

SENATE BILL NO. 2225

Introduced by

Senators Schaible, Bowman, Erbele

Representatives Boehning, Rohr, Schmidt

1 A BILL for an Act to amend and reenact sections 12.1-22-03, 20.1-01-18, 20.1-01-19, and
2 20.1-01-20 of the North Dakota Century Code, relating to criminal trespass and hunting on
3 private land; and to repeal section 20.1-01-17 of the North Dakota Century Code, relating to the
4 posting of lands.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-22-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12.1-22-03. Criminal trespass.**

- 9 1. An individual is guilty of a class C felony if, knowing that that individual is not licensed
10 or privileged to do so, the individual enters or remains in a dwelling or in highly
11 secured premises.
- 12 2. An individual is guilty of a class A misdemeanor if, knowing that ~~that~~the individual is
13 not licensed or privileged to do so, the individual:
- 14 a. Enters or remains in or on any building, occupied structure, or storage structure,
15 or separately secured or occupied portion thereof; or
- 16 b. Enters or remains in any~~the~~ place ~~so enclosed as manifestly to exclude~~
17 ~~intruders~~that the individual is not licensed or privileged to be.
- 18 3. ~~An individual is guilty of a class B misdemeanor if, knowing that that individual is not~~
19 ~~licensed or privileged to do so, the individual enters or remains in any place as to~~
20 ~~which notice against trespass is given by actual communication to the actor by the~~
21 ~~individual in charge of the premises or other authorized individual or by posting in a~~
22 ~~manner reasonably likely to come to the attention of intruders. The name of the person~~
23 ~~posting the premises must appear on each sign in legible characters. An individual~~

1 ~~who violates this subsection is guilty of a class A misdemeanor for the second or~~
2 ~~subsequent offense within a two-year period.~~

3 4. An individual is guilty of a class B misdemeanor if that individual remains upon the
4 property of another after being requested to leave the property by a duly authorized
5 individual. An individual who violates this subsection is guilty of a class A
6 misdemeanor for the second or subsequent offense within a two-year period.

7 ~~5.4.~~ This section does not apply to a peace officer in the course of discharging the peace
8 officer's official duties.

9 **SECTION 2. AMENDMENT.** Section 20.1-01-18 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **20.1-01-18. Hunting ~~on posted land and trapping on private land without permission~~**
12 **unlawful - Penalty.**

13 ~~No person~~An individual may not hunt or pursue game, or enter for those purposes, upon
14 ~~legally posted land~~ belonging to another without first obtaining the permission of the person
15 legally entitled to grant the same. ~~No person~~An individual may not enter upon privately owned
16 land for the purpose of trapping protected fur-bearing animals without first gaining the written
17 permission of the owner or operator of that land. ~~A person~~An individual who violates this section
18 is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for a
19 subsequent offense within a two-year period.

20 **SECTION 3. AMENDMENT.** Section 20.1-01-19 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **20.1-01-19. When ~~posted~~private land may be entered.**

23 ~~Any person~~An individual may enter upon ~~legally posted~~private land to recover game shot or
24 killed on land where the ~~person~~individual had a lawful right to hunt.

25 **SECTION 4. AMENDMENT.** Section 20.1-01-20 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **20.1-01-20. Entering ~~posted~~private land with gun or firearm prima facie evidence of**
28 **intent to hunt game.**

29 Proof that ~~a person~~an individual having a firearm, or other weapon declared legal by
30 governor's proclamation, in the ~~person's~~individual's possession entered upon the ~~legally-~~

- 1 ~~posted~~private premises of another without permission of the owner or tenant is prima facie
- 2 evidence the ~~person~~individual entered to hunt or pursue game.
- 3 **SECTION 5. REPEAL.** Section 20.1-01-17 of the North Dakota Century Code is repealed.