

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2105  
(Judiciary Committee)  
(At the request of the Department of Corrections and Rehabilitation)

AN ACT to amend and reenact subsection 8 of section 12-47-21 of the North Dakota Century Code, relating to use of wireless electronic communications devices at the department of corrections and rehabilitation; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Subsection 8 of section 12-47-21 of the North Dakota Century Code is amended and reenacted as follows:

8. a. It is unlawful for a penitentiary inmate to willfully manufacture, possess, or use a wireless electronic communications device on or within any premises under the control of the department of corrections and rehabilitation or any of its divisions except ~~for law enforcement purposes~~ as authorized by the department of corrections and rehabilitation.
- b. It is unlawful for any person to willfully deliver, or possess with intent to deliver, a wireless electronic communications device to a penitentiary inmate or to any person for redelivery to a penitentiary inmate, or to allow a penitentiary inmate to possess or use a wireless electronic communications device, on or within any premises under the control of the department of corrections and rehabilitation or any of its divisions except ~~for law enforcement purposes~~ as authorized by the department of corrections and rehabilitation.
- c. A violation of this subsection is a class C felony.

Tammy J. Miller  
President of the Senate

Dennis E. Johnson  
Speaker of the House

Sharon Morgan  
Secretary of the Senate

Buell F. Reed  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2105.

Senate Vote:    Yeas 43            Nays 0            Absent 4

House Vote:    Yeas 92            Nays 0            Absent 2

Sharon Morgan  
Secretary of the Senate

Received by the Governor at 3:43 PM on March 22, 2023.

Approved at 10:31 AM on March 27, 2023.

Doug Burgum  
Governor

Filed in this office this 28<sup>th</sup> day of March, 2023,  
at 2:47 o'clock P M.

Michael Howe  
Secretary of State