

Introduced by

Legislative Management

(Tribal and State Relations Committee)

1 A BILL for an Act to amend and reenact sections 12.1-14-04, 12.1-17-02, and 12.1-17-07 of the  
2 North Dakota Century Code, relating to enhanced penalties for conviction of discrimination in  
3 public places, aggravated assault, and harassment involving a hate crime; and to provide a  
4 penalty.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-14-04 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **12.1-14-04. Discrimination in public places.**

- 9 1. A person is guilty of a class B misdemeanor if, whether or not acting under color of  
10 law, ~~he~~that person, by force, or threat of force or by economic coercion, intentionally:
- 11 ~~4.~~ a. Injures, intimidates, or interferes with another because of ~~his sex,~~that individual's  
12 actual or perceived race, color, religion, sex, sexual orientation, disability, age, or  
13 national origin and because ~~he~~that individual is or has been exercising or  
14 attempting to exercise ~~his~~that individual's right to full and equal enjoyment of  
15 anya facility open to the public.
- 16 ~~2.~~ b. Injures, intimidates, or interferes with another because of ~~his sex,~~that individual's  
17 actual or perceived race, color, religion, sex, sexual orientation, disability, age, or  
18 national origin in order to intimidate ~~him~~that individual or any other person from  
19 exercising or attempting to exercise ~~his~~that individual's right to full and equal  
20 enjoyment of ~~anya~~any facility open to the public.
- 21 2. For purposes of this section, disability means a condition or a characteristic that  
22 renders an individual a disabled individual. A disabled individual is an individual who  
23 has a 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 an  
2           impairment.

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

5           **12.1-17-02. Aggravated assault.**

6           A person is guilty of a class C felony, except if the victim is under the age of twelve years or  
7 the victim suffers permanent loss or impairment of the function of a bodily member or organ in  
8 which case the offense is a class B felony, if that person:

- 9           1. Willfully causes serious bodily injury to another human being;
- 10          2. Knowingly causes bodily injury or substantial bodily injury to another human being with  
11           a dangerous weapon or other weapon, the possession of which under the  
12           circumstances indicates an intent or readiness to inflict serious bodily injury;
- 13          3. Causes bodily injury or substantial bodily injury to another human being while  
14           attempting to inflict serious bodily injury on any human being; or
- 15          4. Fires a firearm or hurls a destructive device at another human being; or  
16          5. Causes ~~the~~serious bodily injury because of the victim's or another's actual or  
17           perceived race, color, religion, sex, sexual orientation, disability, age, or national origin.  
18           For purposes of this subsection, disability means a condition or a characteristic that  
19           renders an individual a disabled individual. A disabled individual is an individual who  
20           has a physical, sensory, or mental impairment that materially limits one or more major  
21           life activities, has a record of such an impairment, or is regarded as having such an  
22           impairment.

23          **SECTION 3. AMENDMENT.** Section 12.1-17-07 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25          **12.1-17-07. Harassment.**

- 26          1. A person is guilty of an offense if, with intent to frighten or harass another, the person:
  - 27           a. Communicates in writing or by telephone a threat to inflict injury on any person,  
28           to any person's reputation, or to any property;
  - 29           b. Makes a telephone call anonymously or in offensively coarse language;
  - 30           c. Makes repeated telephone calls, whether or not a conversation ensues, with no  
31           purpose of legitimate communication; or

- 1           d. Communicates a falsehood in writing or by telephone and causes mental  
2           anguish; or
- 3           e. Communicates bias based on race, color, religion, sex, sexual orientation,  
4           disability, age, or national origin. For purposes of this subdivision, disability  
5           means a condition or a characteristic that renders an individual a disabled  
6           individual. A disabled individual is an individual who has a physical, sensory, or  
7           mental impairment that materially limits one or more major life activities, has a  
8           record of such an impairment, or is regarded as having such an impairment.
- 9           2. The offense is a class A misdemeanor if it is under subdivision a of subsection 1 or  
10           subsection 4. Otherwise it is a class B misdemeanor.
- 11           3. Any offense defined herein and committed by use of a telephone may be deemed to  
12           have been committed at either the place at which the telephone call or calls were  
13           made or at the place where the telephone call or calls were received.
- 14           4. A person who telephones a 911 emergency line with the intent to annoy or harass  
15           another person or who makes a false 911 report is guilty of a class A misdemeanor.
- 16           a. Intent to annoy or harass is established by proof of one or more calls with no  
17           legitimate 911 purpose.
- 18           b. Upon conviction of a violation of this subsection, a person is also liable for all  
19           costs incurred by any unnecessary emergency response.
- 20           5. Any offense defined herein is deemed communicated in writing if it is transmitted  
21           electronically, by electronic mail, facsimile, or other similar means.