

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Griffin

1 A BILL for an Act A bill for an Act to amend and reenact sections 12.1-20-02 and 12.1-20-04 of
2 the North Dakota Century Code, relating to a sexual act or conduct through coercion.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-20-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-20-02. Definitions.** In sections 12.1-20-03 through 12.1-20-12:

7 1. "Coercion" means the use by the actor of words or circumstances that cause the
8 victim reasonably to fear that the actor will inflict bodily harm upon the victim or
9 another, or the use by the actor of confinement, or superior size or strength,
10 against the complainant to submit to sexual penetration or contact against the
11 victim's will. Proof of coercion does not require proof of a specific act or threat.

12 2. "Deviate sexual act" means any form of sexual contact with an animal, bird, or
13 dead person.

14 ~~2.~~ 3. "Object" means anything used in commission of a sexual act other than the person
15 of the actor.

16 ~~3.~~ 4. "Sexual act" means sexual contact between human beings consisting of contact
17 between the penis and the vulva, the penis and the anus, the mouth and the penis,
18 the mouth and the vulva, or any other portion of the human body and the penis,
19 anus, or vulva; or the use of an object which comes in contact with the victim's
20 anus, vulva, or penis. For the purposes of this subsection, sexual contact between
21 the penis and the vulva, the penis and the anus, any other portion of the human
22 body and the anus or vulva, or an object and the anus, vulva, or penis of the victim,
23 occurs upon penetration, however slight. Emission is not required.

- 1 4- 5. "Sexual contact" means any touching, whether or not through the clothing or other
2 covering, of the sexual or other intimate parts of the person, or the penile
3 ejaculation or ejaculate or emission of urine or feces upon any part of the person,
4 for the purpose of arousing or satisfying sexual or aggressive desires.

5 **SECTION 2. AMENDMENT.** Section 12.1-20-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-20-04. Sexual imposition.**

- 8 1. A person who engages in a sexual act or sexual contact with another, or who
9 causes another to engage in a sexual act or sexual contact, is guilty of a class B
10 felony if the actor:

- 11 4- a. Compels the other person to submit by any threat that would render a person
12 of reasonable firmness incapable of resisting; or
13 2- b. Engages in a sexual act or sexual contact with another, whether consensual
14 or not, as part of an induction, initiation, ceremony, pledge, hazing, or
15 qualification to become a member or an associate of any criminal street gang
16 as defined in section 12.1-06.2-01.

- 17 2. A person who engages or causes another to engage in a sexual act or sexual
18 conduct is guilty of a class C felony if the actor compels the other person to submit
19 through the use of coercion.