

**SENATE BILL NO. 2133**

Introduced by

Judiciary Committee

(At the request of the Attorney General)

1 A BILL for an Act to amend and reenact subsection 2 of section 12.1-23-05 of the North Dakota  
2 Century Code, relating to the penalty for theft of anhydrous ammonia; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 12.1-23-05 of the North Dakota  
5 Century Code is amended and reenacted as follows:

- 6 2. Theft under this chapter is a class C felony if:
- 7 a. The property or services stolen exceed five hundred dollars in value;
  - 8 b. The property or services stolen are acquired or retained by threat and (1) are  
9 acquired or retained by a public servant by a threat to take or withhold official  
10 action, or (2) exceed fifty dollars in value;
  - 11 c. The property or services stolen exceed fifty dollars in value and are acquired  
12 or retained by a public servant in the course of official duties;
  - 13 d. The property stolen is a firearm, ammunition, explosive or destructive device,  
14 or an automobile, aircraft, or other motor-propelled vehicle;
  - 15 e. The property consists of any government file, record, document, or other  
16 government paper stolen from any government office or from any public  
17 servant;
  - 18 f. The defendant is in the business of buying or selling stolen property and the  
19 defendant receives, retains, or disposes of the property in the course of that  
20 business;
  - 21 g. The property stolen consists of any implement, paper, or other thing uniquely  
22 associated with the preparation of any money, stamp, bond, or other  
23 document, instrument, or obligation of this state;

- 1                   h.    The property stolen consists of livestock taken from the premises of the  
2                         owner;  
3                   i.    The property stolen consists of a key or other implement uniquely suited to  
4                         provide access to property the theft of which would be a felony and it was  
5                         stolen to gain such access; ~~or~~  
6                   j.    The property stolen is a card, plate, or other credit device existing for the  
7                         purpose of obtaining money, property, labor, or services on credit, or is a debit  
8                         card, electronic fund transfer card, code, or other means of access to an  
9                         account for the purposes of initiating electronic fund transfers; or  
10                  k.    The property stolen is anhydrous ammonia.