

**SENATE BILL NO. 2293**

Introduced by

Senators Nething, Robinson, Wanzek

Representatives Headland, Pollert

1 A BILL for an Act to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota  
2 Century Code, relating to the assault of state hospital employees; and to provide a penalty.

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

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

6 2. The offense is:

7 a. A class C felony when the victim is a peace officer or correctional institution  
8 employee acting in an official capacity, which the actor knows to be a fact; an  
9 employee of the state hospital acting in the course and scope of employment,  
10 which the actor knows to be a fact, and the actor is an individual committed to  
11 or detained at the state hospital pursuant to chapter 25-03.3; a person  
12 engaged in a judicial proceeding<sub>;</sub>; or a member of a municipal or volunteer fire  
13 department or emergency medical services personnel unit or emergency  
14 department worker in the performance of the member's duties.

15 b. A class B misdemeanor for the first offense when the victim is an actor's  
16 family or household member as defined in subsection 4 of section 14-07.1-01  
17 and a class A misdemeanor for a second or subsequent offense when the  
18 victim is an actor's family or household member as defined in subsection 4 of  
19 section 14-07.1-01 and the actor has a prior conviction for simple assault  
20 under this section or an assault offense under section 12.1-17-01.1 or  
21 12.1-17-02 involving the commission of domestic violence as defined in  
22 subsection 2 of section 14-07.1-01. For purposes of this subdivision, a prior  
23 conviction includes a conviction of any assault offense in which a finding of

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- 1 domestic violence was made under a law or ordinance of another state which
- 2 is equivalent to this subdivision.
- 3 c. A class B misdemeanor except as provided in subdivision a or b.