

CARRIAGE

CHAPTER 138

SENATE BILL NO. 2478
(Stromme)

TELEPHONE USE DURING KIDNAP EMERGENCY

AN ACT to create and enact two new sections to chapter 8-10 of the North Dakota Century Code, relating to interruption of telephone communications during a kidnap or hostage emergency, and to exemption from liability for making such an interruption; and to provide a penalty.

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

SECTION 1. A new section to chapter 8-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

Interruption of telephone communications in kidnapping or hostage emergency - Duty of telephone company to assist - Prohibited communications - Penalty.

1. As used in this section, "peace officer" has the same meaning as in section 12.1-01-04.
2. A peace officer who has probable cause to believe that an individual is being unlawfully confined or has been taken hostage, who has supervisory control over investigating the incident, and who has lawful jurisdiction in the geographical area where the violation is believed to be occurring, may order a telephone company to cut, reroute, or divert telephone lines for the purpose of controlling communications. Nothing in this section shall deny the telephone company reimbursement for the value of their services or damage to their facilities resulting from their compliance with such order.
3. Each telephone company shall designate an employee to serve as a security official and to provide assistance as required by the supervising peace officer under this section.
4. A person may not initiate telephone communications with a suspected violator if that person knows that an order has

been issued under subsection 2. Violation of this subsection is a class B misdemeanor.

SECTION 2. A new section to chapter 8-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

Exemption from liability for interruption of telephone communications. Good faith reliance on an order issued under section 1 of this Act is a complete defense to any legal action brought for interruption of telephone communications occurring because of section 1 of this Act.

Approved March 27, 1985