Sixty-fifth Legislative Assembly of North Dakota

## **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 and enacted as follows:
- 6 Loitering Penalty.
- 7 <u>1.</u> 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 <u>other individuals or property in the vicinity.</u>
- 10 2. Whether alarm or immediate concern is warranted includes if the individual:
- 11 <u>a. Takes flight upon appearance of a law enforcement officer;</u>
- 12 <u>b.</u> Refuses to reveal the individual's identity; or
- 13 <u>c. Manifestly endeavors to conceal oneself or any object.</u>
- 14 3. Unless flight by the individual or other circumstance makes it impracticable, before
- arrest for loitering a law enforcement officer shall afford an individual the opportunity to
- dispel any alarm or immediate concern by requesting the individual to reveal the
- individual's identity and explain the individual's presence and conduct.
- 18 <u>4. An individual may not be convicted of loitering if the law enforcement officer did not</u>
- comply with subsection 3 or if it appears at trial the explanation given by the individual
- 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 <u>6.</u> <u>A violation of this section is a class B misdemeanor.</u>