

**SENATE BILL NO. 2329**

Introduced by

Senators O'Connell, Bercier, Nelson

A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to mandated treatment for domestic violence offenders; and to amend and reenact sections 12.1-17-01 and 14-07.1-06 of the North Dakota Century Code, relating to mandated treatment of domestic violence offenders and to the violation of a protection order.

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

**SECTION 1. AMENDMENT.** Section 12.1-17-01 of the North Dakota Century Code is amended and reenacted as follows:

**12.1-17-01. Simple assault.**

1. A person is guilty of an offense if that person:

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

2. The offense is:

- a. A class C felony when the victim is a peace officer or correctional institution employee acting in an official capacity, which the actor knows to be a fact, a person engaged in a judicial proceeding, or a member of a municipal or volunteer fire department or emergency medical services personnel unit or emergency department worker in the performance of the member's duties.
- b. A class B misdemeanor for the first offense when the victim is an actor's family or household member as defined in subsection 4 of section 14-07.1-01 and a class A misdemeanor for a second or subsequent offense when the victim is an actor's family or household member as defined in subsection 4 of section 14-07.1-01 and the actor has a prior conviction for simple assault

1 involving the commission of domestic violence as defined in subsection 2 of  
2 section 14-07.1-01. For purposes of this subdivision, a prior conviction  
3 includes a conviction of simple assault in which a finding of domestic violence  
4 was made under a law or ordinance of another state which is equivalent to  
5 this subdivision.

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

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

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

13 **Mandated treatment of domestic violence offenders.** The sentence for an offense  
14 under section 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-03, 12.1-17-04, or 12.1-17-05  
15 against an actor's family or household member, as defined in subsection 4 of section  
16 14-07.1-01, must include an order to complete a domestic violence offender treatment program  
17 unless the court makes written findings for the record explaining why such an order would be  
18 inappropriate.

19 **SECTION 3. AMENDMENT.** Section 14-07.1-06 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **14-07.1-06. Penalty for violation of a protection order.** Whenever a protection order  
22 is granted under section 14-07.1-02 or 14-07.1-03 and the respondent or ~~person~~ individual to  
23 be restrained has been served a copy of the order, a the first violation of ~~the~~ any order is a  
24 class A misdemeanor and also constitutes contempt of court. A second or subsequent violation  
25 of a any protection order is a class C felony. Violation of a foreign protection order entitled to  
26 full faith and credit recognition under section 14-07.1-02.2 is a class A misdemeanor. A second  
27 or subsequent violation of such an order is a class C felony. For purposes of this section, if two  
28 or more protection orders against the same respondent or individual to be restrained are in  
29 effect at the same time, "first violation" means the first time any one of those orders is violated  
30 and a second or subsequent violation of any protection order includes one or more violations of  
31 any two or more protection orders.