

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

HOUSE BILL NO. 1189
(Representatives Soukup, Carlisle, Coats)
(Senators Nalewaja, W. Stenehjem)

AN ACT to amend and reenact section 8-10-11 of the North Dakota Century Code, relating to the interruption of telecommunications in certain emergencies; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 8-10-11 of the North Dakota Century Code is amended and reenacted as follows:

8-10-11. Interruption of ~~telephone communications~~ telecommunications in kidnapping or hostage emergency - Duty of ~~telephone~~ telecommunications company to assist - Prohibited communications - Penalty.

1. As used in this section, "peace officer" has the same meaning as in section 12.1-01-04.
2. A peace officer ~~who~~ with supervisory control over an incident in which that peace officer has probable cause to believe that an individual is ~~being unlawfully confined or has been taken hostage, who has supervisory control over investigating the incident, and who has lawful jurisdiction in the geographical area where the violation is believed to be occurring,~~ could suffer injury or death as a result of the incident may order a ~~telephone telecommunications~~ company to cut, reroute, or divert ~~telephone lines~~ telecommunications transmissions for the purpose of controlling communications. Nothing in this section may deny the ~~telephone telecommunications~~ company reimbursement for the value of ~~their~~ services provided in or damage ~~to their facilities~~ resulting from ~~their~~ compliance with ~~such~~ the supervising peace officer's order.
3. Each ~~telephone telecommunications~~ company shall designate an employee to serve as a security official and to provide assistance as required by the supervising peace officer under this section.
4. ~~A person~~ An individual may not initiate ~~telephone communications~~ telecommunications with a suspected violator if that ~~person~~ individual knows that an order has been issued under subsection 2. Violation of this subsection is a class B misdemeanor.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1189.

House Vote: Yeas 95 Nays 0 Absent 2

Senate Vote: Yeas 46 Nays 0 Absent 3

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State