

HOUSE BILL NO. 1392

Introduced by

Representatives Conklin, Kilichowski, Onstad

1 A BILL for an Act to amend and reenact section 12.1-15-02 of the North Dakota Century Code,
2 relating to the interception of a wire or oral communication.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-15-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-15-02. Interception of wire or oral communications - Eavesdropping.**

7 1. A person is guilty of a class C felony if ~~he~~that person:

8 a. Intentionally intercepts any wire or oral communication by use of any electronic,
9 mechanical, or other device; or

10 b. Intentionally discloses to any other person or intentionally uses the contents of
11 any wire or oral communication, knowing that the information was obtained
12 through the interception of a wire or oral communication.

13 2. A person is guilty of a class A misdemeanor if ~~he~~that person secretly loiters about any
14 building with intent to overhear discourse or conversation ~~therein~~in the building and to
15 repeat or publish the same with intent to vex, annoy, or injure others.

16 3. It is a defense to a prosecution under subsection 1 that:

17 a. The actor was authorized by law to intercept, disclose, or use, ~~as the case may~~
18 ~~be,~~ the wire or oral communication.

19 b. The actor was ~~(1)~~ a person acting under color of law to intercept a wire or oral
20 communication, and ~~(2)~~ ~~he~~the actor was a party to the communication or one of
21 the parties to the communication had given ~~prior~~ consent ~~to such~~before the
22 interception.

23 c. ~~(1)~~The actor was a party to the communication ~~or one~~and all of the parties to the
24 communication had given ~~prior~~ consent ~~to such~~before the interception, and ~~(2)~~

- 1 suchthe communication was not intercepted for the purpose of committing a
- 2 crime or other unlawful harm.