

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2329

Introduced by

Senators O'Connell, Bercier, Nelson

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

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

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

8 **12.1-17-01. Simple assault.**

- 9 1. A person is guilty of an offense if that person:
- 10 a. Willfully causes bodily injury to another human being; or
- 11 b. Negligently causes bodily injury to another human being by means of a
- 12 firearm, destructive device, or other weapon, the use of which against a
- 13 human being is likely to cause death or serious bodily injury.
- 14 2. The offense is:
- 15 a. A class C felony when the victim is a peace officer or correctional institution
- 16 employee acting in an official capacity, which the actor knows to be a fact, a
- 17 person engaged in a judicial proceeding, or a member of a municipal or
- 18 volunteer fire department or emergency medical services personnel unit or
- 19 emergency department worker in the performance of the member's duties.
- 20 b. A class B misdemeanor for the first offense when the victim is an actor's
- 21 family or household member as defined in subsection 4 of section 14-07.1-01
- 22 and a class A misdemeanor for a second or subsequent offense when the
- 23 victim is an actor's family or household member as defined in subsection 4 of
- 24 section 14-07.1-01 and the actor has a prior conviction for simple assault

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

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

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

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

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

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

14-07.1-06. Penalty for violation of a protection order. Whenever a protection order is granted under section 14-07.1-02 or 14-07.1-03 and the respondent or ~~person~~ individual to be restrained has been served a copy of the order, ~~a~~ the first violation of ~~the~~ any order is a class A misdemeanor and also constitutes contempt of court. A second or subsequent violation of ~~a~~ any protection order is a class C felony. Violation of a foreign protection order entitled to full faith and credit recognition under section 14-07.1-02.2 is a class A misdemeanor. A second or subsequent violation of such an order is a class C felony. For purposes of this section, "first violation" means the first time any order is violated and a second or subsequent violation of any protection order includes two or more violations of protection orders.