1-01-04.
- 9 2. Notwithstanding any other provision of law and subject to subsection 3, a law
10 enforcement officer may not enter search buildings or private land unless the law
11 enforcement officer receives permission from the landowner or a lessee of the land.
- 12 3. A law enforcement officer may enter private land without permission if:
- 13 a. Probable cause exists that a violation of law has occurred, is occurring, or is
14 about to occur;
- 15 b. A search warrant has been issued; or
- 16 c. Responding to an emergency situation, accident, or other threat to public safety.
- 17 4. Any property or contraband seized by a law enforcement officer in violation of
18 subsection 2 may not be used as evidence against a defendant in any criminal
19 proceeding.