

HOUSE BILL NO. 1410

Introduced by

Representative Hoverson

1 A BILL for an Act to amend and reenact section 12.1-14-01 of the North Dakota Century Code,
2 relating to prosecution and punishment for the offense of official oppression by the intrusive
3 touching of persons seeking access to passenger aircraft transportation; and to provide a
4 penalty.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-14-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12.1-14-01. Official oppression.**

9 ~~A person~~

10 1. An individual acting or purporting to act in an official capacity or taking advantage of
11 such actual or purported capacity is guilty of a class A misdemeanor if, knowing that
12 ~~his~~the individual's conduct is illegal, ~~he~~the individual:

13 ~~1. a.~~ a. Subjects another to arrest, detention, search, seizure, mistreatment,
14 dispossession, assessment, lien, or other infringement of personal or property
15 rights; ~~or~~

16 ~~2. b.~~ b. Denies or impedes another in the exercise or enjoyment of any right, privilege,
17 power, or immunity; or

18 c. While acting under color of the individual's office or employment without probable
19 cause to believe the other individual committed an offense:

20 (1) Performs a search for the purpose of granting access to a publicly
21 accessible passenger aircraft; and

22 (2) Touches the anus, sexual organ, area between the belly button and sexual
23 organs, buttocks, or breast of the other individual, including touching
24 through clothing; or

- 1 (3) Touches the other individual in a manner that would be offensive to a
2 reasonable individual.
- 3 2. For purposes of this section, an individual who is a public servant acts under color of
4 the individual's office or employment if the individual acts or purports to act in an
5 official capacity or takes advantage of such actual or purported capacity.
- 6 3. For purposes of this section, "public servant" includes:
- 7 a. An officer, employee, or agent of the United States or a branch, department, or
8 agency of the United States;
- 9 b. An individual acting under contract with a branch, department, or agency of the
10 United States for the purpose of providing security or law enforcement; and
- 11 c. An individual acting under color of federal law.