

HOUSE BILL NO. 1270

Introduced by

Representatives Simons, Becker, Christensen, Jones, Kempenich, Magrum, Marschall,
Satrom, Schatz

Senator Heitkamp

1 A BILL for an Act to amend and reenact section 12.1-31-14 of the North Dakota Century Code,
2 relating to surreptitious intrusion and interference with privacy; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-31-14 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-31-14. Surreptitious intrusion or interference with privacy.**

7 1. An individual is guilty of a class B misdemeanor if, with intent to intrude upon or
8 interfere with the privacy of another, the individual:

9 a. Enters upon another's property and surreptitiously gazes, stares, or peeps into a
10 house or place of dwelling of another; or

11 b. Enters upon another's property and surreptitiously installs or uses any device for
12 observing, photographing, recording, amplifying, or broadcasting sounds or
13 events from a house or place of dwelling of another.

14 2. An individual is guilty of a class B misdemeanor if, with intent to intrude upon or
15 interfere with the privacy of an occupant, the individual:

16 a. Surreptitiously gazes, stares, or peeps into a tanning booth, a sleeping room in a
17 hotel, or other place where a reasonable individual would have an expectation of
18 privacy; or

19 b. Surreptitiously installs or uses any device for observing, photographing,
20 recording, amplifying, or broadcasting sounds or events from a tanning booth, a
21 sleeping room in a hotel, or other place where a reasonable individual would
22 have an expectation of privacy.

- 1 3. ~~An individual is guilty of a class B misdemeanor if, with intent to intrude upon or~~
2 ~~interfere with the privacy of another, the individual:~~
- 3 ~~a. Surreptitiously, through the use of any device, surveils, observes, photographs, or~~
4 ~~records by audio, video, thermal, infrared, or other imaging technology, the~~
5 ~~private property of another at or in a place where a reasonable individual would~~
6 ~~have an expectation of privacy.~~
- 7 ~~b. Surreptitiously, through the use of any device, surveils, observes, photographs, or~~
8 ~~records by audio, video, thermal, infrared, or other imaging technology, an~~
9 ~~individual at or in a place where a reasonable individual would have an~~
10 ~~expectation of privacy.~~
- 11 ~~4.~~ An individual is guilty of an infraction if the individual enters upon another's property
12 and installs any device for observing, recording, or photographing wildlife while the
13 owner of the device is absent:
- 14 a. Without written permission from the owner or occupant of the property; ~~or~~ and
15 b. If the device does not have a permanently affixed metal or plastic tag with a
16 registration number issued by the game and fish department, or the individual's
17 name, address, and telephone number.
- 18 4.5. In a prosecution under this section, it is an affirmative defense that an individual was
19 acting pursuant to section 50-10.2-02.1.