

**FIRST ENGROSSMENT  
with Senate Amendments****ENGROSSED HOUSE BILL NO. 1363**

Introduced by

Representatives Delmore, Carlisle, Mahoney

Senators Lyson, C. Nelson

1 A BILL for an Act to create and enact a new subsection to section 12.1-17-01 of the North  
2 Dakota Century Code, relating to a mandatory assessment process for simple assault in  
3 domestic violence cases; to amend and reenact subsection 2 of section 12.1-17-01 and  
4 subsection 1 of section 12.1-32-07 of the North Dakota Century Code, relating to the penalty for  
5 assault in a domestic violence case and supervision of probation; and to provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 12.1-17-01 of the North Dakota  
8 Century Code is amended and reenacted as follows:

- 9 2. ~~Simple assault is a class B misdemeanor except~~ The offense is:
- 10 a. A class C felony when the victim is a peace officer or correctional institution  
11 employee acting in an official capacity, which the actor knows to be a fact, a  
12 person engaged in a judicial proceeding, or a member of a municipal or  
13 volunteer fire department or emergency medical services personnel unit or  
14 emergency department worker in the performance of the member's duties, ~~in~~  
15 ~~which case the offense is a class C felony.~~
- 16 b. A class B misdemeanor for the first offense when the victim is an actor's  
17 family or household member as defined in subsection 4 of section 14-07.1-01  
18 and a class A misdemeanor for a second or subsequent offense when the  
19 victim is an actor's family or household member as defined in subsection 4 of  
20 section 14-07.1-01 and the actor has a prior conviction for an offense of  
21 domestic violence as defined in subsection 2 of section 14-07.1-01. For  
22 purposes of this subdivision, a prior conviction includes a conviction of an  
23 offense under a law or ordinance of another state which is equivalent to this  
24 subdivision.

1           c.    A class B misdemeanor except as provided in subdivision a or b.

2           **SECTION 2.** A new subsection to section 12.1-17-01 of the North Dakota Century  
3 Code is created and enacted as follows:

4           The sentence for an offense against an actor's family or household member as  
5           defined in subsection 4 of section 14-07.1-01 must include an order to complete a  
6           domestic violence offender treatment program, unless the court makes written  
7           findings for the record explaining why such a sentence would be inappropriate.

8           **SECTION 3. AMENDMENT.** Subsection 1 of section 12.1-32-07 of the 1999  
9 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 10          1.    When the court imposes probation upon conviction for a felony, the court shall  
11               place the defendant under the supervision and management of the department of  
12               corrections and rehabilitation. In class A misdemeanor cases, except for a  
13               violation of subdivision b of subsection 2 of section 12.1-17-01, the court may  
14               place the defendant under the supervision and management of the department of  
15               corrections and rehabilitation or other responsible party. In all other cases, the  
16               court may place the defendant under the supervision and management of a  
17               community corrections program other than the department of corrections and  
18               rehabilitation. If an appropriate community corrections program is not reasonably  
19               available, the court may place the defendant under the supervision and  
20               management of the department of corrections and rehabilitation. The department  
21               of corrections and rehabilitation may arrange for the supervision and management  
22               of the defendant by a community corrections program selected by the department  
23               of corrections and rehabilitation. A community corrections program means a  
24               program for the supervision of a defendant, including monitoring and enforcement  
25               of terms and conditions of probation set by the court or pursuant to a conditional  
26               release from the physical custody of a correctional facility or the department of  
27               corrections and rehabilitation.