

Stop Street Harassment

North Dakota

A variety of forms of street harassment are illegal in North Dakota, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

Verbal Harassment

In North Dakota, there are four laws that prohibit some form of verbal street harassment. There is a general harassment law in the state (N.D.C.C. § 12.1-17-07) but it only applies to harassment made via telephone, writing, or electronic communication.

Disorderly Conduct

[N.D.C.C. § 12.1-31-01](#)

North Dakota's disorderly conduct law encompasses several types of street harassment. Under the law, it is illegal for anyone to:

- Make intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person.
- Persistently follow a person around a public place
- Solicit sexual contact
- Use abusive or obscene language
- Make an obscene gesture
- Flash someone
- Make unreasonable noise.

If a street harasser is being excessively loud, such as shouting, or says or does anything that is obscene (including using sexual explicit language), follows you, or invades your privacy (such as persistently asking for your phone number, name, or a date after you've said no), you can report that person.

Penalty: Disorderly conduct is a Class B misdemeanor, punishable by up to 30 days in prison, a fine of up to \$1,500, or both.

Terrorizing

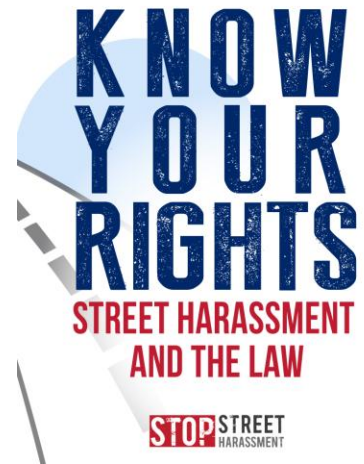
[N.D.C.C. § 12.1-17-0.4](#)

It is illegal in North Dakota for anyone to intentionally place another person in fear for that person's safety or to cause a serious disruption or public inconvenience by threatening to commit a crime.

If a street harasser is making threats or using threatening behavior (such as following you or standing really close to you while saying things that make you feel uncomfortable) that make you fear the person will harm you, you can report that person.

Additionally, if the person is making threats to many people or otherwise acting in such a way that many people are worried that person will attack or harm them, you can report the person.

Penalty: Terrorizing is a Class C felony punishable by up to five years in prison, a fine of \$10,000, or both.



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Menacing

[N.D.C.C. § 12.1-17-0.5](#)

It is similarly illegal for a person in North Dakota to make, or attempt to make, someone afraid of bodily injury.

If someone follows you, makes threats, or does other acts that make you feel afraid for your safety, you can report that person.

Penalty: Menacing is a Class A misdemeanor, punishable by up to one year in prison, a fine of up to \$3,000, or both.

Hiring an Individual to Engage in Sexual Activity

[N.D.C.C. § 12.1-29-0.6](#)

Offering to hire someone for sex is illegal in North Dakota. If a street harasser solicits sexual activity from you, you can report him/her. The law requires that the person must really intend to engage in sexual activity, such as trying to get the person in his or her car or waving money at the person.

Stop Street Harassment doesn't oppose consensual sex work, but we do think it's inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Offering to hire someone for sex is a Class B misdemeanor, punishable by up to 30 days in jail, a fine of up to \$1,500, or both.

Unlawful Filming/Photographing

Surreptitious Intrusion

[N.D.C.C. § 12.1-20-12.2](#)

In North Dakota, it is illegal for anyone to intentionally film or photograph a non-consenting person with the intention of interfering or intruding upon that person's privacy.

This law is specific harassers who film and photograph in tanning booths, dressing rooms, hotel rooms, and other locations where a person should expect to have privacy. If this happens to you, you can report that person.

The law does not include actions like up-skirt photos or recording you without your permission in a public place.

Penalty: Surreptitious intrusion is a Class A misdemeanor, punishable by up to one year in prison, a fine of up to \$3,000, or both. It rises to a class C felony if the person is a repeat offender, punishable by up to five years in prison, a fine of \$10,000, or both.

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Indecent Exposure

Indecent Exposure

[N.D.C.C. § 12.1-20-12.1](#)

It is illegal in North Dakota for a person to intentionally expose his or her private parts or to masturbate in a public place when others are present.

If a harasser flashes you or exposes him or herself to you in a public place, such as a park, on public transportation, or in a store, you can report that person.

Penalty: Indecent exposure is a Class A misdemeanor, punishable by up to one year in prison, a fine of up to \$3,000, or both. It rises to a Class C felony if the person is a repeat offender, punishable by up to five years in prison, a fine of \$10,000, or both.

Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

Stalking

[N.D.C.C. § 12.1-17-0.1](#)

A person can be convicted of stalking if, on more than one occasion, s/he engages in conduct directed at another person which frightens, intimidates, or harasses that person and serves no legitimate purpose.

If the same person, on more than one occasion, follows you or harasses you and you feel threatened and unsafe, you can report that person.

Penalty: Stalking is a class C felony, punishable by up to five years in prison, a fine of \$10,000, or both.

Groping

Sexual Assault

[N.D.C.C. § 12.1-20-12.7](#)

In North Dakota, sexual assault includes:

- Forced sexual contact that is offensive.
- Sexual contact when the person cannot give consent because of mental illness or being impaired by substances.
- Sexual contact when that person is under 15 years old and the assailant is an adult.

Sexual contact is defined in North Dakota as meaning “any touching, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.”

If anyone touches you in a sexual way against your will in a public place like the street, bus stop, or in a bar, or ejaculates onto you, you can report him/her.

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Penalty: Sexual assault is a Class C felony, punishable by up to five years in prison, a fine of \$10,000, or both.

Reporting Crimes to the Police

- Call 911 for help if:
 - The crime is in progress
 - You or someone else is physically hurt or have been threatened with physical violence
 - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Bismarck, it's (701) 223-1212 and in Fargo it is (701) 235-4493. In Minot, it is (701) 852-0111.. Be prepared to provide them with:
 - When it happened (date and time).
 - Where it happened (street location, store location, bus line or bus stop, park name, etc).
 - Who is reporting (your name, contact information, date of birth).
 - A description of what happened.
 - The name and contact information of witnesses, if you spoke to any.
 - It can be helpful to include the law the crime falls under, such as Disorderly Conduct, [N.D.C.C. § 12.1-31-01](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
 - A description of the harasser/s.
- Many police departments also have online reporting forms by which you can submit the same information listed in #2.
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
 - In Fargo, you can do this by calling (701) 241-5777, texting (701) 730-8888, or submitting your tip via [webform](#).
 - In Minot, you can do this by calling 85-CRIME (27463) or by submitting your tip via [webform](#).
 - In Bismarck, you can do this by calling (701) 224-TIPS (8477) or by submitting via [webform](#)
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.