

Introduced by

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

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

5 **SECTION 1. AMENDMENT.** Section 12.1-21-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-21-05. Criminal mischief.**

- 8 1. A person is guilty of an offense if that person:
- 9 a. Willfully tampers with tangible property of another so as to endanger person
10 or property; or
- 11 b. Willfully damages tangible property of another.
- 12 2. The offense is:
- 13 a. A class B felony if the actor intentionally causes pecuniary loss in excess of
14 ten thousand dollars.
- 15 b. A class C felony if the actor intentionally causes pecuniary loss in excess of
16 two thousand dollars but not in excess of ten thousand dollars or damages
17 tangible property of another by means of an explosive or a destructive device.
- 18 c. A class C felony if the actor's conduct shows bias based on race, color,
19 religion, sex, sexual orientation, disability, age, or national origin. For
20 purposes of this subdivision, disability means [a condition or characteristic
21 that renders an individual a disabled individual. A disabled individual is an
22 individual who has a physical, sensory, or mental impairment that materially
23 limits one or more major life activities, has a record of such an impairment, or
24 is regarded as having such an impairment] [an inability to engage in any

1 substantial gainful activity by reason of any medically determinable physical or
2 mental impairment that can be expected to result in death or which has lasted
3 or can be expected to last for a continuous period of not less than twelve
4 months].

5 d. A class A misdemeanor if the actor recklessly causes pecuniary loss in
6 excess of two thousand dollars or if the actor intentionally causes pecuniary
7 loss of from one hundred dollars through two thousand dollars.

8 ~~Otherwise the offense is a~~

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