

**FIRST ENGROSSMENT
with Conference Committee Amendments****ENGROSSED 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; and to declare an emergency.

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
6 the criminal conduct until another time or to substitute another victim, or
7 another but similar objective.

8 4. An individual under the age of twenty-one is immune from prosecution under this
9 chapter if:

10 a. The individual voluntarily and completely renounced the individual's criminal
11 intent;

12 b. The individual is a student enrolled in an elementary school, middle school, or
13 a high school in this state;

14 c. The offense would have resulted in:

15 (1) Harm to another student enrolled in an elementary school, middle
16 school, or a high school in this state;

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

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

20 d. The renunciation was given to a law enforcement officer or to an administrator
21 of a school or school district in this state before any harm to others or damage
22 to property occurs.

23 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.