

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

HOUSE BILL NO. 1500
(Representatives Dosch, L. Meier, Porter, Weiler)
(Senator Hacker)

AN ACT to amend and reenact section 12.1-22-03 of the North Dakota Century Code, relating to criminal trespass.

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.

1. ~~A person~~ An individual is guilty of a class C felony if, knowing that ~~he~~ that individual is not licensed or privileged to do so, ~~he~~ the individual enters or remains in a dwelling or in highly secured premises.
2. ~~A person~~ An individual is guilty of a class A misdemeanor if, knowing that ~~he~~ that individual is not licensed or privileged to do so, ~~he~~ the individual:
 - a. Enters or remains in or on any building, occupied structure, or storage structure, or separately secured or occupied portion thereof; or
 - b. Enters or remains in any place so enclosed as manifestly to exclude intruders.
3. ~~A person~~ An individual is guilty of a class B misdemeanor if, knowing that ~~that person~~ that individual is not licensed or privileged to do so, ~~that person~~ the individual enters or remains in any place as to which notice against trespass is given by actual communication to the actor by the ~~person~~ individual in charge of the premises or other authorized ~~person~~ individual or by posting in a manner reasonably likely to come to the attention of intruders. The name of the person posting the premises must appear on each sign in legible characters. ~~A person~~ An individual who violates this subsection is guilty of a class A misdemeanor for the second or subsequent offense within a two-year period.
4. ~~A person~~ An individual is guilty of a class B misdemeanor if that ~~person~~ individual remains upon the property of another after being requested to leave the property by a duly authorized ~~person~~ individual. ~~A person~~ An individual who violates this subsection is guilty of a class A misdemeanor for the second or subsequent offense within a two-year period.
5. This section does not apply to a peace officer in the course of discharging the peace officer's official duties.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1500.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,

at _____ o'clock _____ M.

Secretary of State