

Introduced by

Representative Kempenich

1 A BILL for an Act to amend and reenact section 12.1-22-03 of the North Dakota Century Code,
2 relating to criminal trespass; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-22-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-22-03. Criminal trespass.**

- 7 1. An individual is guilty of a class C felony if, knowing that that individual is not licensed
8 or privileged to do so, the individual enters or remains in a dwelling or in highly
9 secured premises.
- 10 2. An individual is guilty of a class A misdemeanor if, knowing that that individual is not
11 licensed or privileged to do so, the individual:
- 12 a. Enters or remains in or on any building, occupied structure, or storage structure,
13 or separately secured or occupied portion thereof; or
- 14 b. Enters or remains in any place so enclosed as manifestly to exclude intruders.
- 15 3. An individual is guilty of a class B misdemeanor if, knowing that that individual is not
16 licensed or privileged to do so, the individual enters or remains in any place as to
17 which notice against trespass is given by actual communication to the actor by the
18 individual in charge of the premises or other authorized individual or by posting in a
19 manner reasonably likely to come to the attention of intruders. The name of the person
20 posting the premises must appear on each sign in legible characters. An individual
21 who violates this subsection is guilty of a class A misdemeanor for the second or
22 subsequent offense within a two-year period.
- 23 4. An individual is guilty of a class B misdemeanor if that individual remains upon the
24 property of another after being requested to leave the property by a duly authorized

- 1 individual. An individual who violates this subsection is guilty of a class A
2 misdemeanor for the second or subsequent offense within a two-year period.
- 3 5. In addition to any fine imposed, the court shall impose upon an individual who is guilty
4 of an offense under this section a minimum fee of one thousand dollars to be
5 deposited in the county general fund of the county, and dedicated for the support of
6 the office of the sheriff in the county in which the arrest occurred.
- 7 6. This section does not apply to a peace officer in the course of discharging the peace
8 officer's official duties.