

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED 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.~~ for an Act to
3 provide for a legislative management study of search and seizure procedures.

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

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

7 ~~Law enforcement entry onto private land without permission prohibited - Exception.~~

8 ~~1. As used in this section, "law enforcement officer" has the meaning provided in section~~
9 ~~12.1-01-04.~~

10 ~~2. Notwithstanding any other provision of law and subject to subsection 3, a law~~
11 ~~enforcement officer may not search buildings or private land unless the law~~
12 ~~enforcement officer receives permission from the landowner or a lessee of the land.~~

13 ~~3. A law enforcement officer may enter private land without permission if:~~

14 ~~a. Probable cause exists that a violation of law has occurred, is occurring, or is~~
15 ~~about to occur;~~

16 ~~b. A search warrant has been issued; or~~

17 ~~c. Responding to an emergency situation, accident, or other threat to public safety.~~

18 ~~4. Any property or contraband seized by a law enforcement officer in violation of~~
19 ~~subsection 2 may not be used as evidence against a defendant in any criminal~~
20 ~~proceeding.~~

21 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SEARCH AND SEIZURE**
22 **PROCEDURES.** During the 2019-20 interim, the legislative management shall consider
23 studying the fourth amendment to the Constitution of the United States, including the

1 investigation, search, and seizure of private land, livestock, and buildings. The study must
2 include options for protecting property from unreasonable interference by law enforcement. The
3 legislative management shall report its findings and recommendations, together with any
4 legislation required to implement the recommendations, to the sixty-seventh legislative
5 assembly.