

Introduced by

1 A BILL for an Act to amend and reenact sections 12.1-14-04, 12.1-17-02, and 12.1-17-07 of the
2 North Dakota Century Code, relating to enhanced penalties for conviction of discrimination in
3 public places, aggravated assault, and harassment involving a hate crime; and to provide a
4 penalty.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-14-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12.1-14-04. Discrimination in public places.**

9 1. A person is guilty of a class B misdemeanor if, whether or not acting under color of
10 law, ~~he~~ that person, by force, or threat of force or by economic coercion,
11 intentionally:

12 ~~4.~~ a. Injures, intimidates, or interferes with another because of ~~his sex~~, that
13 individual's actual or perceived race, color, religion, sex, sexual orientation,
14 disability, age, or national origin and because ~~he~~ that individual is or has been
15 exercising or attempting to exercise ~~his~~ that individual's right to full and equal
16 enjoyment of ~~any~~ a facility open to the public.

17 ~~2.~~ b. Injures, intimidates, or interferes with another because of ~~his sex~~, that
18 individual's actual or perceived race, color, religion, sex, sexual orientation,
19 disability, age, or national origin in order to intimidate ~~him~~ that individual or
20 any other person from exercising or attempting to exercise ~~his~~ that individual's
21 right to full and equal enjoyment of ~~any~~ a facility open to the public.

22 2. For purposes of this section, disability means [a condition or a characteristic that
23 renders an individual a disabled individual. A disabled individual is an individual
24 who has a physical, sensory, or mental impairment that materially limits one or

1 more major life activities, has a record of such an impairment, or is regarded as
2 having such an impairment] [an inability to engage in any substantial gainful activity
3 by reason of any medically determinable physical or mental impairment that can be
4 expected to result in death or which has lasted or can be expected to last for a
5 continuous period of not less than twelve months].

6 **SECTION 2. AMENDMENT.** Section 12.1-17-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12.1-17-02. Aggravated assault.** A person is guilty of a class C felony, except if the
9 victim is under the age of twelve years or the victim suffers permanent loss or impairment of the
10 function of a bodily member or organ in which case the offense is a class B felony, if that
11 person:

- 12 1. Willfully causes serious bodily injury to another human being;
- 13 2. Knowingly causes bodily injury or substantial bodily injury to another human being
14 with a dangerous weapon or other weapon, the possession of which under the
15 circumstances indicates an intent or readiness to inflict serious bodily injury;
- 16 3. Causes bodily injury or substantial bodily injury to another human being while
17 attempting to inflict serious bodily injury on any human being; ~~or~~
- 18 4. Fires a firearm or hurls a destructive device at another human being; or
19 5. Causes the injury because of the victim's or another's actual or perceived race,
20 color, religion, sex, sexual orientation, disability, age, or national origin. For
21 purposes of this subsection, disability means [a condition or characteristic that
22 renders an individual a disabled individual. A disabled individual is an individual
23 who has a physical, sensory, or mental impairment that materially limits one or
24 more major life activities, has a record of such an impairment, or is regarded as
25 having such an impairment] [an inability to engage in any substantial gainful activity
26 by reason of any medically determinable physical or mental impairment that can be
27 expected to result in death or which has lasted or can be expected to last for a
28 continuous period of not less than twelve months].

29 **SECTION 3. AMENDMENT.** Section 12.1-17-07 of the North Dakota Century Code is
30 amended and reenacted as follows:

31 **12.1-17-07. Harassment.**

- 1 1. A person is guilty of an offense if, with intent to frighten or harass another, the
2 person:
- 3 a. Communicates in writing or by telephone a threat to inflict injury on any
4 person, to any person's reputation, or to any property;
- 5 b. Makes a telephone call anonymously or in offensively coarse language;
- 6 c. Makes repeated telephone calls, whether or not a conversation ensues, with
7 no purpose of legitimate communication; ~~or~~
- 8 d. Communicates a falsehood in writing or by telephone and causes mental
9 anguish; or
- 10 e. Communicates bias based on race, color, religion, sex, sexual orientation,
11 disability, age, or national origin. For purposes of this subdivision, disability
12 means [a condition or characteristic that renders an individual a disabled
13 individual. A disabled individual is an individual who has a physical, sensory,
14 or mental impairment that materially limits one or more major life activities,
15 has a record of such an impairment, or is regarded as having such an
16 impairment] [an inability to engage in any substantial gainful activity by reason
17 of any medically determinable physical or mental impairment that can be
18 expected to result in death or which has lasted or can be expected to last for a
19 continuous period of not less than twelve months].
- 20 2. The offense is a class A misdemeanor if it is under subdivision a of subsection 1 or
21 subsection 4. Otherwise it is a class B misdemeanor.
- 22 3. Any offense defined herein and committed by use of a telephone may be deemed
23 to have been committed at either the place at which the telephone call or calls
24 were made or at the place where the telephone call or calls were received.
- 25 4. A person who telephones a 911 emergency line with the intent to annoy or harass
26 another person or who makes a false 911 report is guilty of a class A
27 misdemeanor.
- 28 a. Intent to annoy or harass is established by proof of one or more calls with no
29 legitimate 911 purpose.
- 30 b. Upon conviction of a violation of this subsection, a person is also liable for all
31 costs incurred by any unnecessary emergency response.

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- 1 5. Any offense defined herein is deemed communicated in writing if it is transmitted
2 electronically, by electronic mail, facsimile, or other similar means.