

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED 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 an infraction if the individual enters upon another's property
- 2 and installs any device for observing, recording, or photographing wildlife while the
- 3 owner of the device is absent:
- 4 a. Without written permission from the owner or occupant of the property; ~~or~~ and
- 5 b. If the device does not have a permanently affixed metal or plastic tag with a
- 6 registration number issued by the game and fish department, or the individual's
- 7 name, address, and telephone number.
- 8 4. In a prosecution under this section, it is an affirmative defense that an individual was
- 9 acting pursuant to section 50-10.2-02.1.