

HOUSE BILL NO. 1320

Introduced by

Representatives Kreun, Delmore, Hatlestad, N. Johnson

Senators Hogue, Laffen, Sorvaag

1 A BILL for an Act to amend and reenact section 12.1-17-07 of the North Dakota Century Code,
2 relating to harassment offenses through electronic communications.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-17-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-17-07. Harassment.**

- 7 1. A person is guilty of an offense if, with intent to frighten or harass another, the person:
- 8 a. Communicates in writing or by ~~telephone~~electronic communication a threat to
 - 9 inflict injury on any person, to any person's reputation, or to any property;
 - 10 b. Makes a telephone call anonymously or in offensively coarse language;
 - 11 c. Makes repeated telephone calls or other electronic communication, whether or
 - 12 not a conversation ensues, with no purpose of legitimate communication; or
 - 13 d. Communicates a falsehood in writing or by ~~telephone~~electronic communication
 - 14 and causes mental anguish.
- 15 2. The offense is a class A misdemeanor if it is under subdivision a of subsection 1 or
- 16 subsection 4. Otherwise it is a class B misdemeanor.
- 17 3. Any offense defined herein and committed by use of a ~~telephone~~electronic
- 18 communication may be deemed to have been committed at either the place at which
- 19 the ~~telephone call or calls were~~electronic communication was made or at the place
- 20 where the ~~telephone call or calls were~~electronic communication was received.
- 21 4. A person ~~who telephones~~is guilty of an offense if the person initiates communication
- 22 with a 911 emergency line, public safety answering point, or an emergency responder
- 23 communication system with the intent to annoy or harass another person or a public

- 1 safety agency or who makes a false 911 report is ~~guilty of a class A misdemeanor to a~~
2 public safety agency.
- 3 a. Intent to annoy or harass is established by proof of one or more calls with no
4 legitimate 911 purpose.
- 5 b. Upon conviction of a violation of this subsection, a person is also liable for all
6 costs incurred by any unnecessary emergency response.
- 7 5. Any offense defined herein is deemed communicated in writing if it is transmitted
8 electronically, by electronic mail, facsimile, or other similar means. Electronic
9 communication means transfer of signs, signals, writing, images, sounds, data, or
10 intelligence of any nature transmitted in whole or in part by a wire, radio,
11 electromagnetic, photo-electronic, or photo-optical system.