

SENATE BILL NO. 2262

Introduced by

Senators Hacker, Potter, Wanzek

Representatives DeKrey, Delmore, S. Kelsh

1 A BILL for an Act to amend and reenact section 12.1-06-05 of the North Dakota Century Code,
2 relating to the renunciation of criminal intent.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-06-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-06-05. General provisions.**

- 7 1. The definition of an offense in sections 12.1-06-01 to 12.1-06-04 ~~shall~~ does not
8 apply to another offense also defined in sections 12.1-06-01 to 12.1-06-04.
- 9 2. Whenever "attempt" or "conspiracy" is made an offense outside this chapter, it
10 ~~shall mean~~ means attempt or conspiracy, as the case may be, as defined in this
11 chapter.
- 12 3. a. ~~In~~ Other than as provided in subsection 4, in a prosecution under section
13 12.1-06-01, it is an affirmative defense that, under circumstances manifesting
14 a voluntary and complete renunciation of ~~his~~ criminal intent, the defendant
15 avoided the commission of the crime attempted by abandoning ~~his~~ any
16 criminal effort and, if mere abandonment was insufficient to accomplish such
17 avoidance, by taking further and affirmative steps which prevented the
18 commission thereof.
- 19 b. ~~In~~ Other than as provided in subsection 4, in a prosecution under section
20 12.1-06-03 or 12.1-06-04, it is an affirmative defense that, under
21 circumstances manifesting a voluntary and complete renunciation of ~~his~~
22 criminal intent, the defendant prevented the commission of the crime solicited
23 or of the crime or crimes contemplated by the conspiracy.

1 c. A renunciation is not "voluntary and complete" within the meaning of this
2 section if it is motivated in whole or in part by (1) a belief that a circumstance
3 exists which increases the probability of detection or apprehension of the
4 defendant or another participant in the criminal operation, or which makes
5 more difficult the consummation of the crime, or (2) a decision to postpone the
6 criminal conduct until another time or to substitute another victim, or another
7 but similar objective.

8 4. A minor is immune from prosecution under this chapter if:

9 a. The minor voluntarily and completely renounced the minor's criminal intent;

10 b. The minor is a student enrolled in an elementary school or a high school in
11 this state;

12 c. The offense would have resulted in:

13 (1) Harm to another student enrolled in an elementary school or a high
14 school in this state;

15 (2) Harm to an employee of a school district or a nonpublic school in this
16 state; or

17 (3) Damage to a school building or school property; and

18 d. The renunciation was given to a law enforcement officer or to an administrator
19 of a school or school district in this state.