

HOUSE BILL NO. 1383

Introduced by

Representatives Porter, Rohr, Schmidt

Senators D. Larson, Schaible, Unruh

1 A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota
2 Century Code, relating to loitering; and to provide a penalty.

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

4 **SECTION 1.** A new section to chapter 12.1-31 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Loitering - Penalty.**

- 7 1. An individual may not loiter and prowl in a place, at a time, or in an unusual manner
8 that warrants justifiable and reasonable alarm or immediate concern for the safety of
9 other individuals or property in the vicinity.
- 10 2. Whether alarm or immediate concern is warranted includes if the individual:
11 a. Takes flight upon appearance of a law enforcement officer;
12 b. Refuses to reveal the individual's identity; or
13 c. Manifestly endeavors to conceal oneself or any object.
- 14 3. Unless flight by the individual or other circumstance makes it impracticable, before
15 arrest for loitering a law enforcement officer shall afford an individual the opportunity to
16 dispel any alarm or immediate concern by requesting the individual to reveal the
17 individual's identity and explain the individual's presence and conduct.
- 18 4. An individual may not be convicted of loitering if the law enforcement officer did not
19 comply with subsection 3 or if it appears at trial the explanation given by the individual
20 is true and, if believed by the officer at the time, would have dispelled the alarm or
21 immediate concern.
- 22 5. As used in this section, "loiter and prowl" means to be dilatory, to stand idly around, to
23 linger, delay, or wander about, or to remain, abide, or tarry in a public or private place
24 without a lawful reason.

- 1 6. A violation of this section is a class B misdemeanor.