

**HOUSE BILL NO. 1340**

Introduced by

Representatives Simons, Ertelt, Hoverson, Jones, Kempenich, Magrum, Skroch

Senators Heitkamp, Hogue

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~~property 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~~property for search and seizure without**  
7 **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 enter private ~~land~~property for search and seizure unless  
12 the law enforcement officer receives permission from the ~~landowner~~owner or a lessee  
13 of the ~~land~~property.

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

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

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

18 c. Responding to an emergency situation, accident, or other threat to public safety;  
19 or

20 d. ~~Fulfilling a lawful exercise of duties.~~