

Introduced by

Senators Wobbema, Dwyer, Myrdal, Paulson

Representative D. Johnston

1 A BILL for an Act to create and enact a new section to chapter 12.1-23 of the North Dakota
2 Century Code, relating to prohibiting a political subdivision from seizing personal property
3 without notice; to amend and reenact section 12.1-23-02 of the North Dakota Century Code,
4 relating to theft of property; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-23-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12.1-23-02. Theft of property.**

9 A person is guilty of theft if ~~he~~the person:

- 10 1. Knowingly takes or exercises unauthorized control over, or makes an unauthorized
11 transfer of an interest in, the property of another with intent to deprive the owner
12 ~~thereof~~of the property;
- 13 2. Knowingly obtains the property of another by deception or by threat with intent to
14 deprive the owner ~~thereof~~of the property, or intentionally deprives ~~another of his~~the
15 owner of the property by deception or by threat; ~~or~~
- 16 3. Knowingly receives, retains, or disposes of property of another which has been stolen,
17 with intent to deprive the owner ~~thereof~~of the property; or
- 18 4. Is a public servant acting under governmental authority or color of law who knowingly
19 seizes or confiscates private property located on the owner's real property before:
- 20 a. Providing the owner of the property with written notice in person or via certified
21 mail of the impending seizure or confiscation; or
- 22 b. Receiving the owner's signature acknowledging receipt of the required notice.

23 **SECTION 2.** A new section to chapter 12.1-23 of the North Dakota Century Code is created
24 and enacted as follows:

1 **Theft by a political subdivision.**

2 A political subdivision, including a home rule city or county, may not seize or confiscate an
3 individual's personal property from real property owned by the individual before:

- 4 1. Providing the owner of the property with written notice in person or via certified mail of
5 the impending seizure or confiscation; or
6 2. Receiving the owner's signature acknowledging receipt of the required notice.