Adopted by the Judiciary Committee

January 21, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1134

Introduced by

Representatives Heilman, Henderson, Hoverson, S. Olson, D. Johnston, Wolff, VanWinkle

Senators Cory, Paulson

A BILL for an Act to ~~create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to the dissemination of personally identifying information; to provide a penalty; and to declare an emergency.~~amend and reenact section 12.1-17-07 of the North Dakota Century Code, relating to harassment of another.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~**SECTION 1.** A new section to chapter 12.1-17 of the North Dakota Century Code is created and enacted as follows:~~

~~**Dissemination of personally identifying information prohibited - Penalty.**~~

~~1. As used in this section:~~

~~a. "Dissemination" means electronically publishing, posting, or otherwise disclosing information to a public internet site or public forum.~~

~~b. "Household member" means an individual who:~~

~~(1) Regularly resides in the household; or~~

~~(2) Within the six months preceding the conduct of the offense regularly resided in the household.~~

~~c. "Immediate family member" means a parent, grandparent, spouse, child, stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, sibling, brother-in-law, sister-in-law, or grandchild.~~

~~d. "Personally identifying information" means information that identifies or reasonably can be used to identify an individual, including:~~

~~(1) Social security number or other government-issued identifier;~~

~~(2) Date of birth;~~

~~(3) Home or physical address;~~

~~(4) Electronic mail address or telephone number;~~

~~(5) Financial account number or credit or debit card number;~~

~~(6) Biometric, health, or medical data, or insurance information; and~~

~~(7) School or employment location.~~

~~2. A person is guilty of disseminating personally identifying information if, with the intent to intimidate, abuse, threaten, harass, or frighten an individual who resides in the state:~~

~~a. The person intentionally disseminates the personally identifying information of an individual or that individual's immediate family member or household member; and~~

~~b. The dissemination would reasonably cause an individual to be in fear of physical injury to themselves, or to the individual's immediate family member or household member.~~

~~3. This section applies to all electronic communications originating within or accessible within the state.~~

~~4. Disseminating personally identifying information is a class A misdemeanor, unless the dissemination results in:~~

~~a. Bodily injury to the individual or to the individual's immediate family member or household member, in which case it is a class C felony;~~

~~b. Substantial or serious bodily injury to the individual or to the individual's immediate family member or household member, in which case it is a class B felony; or~~

~~c. Death of the individual or of the individual's immediate family member or household member, in which case it is a class A felony.~~

~~**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.~~

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

12.1-17-07. Harassment.

1. A person is guilty of an offense if, with intent to frighten or harass another, the person:
   a. Communicates in writing or by electronic communication a threat to inflict injury on any person, to any person's reputation, or to any property;
   b. Makes a telephone call anonymously or in offensively coarse language;
   c. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication; ~~or~~
   d. Communicates a falsehood in writing or by electronic communication and causes mental anguish; or
   e. Communicates in writing, by electronic communication, or by electronically publishing, posting, or otherwise disclosing information to a public internet site or public forum an individual's personal identifying information.
2. The offense is a class A misdemeanor if it is under subdivision a or e of subsection 1 or subsection 4. Otherwise it is a class B misdemeanor.
3. Any offense defined herein and committed by use of electronic communication may be deemed to have been committed at either the place at which the electronic communication was made or at the place where the electronic communication was received.
4. A person is guilty of an offense if the person initiates communication with a 911 emergency line, public safety answering point, or an emergency responder communication system with the intent to annoy or harass another person or a public safety agency or who makes a false report to a public safety agency.
   a. Intent to annoy or harass is established by proof of one or more calls with no legitimate emergency purpose.
   b. Upon conviction of a violation of this subsection, a person is also liable for all costs incurred by any unnecessary emergency response.
5. Any offense defined herein is deemed communicated in writing if it is transmitted electronically, by electronic mail, facsimile, or other similar means. Electronic communication means transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.