

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1134

Introduced by

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

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 of another.

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 electronic communication a threat to inflict injury
9 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 electronic communication and causes
14 mental anguish; or
- 15 e. Communicates in writing, by electronic communication, or by electronically
16 publishing, posting, or otherwise disclosing information to a public internet site or
17 public forum an individual's personal identifying information.
- 18 2. The offense is a class A misdemeanor if it is under subdivision a or e of subsection 1
19 or subsection 4. Otherwise it is a class B misdemeanor.
- 20 3. Any offense defined herein and committed by use of electronic communication may be
21 deemed to have been committed at either the place at which the electronic

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