

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2223

Introduced by

Senators W. Stenehjem, C. Nelson

Representatives Cleary, DeKrey, Delmore

1 A BILL for an Act to amend and reenact sections 12.1-17-01.1, 12.1-17-02, subdivision a of
2 subsection 1 of section 12.1-32-15, and subsection 1 of section 14-09-22 of the North Dakota
3 Century Code, relating to the crimes of assault, aggravated assault, and abuse or neglect of a
4 child; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-17-01.1 of the North Dakota Century Code
7 is amended and reenacted as follows:

8 **12.1-17-01.1. Assault.** A person is guilty of a class A misdemeanor, except if the
9 victim is under the age of twelve years in which case the offense is a class C felony, if that
10 person:

- 11 1. Willfully causes substantial bodily injury to another human being; or
- 12 2. Negligently causes substantial bodily injury to another human being by means of a
13 firearm, destructive device, or other weapon, the use of which against a human
14 being is likely to cause death or serious bodily injury.

15 **SECTION 2. AMENDMENT.** Section 12.1-17-02 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **12.1-17-02. Aggravated assault.** A person is guilty of a class C felony, except if the
18 victim is under the age of twelve years or the victim suffers permanent loss or impairment of the
19 function of a bodily member or organ in which case the offense is a class B felony, if that
20 person:

- 21 1. Willfully causes serious bodily injury to another human being;
- 22 2. Knowingly causes bodily injury or substantial bodily injury to another human being
23 with a dangerous weapon or other weapon, the possession of which under the
24 circumstances indicates an intent or readiness to inflict serious bodily injury;

- 1 3. Causes bodily injury or substantial bodily injury to another human being while
- 2 attempting to inflict serious bodily injury on any human being; or
- 3 4. Fires a firearm or hurls a destructive device at another human being.

4 **SECTION 3. AMENDMENT.** Subdivision a of subsection 1 of section 12.1-32-15 of the
5 North Dakota Century Code is amended and reenacted as follows:

- 6 a. "A crime against a child" means a violation of chapter 12.1-16, 12.1-17,
7 12.1-18, ~~or 12.1-29~~, or subdivision a of subsection 1 or subsection 2 of
8 section 14-09-22, or an equivalent ordinance, in which the victim is a minor or
9 is otherwise of the age required for the act to be a crime or an attempt to
10 commit these offenses.

11 **SECTION 4. AMENDMENT.** Subsection 1 of section 14-09-22 of the North Dakota
12 Century Code is amended and reenacted as follows:

- 13 1. Except as provided in subsection 2, a parent, guardian, or other custodian of any
14 child who willfully commits any of the following offenses is guilty of a class C felony
15 except if the victim of an offense under subdivision a is under the age of six years
16 in which case the offense is a class B felony:
 - 17 a. Inflicts, or allows to be inflicted, upon the child, ~~physical~~ bodily injury,
18 substantial bodily injury, or serious bodily injury as defined by section
19 12.1-01-04 or mental injury.
 - 20 b. Fails to provide proper parental care or control, subsistence, education as
21 required by law, or other care or control necessary for the child's physical,
22 mental, or emotional health, or morals.
 - 23 c. Permits the child to be, or fails to exercise reasonable diligence in preventing
24 the child from being, in a disreputable place or associating with vagrants or
25 vicious or immoral persons.
 - 26 d. Permits the child to engage in, or fails to exercise reasonable diligence in
27 preventing the child from engaging in, an occupation forbidden by the laws of
28 this state or an occupation injurious to the child's health or morals or the
29 health or morals of others.