

## HOUSE BILL NO. 1357

Introduced by

Representatives Fairfield, Delmore, Kliniske, Stenehjem

Senator Heitkamp

1 A BILL for an Act to prohibit surreptitious intrusion; and to provide a penalty.

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

3 **SECTION 1. Surreptitious intrusion.**

4 1. An individual is guilty of a class A misdemeanor if that individual:

5 a. With intent to intrude upon or interfere with the privacy of another, enters upon  
6 another's property and surreptitiously gazes, stares, or peeps in the window  
7 or any other aperture of a house or place of dwelling of another.

8 b. With intent to intrude upon or interfere with the privacy of another, enters upon  
9 another's property and surreptitiously installs or uses any device for  
10 observing, photographing, recording, amplifying, or broadcasting sounds or  
11 events through the window or any other aperture of a house or place of  
12 dwelling of another.

13 c. With intent to intrude upon or interfere with the privacy of the occupant,  
14 surreptitiously gazes, stares, or peeps in the window or other aperture of a  
15 sleeping room in a hotel, a tanning booth, or other place where a reasonable  
16 individual would have an expectation of privacy and has exposed or is likely to  
17 expose that individual's intimate parts, or has removed the clothing covering  
18 the immediate area of the intimate parts.

19 d. With intent to intrude upon or interfere with the privacy of the occupant,  
20 surreptitiously installs or uses any device for observing, photographing,  
21 recording, amplifying, or broadcasting sounds or events through the window  
22 or other aperture of a sleeping room in a hotel, a tanning booth, or other place  
23 where a reasonable individual would have an expectation of privacy and has

- 1                   exposed or is likely to expose that individual's intimate parts, or has removed  
2                   the clothing covering the immediate area of the intimate parts.
- 3           2.   A person is guilty of a class C felony if the person violates subsection 1 after a  
4               previous conviction for violating subsection 1 or is required to register under  
5               section 12.1-32-15.
- 6           3.   Subdivisions b and d of subsection 1 do not apply to law enforcement officers or  
7               corrections investigators, or to those acting under their direction, while engaged in  
8               the performance of their lawful duties. Subdivisions c and d of subsection 1 do not  
9               apply to conduct in a medical facility or a commercial establishment if the owner of  
10              the establishment has posted conspicuous signs warning that the premises are  
11              under surveillance by the owner or the owner's employees.