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Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1410

Introduced by

Representative Hoverson

A BILL for an Act to amend and reenact section 12.1-14-01 of the North Dakota Century Code, relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to passenger aircraft transportation; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-14-01 of the North Dakota Century Code is amended and reenacted as follows:

12.1-14-01. Official oppression.

~~A person~~

1. An individual acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity is guilty of a class A misdemeanor if, knowing that ~~his~~the individual's conduct is illegal, ~~he~~the individual:

~~1.~~ a. Subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or other infringement of personal or property rights; ~~or~~

~~2.~~ b. Denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity; or

c. While acting under color of the individual's office or employment without probable cause to believe the other individual committed an offense:

(1) Performs a search for the purpose of granting access to a publicly accessible passenger aircraft; and

(2) Touches the anus, sexual organ, area between the belly button and sexual organs, buttocks, or breast of the other individual, including touching through clothing; or

(3) Touches the other individual in a manner that would be offensive to a reasonable individual.

2. For purposes of this section, an individual who is a public servant acts under color of the individual's office or employment if the individual acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.

3. For purposes of this section, "public servant" includes:

a. An officer, employee, or agent of the United States or a branch, department, or agency of the United States;

b. An individual acting under contract with a branch, department, or agency of the United States for the purpose of providing security or law enforcement; and

c. An individual acting under color of federal law.