

**CHAPTER 12.1-22**  
**ROBBERY - BREAKING AND ENTERING OFFENSES**

**12.1-22-01. Robbery.**

1. A person is guilty of robbery if, in the course of committing a theft, he inflicts or attempts to inflict bodily injury upon another or threatens or menaces another with imminent bodily injury.
2. Robbery is a class A felony if the actor fires a firearm or explodes or hurls a destructive device or directs the force of any other dangerous weapon against another. Robbery is a class B felony if the robber possesses or pretends to possess a firearm, destructive device, or other dangerous weapon, or menaces another with serious bodily injury, or inflicts bodily injury upon another, or is aided by an accomplice actually present. Otherwise robbery is a class C felony.
3. In this section:
  - a. An act shall be deemed "in the course of committing a theft" if it occurs in an attempt to commit theft, whether or not the theft is successfully completed, or in immediate flight from the commission of, or an unsuccessful effort to commit, the theft.
  - b. "Dangerous weapon" means a weapon defined in subsection 6 of section 12.1-01-04 or a weapon the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury.

**12.1-22-02. Burglary.**

1. A person is guilty of burglary if he willfully enters or surreptitiously remains in a building or occupied structure, or a separately secured or occupied portion thereof, when at the time the premises are not open to the public and the actor is not licensed, invited, or otherwise privileged to enter or remain as the case may be, with intent to commit a crime therein.
2. Burglary is a class B felony if:
  - a. The offense is committed at night and is knowingly perpetrated in the dwelling of another; or
  - b. In effecting entry or while in the premises or in immediate flight therefrom, the actor inflicts or attempts to inflict bodily injury or physical restraint on another, or menaces another with imminent serious bodily injury, or is armed with a firearm, destructive device, or other weapon the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury.Otherwise burglary is a class C felony.

**12.1-22-03. Criminal trespass.**

1. An individual is guilty of a class C felony if, knowing that that individual is not licensed or privileged to do so, the individual enters or remains in a dwelling or in highly secured premises.
2. An individual is guilty of a class A misdemeanor if, knowing that that individual is not licensed or privileged to do so, the individual:
  - a. Enters or remains in or on any building, occupied structure, or storage structure, or separately secured or occupied portion thereof; or
  - b. Enters or remains in any place so enclosed as manifestly to exclude intruders.
3. An individual is guilty of a class B misdemeanor if, knowing that that individual is not licensed or privileged to do so, the individual enters or remains in any place as to which notice against trespass is given by actual communication to the actor by the individual in charge of the premises or other authorized individual or by posting in a manner reasonably likely to come to the attention of intruders. The name of the person posting the premises must appear on each sign in legible characters. An individual who violates this subsection is guilty of a class A misdemeanor for the second or subsequent offense within a two-year period.

4. An individual is guilty of a class B misdemeanor if that individual remains upon the property of another after being requested to leave the property by a duly authorized individual. An individual who violates this subsection is guilty of a class A misdemeanor for the second or subsequent offense within a two-year period.
5. This section does not apply to a peace officer in the course of discharging the peace officer's official duties.

**12.1-22-03.1. Surreptitious intrusion.**

Repealed by S.L. 2001, ch. 134, § 11.

**12.1-22-04. Unlawful entry into or concealment within a vehicle.**

1. A person is guilty of an offense if, knowing that the person is not licensed or privileged to do so, the person:
  - a. Forcibly enters a vehicle, vessel, or aircraft;
  - b. Enters a vehicle, vessel, or aircraft, without the use of force, with intent to commit a crime; or
  - c. Enters a vehicle, vessel, or aircraft lawfully, and with the intent to commit a crime, conceals oneself in the vehicle, vessel, or aircraft.
2. The offense is a class B felony if the actor is armed with a firearm, destructive device, or other weapon the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury. Otherwise the offense is a class C felony.

**12.1-22-05. Stowing away.**

A person is guilty of a class A misdemeanor if, knowing that he is not licensed or privileged to do so, he surreptitiously remains aboard a vehicle, train, vessel, or aircraft with intent to obtain transportation.

**12.1-22-06. Definitions.**

In sections 12.1-22-02 to 12.1-22-06:

1. "Dwelling" has the meaning prescribed in subsection 2 of section 12.1-05-12.
2. "Highly secured premises" means any place which is continuously guarded and where display of visible identification is required of persons while they are on the premises.
3. "Night" means the period between thirty minutes past sunset and thirty minutes before sunrise.
4. "Occupied structure" means a structure or vehicle:
  - a. Where any person lives or carries on business or other calling; or
  - b. Which is used for overnight accommodation of persons.
  - c. Any such structure or vehicle is deemed to be "occupied" regardless of whether a person is actually present.
5. "Storage structure" means any structure, truck, railway car, or aircraft which is used primarily for the storage or transportation of property.