

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1357

Introduced by

Representatives Fairfield, Delmore, Kliniske, Stenehjem

Senator Heitkamp

1 A BILL for an Act to prohibit surreptitious intrusion; to amend and reenact subdivision c of
2 subsection 1 of section 12.1-32-15 of the North Dakota Century Code, relating to sexual
3 offenders; and to provide a penalty.

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

5 **SECTION 1. Surreptitious intrusion.**

6 1. An individual is guilty of a class A misdemeanor if that individual does any of the
7 following:

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

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

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

22 d. With intent to intrude upon or interfere with the privacy of the occupant,
23 surreptitiously installs or uses any device for observing, photographing,
24 recording, amplifying, or broadcasting sounds or events through the window

1 or other aperture of a sleeping room in a hotel, a tanning booth, or other place
2 where a reasonable individual would have an expectation of privacy and has
3 exposed or is likely to expose that individual's intimate parts, or has removed
4 the clothing covering the immediate area of the intimate parts.

5 2. A person is guilty of a class C felony if the person violates subsection 1 after a
6 previous conviction for violating subsection 1 or if the person violates subsection 1
7 after being required to register under section 12.1-32-15.

8 3. Subdivisions b and d of subsection 1 do not apply to law enforcement officers or
9 corrections officers, or to those acting under their direction, while engaged in the
10 performance of their lawful duties. Subdivisions c and d of subsection 1 do not
11 apply to conduct in a medical facility or a commercial establishment if the owner of
12 the establishment has posted conspicuous signs warning that the premises are
13 under surveillance by the owner or the owner's employees.

14 **SECTION 2. AMENDMENT.** Subdivision c of subsection 1 of section 12.1-32-15 of the
15 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16 c. "Sexual offender" means a person who has pled guilty to or been found guilty
17 of a violation of section 12.1-20-03, 12.1-20-04, 12.1-20-05, 12.1-20-06,
18 12.1-20-07, 12.1-20-11, chapter 12.1-27.2, subsection 2 of section 1 of this
19 Act, or an attempt to commit these offenses.