

Introduced by

Senators Dever, Schaible

Representative Rohr

1 A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota
2 Century Code, relating to failure to vacate; to provide a penalty; to provide for an effective date;
3 and to declare an emergency.

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

5 **SECTION 1.** A new section to chapter 12.1-31 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Failure to vacate - Penalty.**

- 8 1. After a law enforcement officer has issued a lawful command to vacate, an individual
9 may not willfully remain:
- 10 a. On private or public property in violation of section 12.1-22-03;
11 b. On private or public property in violation of 12.1-31-01; or
12 c. In an environmentally sensitive area deemed possibly dangerous to the
13 individual's life, health, or safety.
- 14 2. The failure of an individual to vacate under subsection 1, following a command to
15 vacate and after a reasonable time for vacating has elapsed, is prima facie evidence
16 the individual is remaining willfully.
- 17 3. As used in this section "environmentally sensitive area" means an area of land or
18 property which may experience imminent flooding, blizzard, or any other hazardous
19 natural disaster.
- 20 4. A law enforcement officer shall cite an individual who violates this section with a fine of
21 five thousand dollars for each violation.

22 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective March 1, 2017.

23 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.