

SENATE BILL NO. 2313

Introduced by

Senators Fairfield, Seymour, Triplett

Representative Maragos

1 A BILL for an Act to amend and reenact section 12.1-23-03 of the North Dakota Century Code,
2 relating to theft of services for unpaid wages.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-23-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-23-03. Theft of services.**

7 1. A person is guilty of theft if:

8 4. a. ~~He~~ The person intentionally obtains services, known by ~~him~~ that person to be
9 available only for compensation, by deception, threat, false token, or other
10 means to avoid payment for the services; ~~or,~~

11 2. b. Having control over the disposition of services of another to which ~~he~~ the
12 person is not entitled, ~~he~~ that person knowingly diverts those services ~~to his~~
13 for that person's own benefit or to the benefit of another not entitled ~~thereto.~~
14 ~~Where~~ to those services.

15 c. The person is an employer that accepts or obtains the services or benefits of
16 an employee with intent to deprive the employee of wages or other
17 compensation. This subdivision applies to a shareholder, partner, member, or
18 other owner of an employer that is an organization.

19 d. The person is an employer that willfully fails to pay employee wages or to
20 make provisions for payment of employee wages. This subdivision applies to
21 a shareholder, partner, member, or other owner of an employer that is an
22 organization.

23 2. If compensation for services is ordinarily paid immediately upon their rendition of
24 the services, as in the case of hotels, restaurants, and comparable establishments,

- 1 absconding without payment or making provision to pay is prima facie evidence
- 2 that the services were obtained by deception.