

## HOUSE BILL NO. 1392

Introduced by

Representatives Delmore, Carlisle, DeKrey, Hawken

Senators Christenson, Lyson

1 A BILL for an Act to amend and reenact subsection 1 of section 12.1-20-03 and subsection 1 of  
2 section 12.1-20-07 of the North Dakota Century Code, relating to drug-facilitated sexual assault.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 12.1-20-03 of the North Dakota  
5 Century Code is amended and reenacted as follows:

- 6 1. A person who engages in a sexual act with another, or who causes another to  
7 engage in a sexual act, is guilty of an offense if:
- 8 a. ~~He~~ That person compels the victim to submit by force or by threat of imminent  
9 death, serious bodily injury, or kidnapping, to be inflicted on any human being;
- 10 b. That person or someone with that person's knowledge ~~has~~:
- 11 (1) Has substantially impaired the victim's power to appraise or control the  
12 victim's conduct by administering or employing without the victim's  
13 knowledge intoxicants, a controlled substance as defined in chapter  
14 19-03.1, or other means with intent to prevent resistance; or
- 15 (2) Knew or had reason to believe the victim was rendered mentally  
16 incapacitated or physically helpless by being under the influence of  
17 intoxicants, a controlled substance as defined in chapter 19-03.1, or  
18 other means;
- 19 c. ~~He~~ That person knows that the victim is unaware that a sexual act is being  
20 committed upon him or her;
- 21 d. The victim is less than fifteen years old; or
- 22 e. ~~He~~ That person knows or has reasonable cause to believe that the ~~other~~  
23 ~~person~~ victim suffers from a mental disease or defect which renders him or  
24 her incapable of understanding the nature of his or her conduct.

1           **SECTION 2. AMENDMENT.** Subsection 1 of section 12.1-20-07 of the North Dakota  
2 Century Code is amended and reenacted as follows:

- 3           1. A person who knowingly has sexual contact with another person, or who causes  
4 another person to have sexual contact with that person, is guilty of an offense if:
- 5           a. That person knows or has reasonable cause to believe that the contact is  
6           offensive to the other person;
  - 7           b. That person knows or has reasonable cause to believe that the other person  
8           suffers from a mental disease or defect which renders that other person  
9           incapable of understanding the nature of that other person's conduct;
  - 10          c. That person or someone with that person's knowledge ~~has~~:
    - 11           (1) Has substantially impaired the victim's power to appraise or control the
    - 12           victim's conduct, by administering or employing without the victim's
    - 13           knowledge intoxicants, a controlled substance as defined in
    - 14           chapter 19-03.1, or other means for the purpose of preventing
    - 15           resistance; or
    - 16           (2) Knew or had reason to believe the victim was rendered mentally
    - 17           incapacitated or physically helpless by being under the influence of
    - 18           intoxicants, a controlled substance as defined in chapter 19-03.1, or
    - 19           other means;
  - 20          d. The other person is in official custody or detained in a hospital, prison, or
  - 21          other institution and the actor has supervisory or disciplinary authority over
  - 22          that other person;
  - 23          e. The other person is a minor, fifteen years of age or older, and the actor is the
  - 24          other person's parent, guardian, or is otherwise responsible for general
  - 25          supervision of the other person's welfare; or
  - 26          f. The other person is a minor, fifteen years of age or older, and the actor is an
  - 27          adult.