

## **N.D. Cent. Code, § 12.1-06.1-01**

Current through all legislation from the 68th Legislative Assembly - Special Session (2023).

*North Dakota Century Code Annotated > TITLE 12.1 Criminal Code (Chs. 12.1-01 — 12.1-41) > CHAPTER 12.1-06.1 Racketeer Influenced and Corrupt Organizations (§§ 12.1-06.1-01 — 12.1-06.1-08)*

### **12.1-06.1-01. Definitions.**

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1. For the purpose of section 12.1-06.1-02:
  - a. “Combination” means persons who collaborate in carrying on or furthering the activities or purposes of a criminal association even though those persons may not know each other’s identity or membership in the combination may change from time to time or one or more members may stand in a wholesaler-retailer or other arm’s-length relationship with others as to activities or dealings between or among themselves in an illicit operation.
  - b. “Criminal association” means any combination of persons or enterprises engaging, or having the purpose of engaging, on a continuing basis in conduct which violates any one or more provisions of any felony statute of this state or which is the willful and illegal transportation or disposal of radioactive waste material or hazardous waste.
2. For the purposes of sections 12.1-06.1-02 through 12.1-06.1-07, unless the context otherwise requires:
  - a. “Control” means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.
  - b. “Enterprise” means any corporation, limited liability company, association, labor union, or other legal entity or any group of persons associated in fact although not a legal entity.
  - c. “Financial institution” means any bank, trust company, savings and loan association, credit union, or moneylender under the jurisdiction of the state department of financial institutions or its commissioner, or the state banking board, or the state credit union board.
  - d. “Illegal transportation or disposal of radioactive waste material or hazardous waste” means the transportation or disposal into a nonhazardous waste landfill or the intentional and unlawful dumping into or on any land or water of radioactive waste material in violation of chapter 38-23 or the rules adopted pursuant to that chapter, or hazardous waste in willful violation of chapter 23.1-04 or the rules adopted pursuant to that chapter.
  - e. “Pattern of racketeering activity” requires at least two acts of racketeering activity, one of which occurred after July 8, 1987, and the last of which occurred within ten years, excluding any period of imprisonment, after the commission of a prior act of racketeering activity.

**f.** “Racketeering” means any act including any criminal attempt, facilitation, solicitation, or conspiracy, committed for financial gain, which is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable by imprisonment for more than one year, regardless of whether such act is charged or indicted, involving:

- (1) Homicide.
- (2) Robbery.
- (3) Kidnapping.
- (4) Forgery.
- (5) Theft.
- (6) Bribery.
- (7) Gambling.
- (8) Usury.
- (9) Extortion.
- (10) Unlawful delivery of controlled substances.
- (11) Trafficking in explosives, weapons, or stolen property.
- (12) Leading a criminal association.
- (13) Obstructing or hindering criminal investigations or prosecutions.
- (14) Asserting false claims including, but not limited to, false claims asserted through fraud or arson.
- (15) Fraud.
- (16) Sale of unregistered securities or real property securities and transactions involving such securities by unregistered dealers or salesmen.
- (17) Obscenity.
- (18) Child pornography.
- (19) Prostitution.
- (20) Human trafficking.

**g.** “Records” means any book, paper, writing, record, computer program, or other material.

**3.** For the purposes of section 12.1-06.1-08:

- a.** “Access” means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network.
- b.** “Computer” means an electronic device which performs work using programmed instruction and which has one or more of the capabilities of storage, logic, arithmetic, communication, or memory and includes all input, output, processing, storage, software, or communication facilities that are connected or related to such a device in a system or network.

- c.** “Computer network” means the interconnection of communication lines, including microwave, fiber optics, light beams, or other means of electronic or optic data communication, with a computer through remote terminals or a complex consisting of two or more interconnected computers.
- d.** “Computer program” means a series of instructions or statements, in a form acceptable to a computer, which permits the functioning of a computer system in a manner designed to provide appropriate products from such computer system.
- e.** “Computer software” means a set of computer programs, procedures, and associated documentation concerned with the operation of a computer system.
- f.** “Computer system” means a set of related, connected, or unconnected computer equipment, devices, and software.
- g.** “Financial instrument” means any credit card, debit card, or electronic fund transfer card, code, or other means of access to an account for the purpose of initiating electronic fund transfers, or any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, marketable security, or any other written instrument which is transferable for value.
- h.** “Property” includes financial instruments, information, electronically produced or stored data, supporting documentation, computer software, and computer programs in either machine or human readable form, and any other tangible or intangible item of value.
- i.** “Services” includes computer time, data processing, storage functions, and other uses of a computer, computer system, or computer network to perform useful work.

## History

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S.L. 1983, ch. 163, § 1; 1987, ch. 164, § 1; 1987, ch. 165, § 1; 1993, ch. 54, § 106; 1995, ch. 124, § 2; 1997, ch. 119, § 1; 2001, ch. 88, § 68; 2009, ch. 139, § 2; 2019, ch. 301, § 1, effective July 1, 2019; 2017, ch. 199, § 8, effective April 29, 2019.