

HOUSE BILL NO. 1278

Introduced by

Representatives Froelich, Boehm, Kempenich, Kerzman

1 A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota
2 Century Code, relating to hunting on private lands; to amend and reenact sections 20.1-01-17,
3 20.1-01-18, 20.1-01-19, and 20.1-01-20 of the North Dakota Century Code, relating to posting
4 of lands to prohibit hunting; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 20.1-01-17 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **20.1-01-17. Posting of lands by owner or ~~tenant~~ lessee to prohibit hunting - How**
9 **posted - Signs ~~defaced~~ protected.** ~~Only~~ Except as otherwise provided in section 5 of this
10 Act, only the owner or ~~tenant~~ lessee of ~~any~~ land may post it to prohibit hunting by placing signs
11 alongside the public highway or the land giving notice that no hunting is permitted on the land.
12 The name of the person posting the land must appear on each sign in legible characters. The
13 signs must be readable from the outside of the land and must be placed conspicuously not
14 more than eight hundred eighty yards [804.68 meters] apart. As to land entirely enclosed by a
15 fence or other enclosure, posting of signs at or on all gates through the fence or enclosure
16 constitutes a posting of all the enclosed land. ~~No~~ A person may ~~in any manner~~ not deface, take
17 down, or destroy posting signs.

18 **SECTION 2. AMENDMENT.** Section 20.1-01-18 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **20.1-01-18. Hunting on ~~posted~~ land posted to prohibit hunting and trapping on**
21 **private land without permission unlawful - Penalty.** ~~No~~ Except as otherwise provided in
22 section 5 of this Act, a person may not hunt or pursue game, or enter for those purposes, upon
23 ~~legally posted~~ land legally posted to prohibit hunting belonging to another without first obtaining
24 the permission of the person legally entitled to grant the same. ~~No~~ A person may not enter

1 upon privately owned land for the purpose of trapping protected fur-bearing animals without first
2 gaining the written permission of the owner or operator of that land. A person who violates this
3 section is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for a
4 subsequent offense within a two-year period.

5 **SECTION 3. AMENDMENT.** Section 20.1-01-19 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **20.1-01-19. When ~~posted~~ land posted to prohibit hunting may be entered.** ~~Any~~
8 Except as otherwise provided in section 5 of this Act, a person may enter upon legally posted
9 land legally posted to prohibit hunting to recover game shot or killed on land where ~~he~~ that
10 person had a lawful right to hunt.

11 **SECTION 4. AMENDMENT.** Section 20.1-01-20 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **20.1-01-20. Entering ~~posted~~ land posted to prohibit hunting with gun or firearm**
14 **prima facie evidence of intent to hunt game.** ~~Proof~~ Except as otherwise provided in
15 section 5 of this Act, proof that a person having a firearm, or other weapon declared legal by
16 governor's proclamation, in his that person's possession entered upon the legally posted
17 premises of another which is legally posted to prohibit hunting without permission of the owner
18 or tenant lessee is prima facie evidence ~~he~~ that person entered to hunt or pursue game.

19 **SECTION 5.** A new section to chapter 20.1-01 of the North Dakota Century Code is
20 created and enacted as follows:

21 **Posting of lands located south and west of Missouri River by owner or lessee to**
22 **permit hunting - Penalty.** Only the owner or lessee of land located south and west of the
23 Missouri River may post it by placing signs alongside the public highway or the land giving
24 notice that hunting is permitted on the land. The name of the person posting the land must
25 appear on each sign in legible characters. The signs must be readable from the outside of the
26 land and must be placed conspicuously not more than eight hundred eighty yards [804.68
27 meters] apart. As to land entirely enclosed by a fence or other enclosure, posting of signs at or
28 on all gates through the fence or enclosure constitutes a posting of all the enclosed land. A
29 person may not deface, take down, or destroy posting signs. Except as otherwise provided in
30 this section, a person may not enter upon privately owned land located south and west of the
31 Missouri River belonging to another for the purpose of hunting or pursuing game unless

1 permission is first obtained from the owner or lessee of the land or unless the land is posted
2 with signs giving notice that hunting is permitted on the land. A person may not enter upon
3 privately owned land located south and west of the Missouri River for the purpose of trapping
4 protected fur-bearing animals without first gaining the written permission of the owner or
5 operator of that land. A person may enter upon privately owned land located south and west of
6 the Missouri River that is not posted to permit hunting without first obtaining the permission of
7 the owner or lessee only to recover game shot or killed on land where that person had a lawful
8 right to hunt. Proof that a person having a firearm, or other weapon declared legal by
9 governor's proclamation, in that person's possession entered upon the premises of another
10 located south and west of the Missouri River which are not posted to permit hunting without
11 permission of the owner or lessee is prima facie evidence that person entered to hunt or pursue
12 game. A person who violates this section is guilty of a class B misdemeanor for the first offense
13 and a class A misdemeanor for a subsequent offense within a two-year period.