

Sixty-second  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2052**

Introduced by

Legislative Management

(Tribal and State Relations Committee)

1 A BILL ~~for an Act to amend and reenact section 12.1-21-05 of the North Dakota Century Code,~~  
2 ~~relating to an enhanced penalty for conviction of criminal mischief involving a hate crime; and to~~  
3 ~~provide a penalty for~~ and Act to create and enact a new subsection to section 12.1-32-04 of the  
4 North Dakota Century Code, relating to factors to be considered in sentencing decisions.

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

6 ~~— **SECTION 1. AMENDMENT.** Section 12.1-21-05 of the North Dakota Century Code is~~  
7 ~~amended and reenacted as follows:~~

8 ~~— **12.1-21-05. Criminal mischief.**~~

9 ~~— 1. A person is guilty of an offense if that person:~~

10 ~~— a. Willfully tampers with tangible property of another so as to endanger person or~~  
11 ~~property; or~~

12 ~~— b. Willfully damages tangible property of another.~~

13 ~~— 2. The offense is:~~

14 ~~— a. A class B felony if the actor intentionally causes pecuniary loss in excess of ten-~~  
15 ~~thousand dollars.~~

16 ~~— b. A class C felony if the actor intentionally causes pecuniary loss in excess of two-~~  
17 ~~thousand dollars but not in excess of ten thousand dollars or damages tangible~~  
18 ~~property of another by means of an explosive or a destructive device.~~

19 ~~— c. A class C felony if the actor's conduct shows bias based on race, color, religion,~~  
20 ~~sex, sexual orientation, disability, age, or national origin. For purposes of this~~  
21 ~~subdivision, disability means a condition or characteristic that renders an~~  
22 ~~individual a disabled individual. A disabled individual is an individual who has a~~  
23 ~~physical, sensory, or mental impairment that materially limits one or more major~~

1 ~~life activities, has a record of such an impairment, or is regarded as having such~~  
2 ~~an impairment.~~

3 ~~\_\_\_\_\_ d. A class A misdemeanor if the actor recklessly causes pecuniary loss in excess of~~  
4 ~~two thousand dollars or if the actor intentionally causes pecuniary loss of from~~  
5 ~~one hundred dollars through two thousand dollars.~~

6 ~~Otherwise the offense is a~~

7 ~~\_\_\_\_\_ e. A class B misdemeanor except as provided in subdivision a, b, c, or d.~~

8 **SECTION 1.** A new subsection to section 12.1-32-04 of the North Dakota Century Code is  
9 created and enacted as follows:

10 The defendant's conduct showed bias based on race, color, religion, sex, sexual  
11 orientation, disability, age, or national origin. For purposes of this subsection, disability  
12 means a condition or characteristic that renders an individual a disabled individual. A  
13 disabled individual is an individual who has a physical, sensory, or mental impairment  
14 that materially limits one or more major life activities, has a record of such an  
15 impairment, or is regarded as having such an impairment.