

2025 HOUSE JUDICIARY

HB 1305

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1305
1/27/2025

Relating to criminal trespass; and to provide a penalty.
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10:32 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Henderson

Discussion Topics:

- Other states laws
- Falsely listing properties penalties
- Eviction process

10:32 a.m. Representative Jim Kasper, North Dakota Representative for District 46, introduced the bill.

10:48 a.m. Jeremy Petron, Lobbyist with the North Dakota Apartment Association, testified in favor and provided testimony #31516.

10:57 a.m. John Ward, North Dakota Land Title Association, testified in favor.

11:02 a.m. Rozanna Larson, Ward County State's Attorney, testified in opposition.

11:09 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

January 25, 2025

Jeremy Petron
Lobbyist # 209
North Dakota Apartment Association

Re: HB 1305 - support

Chairman and members of the Committee, my name is Jeremy Petron. I'm a lobbyist with the North Dakota Apartment Association. I have also worked in the apartment rental and property management industry for 20 years.

We support HB 1305. Section 3 of this Bill provides a tool to help property owners and landlords remove unauthorized individuals from a property who do not have a leasehold right to reside on the property. The unauthorized person could have gained entry by breaking into the unit, or the person moves in with a current leaseholder and fails to notify the landlord. When the landlord finds out about the unauthorized individual(s), a conversation usually starts requiring the non-leaseholder to apply to be added to the lease, or that they are being told to leave depending on the situation.

There are also instances where the original leaseholder may have moved out without notifying the landlord, and the non-leaseholder continues to reside in the unit. If the individual refuses to comply with the landlord's request to apply for verification approval to be allowed to enter into the leasehold, the current remedy for landlords is to have a '3-day Notice to Vacate' served, then file for an eviction court hearing which could take a few weeks depending on court scheduling, and the property owner usually has to hire an attorney to go through the process. It is especially burdensome while waiting for the court date if the property owner is

encountering illegal activity occurring on the property caused by the unauthorized individual, which could be causing damage or disturbing the quiet enjoyment rights of neighbors. Police can be called, but if there is no cause for arrest when they arrive, the unauthorized individual cannot be forcibly removed without a court judgment order.

We urge a do pass for HB 1305.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee Room JW327B, State Capitol

HB 1305
2/10/2025

A BILL for an Act to amend and reenact section 12.1-22-03 and subsection 1 of section 12.1-22-06 of the North Dakota Century Code, relating to criminal trespass; and to provide a penalty.

3:00 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Removal of unauthorized individuals
- Committee action

3:01 p.m. Chairman Klemin proposed Amendment LC: 25.0136.02002, testimony #36799.

3:05 p.m. Representative Vetter moved to adopt amend LC: 25.0136.02002, testimony #36799.

3:05 p.m. Representative Johnston seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	N
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	N
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	N
Representative Christina Wolff	Y

3:08 p.m. Motion passed 11-3-0

3:08 p.m. Representative Vetter moved a Do Pass as Amended.

3:08 p.m. Representative Henderson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	A
Representative Lori VanWinkle	N
Representative Christina Wolff	Y

3:09 p.m. Motion passed 12-1-1

3:09 p.m. Representative Henderson will carry the bill.

3:10 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

RS
2/10/25
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Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1305

Introduced by

Representatives Kasper, Bosch, Headland, Koppelman, Louser, Motschenbacher, Steiner
Senators Clemens, Cory, Meyer

1 A BILL for an Act to ~~create and enact a new section to chapter 47-10 and a new section to~~
2 ~~chapter 47-32 of the North Dakota Century Code, relating to the fraudulent sale or lease of~~
3 ~~residential real property and an alternative remedy to removing an unauthorized individual from~~
4 ~~residential real property; to amend and reenact section 12.1-22-03 and subsection 1 of section~~
5 12.1-22-06 of the North Dakota Century Code, relating to criminal trespass; and to provide a
6 penalty.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

10 **12.1-22-03. Criminal trespass - Noncriminal offense on posted property.**

- 11 1. An individual is guilty of a class C felony if, knowing the individual is not licensed or
12 privileged to do so, the individual enters or remains in a dwelling or in highly secured
13 premises.
- 14 2. An individual who unlawfully detains, occupies, or trespasses upon a residential
15 dwelling in violation of section 3 of this Act is guilty of a class C felony for the first
16 offense and a class B felony for a second or subsequent offense if the second or
17 subsequent offense occurred at the same residential dwelling as the first offense.
- 18 3. An individual is guilty of a class A misdemeanor if, knowing the individual is not
19 licensed or privileged to do so, the individual:

- 1 a. Enters or remains in or on any building, occupied structure, or storage structure,
2 or separately secured or occupied portion thereof; or
- 3 b. Enters or remains in any place enclosed by a fence or otherwise enclosed as
4 manifestly to exclude intruders, unless the individual is a licensed hunter or
5 angler who is lawfully hunting or fishing. For purposes of this subdivision, "fence"
6 means a permanent structure on nonurban, private property which is maintained
7 and capable of containing livestock.
- 8 ~~3.4.~~ a. An individual is guilty of a class B misdemeanor if, knowing the individual is not
9 licensed or privileged to do so, the individual enters or remains in any place as to
10 which notice against trespass is given by actual communication to the actor by
11 the owner or an individual authorized by the owner or by posting in a manner
12 reasonably likely to come to the attention of intruders. The name of the person
13 posting the premises must appear on each sign in legible characters.
- 14 b. Even if the conduct of the owner or individual authorized by the owner varies
15 from the provisions of subdivision a, an individual may be found guilty of violating
16 subdivision a if the owner or individual authorized by the owner substantially
17 complied with subdivision a and notice against trespass is clear from the
18 circumstances.
- 19 c. An individual who violates subdivision a is guilty of a class A misdemeanor for the
20 second or subsequent offense within a two-year period.
- 21 4.5. a. A peace officer may cite an individual who, knowing the individual is not licensed
22 or privileged to do so, entered or remained in a place as to which notice against
23 trespass is given by posting in a manner reasonably likely to come to the
24 attention of intruders or a place enclosed by a fence as defined in subsection 2,
25 with a noncriminal offense. An individual cited under this subsection may not be
26 prosecuted under subsection 2 or 3 for the same offense.
- 27 b. The fine for a citation under subdivision a is two hundred fifty dollars for each
28 violation.
- 29 c. The peace officer citing the individual shall:
30 (1) Take the name and address of the individual; and
31 (2) Notify the individual of the right to request a hearing if posting bond by mail.

- 1 d. The peace officer may not take the individual into custody or require the
- 2 individual to proceed with the peace officer to any other location for the purpose
- 3 of posting bond. The officer shall provide the individual with an envelope for use
- 4 in mailing the bond.
- 5 e. An individual cited may appear before the designated official and pay the
- 6 statutory fine for the violation at or before the time scheduled for hearing.
- 7 f. If the individual has posted bond, the individual may forfeit bond by not appearing
- 8 at the designated time.
- 9 g. If the individual posts bond by mail, the bond must be submitted within fourteen
- 10 days of the date of the citation and the individual cited shall indicate on the
- 11 envelope or citation whether a hearing is requested. If the individual does not
- 12 request a hearing within fourteen days of the date of the citation, the bond is
- 13 deemed forfeited and the individual is deemed to have admitted to the violation
- 14 and to have waived the right to a hearing on the issue of commission of the
- 15 violation. If the individual requests a hearing, the court for the county in which the
- 16 citation is issued shall issue a summons to the individual requesting the hearing
- 17 notifying the individual of the date of the hearing before the designated official.
- 18 h. Upon appearing at the hearing scheduled in the citation or otherwise scheduled
- 19 at the individual's request, the individual may make a statement in explanation of
- 20 the individual's action. The official may at that time waive or suspend the statutory
- 21 fine or bond.
- 22 i. A citing peace officer may not receive the statutory fine or bond.
- 23 j. The bond required to secure appearance before the judge must be identical to
- 24 the statutory fine established in subdivision b.
- 25 ~~5-6.~~ An individual is guilty of a class B misdemeanor if that individual remains upon the
- 26 property of another after being requested to leave the property by a duly authorized
- 27 individual. An individual who violates this subsection is guilty of a class A
- 28 misdemeanor for the second or subsequent offense within a two-year period.
- 29 ~~6-7.~~ This section does not apply to a peace officer in the course of discharging the peace
- 30 officer's official duties.

1 ~~SECTION 2. A new section to chapter 47-10 of the North Dakota Century Code is created~~
2 ~~and enacted as follows:~~

3 ~~**Fraudulent sale or lease of residential real property – Penalty.**~~

4 ~~A person that lists or advertises residential real property for sale knowing the person does~~
5 ~~not have legal title or authority to sell the property, or rents or leases the property to a lessee~~
6 ~~knowing the person does not have lawful ownership of the property or leasehold interest in the~~
7 ~~property, is guilty of a class C felony.~~

8 ~~SECTION 3. A new section to chapter 47-32 of the North Dakota Century Code is created~~
9 ~~and enacted as follows:~~

10 ~~**Limited alternative remedy to remove an unauthorized individual from residential real**~~
11 ~~**property – Notice – Civil action – Penalty.**~~

- 12 ~~1. As used in this section, "property" means real property or a residential dwelling;~~
13 ~~including a building, structure, or part of a building or structure, used or intended to be~~
14 ~~used as a home, residence, or sleeping place by an individual.~~
- 15 ~~2. Notwithstanding sections 47-32-01 through 47-32-04, a property owner or the property~~
16 ~~owner's authorized agent may request the sheriff of the county where the property is~~
17 ~~located to remove an individual who is unlawfully occupying the property if:~~
- 18 ~~a. The requester is the property owner or the property owner's authorized agent;~~
19 ~~b. An unauthorized individual has unlawfully entered and remains or continues to~~
20 ~~reside on the property owner's property;~~
21 ~~c. The property was not open to members of the public at the time the unauthorized~~
22 ~~individual entered;~~
23 ~~d. The property owner has directed the unauthorized individual to leave the~~
24 ~~property;~~
25 ~~e. The unauthorized individual is not a current or former tenant under a written or~~
26 ~~oral rental agreement authorized by the property owner;~~
27 ~~f. The unauthorized individual is not an immediate family member of the property~~
28 ~~owner; and~~
29 ~~g. Litigation related to the property is not pending between the property owner and~~
30 ~~any known unauthorized individual.~~

- 1 ~~3. To request the immediate removal of an unlawful occupant, the property owner or the~~
2 ~~property owner's authorized agent shall submit a written complaint to the sheriff of the~~
3 ~~county where the property is located. The complaint must declare under the penalty of~~
4 ~~perjury:~~
- 5 ~~a. The address or location of the property and that the individual submitting the~~
6 ~~complaint is the owner of that property or is the property owner's authorized~~
7 ~~agent.~~
- 8 ~~b. The date the property was purchased or the date ownership of the property was~~
9 ~~established by the individual submitting the complaint.~~
- 10 ~~c. An unauthorized individual has unlawfully entered and is remaining or residing~~
11 ~~unlawfully on the property.~~
- 12 ~~d. The property was not open to members of the public at the time the unauthorized~~
13 ~~individual entered.~~
- 14 ~~e. The property owner or the property owner's authorized agent has directed the~~
15 ~~unauthorized individual to leave the property, but the individual has not done so.~~
- 16 ~~f. The unauthorized individual is not a current or former tenant under any valid~~
17 ~~lease authorized by the property owner, and any lease produced by the~~
18 ~~unauthorized individual is fraudulent.~~
- 19 ~~g. The unauthorized individual sought to be removed is not an owner or a co-owner~~
20 ~~of the property and is not listed on the title to the property unless the individual~~
21 ~~has engaged in title fraud.~~
- 22 ~~h. The unauthorized individual is not an immediate family member of the property~~
23 ~~owner.~~
- 24 ~~i. Litigation related to the property is not pending between the property owner and~~
25 ~~any individual sought to be removed from the property.~~
- 26 ~~j. The property owner understands an individual removed from the property under~~
27 ~~this section may bring a cause of action against the property owner for any false~~
28 ~~statements made in the complaint, or for wrongfully bring an action under this~~
29 ~~section, and that as a result of an action the property owner may be held liable~~
30 ~~for actual damages, penalties, costs, and reasonable attorney fees.~~

- 1 ~~k. The property owner is requesting the sheriff to immediately remove the~~

2 ~~unauthorized individual from the property.~~
- 3 ~~l. A copy of the property owner's valid government-issued identification is attached,~~

4 ~~or if the complaint is submitted by the property owner's authorized agent, a~~

5 ~~document evidencing the agent's authority to act on the property owner's behalf~~

6 ~~is attached.~~
- 7 ~~m. The property owner's signature or the signature of the property owner's~~

8 ~~authorized agent is affixed.~~
- 9 ~~4. Upon receipt of the complaint, the sheriff shall verify the individual submitting the~~

10 ~~complaint is the record owner of the property or the authorized agent of the owner and~~

11 ~~appears otherwise entitled to relief under this section. If verified, the sheriff shall:~~

- 12 ~~a. Attempt to verify the identity of an individual occupying the dwelling.~~
- 13 ~~b. Remove any individual found on the property and arrest the individual for criminal~~

14 ~~trespass.~~
- 15 ~~c. Place the owner in possession of the real property.~~
- 16 ~~5. The property owner or the property owner's authorized agent may request the sheriff~~

17 ~~remain on the premises to keep the peace while the property owner or the property~~

18 ~~owner's authorized agent changes the locks and removes from the premises the~~

19 ~~personal property of the unlawful occupant to or near the property line.~~

- 20 ~~a. The sheriff may charge the property owner or the property owner's agent a~~

21 ~~reasonable hourly rate for the amount of time the property owner or the property~~

22 ~~owner's agent requests the sheriff remain on the premises to keep the peace.~~
- 23 ~~b. The sheriff is not liable to the unlawful occupant or any other party for loss,~~

24 ~~destruction, or damage of property.~~
- 25 ~~c. The property owner or the authorized agent is not liable to an unlawful occupant~~

26 ~~or any other party for the loss of or destruction or damage to personal property~~

27 ~~unless the removal was wrongful.~~
- 28 ~~6. An individual may bring a civil cause of action for wrongful removal under this section.~~

29 ~~An individual harmed by a wrongful removal under this section may be restored to~~

30 ~~possession of the property and may recover actual costs and damages incurred.~~

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7087

~~statutory damages equal to triple the fair market rent of the dwelling, court costs, and
reasonable attorney fees.~~

~~7. This section does not limit the rights of a property owner, or limit the authority of a law
enforcement officer to arrest an unlawful occupant for criminal mischief, theft of
property, or other violations of state law.~~

~~8. An individual who knowingly and willfully presents to another individual a false
document purporting to be a valid lease agreement, deed, or other instrument
conveying property rights with the intent to detain or remain on the property is guilty of
a class A misdemeanor.~~

SECTION 2. AMENDMENT. Subsection 1 of section 12.1-22-06 of the North Dakota
Century Code is amended and reenacted as follows:

1. "Dwelling" ~~has the meaning prescribed in subsection 2 of section 12.1-05-12~~ means
real property or residential property, including a building, structure, or part of a building
or structure, used or intended to be used as a home, residence, or sleeping place by
an individual.

**REPORT OF STANDING COMMITTEE
HB 1305**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** ([25.0136.02002](#)) and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1305 was placed on the Sixth order on the calendar.

25.0136.02002
Title.

Prepared by the Legislative Council
staff for Representative Klemin
February 4, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1305

Introduced by

Representatives Kasper, Bosch, Headland, Koppelman, Louser, Motschenbacher, Steiner

Senators Clemens, Cory, Meyer

A BILL for an Act to ~~create and enact a new section to chapter 47-10 and a new section to chapter 47-32 of the North Dakota Century Code, relating to the fraudulent sale or lease of residential real property and an alternative remedy to removing an unauthorized individual from residential real property;~~ to amend and reenact section 12.1-22-03 and subsection 1 of section 12.1-22-06 of the North Dakota Century Code, relating to criminal trespass; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

12.1-22-03. Criminal trespass - Noncriminal offense on posted property.

1. An individual is guilty of a class C felony if, knowing the individual is not licensed or privileged to do so, the individual enters or remains in a dwelling or in highly secured premises.
2. An individual who unlawfully detains, occupies, or trespasses upon a residential dwelling in violation of section 3 of this Act is guilty of a class C felony for the first offense and a class B felony for a second or subsequent offense if the second or subsequent offense occurred at the same residential dwelling as the first offense.
3. An individual is guilty of a class A misdemeanor if, knowing the individual is not licensed or privileged to do so, the individual:

- 1 a. Enters or remains in or on any building, occupied structure, or storage structure,
2 or separately secured or occupied portion thereof; or
- 3 b. Enters or remains in any place enclosed by a fence or otherwise enclosed as
4 manifestly to exclude intruders, unless the individual is a licensed hunter or
5 angler who is lawfully hunting or fishing. For purposes of this subdivision, "fence"
6 means a permanent structure on nonurban, private property which is maintained
7 and capable of containing livestock.
- 8 ~~3.4.~~ a. An individual is guilty of a class B misdemeanor if, knowing the individual is not
9 licensed or privileged to do so, the individual enters or remains in any place as to
10 which notice against trespass is given by actual communication to the actor by
11 the owner or an individual authorized by the owner or by posting in a manner
12 reasonably likely to come to the attention of intruders. The name of the person
13 posting the premises must appear on each sign in legible characters.
- 14 b. Even if the conduct of the owner or individual authorized by the owner varies
15 from the provisions of subdivision a, an individual may be found guilty of violating
16 subdivision a if the owner or individual authorized by the owner substantially
17 complied with subdivision a and notice against trespass is clear from the
18 circumstances.
- 19 c. An individual who violates subdivision a is guilty of a class A misdemeanor for the
20 second or subsequent offense within a two-year period.
- 21 ~~4.5.~~ a. A peace officer may cite an individual who, knowing the individual is not licensed
22 or privileged to do so, entered or remained in a place as to which notice against
23 trespass is given by posting in a manner reasonably likely to come to the
24 attention of intruders or a place enclosed by a fence as defined in subsection 2,
25 with a noncriminal offense. An individual cited under this subsection may not be
26 prosecuted under subsection 2 or 3 for the same offense.
- 27 b. The fine for a citation under subdivision a is two hundred fifty dollars for each
28 violation.
- 29 c. The peace officer citing the individual shall:
30 (1) Take the name and address of the individual; and
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- 1 d. The peace officer may not take the individual into custody or require the
2 individual to proceed with the peace officer to any other location for the purpose
3 of posting bond. The officer shall provide the individual with an envelope for use
4 in mailing the bond.
- 5 e. An individual cited may appear before the designated official and pay the
6 statutory fine for the violation at or before the time scheduled for hearing.
- 7 f. If the individual has posted bond, the individual may forfeit bond by not appearing
8 at the designated time.
- 9 g. If the individual posts bond by mail, the bond must be submitted within fourteen
10 days of the date of the citation and the individual cited shall indicate on the
11 envelope or citation whether a hearing is requested. If the individual does not
12 request a hearing within fourteen days of the date of the citation, the bond is
13 deemed forfeited and the individual is deemed to have admitted to the violation
14 and to have waived the right to a hearing on the issue of commission of the
15 violation. If the individual requests a hearing, the court for the county in which the
16 citation is issued shall issue a summons to the individual requesting the hearing
17 notifying the individual of the date of the hearing before the designated official.
- 18 h. Upon appearing at the hearing scheduled in the citation or otherwise scheduled
19 at the individual's request, the individual may make a statement in explanation of
20 the individual's action. The official may at that time waive or suspend the statutory
21 fine or bond.
- 22 i. A citing peace officer may not receive the statutory fine or bond.
- 23 j. The bond required to secure appearance before the judge must be identical to
24 the statutory fine established in subdivision b.
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26 property of another after being requested to leave the property by a duly authorized
27 individual. An individual who violates this subsection is guilty of a class A
28 misdemeanor for the second or subsequent offense within a two-year period.
- 29 ~~6-7.~~ This section does not apply to a peace officer in the course of discharging the peace
30 officer's official duties.

1 ~~SECTION 2. A new section to chapter 47-10 of the North Dakota Century Code is created~~
2 ~~and enacted as follows:~~

3 ~~**Fraudulent sale or lease of residential real property -- Penalty.**~~

4 ~~A person that lists or advertises residential real property for sale knowing the person does~~
5 ~~not have legal title or authority to sell the property, or rents or leases the property to a lessee~~
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7 ~~property, is guilty of a class C felony.~~

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10 ~~**Limited alternative remedy to remove an unauthorized individual from residential real**~~
11 ~~**property -- Notice -- Civil action -- Penalty.**~~

12 ~~1. As used in this section, "property" means real property or a residential dwelling,~~
13 ~~including a building, structure, or part of a building or structure, used or intended to be~~
14 ~~used as a home, residence, or sleeping place by an individual.~~

15 ~~2. Notwithstanding sections 47-32-01 through 47-32-04, a property owner or the property~~
16 ~~owner's authorized agent may request the sheriff of the county where the property is~~
17 ~~located to remove an individual who is unlawfully occupying the property if:~~

18 ~~a. The requester is the property owner or the property owner's authorized agent;~~

19 ~~b. An unauthorized individual has unlawfully entered and remains or continues to~~
20 ~~reside on the property owner's property;~~

21 ~~c. The property was not open to members of the public at the time the unauthorized~~
22 ~~individual entered;~~

23 ~~d. The property owner has directed the unauthorized individual to leave the~~
24 ~~property;~~

25 ~~e. The unauthorized individual is not a current or former tenant under a written or~~
26 ~~oral rental agreement authorized by the property owner;~~

27 ~~f. The unauthorized individual is not an immediate family member of the property~~
28 ~~owner; and~~

29 ~~g. Litigation related to the property is not pending between the property owner and~~
30 ~~any known unauthorized individual.~~

1 ~~3. To request the immediate removal of an unlawful occupant, the property owner or the~~
2 ~~property owner's authorized agent shall submit a written complaint to the sheriff of the~~
3 ~~county where the property is located. The complaint must declare under the penalty of~~
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5 ~~a. The address or location of the property and that the individual submitting the~~
6 ~~complaint is the owner of that property or is the property owner's authorized~~
7 ~~agent.~~

8 ~~b. The date the property was purchased or the date ownership of the property was~~
9 ~~established by the individual submitting the complaint.~~

10 ~~c. An unauthorized individual has unlawfully entered and is remaining or residing~~
11 ~~unlawfully on the property.~~

12 ~~d. The property was not open to members of the public at the time the unauthorized~~
13 ~~individual entered.~~

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15 ~~unauthorized individual to leave the property, but the individual has not done so.~~

16 ~~f. The unauthorized individual is not a current or former tenant under any valid~~
17 ~~lease authorized by the property owner, and any lease produced by the~~
18 ~~unauthorized individual is fraudulent.~~

19 ~~g. The unauthorized individual sought to be removed is not an owner or a co-owner~~
20 ~~of the property and is not listed on the title to the property unless the individual~~
21 ~~has engaged in title fraud.~~

22 ~~h. The unauthorized individual is not an immediate family member of the property~~
23 ~~owner.~~

24 ~~i. Litigation related to the property is not pending between the property owner and~~
25 ~~any individual sought to be removed from the property.~~

26 ~~j. The property owner understands an individual removed from the property under~~
27 ~~this section may bring a cause of action against the property owner for any false~~
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29 ~~section, and that as a result of an action the property owner may be held liable~~
30 ~~for actual damages, penalties, costs, and reasonable attorney fees.~~

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26 ~~or any other party for the loss of or destruction or damage to personal property~~
27 ~~unless the removal was wrongful.~~
- 28 ~~6. An individual may bring a civil cause of action for wrongful removal under this section.~~
29 ~~An individual harmed by a wrongful removal under this section may be restored to~~
30 ~~possession of the property and may recover actual costs and damages incurred.~~

~~statutory damages equal to triple the fair market rent of the dwelling, court costs, and
reasonable attorney fees.~~

~~7. This section does not limit the rights of a property owner, or limit the authority of a law
enforcement officer to arrest an unlawful occupant for criminal mischief, theft of
property, or other violations of state law.~~

~~8. An individual who knowingly and willfully presents to another individual a false
document purporting to be a valid lease agreement, deed, or other instrument
conveying property rights with the intent to detain or remain on the property is guilty of
a class A misdemeanor.~~

SECTION 2. AMENDMENT. Subsection 1 of section 12.1-22-06 of the North Dakota
Century Code is amended and reenacted as follows:

1. "Dwelling" ~~has the meaning prescribed in subsection 2 of section 12.1-05-12~~ means
real property or residential property, including a building, structure, or part of a building
or structure, used or intended to be used as a home, residence, or sleeping place by
an individual.

2025 SENATE JUDICIARY

HB 1305

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee

Peace Garden Room, State Capitol

HB 1305

3/18/2025

9:00 AM

A BILL for an Act to amend and reenact section 12.1-22-03 and subsection 1 of section 12.1-22-06 of the North Dakota Century Code, relating to criminal trespass; and to provide a penalty.

9:00 a.m. Chair Larson opened the meeting.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Criminal trespass legislation
- Definition of dwelling
- Penalties for squatting

9:00 a.m. Representative Kasper, District 46, introduced the bill.

9:07 a.m. Peter Hanebutt, Director Public Policy, NDFB, testified in favor.

9:08 a.m. Chair Larson closed the hearing.

9:09 a.m. Senator Luick moved a Do Pass.

9:09 a.m. Motion failed due to lack of second.

Additional written testimony:

Rozanna C. Larson, member, Ward County State's Attorney, submitted testimony in favor #42773.

9:09 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

Hearing date: March 19, 2025

Senate Judiciary Committee 2025 ND Legislature

Chairperson Diane Larson
Committee Members

From: Rozanna C Larson
Ward County State's Attorney

RE: House Bill 1305

Chairperson Larson and Members of the Committee,

This is my written testimony in favor of House Bill 1225 and ask the committee submits a DO PASS vote. I am the State's Attorney for Ward County and have been a prosecutor for 27 years.

The purpose of this bill is to address the issue of "squatters." To be clear, North Dakota does not have squatter's rights. What this bill will to will help in the prosecution of individuals who trespass into empty apartments, hotel rooms, or houses. Currently, the definition of dwelling in 12.1-22-06 does not apply to "empty" residential domiciles. By adding the language "or intended to be used as a home, residence, or sleeping place by an individual" we will be able to charge the felony level offense. As a prosecutor this is the typical squatter scenario that we have come to court. Individuals learn of vacant apartments or houses, they will go in and "live" until they are discovered and removed.

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee

Peace Garden Room, State Capitol

HB 1305
3/18/2025
9:50 AM

A BILL for an Act to amend and reenact section 12.1-22-03 and subsection 1 of section 12.1-22-06 of the North Dakota Century Code, relating to criminal trespass; and to provide a penalty.

9:50 a.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Definition of dwelling
- Criminal trespass implications
- Intent of the bill regarding squatting

9:50 a.m. Austin Gunderson, Legislative Council Staff, testified as neutral answering committee questions.

10:01 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1305
3/24/2025

A BILL for an Act to amend and reenact section 12.1-22-03 and subsection 1 of section 12.1-22-06 of the North Dakota Century Code, relating to criminal trespass; and to provide a penalty.

10:45 a.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Committee Action

10:46 a.m. Senator Braunberger introduced proposed amendment LC# 25.0136.03001 and submitted testimony #43658.

10:47 a.m. Senator Braunberger moved amendment LC# 25.0136.03001.

10:47 a.m. Senator Myrdal seconded.

Voice Vote - Motion Passed.

10:47 a.m. Senator Braunberger moved a Do Pass as amended.

10:47 a.m. Senator Myrdal seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

10:47 a.m. Senator Braunberger will carry the bill.

10:48 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

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Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1305

Introduced by

Representatives Kasper, Bosch, Headland, Koppelman, Louser, Motschenbacher, Steiner
Senators Clemens, Cory, Meyer

1 A BILL for an Act to amend and reenact section 12.1-22-03 and subsection 1 of section
2 12.1-22-06 of the North Dakota Century Code, relating to criminal trespass; and to provide a
3 penalty.

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

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

7 **12.1-22-03. Criminal trespass - Noncriminal offense on posted property.**

8 1. An individual is guilty of a class C felony if, knowing the individual is not licensed or
9 privileged to do so, the individual enters or remains in a dwelling or in highly secured
10 premises.

11 2. An individual who unlawfully detains, occupies, or trespasses upon a residential
12 dwelling is guilty of a class C felony for the first offense and a class B felony for a
13 second or subsequent offense if the second or subsequent offense occurred at the
14 same residential dwelling as the first offense.

15 3. An individual is guilty of a class A misdemeanor if, knowing the individual is not
16 licensed or privileged to do so, the individual:

17 a. Enters or remains in or on any building, occupied structure, or storage structure,
18 or separately secured or occupied portion thereof; or

19 b. Enters or remains in any place enclosed by a fence or otherwise enclosed as
20 manifestly to exclude intruders, unless the individual is a licensed hunter or

2 of 4

1 angler who is lawfully hunting or fishing. For purposes of this subdivision, "fence"
2 means a permanent structure on nonurban, private property which is maintained
3 and capable of containing livestock.

4 ~~3-4.~~ a. An individual is guilty of a class B misdemeanor if, knowing the individual is not
5 licensed or privileged to do so, the individual enters or remains in any place as to
6 which notice against trespass is given by actual communication to the actor by
7 the owner or an individual authorized by the owner or by posting in a manner
8 reasonably likely to come to the attention of intruders. The name of the person
9 posting the premises must appear on each sign in legible characters.

10 b. Even if the conduct of the owner or individual authorized by the owner varies
11 from the provisions of subdivision a, an individual may be found guilty of violating
12 subdivision a if the owner or individual authorized by the owner substantially
13 complied with subdivision a and notice against trespass is clear from the
14 circumstances.

15 c. An individual who violates subdivision a is guilty of a class A misdemeanor for the
16 second or subsequent offense within a two-year period.

17 ~~4-5.~~ a. A peace officer may cite an individual who, knowing the individual is not licensed
18 or privileged to do so, entered or remained in a place as to which notice against
19 trespass is given by posting in a manner reasonably likely to come to the
20 attention of intruders or a place enclosed by a fence as defined in subsection 2,
21 with a noncriminal offense. An individual cited under this subsection may not be
22 prosecuted under subsection 2 or 3 for the same offense.

23 b. The fine for a citation under subdivision a is two hundred fifty dollars for each
24 violation.

25 c. The peace officer citing the individual shall:

26 (1) Take the name and address of the individual; and

27 (2) Notify the individual of the right to request a hearing if posting bond by mail.

28 d. The peace officer may not take the individual into custody or require the
29 individual to proceed with the peace officer to any other location for the purpose
30 of posting bond. The officer shall provide the individual with an envelope for use
31 in mailing the bond.

- 1 e. An individual cited may appear before the designated official and pay the
2 statutory fine for the violation at or before the time scheduled for hearing.
- 3 f. If the individual has posted bond, the individual may forfeit bond by not appearing
4 at the designated time.
- 5 g. If the individual posts bond by mail, the bond must be submitted within fourteen
6 days of the date of the citation and the individual cited shall indicate on the
7 envelope or citation whether a hearing is requested. If the individual does not
8 request a hearing within fourteen days of the date of the citation, the bond is
9 deemed forfeited and the individual is deemed to have admitted to the violation
10 and to have waived the right to a hearing on the issue of commission of the
11 violation. If the individual requests a hearing, the court for the county in which the
12 citation is issued shall issue a summons to the individual requesting the hearing
13 notifying the individual of the date of the hearing before the designated official.
- 14 h. Upon appearing at the hearing scheduled in the citation or otherwise scheduled
15 at the individual's request, the individual may make a statement in explanation of
16 the individual's action. The official may at that time waive or suspend the statutory
17 fine or bond.
- 18 i. A citing peace officer may not receive the statutory fine or bond.
- 19 j. The bond required to secure appearance before the judge must be identical to
20 the statutory fine established in subdivision b.

21 ~~5-6.~~ An individual is guilty of a class B misdemeanor if that individual remains upon the
22 property of another after being requested to leave the property by a duly authorized
23 individual. An individual who violates this subsection is guilty of a class A
24 misdemeanor for the second or subsequent offense within a two-year period.

25 ~~6-7.~~ This section does not apply to a peace officer in the course of discharging the peace
26 officer's official duties.

27 **SECTION 2. AMENDMENT.** Subsection 1 of section 12.1-22-06 of the North Dakota
28 Century Code is amended and reenacted as follows:

- 29 1. "Dwelling" ~~has the meaning prescribed in subsection 2 of section 12.1-05-12~~ means
30 real property or residential property, including a building, structure, or part of a building

Sixty-ninth
Legislative Assembly

- 1 | or structure, used or intended to be used as a home, or residence, ~~or sleeping place~~
- 2 | ~~by an individual.~~

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1305**

Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS** ([25.0136.03001](#)) and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1305 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.0136.03001
Title.

Prepared by the Legislative Council
staff for Senator Braunberger
March 18, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1305

Introduced by

Representatives Kasper, Bosch, Headland, Koppelman, Louser, Motschenbacher, Steiner
Senators Clemens, Cory, Meyer

1 A BILL for an Act to amend and reenact section 12.1-22-03 and subsection 1 of section
2 12.1-22-06 of the North Dakota Century Code, relating to criminal trespass; and to provide a
3 penalty.

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8 1. An individual is guilty of a class C felony if, knowing the individual is not licensed or
9 privileged to do so, the individual enters or remains in a dwelling or in highly secured
10 premises.

11 2. An individual who unlawfully detains, occupies, or trespasses upon a residential
12 dwelling is guilty of a class C felony for the first offense and a class B felony for a
13 second or subsequent offense if the second or subsequent offense occurred at the
14 same residential dwelling as the first offense.

15 3. An individual is guilty of a class A misdemeanor if, knowing the individual is not
16 licensed or privileged to do so, the individual:

- 17 a. Enters or remains in or on any building, occupied structure, or storage structure,
18 or separately secured or occupied portion thereof; or
- 19 b. Enters or remains in any place enclosed by a fence or otherwise enclosed as
20 manifestly to exclude intruders, unless the individual is a licensed hunter or

1 angler who is lawfully hunting or fishing. For purposes of this subdivision, "fence"
2 means a permanent structure on nonurban, private property which is maintained
3 and capable of containing livestock.

- 4 ~~3.4.~~ a. An individual is guilty of a class B misdemeanor if, knowing the individual is not
5 licensed or privileged to do so, the individual enters or remains in any place as to
6 which notice against trespass is given by actual communication to the actor by
7 the owner or an individual authorized by the owner or by posting in a manner
8 reasonably likely to come to the attention of intruders. The name of the person
9 posting the premises must appear on each sign in legible characters.
- 10 b. Even if the conduct of the owner or individual authorized by the owner varies
11 from the provisions of subdivision a, an individual may be found guilty of violating
12 subdivision a if the owner or individual authorized by the owner substantially
13 complied with subdivision a and notice against trespass is clear from the
14 circumstances.
- 15 c. An individual who violates subdivision a is guilty of a class A misdemeanor for the
16 second or subsequent offense within a two-year period.
- 17 ~~4.5.~~ a. A peace officer may cite an individual who, knowing the individual is not licensed
18 or privileged to do so, entered or remained in a place as to which notice against
19 trespass is given by posting in a manner reasonably likely to come to the
20 attention of intruders or a place enclosed by a fence as defined in subsection 2,
21 with a noncriminal offense. An individual cited under this subsection may not be
22 prosecuted under subsection 2 or 3 for the same offense.
- 23 b. The fine for a citation under subdivision a is two hundred fifty dollars for each
24 violation.
- 25 c. The peace officer citing the individual shall:
26 (1) Take the name and address of the individual; and
27 (2) Notify the individual of the right to request a hearing if posting bond by mail.
- 28 d. The peace officer may not take the individual into custody or require the
29 individual to proceed with the peace officer to any other location for the purpose
30 of posting bond. The officer shall provide the individual with an envelope for use
31 in mailing the bond.

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2 statutory fine for the violation at or before the time scheduled for hearing.
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4 at the designated time.
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- 18 i. A citing peace officer may not receive the statutory fine or bond.
- 19 j. The bond required to secure appearance before the judge must be identical to
20 the statutory fine established in subdivision b.
- 21 ~~5.6.~~ An individual is guilty of a class B misdemeanor if that individual remains upon the
22 property of another after being requested to leave the property by a duly authorized
23 individual. An individual who violates this subsection is guilty of a class A
24 misdemeanor for the second or subsequent offense within a two-year period.
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Sixty-ninth
Legislative Assembly

- 1 | or structure, used or intended to be used as a home, or residence, or sleeping place
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