

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1216

Page 1, line 1, replace "sections" with "subsection 3 of section 12.1-20-01, section", after the first comma insert "subsection 1 of section 12.1-20-03.1, and sections", and remove the second comma

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 12.1-20-01 of the North Dakota Century Code is amended and reenacted as follows:

3. When criminality depends on the victim being a minor fifteen years of age or older, the actor is guilty of an offense only if the actor is at least ~~four~~ three years older than the minor."

Page 2, line 1, overstrike "or"

Page 2, line 3, after "being" insert "; or

- c. That person knows that the victim is unaware that sexual contact is being committed on the victim"

Page 2, line 7, overstrike "more than five years"

Page 2, line 8, overstrike "older than the victim" and insert immediately thereafter "at least twenty-two years of age"

Page 2, line 10, remove "lifetime"

Page 2, line 11, after the underscored period insert "The court may deviate from the mandatory sentence if the court finds that the sentence would impose a manifest injustice as defined in section 39-01-01 and the defendant has accepted responsibility for the crime or cooperated with law enforcement. However, a defendant convicted of a AA felony under this section may not be sentenced to serve less than five years of incarceration."

Page 2, line 12, overstrike "An offense under this section is a class C felony if the actor's conduct violates"

Page 2, overstrike lines 13 through 15

Page 2, line 16, overstrike "c."

Page 2, after line 19, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 12.1-20-03.1 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual in adult court is guilty of an offense if the individual engages in any combination of three or more sexual acts or sexual contacts with a minor under the age of fifteen years during a period of three or more months. The offense is a class AA felony if the actor was ~~more than five years older than the victim at the time of the offense. The offense is a class C felony if the actor was at least four but not more than five years~~

~~older than the victim~~ at least twenty-two years of age at the time of the offense. Otherwise, the offense is a class A felony. The court may not defer imposition of sentence."

Page 3, line 7, overstrike "a", replace "minimum of" with "at least", and after "years" insert "but not more than ten years"

Page 3, overstrike line 9

Page 3, line 10, overstrike "five years."

Page 4, line 12, after "section" insert ", unless the court finds after at least eight years of supervised probation that further supervision would impose a manifest injustice as defined in section 39-01-01"

Renumber accordingly