

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1178  
(Representatives Jacobs, Carlisle, Henegar, C. Johnsen)  
(Senators Krauter, Urlacher)

AN ACT to create and enact a new subsection to section 12.1-22-03 of the North Dakota Century Code, relating to criminal trespass; to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota Century Code, relating to assault of firefighters or emergency medical services personnel; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 12.1-17-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. Simple assault is a class B misdemeanor except when the victim is a peace officer or correctional institution employee acting in an official capacity, which the actor knows to be a fact, ~~or any~~ a person engaged in a judicial proceeding, or a member of a municipal or volunteer fire department or emergency medical services personnel unit or emergency department worker in the performance of the member's duties, in which case the offense is a class C felony.

**SECTION 2.** A new subsection to section 12.1-22-03 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

This section does not apply to a peace officer in the course of discharging the peace officer's official duties.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1178.

House Vote:      Yeas      89      Nays      0      Absent      8

Senate Vote:      Yeas      49      Nays      0      Absent      0

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State