

Introduced by

Senators Dever, Burckhard, Nelson

Representatives Karls, J. Nelson, Westlind

1 A BILL for an Act to amend and reenact sections 12.1-17-01, 12.1-17-01.1, and subsection 1 of
2 section 12.1-17-11 of the North Dakota Century Code, relating to assault on a health care
3 facility provider and contact by bodily fluids or excrement; 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~~An individual is guilty of an offense if that ~~person~~individual:

- 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 firearm,
11 destructive device, or other weapon, the use of which against a human being is
12 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 or
18 detained at the state hospital pursuant to chapter 25-03.3; ~~a person~~an individual
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 if the victim is employed or contracted by a health care
23 facility, which the actor knows to be a fact, and the assault occurs on the health
24 care facility property. "Health care facility" means an office or institution providing

1 health care services or treatment of diseases, whether physical, mental, or
2 emotional, or other medical, physiological, or psychological conditions, including
3 a hospital; clinic; ambulatory surgery center; outpatient care facility; weight
4 control clinic; nursing home; basic care or assisted living facility; laboratory; or
5 office of any medical professional licensed or registered under title 43 or any
6 individual who is included within a specialty and subspecialty of those fields. The
7 term includes a waiting room, hallway, private room, semiprivate room, ward, and
8 any mobile or temporary facility.

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

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

21 **SECTION 2. AMENDMENT.** Section 12.1-17-01.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **12.1-17-01.1. Assault.**

24 ~~A person~~An individual is guilty of a class A misdemeanor, except if the victim is under the
25 ~~age of twelve years~~twelve years of age or is a health care facility employee or contractor as
26 defined in section 12.1-17-01 in which case the offense is a class C felony, if ~~that person~~the
27 individual:

- 28 1. Willfully causes substantial bodily injury to another human being; or
- 29 2. Negligently causes substantial bodily injury to another human being by means of a
30 firearm, destructive device, or other weapon, the use of which against a human being
31 is likely to cause death or serious bodily injury.

1 **SECTION 3. AMENDMENT.** Subsection 1 of section 12.1-17-11 of the North Dakota
2 Century Code is amended and reenacted as follows:

- 3 1. An individual is guilty of an offense if the individual causes blood, emesis, excrement,
4 mucus, saliva, semen, vaginal fluid, or urine to come in contact with:
- 5 a. A law enforcement officer acting in the scope of employment;
 - 6 b. An employee of a correctional facility or the department of corrections and
7 rehabilitation acting in the scope of employment unless the employee does an act
8 within the scope of employment which requires or causes the contact;
 - 9 c. ~~Any person~~An individual lawfully present in a correctional facility who is not an
10 inmate;
 - 11 d. ~~Any person~~An individual lawfully present in the penitentiary or an affiliated facility
12 of the penitentiary who is not an inmate; ~~or~~
 - 13 e. ~~Any person who is~~An individual transporting an individual who is lawfully
14 detained; ~~or~~
 - 15 f. A health care facility employee or contractor acting within the scope of
16 employment unless the employee or contractor is performing an act within the
17 scope of employment which requires or causes the contact.