

Introduced by

1 A BILL for an Act to amend and reenact sections 12.1-17-01 and 12.1-21-05 of the North
2 Dakota Century Code, relating to enhanced penalties for conviction of assault and criminal
3 mischief involving a hate crime; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-17-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-17-01. Simple assault.**

- 8 1. A person is guilty of an offense if that person:
- 9 a. Willfully causes bodily injury to another human being; or
 - 10 b. Negligently causes bodily injury to another human being by means of a
11 firearm, destructive device, or other weapon, the use of which against a
12 human being is likely to cause death or serious bodily injury.
- 13 2. The offense is:
- 14 a. A class C felony when the victim is a peace officer or correctional institution
15 employee acting in an official capacity, which the actor knows to be a fact; an
16 employee of the state hospital acting in the course and scope of employment,
17 which the actor knows to be a fact, and the actor is an individual committed to
18 or detained at the state hospital pursuant to chapter 25-03.3; a person
19 engaged in a judicial proceeding; or a member of a municipal or volunteer fire
20 department or emergency medical services personnel unit or emergency
21 department worker in the performance of the member's duties.
 - 22 b. A class A misdemeanor when the actor caused the injury because of the
23 victim's or another's actual or perceived race, color, religion, sex, sexual
24 orientation, disability, age, or national origin. For purposes of this subdivision,

1 disability means a condition or characteristic that renders an individual a
2 disabled individual. A disabled individual is an individual who has a physical,
3 sensory, or mental impairment that materially limits one or more major life
4 activities; has a record of such an impairment; or is regarded as having such
5 an impairment.

6 c. A class B misdemeanor for the first offense when the victim is an actor's
7 family or household member as defined in subsection 4 of section 14-07.1-01
8 and a class A misdemeanor for a second or subsequent offense when the
9 victim is an actor's family or household member as defined in subsection 4 of
10 section 14-07.1-01 and the actor has a prior conviction for simple assault
11 under this section or an assault offense under section 12.1-17-01.1 or
12 12.1-17-02 involving the commission of domestic violence as defined in
13 subsection 2 of section 14-07.1-01. For purposes of this subdivision, a prior
14 conviction includes a conviction of any assault offense in which a finding of
15 domestic violence was made under a law or ordinance of another state which
16 is equivalent to this subdivision.

17 e- d. A class B misdemeanor except as provided in subdivision a ~~or~~, b, or c.

18 **SECTION 2. AMENDMENT.** Section 12.1-21-05 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **12.1-21-05. Criminal mischief.**

- 21 1. A person is guilty of an offense if that person:
- 22 a. Willfully tampers with tangible property of another so as to endanger person
23 or property; or
- 24 b. Willfully damages tangible property of another.
- 25 2. The offense is:
- 26 a. A class B felony if the actor intentionally causes pecuniary loss in excess of
27 ten thousand dollars.
- 28 b. A class C felony if the actor intentionally causes pecuniary loss in excess of
29 two thousand dollars but not in excess of ten thousand dollars or damages
30 tangible property of another by means of an explosive or a destructive device.

- 1 c. A class A misdemeanor if the actor recklessly causes pecuniary loss in
2 excess of two thousand dollars or if the actor intentionally causes pecuniary
3 loss of from one hundred dollars through two thousand dollars.
- 4 ~~Otherwise the offense is a~~
- 5 d. A class A misdemeanor if the actor's conduct shows bias based upon race,
6 color, religion, sex, sexual orientation, disability, age, or national origin. For
7 purposes of this subdivision, disability means a condition or characteristic that
8 renders an individual a disabled individual. A disabled individual is an
9 individual who has a physical, sensory, or mental impairment that materially
10 limits one or more major life activities; has a record of such an impairment; or
11 is regarded as having such an impairment.
- 12 e. A class B misdemeanor except as provided in subdivision a, b, c, or d.