

Introduced by

Senators Wobbema, Paulson, Vedaa

Representative Koppelman

1 A BILL for an Act to create and enact a new section to chapter 12.1-23 of the North Dakota
2 Century Code, relating to prohibiting a political subdivision from seizing personal property
3 without due process; and to amend and reenact section 12.1-23-02 of the North Dakota Century
4 Code, relating to theft of property; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-23-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12.1-23-02. Theft of property.**

9 A person is guilty of theft if ~~he~~the person:

- 10 1. Knowingly takes or exercises unauthorized control over, or makes an unauthorized
11 transfer of an interest in, the property of another with intent to deprive the owner
12 ~~thereof~~of the property;
- 13 2. Knowingly obtains the property of another by deception or by threat with intent to
14 deprive the owner ~~thereof~~of the property, or intentionally deprives ~~another of his~~the
15 owner of the property by deception or by threat; ~~or~~
- 16 3. Knowingly receives, retains, or disposes of property of another which has been stolen,
17 with intent to deprive the owner ~~thereof~~of the property; ~~or~~
- 18 4. Is a public servant acting under governmental authority or color of law who knowingly
19 seizes or confiscates private property before providing the owner of the property with
20 due process of law.

21 **SECTION 2.** A new section to chapter 12.1-23 of the North Dakota Century Code is created
22 and enacted as follows:

1 **Theft by a political subdivision.**

2 A political subdivision, including a home rule city or county, may not seize or confiscate an
3 individual's personal property from real property owned by the individual before providing the
4 owner with due process of law.